

# Journal of the House

FIFTY-FIRST DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, March 27, 2002, 9:30 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair. The roll was called with 123 members present.

Rep. O'Brien was excused on verified illness.

Rep. J. Peterson was excused on excused absence by the Speaker.

Rep. Neufeld was excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

God of Tranquility, grant us your peace today. In the tumult of loud voices, ringing phones and bright lights, bring into our lives that inner peace that comes from knowing that we are living in your will and that we are using all the gifts that you have given us to further justice and peace.

Hear our thanks for each member of this body of your servants and for all of those who support them through the long hours of their deliberation. Thank you for ears open to hear, minds open to think and hearts open to be moved. Thank you for words of encouragement and words of challenge. And thank you for citizens so confident in our democracy that they freely proclaim their needs, even at the doors of the assembly.

But now Lord, send us your peace. In this quiet moment let your Spirit rest upon each member of the House as they begin this day's work. Fill them with noble intent, clear vision, a heart touched by your love for all, and guide them in the way that leads to your kingdom. Amen.

The Pledge of Allegiance was led by Rep. Hermes.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolutions were referred to committees as indicated:

Appropriations: **HR 6012**.

Federal and State Affairs: **HR 6013**.

## CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **SB 610** from Committee on Appropriations and rereferral to Committee on Health and Human Services.

## MESSAGE FROM THE GOVERNOR

March 25, 2002

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

Enclosed herewith is Executive Directive No. 02-321 for your information.

EXECUTIVE DIRECTIVE NO. 02-321

Authorizing Certain Expenditures

BILL GRAVES

*Governor*

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

#### MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 504**, requests a conference and has appointed Senators Tyson, Taddiken and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2607** and has appointed Senators Allen, O'Connor and Downey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2704** and has appointed Senators Tyson, Taddiken and Lee as conferees on the part of the Senate.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 504**.

Speaker pro tem Aurand thereupon appointed Reps. Freeborn, Myers and Flora as conferees on the part of the House.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2743**, An act making and concerning appropriations for the fiscal years ending June 30, 2002, and June 30, 2003, for the board of accountancy, state bank commissioner, Kansas board of barbering, behavioral sciences regulatory board, state board of healing arts, Kansas state board of cosmetology, Kansas dental board, state department of credit unions, state board of mortuary arts, board of nursing, board of examiners in optometry, state board of pharmacy, real estate appraisal board, Kansas real estate commission, office of the securities commissioner of Kansas, state board of technical professions, state board of veterinary examiners, governmental ethics commission, secretary of state, insurance department, health care stabilization fund board of governors, state board of indigents' defense services, citizens' utility ratepayer board, department of administration, department of revenue, Kansas lottery, Kansas racing and gaming commission, department of commerce and housing, Kansas inc., Kansas technology enterprise corporation, Kansas commission on veterans affairs, department of health and environment, department on aging, department of social and rehabilitation services, department of education, Kansas state historical society, Kansas state university, department of corrections, juvenile justice authority, adjutant general, attorney general—Kansas bureau of investigation, Kansas department of agriculture, state conservation commission, Kansas water office, department of transportation, 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; authorizing certain transfers and capital improvement projects, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; repealing section 59 of chapter 216 of the 2001 Session Laws of Kansas, was considered on final action.

On roll call, the vote was: Yeas 71; Nays 52; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Dahl, DeCastro, Dreher, Edmonds, Flora, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Horst, Howell, Huff, Humerickhouse, Hutchins, Johnson, Kirk, Krehbiel, Kuether, Landwehr, Larkin, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pottorff, L. Powell, Pyle, Ray, Schwartz, Showalter, Shriver, Shultz, Stone, Tafanelli, Tanner, R. Toelkes, Tomlinson, Toplikar, Weber, Wilk, Wilson.

Nays: Ballard, Barnes, Burroughs, Cox, Crow, Dillmore, DiVita, Faber, Feuerborn, Findley, Flaharty, Garner, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Huebert, Huy, Kauffman, Klein, Lane, Levinson, Loganbill, M. Long, Mayans, McClure, McKinney, Minor, Newton, Palmer, Pauls, E. Peterson, Phelps, T. Powell, Powers, Reardon, Rehorn,

Ruff, Sharp, Sloan, Spangler, Storm, Swenson, Thimesch, Vickrey, Wells, Welshimer, D. Williams, J. Williams, Winn.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2743**. The effect of the shrinkage on corrections institutions compromises the safety and security of the facilities and staff as well as the public.—MARTI CROW

MR. SPEAKER: While we concur with the Toelkes amendment to **HB 2743**, that eliminates the provisions in the underlying bill to furlough state employees, being Representatives from communities that take great pride in their institutions of higher learning we cannot support the spending reductions included in **HB 2743** that would adversely impact Board of Regents Institutions. Therefore, we respectfully vote NO on **HB 2743**.—TROY FINDLEY, EBER PHELPS, TOM SLOAN, BARBARA BALLARD

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Benlon, the House nonconcurred in Senate amendments to **HB 2642** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Benlon, Krehbiel and Storm as conferees on the part of the House.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on Rep. Mays motion to amend **HB 3008** (see previous action, Committee of the Whole, pp. 1852-1853, 1855-1859) on Part I on page 115, following line 17, by inserting the following material to read as follows:

“Base budget restoration ..... \$13,570,167”;

Roll call was demanded.

On roll call, the vote was: Yeas 100; Nays 21; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Ballou, Barnes, Beggs, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Crow, Dahl, DeCastro, Dillmore, DiVita, Edmonds, Faber, Findley, Flaharty, Freeborn, Garner, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Klein, Krehbiel, Landwehr, Larkin, Levinson, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Shultz, Sloan, Spangler, Stone, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Toplikar, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Benlon, Cox, Dreher, Feuerborn, Flora, Gatewood, Hermes, Kirk, Kuether, Lane, Light, Loyd, Minor, Nichols, Owens, Showalter, Shriver, Storm, Tomlinson, Vickrey.

Present but not voting: None.

Absent or not voting: Ballard, Kauffman, O'Brien, J. Peterson.

Part I of the motion of Rep. Mays prevailed.

Also, roll call was demanded on Part K of the motion of Rep. Mays to amend **HB 3008** on page 65, in line 6, by adding \$8,268,160 to the dollar amount by adjusting the dollar amount in line 6 accordingly;

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, 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, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tapanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Neufeld, O'Brien, J. Peterson, Tanner.

Part K of the motion of Rep. Mays prevailed.

Also, roll call was demanded on Part L of the motion of Rep. Mays to amend **HB 3008** on page 64, in line 40, by adding \$4,321,389 to the dollar amount by adjusting the dollar amount in line 40 accordingly;

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

Nays: Crow, Garner, Shriver.

Present but not voting: None.

Absent or not voting: Mason, Neufeld, Novascone, O'Brien, J. Peterson.

Part L of the motion of Rep. Mays prevailed.

Also, roll call was demanded on Part M of the motion of Rep. Mays to amend **HB 3008** on page 63, in line 24, by adding \$2,000,000 to the dollar amount by adjusting the dollar amount in line 24 accordingly;

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, 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, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tapanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Klein, Mason, Neufeld, O'Brien, J. Peterson, Rehom.

Part M of the motion of Rep. Mays prevailed.

