

Journal of the House

FIFTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, April 3, 2002, 9:30 a.m.

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

The roll was called with 123 members present.

Rep. O'Brien was excused on verified illness.

Rep. Bethell was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Steven Iwersen, pastor, Ottawa Church of The Nazarene, and guest of Rep. Feuerborn:

The Bible declares in Acts 17:26-27, ...God has determined the times set for each of our lives and the exact places where we should live. God did this so that men and women would seek him and perhaps reach out for him and find him, though he is not far from each of us.

Heavenly Father, here we are today gathered in this grand chamber for a great purpose. You could have appointed another time, another era in which we should live; but You chose this time for us. You could have directed us to other places in this world; but You chose Kansas as the exact place in which we should live. All for a greater purpose of reaching out and finding that You have never been far away from us. We reach out to You now.

You have appointed these people for this time and place. Give them wisdom for the matters they must consider today. Provide each one with courage to lead and compassion to serve according to convictions shaped by Your values, and not our own. We reach out to You now.

Our father who art in heaven, hallowed be Your name, Your kingdom come, Your will be done on earth as it is in heaven. Give us today our daily bread. Forgive us our trespasses as we forgive those who have trespassed against us. And lead us not into temptation, but deliver us from evil. For Yours in the kingdom and the power and the glory forever. Amen.

The Pledge of Allegiance was led by Rep. Huy.

INTRODUCTION OF GUESTS

Rep. Gatewood introduced Carrie Neet, Galena, who is Miss Kansas Coed 2002, and will also compete in the national competition.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committees as indicated:

Ethics and Elections: **HB 3035**.

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 256**.

Announcing passage of **HB 2660, HB 2764**.

Announcing passage of **Sub. HB 2469**, as amended; **HB 2729**, as amended.

The Senate concurs in House amendments to **SB 375**.

The Senate concurs in House amendments to **SB 440**.

The Senate nonconcurrs in House amendments to **SB 402**, requests a conference and has appointed Senators Umbarger, Vratil and Downey as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 459**, requests a conference and has appointed Senators Praeger, Teichman and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2094a** and has appointed Senators Umbarger, Vratil and Downey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2123** and has appointed Senators Schmidt, Huelskamp and Downey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2247** and has appointed Senators Praeger, Teichman and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2602** and has appointed Senators Schmidt, Huelskamp and Downey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2640** and has appointed Senators Praeger, Teichman and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2677** and has appointed Senators Praeger, Teichman and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2752** and has appointed Senators Vratil, Schmidt and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2768** and has appointed Senators Schmidt, Huelskamp and Downey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2812** and has appointed Senators Praeger, Teichman and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2818** and has appointed Senators Schmidt, Huelskamp and Downey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2979** and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 256.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 402**.

Speaker Glasscock thereupon appointed Reps. Tanner, Lloyd and Reardon as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 459**.

Speaker Glasscock thereupon appointed Reps. Tomlinson, Dreher and Kirk as conferees on the part of the House.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2797, An act enacting the unborn victims of violence act, was considered on final action.

On roll call, the vote was: Yeas 73; Nays 50; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Ballou, Barnes, Boston, Campbell, Cook, Crow, Dahl, DeCastro, Dillmore, DiVita, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Grant, Hayzlett, Henry, Holmes, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, Larkin, Light, Lightner, Lloyd, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, Phelps, L. Powell, T. Powell, Powers, Pyle, Reardon, Ruff, Shriver, Shultz, Spangler, Swenson, Tafanelli, Thimesch, Toplikar, Vickrey, Weber, Wilk, D. Williams, J. Williams, Wilson.

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

Present but not voting: None.

Absent or not voting: Bethell, O'Brien.

The bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: We vote no on **HB 2797**. As state legislators, we are elected to uphold our state and federal constitutions and laws. We are not physicians. The American College of Obstetricians and Gynecologists establish through meticulous standards and agree on the best practices for the field. Who are we to question their expert knowledge?

The 2002 legislative session is confronted with a financial shortfall of more than \$700 million and growing daily. We need to be working on our constitutional charge of appropriating state funds and funding state agencies - our legislative duty - our duty as statesmen.—MARY COMPTON, CINDY HERMES, LANA GORDON, DEENA HORST, BONNIE SHARP

MR. SPEAKER: **HB 2797** at first glance appears harmless to a woman needing an abortion. However, we view it as the first step toward making it a crime for a woman to terminate pregnancy.

We vote "NO" on any bill that is an attempt to infringe on a woman's right to make her own decision.—GERRY RAY, AL LANE, RAY COX, LISA BENLON, DAVID HUFF

MR. SPEAKER: I cannot support this