Also, roll call was demanded on Part N of the motion of Rep. Mays to amend **HB 3008** on page 118, following line 11, by inserting the following material to read as follows:

“(e) In addition to the other purposes for which expenditures may be made by the state board of regents from any moneys appropriated from the state general fund or any special revenue fund for the fiscal year 2003, as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the state board of regents from any such moneys appropriated for fiscal year 2003, to require each state educational institution, as defined by K.S.A. 76-711, and amendments thereto, and each community college established under the laws of Kansas to prepare a report listing the valuation of all dormitories and other physical assets which are owned by and under the control of state universities and community colleges which are utilized by such state educational institution or community college for the purpose of providing room and board setting forth the value of each dormitory on the campus of each such postsecondary educational institution and to submit the report to the state board of regents, the house committee on appropriations, other appropriate committees of the house of representatives and the senate, and the legislative research department prior to the regular session of the legislature in 2003.”;

On roll call, the vote was: Yeas 41; Nays 80; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Boston, Cook, Dahl, DeCastro, DiVita, Edmonds, Faber, Freeborn, Gordon, Hayzlett, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, Lightner, Lloyd, P. Long, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Myers, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, T. Powell, Pyle, Tafanelli, Toplikar, Weber, D. Williams.

Nays: Aday, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Burroughs, Campbell, Compton, Cox, Crow, Dillmore, Dreher, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Goering, Grant, Henderson, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Loganbill, M. Long, Loyd, McClure, McKinney, Minor, Judy Morrison, Newton, Owens, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, Powers, Ray, Reardon, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tanner, Thimesch, R. Toelkes, Tomlinson, Vickrey, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Neufeld, O'Brien, J. Peterson, Rehom.

Part N of the motion of Rep. Mays did not prevail.

Also, roll call was demanded on Part O of the motion of Rep. Mays to amend **HB 3008** on page 58, following line 28, by inserting the following material to read as follows:

“Federal homeland security fund ..... No limit”;

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

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

Nays: Freeborn.

Present but not voting: None.

Absent or not voting: Neufeld, O'Brien, J. Peterson, Rehorn.

Part O of the motion of Rep. Mays prevailed.

Also, roll call was demanded on further motion of Rep. Mays to amend **HB 3008** on page 184, by striking all in lines 27 through 43;

On page 185, by striking all in lines 1 through 28 and inserting the following material to read as follows:

"Sec. 77. (a) On July 1, 2002, the director of the budget (1) shall determine the shrinkage rate to be applied to each state agency for fiscal year 2003 pursuant to this section by increasing the rate of shrinkage in the approved budget for such state agency for the fiscal year ending June 30, 2003, by adding 3.6% to the rate of shrinkage in the approved budget for such state agency which shall be the shrinkage rate to be applied to the state agency for fiscal year 2003 pursuant to this section, and (2) shall determine the amount by which the moneys that are budgeted and appropriated in each account of the state general fund for fiscal year 2003 for each state agency for salaries and wages for state officers and employees, including associated employer contributions, are to be adjusted in such budget and is to be lapsed from such appropriations pursuant to this section to reflect the shrinkage rate to be applied to each state agency for fiscal year 2003 pursuant to this section, based on such determinations: *Provided*, That, upon determining the rate of shrinkage to be applied to a state agency for fiscal year 2003 pursuant to this section, the director of the budget is hereby authorized and directed to reduce the amount budgeted for salaries and wages for state officers and employees, including associated employer contributions, in each account of the state general fund for fiscal year 2003 of such state agency and to certify, upon the date that such determinations are made by the director of the budget, to the director of accounts and reports the amount in each such account of the state general fund for fiscal year 2003 of such state agency by which the director of the budget is reducing the budget of such state agency for salaries and wages for state officers and employees, including associated employer contributions, pursuant to this section: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *And provided further*, That it is hereby deemed to be necessary by reason of shortage of funds for the shrinkage rate for each state agency to be increased in accordance with this section: *And provided further*, That the aggregate of all amounts certified to the director of accounts and reports by the director of the budget pursuant to this subsection shall not exceed \$29,056,450.

(b) During the fiscal year ending June 30, 2003, and on the date of the certification by the director of the budget under this section, the amount certified by the director of the budget to the director of accounts and reports under subsection (a) in each account of the state general fund of each state agency that is appropriated for fiscal year 2003, as specified in such certification, is hereby lapsed from the designated appropriation or appropriations from the state general fund for fiscal year 2003 and the director of accounts and reports shall make the appropriate adjustments to the accounts of each such state agency: *Provided*, That the aggregate of all such amounts lapsed shall not exceed \$29,056,450.

(c) In addition to the other purposes for which expenditures may be made by each state agency from 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, for the purposes of the shrinkage rate applied to the state agency pursuant to this section, to (1) make appropriate staffing adjustments and to not fill empty positions, (2) authorize state officers and employees to voluntarily take leave without pay, and (3) authorize, determine and implement other administrative and management efficiencies to manage any required reductions in expenditures.";

And by relettering subsections accordingly;

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, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuetner, 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, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Neufeld, O'Brien, J. Peterson, Rehorn, Swenson.

The motion of Rep. Mays prevailed.

Also, roll call was demanded on motion of Rep. Landwehr to amend **HB 3008** on page 190 following line 10, by inserting:

“(q) (1) 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 lease purchases 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.

(2) 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 lease purchases and no state agency may renew a lease which expires during the fiscal year ending June 30, 2003.”

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuetner, 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, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Neufeld, O'Brien, J. Peterson, Rehorn.

The motion of Rep. Landwehr prevailed.

Also, roll call was demanded on motion of Rep. Goering to amend **HB 3008** on page 190, following line 10, by inserting the following material to read as follows:

“(q) (1) 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 salary bonus payments except for salary bonus payments under the Kansas savings incentive program to state officers or employees 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, 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.

(2) 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 salary bonus payments to state officers or employees except for salary bonus payments under the Kansas savings incentive program.”;

On roll call, the vote was: Yeas 117; Nays 2; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glascock, Goering, Gordon, Grant, 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, 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, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: Cox, Loyd.

Present but not voting: None.

Absent or not voting: Hayzlett, Neufeld, O’Brien, J. Peterson, Shriver, D. Williams.

The motion of Rep. Goering prevailed.

Also, on motion of Rep. Reardon **HB 3008** be amended on page 69, in line 29, by striking “\$487,909” and inserting “\$697,077”; in line 43, by striking all after “thereto”;

On page 70, by striking all of line 1, in line 2, by striking all before the period;

On page 73, in line 18, by striking “\$109,403” and inserting “\$364,678”; by striking all in lines 19 and 20; by striking all of lines 23 through 25; by striking all of lines 27 through 29;

Also, on motion of Rep. Freeborn **HB 3008** be amended on page 144, by striking all in lines 2 through 9; by striking all in lines 16 through 43;

By striking all on page 145;

On page 146, by striking all in lines 1 through 10;

On page 150, by striking all in lines 1 through 5;

And by relettering subsections accordingly;

Also on page 150, after line 28, by inserting the following:

“Sec. 60.

STATE CONSERVATION COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$600,594

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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:

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

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2003, for the following water plan project or projects specified, the following:

Land treatment cost share..... \$4,329,744

*Provided*, That any unencumbered balance in the land treatment cost share account in excess of \$100 as of June 30, 2002, is hereby reappropriated 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 \$1,042,500 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 state conservation commission: *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 state conservation commission 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: *And provided further*, That all expenditures from this account shall be in accordance with K.S.A. 2-1915 and amendments thereto: *And provided further*, That an amount not to exceed \$850,000 be allocated for fiscal year 2003 to conservation districts for cost-sharing grants to reduce water use and improve irrigation water use efficiency, with 50% of the total amount provided to projects capable of achieving a water use efficiency level of 92% or greater.

Nonpoint source pollution assistance..... \$3,150,000

*Provided*, That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Conservation district aid..... \$1,042,500

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

Watershed dam construction..... \$705,000

*Provided*, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2002, is hereby reappropriated 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 state conservation commission: *Provided, however*, That expenditures from this account for such engineering contracts for watershed planning shall not exceed \$50,000.

Kansas water quality buffer initiatives..... \$386,634

*Provided*, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2002, is hereby reappropriated 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 by the executive director of the state conservation commission on behalf of the commission, 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 ..... \$310,000

*Provided*, That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

Water rights purchase ..... \$69,433

*Provided*, That any unencumbered balance in the water rights purchase account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.

(d) 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 state conservation commission.”;

And by renumbering sections accordingly;

On page 163, in line 14, by subtracting 15.5 from the number in the line and adjusting the number in line 14 accordingly; preceding line 18, by inserting the following:

“State Conservation Commission ..... 15.5”;

Also, on further motion of Rep. Freeborn **HB 3008** be amended on page 43, after line 20, by inserting the following:

“Ag products development fund ..... No limit”;

On page 45, after line 26, by inserting the following:

“(n) 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”;

On page 143, by striking all in line 14;

On page 149, by striking all in lines 40 through 43;

And by relettering subsections accordingly;

On page 162, in line 29, by adding 9.5 to the number in the line and adjusting the number in line 29 accordingly;

Also, on motion of Rep. Edmonds **HB 3008** be amended on page 13, by striking all in lines 5 through 16;

Also, on further motion of Rep. Edmonds to amend **HB 3008**, Rep. Nichols requested the question be divided. Seeing no objection to the entire amendment being germane to the bill, the Chair ruled the amendment be divided.

Rose and reported progress (see further action, Committee of the Whole, Afternoon Session).

**REPORTS OF STANDING COMMITTEES**

The Committee on **Federal and State Affairs** recommends **HB 2825** be amended on page 2, in line 32, after “If” by inserting “the public employer is not the state or a state agency and”;

On page 3, in line 3, before “following” by inserting “, commencing with the appointment of the fact-finding board, or by a date not later than 14 days prior to the budget submission date, whichever occurs first: (1) The representative of the public employer involved shall submit to the governing body of the public employer involved a copy of the findings of fact and recommendations of the fact-finding board, together with the representative’s recommendations for settling the dispute; (2) the employee organization may submit to such governing body its recommendations for settling the dispute; (3) the governing body or a duly authorized committee thereof shall forthwith conduct a hearing at which the parties shall be required to explain their positions; and (4) thereafter, the governing body shall take such action as it deems to be in the public interest, including the interest of the public employees involved.

(g) If the public employer is the state or a state agency and the parties have not resolved the impasse by the end of a 40-day period”; by relettering subsection (g) accordingly; and the bill be passed as amended.

The Committee on **Higher Education** recommends **SB 403** be amended on page 1, by striking all in lines 18 through 43;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 26;

And by renumbering sections accordingly;

On page 9, by striking all in lines 18 through 20 and inserting new material to read as follows:

“(j) Except as provided in K.S.A. 2001 Supp. 75-640 through 75-648, and amendments thereto, or section 529 of the federal internal revenue code of 1986, as amended, any withdrawal made within one year after an account has been opened is a nonqualified withdrawal.”;

On page 1, in the title, in line 12, by striking “relating to savings account programs”; in line 13, by striking all following the semicolon; in line 14, by striking all preceding “amending”; and the bill be passed as amended.

The Committee on **Insurance** recommends **SB 459**, as amended by Senate Committee, be amended on page 2, after line 3, by inserting:

“(c) “Network of health care providers” means two or more separate health care providers who have specifically authorized the network to enter into a discount card program and who are contractually obligated to honor the discount card contract entered into by the network of health care providers.”;

Also on page 2, in line 16, by striking “Any supplier who sells”; in line 17, by striking “any discount card in Kansas shall.”; by striking lines 18 and 19; in line 20, by striking “(b) have a separate contract with each health care provider”; in line 21, by striking “listed in conjunction with the discount card.”; by striking lines 22 through 28 and inserting:

“(a) Any supplier who markets, promotes, advertises or otherwise distributes any discount card in Kansas shall not make misleading, deceptive or fraudulent representations regarding the discount or range of discounts offered by such discount card or the access to any range of discounts offered by such discount card.

(b) Any supplier who sells any discount card in Kansas shall:

(1) State in bold and prominent type that such discount is not insurance on all advertisements and on all discount cards;

(2) have a separate contract with each health care provider or network of health care providers listed in conjunction with the discount card;

(3) not make misleading, deceptive or fraudulent representations regarding the discount or range of discounts offered by such discount card or the access to any range of discounts offered by such discount card; and

(4) prior to selling the discount card and on an annual basis thereafter, provide and disclose to all consumers in writing, the name, address and phone number of all health care providers in the state of Kansas that are contractually obligated to honor the card. The written disclosure required prior to selling the discount card may be made on the supplier’s internet web page when the transaction is concluded via the internet. The written disclosure required on an annual basis thereafter may be made by electronic mail message if authorized by the consumer.”;

Also on page 2, in line 31, before “any” by inserting “markets, promotes, advertises or otherwise distributes”; and the bill be passed as amended.

#### MESSAGES FROM THE GOVERNOR

**HB 2611, HB 2623, HB 2629, HB 2694, HB 2695, HB 2792, HB 2807, HB 2809** approved on March 27, 2002.

On motion of Rep. Weber, the House recessed until 1:30 p.m.

## AFTERNOON SESSION

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

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

**COMMITTEE OF THE WHOLE**

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

Recommended that discussion resume on the motion of Rep. Edmonds to amend **HB 3008** (see previous action, Committee of the Whole, Morning Session). On request of Rep. Nichols, the Chair had ruled that the amendment be divided.

On Part A of the motion of Rep. Edmonds, the motion did not prevail.

Also, roll call was demanded on Part B of the motion of Rep. Edmonds to amend **HB 3008** on page 81, in line 8, by adding \$5,764,430 to the dollar amount and by adjusting the dollar amount in line 8 accordingly;

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

Yeas: Aday, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. 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, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou.

Present but not voting: None.

Absent or not voting: Neufeld, O'Brien, J. Peterson.

Part B of the motion of Rep. Edmonds prevailed.

Also, roll call was demanded on motion of Rep. Kirk to amend **HB 3008** on page 64, in line 40, by adding \$99,829 to the dollar amount and by adjusting the dollar amount in line 40 accordingly;

On page 65, in line 6, by adding \$149,991 to the dollar amount and by adjusting the dollar amount in line 6 accordingly;

On page 70, in line 38, by adding \$3,282,080 to the dollar amount and by adjusting the dollar amount in line 38 accordingly;

On roll call, the vote was: Yeas 101; Nays 20; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Cox, Crow, Dahl, Dillmore, DiVita, Dreher, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Larkin, Levinson, Light, Loganbill, M. Long, Loyd, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, Powers, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Compton, Cook, Edmonds, Faber, Freeborn, Huebert, Landwehr, Lane, Lightner, Lloyd, P. Long, Mason, Novascone, Palmer, T. Powell, Pyle, Tanner, Weber.

Present but not voting: None.

Absent or not voting: DeCastro, Neufeld, O'Brien, J. Peterson.

The motion of Rep. Kirk prevailed.

Also, on motion of Rep. Johnson to amend **HB 3008**, the motion was withdrawn

Also, on motion of Rep. Shultz **HB 3008** be amended on page 87, in line 20, by adding \$309,129 to the dollar amount and by adjusting the dollar amount in line 20 accordingly; in line 30, by adding \$1,139,176 to the dollar amount and by adjusting the dollar amount in line 30 accordingly;

Also, on motion of Rep. Schwartz **HB 3008** be amended on page 155, in line 14, by adding \$1,866,184 to the dollar amount and by adjusting the dollar amount in line 14 accordingly;

Also, on further motion of Rep. Schwartz **HB 3008** be amended on page 62, by striking all in lines 10 through 35;

Also, on motion of Rep. Johnson **HB 3008** be amended on page 43, after line 20, by inserting the following:

“Ag products development fund ..... No limit”;

On page 45, after line 26, by inserting the following:

“(n) 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”;

On page 140, in line 19, by adding \$282,411 to the dollar amount and by adjusting the dollar amount in line 19 accordingly;

On page 143, by striking all in lines 14 through 43;

On page 144, by striking all in lines 1 through 9; by striking all in lines 16 through 43;

By striking all of page 145;

On page 146, by striking all in lines 1 through 10; after line 17, by inserting the following:

“(f) 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.

(g) 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.”;

On page 149, by striking all in lines 40 through 43;

On page 150, by striking all in lines 1 through 28 and inserting in lieu thereof the following:

“Sec. 60.

KANSAS ANIMAL HEALTH DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$616,995

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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:

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

*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 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 the animal health department and such other state agencies pursuant to such interagency agreements.

Sec. 61.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

State fair fee fund..... No limit

*Provided*, That expenditures from the state fair fee fund for official hospitality shall not exceed \$10,000.

State fair special cash fund ..... No limit

Sec. 62.

STATE CONSERVATION COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

Operating expenditures ..... \$600,594

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, 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:

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

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2003, for the following water plan project or projects specified, the following:

Land treatment cost share .....	\$4,329,744
<i>Provided</i> , That any unencumbered balance in the land treatment cost share account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: <i>Provided further</i> , 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: <i>And provided further</i> , That an amount of not to exceed \$1,042,500 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 state conservation commission: <i>And provided further</i> , 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 state conservation commission and the provisions of the state water plan: <i>And provided further</i> , 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: <i>And provided further</i> , That all expenditures from this account shall be in accordance with K.S.A. 2-1915 and amendments thereto: <i>And provided further</i> , That an amount not to exceed \$850,000 be allocated for fiscal year 2003 to conservation districts for cost-sharing grants to reduce water use and improve irrigation water use efficiency, with 50% of the total amount provided to projects capable of achieving a water use efficiency level of 92% or greater.	
Nonpoint source pollution assistance .....	\$3,150,000
<i>Provided</i> , That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.	
Conservation district aid .....	\$1,042,500
<i>Provided</i> , That any unencumbered balance in the conservation district aid account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.	
Watershed dam construction .....	\$705,000
<i>Provided</i> , That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: <i>Provided further</i> , That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the state conservation commission: <i>Provided, however</i> , That expenditures from this account for such engineering contracts for watershed planning shall not exceed \$50,000.	
Kansas water quality buffer initiatives .....	\$386,634
<i>Provided</i> , That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003: <i>Provided further</i> , 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: <i>And provided further</i> , 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 by the executive director of the state conservation commission on behalf of the commission, for such grants or incentives: <i>And provided further</i> , 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: <i>Provided, however</i> , That expenditures from this account for contractual educational and technical assistance for fiscal year 2003 shall not exceed \$40,000.	
Riparian and wetland program .....	\$310,000
<i>Provided</i> , That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.	
Water rights purchase .....	\$69,433
<i>Provided</i> , That any unencumbered balance in the water rights purchase account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.	

(d) 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 state conservation commission.”;

And by renumbering sections accordingly;

On page 162, in line 29, by adding 9.5 to the number in the line and adjusting the number in line 29 accordingly;

On page 163, in line 14, by subtracting 71.5 from the number in the line and adjusting the number in line 14 accordingly; after line 17, by inserting the following:

“Kansas Animal Health Department.....	31.0
State Fair Board .....	22.0
State Conservation Commission.....	15.5”;

On page 182, by striking all in lines 39 through 43;

By striking all of page 183;

On page 184, by striking all in lines 1 through 22;

And by renumbering sections accordingly;

On page 190, after line 10, by inserting the following:

“Sec. 80.

STATE BOARD OF VETERINARY EXAMINERS

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 97(a) of chapter 144 of the 2001 Session Laws of Kansas on the veterinary examiners fee fund is hereby increased from \$268,889 to \$270,992.”;

And by renumbering sections accordingly;

On page 192, in line 42, by striking “sections 99 and” and inserting “section”;

On page 1, in the title, in line 16, by striking all after “82a-953a”; in line 17, by striking all before “and”;

Also, roll call was demanded on motion of Rep. Thimesch to amend **HB 3008** on page 146, after line 17, by inserting the following material to read as follows:

“(f) During the fiscal year ending June 30, 2003, the Kansas department of agriculture shall make expenditures for the meat and poultry inspection subprogram for fiscal year 2003 from the operating expenditures account of the state general fund, the meat and poultry inspection fee fund, the meat and poultry inspection fund—federal and other special revenue funds of the Kansas department of agriculture to make the full level of expenditures for fiscal year 2003 for the meat and poultry inspection subprogram.

(g) During the fiscal year ending June 30, 2003, the Kansas department of agriculture shall make expenditures for the meat and poultry inspection subprogram for fiscal year 2003 from the operating expenditures account of the state general fund, the meat and poultry inspection fee fund, the meat and poultry inspection fund—federal and other special revenue funds of the Kansas department of agriculture to make the full level of expenditures for fiscal year 2003 for the meat and poultry inspection subprogram: *Provided*, That, in addition to the other purposes for which expenditures may be made by the Kansas department of agriculture from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2003 for the Kansas department of agriculture as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the Kansas department of agriculture for fiscal year 2003 to: (1) Adopt procedures to provide new and updated training for such authorized representatives and inspectors and offer such training at a common time and at a common place so as to allow owners of such inspected establishments to attend to ensure complete understanding of such rules and regulations as provided in subsection (c) of K.S.A. 65-6a30, and amendments thereto, by such authorized representatives, inspectors and such owners; (2) develop and make available an inspection handbook describing the duties and responsibilities of such authorized representatives and inspectors, which handbook also shall include, but not be limited to, (A) methods to facilitate the development and marketing of Kansas grown meat products with producers and owners of such establishments, (B) methods to promote sales of Kansas meat products, (C) a plan for the development of a partnership with such authorized representatives and inspectors, state educational institutions under the state board of regents and the department of commerce and housing in promoting Kansas meat prod-



ucts, (D) methods to identify and assist small locker plants to ensure that such locker plants do not go out of business, and (E) an evaluation of the reasons why small locker plants have ceased doing business and development of a plan toward reopening such small locker plants; and (3) request a peer review from representatives of the state of Minnesota and any other state as determined by the secretary to review the state inspection program and make recommendations and suggested changes to encourage the continuation of existing locker plants, opening of new locker plants and reopening of locker plants that have recently ceased doing business.”;

And by renumbering subsections accordingly;

On roll call, the vote was: Yeas 77; Nays 42; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Ballard, Barnes, Crow, Dahl, DeCastro, Dillmore, DiVita, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kauffman, Kirk, Klein, Kuether, Larkin, Levinson, Light, Loganbill, M. Long, P. Long, Mays, McClure, McCreary, McKinney, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Nichols, Novascone, Osborne, Ostmeyer, Palmer, Pauls, E. Peterson, Phelps, L. Powell, Powers, Pyle, Reardon, Rehorn, Ruff, Showalter, Shriver, Shultz, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Toplikar, Vickrey, Wells, Welshimer, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Dreher, Edmonds, Freeborn, Glasscock, Hermes, Holmes, Huff, Johnson, Krehbiel, Lane, Lightner, Lloyd, Loyd, Mason, Mayans, McLeland, Newton, O’Neal, Owens, Patterson, Pottorff, T. Powell, Ray, Schwartz, Sharp, Sloan, Stone, Tanner, Tomlinson, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Landwehr, Myers, Neufeld, O’Brien, J. Peterson, Spangler.

The motion of Rep. Thimesch prevailed.

Also, on motion of Rep. Landwehr **HB 3008** be amended on page 64, in line 40, by subtracting \$2,618,762 from the dollar amount and by adjusting the dollar amount in line 40 accordingly;

On page 65, in line 6, by adding \$2,618,762 to the dollar amount and by adjusting the dollar amount in line 6 accordingly;

Also, roll call was demanded on motion to recommend **HB 3008** favorably for passage.

On roll call, the vote was: Yeas 46; Nays 76; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballou, Boston, Cook, Dahl, DeCastro, DiVita, Edmonds, Faber, Freeborn, Gordon, Hayzlett, Holmes, Huebert, Humerickhouse, Hutchins, Huy, Kauffman, Landwehr, Lightner, Lloyd, P. Long, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Novascone, Osborne, Ostmeyer, Palmer, Patterson, L. Powell, T. Powell, Powers, Pyle, Shultz, Tafanelli, Tanner, Vickrey, Weber.

Nays: Aday, Ballard, Barnes, Beggs, Benlon, Bethell, Burroughs, Campbell, Compton, Cox, Crow, Dillmore, Dreher, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Goering, Grant, Henderson, Henry, Hermes, Horst, Howell, Huff, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Loganbill, M. Long, Loyd, McClure, McKinney, Minor, Newton, Nichols, O’Neal, Owens, Pauls, E. Peterson, Phelps, Pottorff, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Sloan, Spangler, Stone, Storm, Swenson, Thimesch, R. Toelkes, Tomlinson, Toplikar, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Neufeld, O’Brien, J. Peterson.

The motion to recommend **HB 3008** favorably for passage did not prevail.

Committee report to **HB 2795** having been previously adopted, the bill be passed as amended.

Committee report to **HB 2933** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 430** be adopted; also, on motion of Rep. Sloan be amended on page 2, after line 41, by inserting:

“(q) enforce by suitable action, administrative or otherwise, rules and regulations adopted as provided by subsection (o) or (p);”;

By relettering the remaining subsections accordingly;

Also, on motion of Rep. T. Powell to amend **H. Sub. for SB 430**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Freeborn to amend **H. Sub. for SB 430** on page 3, after line 16, by inserting:

“Sec. 2. K.S.A. 2001 Supp. 82a-1030 is hereby amended to read as follows: 82a-1030.

(a) (1) In order to finance the operations of the district, the board may assess an annual water user charge against every person who withdraws groundwater from within the boundaries of the district. The board shall base such charge upon the amount of groundwater allocated for such person’s use pursuant to such person’s water right. Such charge shall not exceed ~~\$.60~~ \$.65 for each acre-foot (325,851 gallons) of groundwater withdrawn within the district or allocated by the water right, ~~except that the annual user charge for the fiscal year of the district beginning on or after July 1, 2001, and before July 1, 2002, may be in an amount not exceeding \$.65 for any fiscal year of the district beginning before July 1, 2003.~~ If the district assesses an annual water user charge of \$.60 or more per acre-foot for any fiscal year of the district beginning on or after July 1, 2003, such district shall adopt, not later than July 1, 2003, or one year after the district first assesses an annual water user charge of \$.60 or more per acre-foot, whichever is later, a schedule of annual water user charges, subject to the following:

(A) The schedule shall establish classes of water users and shall impose on such classes different water user charges per acre-foot of groundwater withdrawn within the district.

(B) At least two such classes shall be established based upon the authorized place of use for the groundwater withdrawn within the district. One such class shall be for such groundwater for which 50% or more of the authorized place of use is outside the district and one such class shall be for such groundwater for which more than 50% of the authorized place of use is inside the district.

(C) The water user charge for the class for which 50% or more of the authorized place of use for such groundwater is outside the district shall be higher than the charge for the class for which more than 50% of the authorized place of use for such groundwater is within the district.

(D) The water user charge for the class for which more than 50% of the authorized place of use for such groundwater is within the district shall not exceed \$.90 per acre-foot of such groundwater.

(E) Before the schedule takes effect, the district shall submit the proposed schedule and classes of water users to the chief engineer for review and approval. Upon such review, such schedule and classes shall be approved if the chief engineer determines that they promote the policies of and do not conflict with the provisions of the Kansas water appropriation act.

(2) Whenever a person shows by the submission to the board of a verified claim and any supportive data which may be required by the board that such person’s actual annual groundwater withdrawal is in a lesser amount than that allocated by the water right of such person, the board shall assess such annual charge against such person on the amount of water shown to be withdrawn by the verified claim. Any such claim shall be submitted by April 1 of the year in which such annual charge is to be assessed.

(b) In addition to the water user charge authorized by subsection (a), the board may ~~also~~

(1) Make an annual assessment against each landowner of not to exceed \$.05 for each acre of land owned within the boundaries of the district; and

(2) ~~levy special assessments may also be levied,~~ as provided hereafter, against land specially benefited by a capital improvement without regard to the limits prescribed ~~above by subsection (b)(1).~~

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

determine the amount of land assessment or user charge, or both, needed to support such budget.

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

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

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

By renumbering the remaining sections accordingly;

On page 4, in line 12, after “Supp.” by inserting “82a-1030 and”;

In the title, in line 10, after “Supp.” by inserting “82a-1030 and”;

On roll call, the vote was: Yeas 46; Nays 68; Present but not voting: 0; Absent or not voting: 11.

Yeas: Aday, Aurand, Ballard, Beggs, Benlon, Bethell, Campbell, Compton, Dreher, Feuerborn, Flora, Freeborn, Gatewood, Goering, Gordon, Henry, Hermes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Krehbiel, Kuether, Larkin, Lloyd, Mason, McClure, McKinney, Minor, Myers, Owens, Phelps, Pyle, Ray, Schwartz, Showalter, Sloan, Stone, Storm, Tanner, Thimesch, Tomlinson, Weber, Wells, Wilk.

Nays: Barnes, Boston, Burroughs, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Faber, Findley, Flaharty, Garner, Gilbert, Glasscock, Grant, Hayzlett, Henderson, Holmes, Howell, Huebert, Huy, Kauffman, Kirk, Klein, Landwehr, Lane, Levinson, Light, Lightner, Loganbill, P. Long, Loyd, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Newton, Novascone, Osborne, Ostmeyer, Palmer, Pauls, E. Peterson, Pottorff, L. Powell, T. Powell, Powers, Reardon, Rehorn, Ruff, Shriver, Shultz, Swenson, Tafanelli, R. Toelkes, Toplikar, Vickrey, Welshimer, D. Williams, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Ballou, Edmonds, M. Long, Neufeld, Nichols, O'Brien, O'Neal, Patterson, J. Peterson, Sharp, Spangler.

The motion of Rep. Freeborn did not prevail, and **H. Sub. for SB 430** be passed as amended.

Committee report recommending a substitute bill to **Sub. HCR 5037** be adopted; also, on motion of Rep. Thimesch be amended on page 2, in line 4, by striking all after “bunt”; by striking all in line 5 and inserting “; and”; after line 5, by inserting the following:

“WHEREAS, The Federal Wholesale Meat Act of 1967 allows states to have state meat inspection programs which are required to meet or exceed federal inspection standards of the United States Department of Agriculture for wholesomeness, cleanliness and food safety; and

WHEREAS, Kansas is in the majority of states which have elected to operate equivalent meat inspection programs allowing state-licensed and state-inspected meat processing facilities to engage in intrastate commerce. Other states are pursuing implementation of state inspection of their meat processing facilities; and

WHEREAS, State meat inspection programs are flexible and can efficiently and safely adapt their activities to small, local meat processors that cannot be duplicated by the federal inspection program because of its size and complexity; and

WHEREAS, State-inspected meat and poultry products are currently barred from interstate commerce under federal law, including neighboring local markets in other states, despite current meat safety and quality assurances, affecting long-range rural development and economic growth strategies within the meat processing industry; and

WHEREAS, Such limitation on marketing of state inspected meat inhibits economic development and value-added agricultural activities in this nation’s agricultural sector; and

WHEREAS, Current policy of the National Association of State Departments of Agriculture supports the interstate shipment of state-inspected meat products: Now, therefore;”;

Also on page 2, after line 9, by inserting the following:

“*Be it further resolved:* That we urge the United States Congress to enact revisions to the Federal Meat Inspection Act and the Poultry Products Inspection Act to allow the interstate shipment and marketing of meat products by state inspected meat processing facilities; and”;

Also on page 2, in line 11, after the comma, by inserting “the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives;”;

On page 1, in the title, in line 12, after “issues” by inserting “and urging the United States Congress to allow interstate marketing of state inspected meat”;

Also, on motion of Rep. McKinney **Sub. HCR 5037** be amended on page 2, in line 4, by striking all after “bunt”; by striking all in line 5, and inserting “; and”; after line 5, by inserting the following:

“WHEREAS, The Agriculture, Conservation, and Rural Enhancement Act of 2001, currently pending before Congress, contains provisions providing for country of origin labeling; and

WHEREAS, The Kansas legislature supports provisions of the Act which provide that:

“A retailer of a covered commodity shall designate the covered commodity as having a United States country of origin only if the covered commodity—

‘(A) in the case of beef, lamb, and pork, is exclusively from an animal that is exclusively born, raised, and slaughtered in the United States; and

‘(B) in the case of farm-raised fish, is hatched, raised, harvested, and processed in the United States; and

‘(C) in the case of a perishable agricultural commodities or peanut, is exclusively produced in the United States”; and

WHEREAS, If another product is added to the covered commodity, the commodity could not be designated as a United States country of origin; and

WHEREAS, The American public is interested in and has the right to know where food is produced; and

WHEREAS, The United States Congress should amend the current farm bill to include the country of origin labeling provisions: Now, therefore;”;

Also on page 2, after line 9, by inserting the following:

“*Be it further resolved:* That we urge the United States Congress to enact country of origin labeling requirements; and

*Be it further resolved:* That we further urge Congress to amend the current farm bill to include country of origin labeling requirements; and”;

Also on page 2, in line 11, after the comma, by inserting “the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives.”;

On page 1, in the title, in line 12, after “issues” by inserting “and urging the United States Congress to enact country of origin labeling requirements”; and **Sub. HCR 5037** be adopted as amended.

Committee report to **SB 395** be adopted; also, on motion of Rep. Larkin be amended on page 1, after line 35, by inserting the following:

“(3) delivering any poultry which is infected with any contagious or infectious disease to any poultry producer pursuant to a production contract;”;

Also on page 1, in line 36, by striking “(3)” and inserting “(4)”; in line 40, by striking “(4)” and inserting “(5)”;

Also, on motion of Rep. Gatewood to amend **SB 395**, Rep. Schwartz requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Gatewood and **SB 395** be amended on page 6, after line 39, by inserting the following:

“New Sec. 5. (a) As used in this section: (1) “Contractor” means a person who owns poultry that is raised or cared for by a poultry producer;

(2) “poultry” means posthatched to finished live chickens or turkeys that are raised by a poultry producer for slaughter by another;

(3) “poultry producer” means any individual or group of individuals that raise or care for live poultry for slaughter by another under terms of a written production contract;

(4) “production contract” means any written agreement that provides for the raising and care of poultry by a poultry producer for a contractor; and

(5) “production” means to raise and care for poultry under the terms of a poultry production contract.

(b) Poultry production contracts shall: (1) Be written in a readable form and shall be accompanied by a clearly written disclosure statement setting forth the nature of the material risks faced by the poultry producer if the poultry producer enters into such poultry production contract;

(2) be negotiated and entered into in an environment free from unfair or deceptive trade practices or other violations of law;

(3) not require disclosure of trade secrets and not be contrary to the uniform trade secrets act, K.S.A. 60-3320 *et seq.*, and amendments thereto;

(4) not require poultry producers to reveal intellectual property rights nor disclose personal financial information or production practices;

(5) not prohibit nor discourage poultry producers from associating with other poultry producers to compare contract terms or address concerns or problems;

(6) not prohibit nor discourage poultry producers from seeking professional, legal, financial and agricultural production advice and counsel related to production contract terms, obligations and responsibilities;

(7) not allow a contractor to terminate any poultry production contract with a poultry producer that has complied with the provisions of the poultry production contract; and

(8) not deny poultry producers of the ability to address a dispute in the Kansas courts.

The poultry production contract may contain a provision to have the option of submitting any dispute arising under a poultry production contract to arbitration.

(c) Any provision of a poultry production contract which violates the provisions of subsection (b) is void and unenforceable. This subsection shall not affect other provisions of a poultry production contract, including a contract or related document, policy or agreement which can be given effect without the voided provision.

(d) A contractor who violates any provision of this section shall be subject to a civil penalty in an amount equal to the amount of actual damages suffered by the poultry producer.

(e) A poultry producer who suffers damages because of a contractor’s violation of the provisions of subsection (b) may obtain appropriate legal and equitable relief, including

damages. In such a civil action against the contractor, the court may award the poultry producer who is the prevailing party, reasonable attorney fees and other litigation expenses.

(f) A contractor who violates any provision of this section shall be guilty of a class C nonperson misdemeanor.

(g) In order to obtain injunctive relief, the contract producer is not required to post a bond, prove the absence of an adequate remedy at law or show the existence of special circumstances, unless the court for good cause otherwise orders. The court may order any form of prohibitory or mandatory relief that is appropriate under principles of equity, including but not limited to, issuing a temporary or permanent restraining order.

(h) The attorney general's office or a county or district attorney may enforce this section. In enforcing the provisions of this section, the prosecuting attorney may do all of the following: (1) Apply to the district court for an injunction to do all of the following:

(A) Restrain a contractor from engaging in conduct or practices in violation of this section; or

(B) require a contractor to comply with provisions of this section;

(2) apply to district court for the issuance of a subpoena to obtain a production contract for purposes of enforcing this section; and

(3) bring an action in district court to enforce penalties provided in subsections (d) and (f).";

And by renumbering sections accordingly;

On page 1, in the title, in line 14, after "concerning" by inserting "agriculture; relating to"; also in line 14, by striking "relating to"; in line 15, after the second semicolon by inserting "poultry production contracts;" and **SB 395** be passed as amended.

Pursuant to House Rule 1903, **HB 2714**, **SB 543**, **SB 446**; **H. Sub. for SB 434**; **SB 409** be passed over and retain a place on the calendar.

Committee report to **HB 2647** be adopted; and the bill be passed as amended.

**SB 490**, **SB 416**, **SB 391** be passed.

**HR 6007** be adopted.

Committee report to **SB 545** be adopted; also, on motion of Rep. Holmes be amended on page 1, in line 38, by striking "act" and inserting "section and section 2, and amendments thereto";

On page 2, in line 33, by striking "This act" and inserting "Section 1, and amendments thereto."; in line 35, by striking "act" and inserting "section and sections 1 and 2, and amendments thereto."; after line 35, by inserting:

"Sec. 4. (a) As used in this section:

(1) "Electric public utility" means any electric public utility, as defined in K.S.A. 66-101a, and amendments thereto.

(2) "Natural gas public utility" means any natural gas public utility, as defined in K.S.A. 66-1,200, and amendments thereto.

(b) On and after July 1, 2002, the state corporation commission, upon application and request, shall authorize electric public utilities and natural gas public utilities to recover the utility's prudent expenditures for security measures reasonably required to protect the utility's electric generation and transmission assets or natural gas production and transportation assets by an adjustment to the utility's customers' bills. The application and request shall be subject to such procedures and conditions, including review, in an expedited manner, of the prudence of the expenditures and the reasonableness of the measures, as the commission deems appropriate. Such application and request shall be confidential and subject to protective order of the commission.

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

By renumbering section 4 as section 5;

In the title, in line 10, by striking "; fees" and inserting "and certain fees and costs; providing for recovery of certain costs of security measures of certain public utilities"; and **SB 545** be passed as amended.

Committee report to **SB 437** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 605** be adopted; also, on motion of Rep. Horst be amended on page 8, in line 15, by striking "may" and inserting "shall"; in line 19, by striking the second "printed" and by inserting " , or the copies

are on CD-ROM, such"; in line 23 following "copies" by inserting "or copies on CD-ROM"; and **H. Sub. for SB 605** be passed as amended.

Committee report to **SB 586** be adopted; and the bill be passed as amended.

Committee report to **HB 2982** be adopted; and the bill be passed as amended.

Committee report to **SB 400** be adopted; and the bill be passed as amended.

Committee report to **SB 551** be adopted; also, on motion of Rep. E. Peterson be amended on page 1, in line 27, by striking "The" and inserting "If the consolidation is effectuated commencing with the 2001-2002 school year and prior to July 1, 2004, the"; in line 31, by striking "school year" and inserting "succeeding three school years"; in line 34, after the period by inserting the following: "If the consolidation is effectuated on or after July 1, 2004, the sum is the state financial aid of the consolidated district for the school year in which the consolidation is effectuated. For the next school year, the state financial aid shall be the greater of: (1) The amount received in the preceding school year; or (2) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.";

On page 2, in line 7, by striking "The" and inserting "If the attachment is effectuated commencing with the 2001-2002 school year and prior to July 1, 2004, the"; in line 10, by striking "school year" and inserting "succeeding three school years"; in line 14, after the period by inserting "If the attachment is effectuated on or after July 1, 2004, the sum is the state financial aid of the district for the school year in which the attachment is effectuated. For the next school year, the state financial aid shall be the greater of: (1) The amount received in the preceding school year; or (2) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section."; and **SB 551** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2653** be adopted; and the substitute bill be passed.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2991** be passed.

The Committee on **Appropriations** recommends **SB 619** be amended on page 2, after line 22, by inserting the following:

"Sec. 2. On July 1, 2003, K.S.A. 2001 Supp. 75-3717 is hereby amended to read as follows: 75-3717. (a) As provided in this section, each state agency, not later than October 1 of each year, shall file with the division of the budget its budget estimates for the next fiscal year, and all amendments and revisions thereof, except that, in lieu of such annual filing, each agency listed in subsection (f), not later than October 1, ~~2000~~ 2003, and every two years thereafter, shall file budget estimates for the next fiscal year and for the ensuing fiscal year thereafter. Each agency listed in subsection (f) may file adjustments to such agency's budget that was approved by the legislature during a prior fiscal year. All such budget estimates shall be in the form provided by the director of the budget. Each agency's budget estimates shall include:

(1) A full explanation of the agency's request for any appropriations for the expansion of present services or the addition of new activities, including an estimate of the anticipated expenditures for the next fiscal year and for each of the three ensuing fiscal years which would be required to support each expansion of present services or addition of new services as requested by the state agency; and

(2) a listing of all programs of the agency that provide services for children and their families and the following information regarding each such program: Of the amount of the agency's request for appropriations to fund the program, that amount which will be spent on services for children or families with children and the number of children or families with children who are served by the program.

(b) At the same time as each state agency submits to the division of the budget a copy of its budget estimate, and all amendments and revisions thereof, each such state agency shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the legislative research department for legislative use.

(c) The director of the budget shall require the agencies to submit a sufficient number of copies of their budget estimates, and all amendments and revisions thereof, to the direc-

tor's office to satisfy the requirements of such office and one additional copy for legislative use which shall be retained in the division of the budget until the budget of the governor is submitted to the legislature. On or before the day that such budget is submitted to the legislature such legislative use copy, posted to reflect the governor's budget recommendations, shall be submitted to the legislative research department for use by the ways and means committee of the senate and the committee on appropriations of the house of representatives. Following presentation of the governor's budget report to the legislature, the legislative research department may request and shall receive detailed information from the division of the budget on the governor's budget recommendations.

(d) The director of the budget may prepare budget estimates for any state agency failing to file a request.

(e) As used in this section, "services for children and their families" includes but is not limited to any of the following services, whether provided directly or made accessible through subsidies or other payments:

- (1) Financial support for children and families with children or enforcement of the obligation to support a child or a family with one or more children;
- (2) prenatal care, health care for children or immunizations for children;
- (3) mental health or retardation services for children;
- (4) nutrition for children or families with children or nutritional counseling or supplements for pregnant or nursing women;
- (5) child care, early childhood education or parenting education;
- (6) licensure or regulation of child care or early childhood education programs;
- (7) treatment, counseling or other services to preserve families;
- (8) care, treatment, placement or adoption of children without functioning families;
- (9) services to prevent child abuse and to treat and protect child abuse victims;
- (10) services for children who are pregnant, substance abusers or otherwise involved in high risk behavior;
- (11) services related to court proceedings involving children; and
- (12) youth employment services.

(f) On a biennial basis, the following state agencies shall file budget estimates under the provisions of subsection (a): Abstracters' board of examiners, behavioral sciences regulatory board, board of accountancy, board of examiners in optometry, board of nursing, ~~consumer credit commissioner~~, Kansas board of barbering, Kansas board of examiners in fitting and dispensing of hearing aids, Kansas dental board, Kansas real estate commission, Kansas state board of cosmetology, office of the securities commissioner of Kansas, real estate appraisal board, state bank commissioner, state board of healing arts, state board of mortuary arts, state board of pharmacy, state board of technical professions, state board of veterinary examiners, governmental ethics commission ~~and~~, state department of credit unions, *state department of human resources and health care stabilization fund board of governors.*;

And by renumbering section 2 as section 3;

Also on page 2, after line 23, by inserting the following:

"Sec. 4. On July 1, 2003, K.S.A. 2001 Supp. 75-3717 is hereby repealed.";

And by renumbering the remaining section accordingly;

In the title, on page 1, in line 10, by striking "the" and inserting "state finances; relating to biennial budget estimates;"; also in line 10, by striking the semicolon where it first appears; in line 11, after "75-3711" by inserting "and K.S.A. 2001 Supp. 75-3717"; also in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

The Committee on **e-Government** recommends **SB 481** be amended on page 1, in line 34, by striking "On or before January 15, 2002, and"; in line 35, by striking "on" and inserting "On"; also in line 35, following the second comma by inserting "and on or before January 15, 2004,";

On page 2, in line 23, by striking "2003" and inserting "2004"; following line 23, by inserting:

"Sec. 2. K.S.A. 2001 Supp. 72-6760 is hereby amended to read as follows: 72-6760. (a) *Except as provided by this section and section 3, and amendments thereto*, no expenditure involving an amount greater than \$10,000 for construction, reconstruction or remodeling or



for the purchase of materials, goods or wares shall be made by the board of education of any school district except upon sealed proposals, and to the lowest responsible bidder.

(b) The provisions of subsection (a) do not apply to expenditures by a board of education for the purchase of:

- (1) Services;
- (2) products required to be purchased under the provisions of K.S.A. 75-3317 through 75-3322, and amendments thereto;
- (3) educational materials directly related to curriculum and secured by copyright;
- (4) motor fuels required to provide or furnish transportation;
- (5) perishable foods and foodstuffs required for operation of a school lunch program;
- (6) articles or products that are produced, manufactured or provided by inmates under the prison-made goods act of Kansas;
- (7) natural gas that will be consumed in buildings owned or operated by the school district;

(8) materials, goods or wares required for reconstructing, remodeling, repairing or equipping buildings when such purchase has been necessitated by the occurrence of a loss against which the board of education has purchased property or casualty insurance; and

(9) materials, goods or wares which are purchased:

(A) From vendors who have entered into contracts with the state director of purchases pursuant to state purchasing statutes for purchases by state agencies; and

(B) under the same pricing provisions established in the state contracts, subject to agreement of the vendor to honor the state contract prices.

(c) Whenever the board of education of any school district lets bids for the purchase of materials, goods or wares and bids are submitted by bidders domiciled within the school district and by bidders domiciled outside the school district and the low bid is submitted by a bidder domiciled outside the school district, the school district domiciliary which submitted the lowest bid may be deemed the preferred bidder and awarded the bid if:

- (1) The quality, suitability and usability of the materials, goods or wares are equal;
- (2) the amount of the bid of the school district domiciliary is not more than 1% greater than the amount of the low bid; and
- (3) the school district domiciliary agrees to meet the low bid by filing a written agreement to that effect within 72 hours after receiving notification of being deemed the preferred bidder.

(d) The provisions of subsection (c) do not apply to expenditures for construction, reconstruction or remodeling.

New Sec. 3. (a) Whenever the board of education of any school district is required to accept bids prior to the expenditure of money to purchase services, materials, goods or wares or whenever the board chooses to request the submission of bids prior to the expenditure of money to purchase services, materials, goods or wares, the board may conduct a pilot project utilizing a reverse auctioning electronic procurement process for the purchase of such services, materials, goods or wares.

(b) Whenever the board of education of any school district is required to accept bids prior to the expenditure of money to purchase services, materials, goods or wares or whenever the board chooses to request the submission of bids prior to the expenditure of money to purchase services, materials, goods or wares, the board may conduct a pilot project utilizing an on-line bidding process for the purchase of such services, materials, goods or wares.

(c) If a school district utilizes a reverse auctioning electronic process or an on-line bidding process authorized by this section, the provisions of any law requiring procedures for sealed bidding and the opening of bids shall not apply to such purchases conducted under this pilot project.

(d) Reverse auctioning shall not be used for the acquisition of any services for construction projects or for the acquisition of any other services.

(e) On or before January 15, 2003, and January 15, 2004, the board of education of a school district which utilizes a reverse auctioning electronic process or an on-line bidding process authorized by this section, and amendments thereto, shall submit a written report to the legislature on the activities and results of the pilot project under this section.

(f) As used in this section:

(1) "Reverse auctioning" means a procurement process of where bidders are invited to bid on specific services, materials, goods or wares through real-time electronic bidding, with the award being made to the lowest responsible and responsive bidder; during the bidding process, bidders' prices are revealed and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for the bid opening; and

(2) "on-line bidding" means a procurement process in which a school district electronically receives bids for services, materials, goods or wares in a competitive bidding event.

(g) The provisions of this section shall expire on June 30, 2004.

Sec. 4. K.S.A. 2001 Supp. 16-1605 is hereby amended to read as follows: 16-1605. (a) This act does not require a record or signature to be created, generated, sent, communicated, received, stored or otherwise processed or used by electronic means or in electronic form.

(b) This act applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. Whether the parties agree to conduct a transaction by electronic means is determined from the context and surrounding circumstances, including the parties' conduct.

(c) A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. The right granted by this subsection may not be waived by agreement.

(d) Except as otherwise provided in this act, the effect of any of its provisions may be varied by agreement. The presence in certain provisions of this act of the words "unless otherwise agreed", or words of similar import, does not imply that the effect of other provisions may not be varied by agreement.

(e) Whether an electronic record or electronic signature has legal consequences is determined by this act and other applicable law.

(f) ~~This~~ *The uniform electronic transactions act* does not require any person to use ~~or permit the use of~~ electronic ~~or digital~~ signatures.

(g) ~~Any~~ *All state agency may agencies shall* adopt rules and regulations governing the ~~agency's agencies' use of digital signatures~~ *electronic signatures prior to offering or implementing the use of electronic signatures* as long as the rules and regulations meet or exceed those adopted by the secretary.

(h) *The uniform electronic transactions act does not require any person to use or permit the use of digital signatures.*

(i) *All state agencies shall adopt rules and regulations governing the agencies use of digital signatures prior to offering or implementing the use of digital signatures as long as the rules and regulations meet or exceed those adopted by the secretary.*;

And by renumbering sections accordingly;

Also on page 2, in line 24, by striking "75-3739a is" and inserting "16-605, 72-6760 and 75-3739a are";

In the title, by striking all in lines 10, 11 and 12 and inserting:

"AN ACT concerning electronic procedures records, transactions and signatures; relating to electronic and digital signatures; electronic procurement procedures for certain governmental entities; amending K.S.A. 2001 Supp. 16-605, 72-6760 and 75-3739a and repealing the existing sections.";

and the bill be passed as amended.

The Committee on **Judiciary** recommends **Sub. SB 339; SB 433, SB 443, SB 491** be passed.

The Committee on **Judiciary** recommends **HB 2932** be amended on page 2, in line 27, by striking the colon; by striking all in lines 28 through 36 and inserting "the financial resources and needs of both parents, the financial resources and needs of the child and the physical and emotional condition of the child."; and the bill be passed as amended.

The Committee on **Judiciary** recommends **SB 486** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 486," as follows:

“HOUSE Substitute for SENATE BILL No. 486

By Committee on Judiciary

“AN ACT concerning marriage; relating to common-law marriages; amending K.S.A. 2001 Supp. 23-101 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 486** was thereupon introduced and read by title.)

The Committee on **Local Government** recommends **SB 550** be amended on page 3, in line 12, by striking “seven” and inserting “nine”; in line 19, following the period, by inserting “Two members shall be appointed by the board of county commissioners. Of the members appointed by the board of county commissioners one shall be selected from a list of at least two nominees submitted to the board by the Montgomery county farm bureau and one shall be selected from a list of at least two nominees submitted to the board by the Montgomery county conservation district.”;

On page 6, in line 6, following “hearing” by inserting a comma; in line 9, by striking “at a rate”; in line 10, by striking all before “on”; in line 11, following the period, by inserting “Such levy shall not exceed the maximum amount which may be levied by a system board under K.S.A. 75-2550, and amendments thereto.”; in line 16, by striking all after the period, by striking all in lines 17 through 23;

On page 7, in line 27, by striking “1” and inserting “2” and the bill be passed as amended.

#### CHANGE OF REFERENCE

Having been referred separately, Speaker pro tem Aurand announced the withdrawal of **HB 3026** from Committee on Taxation; the bill remains in Committee on Transportation.

#### MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 584; SB 622**.

Announcing passage of **Sub. HB 2673; HB 2813, HB 2820**.

Announcing passage of **HB 2621**, as amended by **S. Sub. for HB 2621**.

Announcing passage of **HB 2078**, as amended; **HB 2624**, as amended; **HB 2676**, as amended; **HB 2772**, as amended; **HB 2781**, as amended; **HB 2812**, as amended.

Announcing adoption of **HCR 5014**, as amended.

The Senate concurs in House amendments to **SB 548**.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

**Sub. SB 584; SB 622**.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, pursuant to House Rule 2306, **Sub. HB 2760** was withdrawn from the Calendar, under the heading General Orders, and rereferred to Committee on Local Government.

On motion of Rep. Weber, the House adjourned until 10:00 a.m., Thursday, March 28, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

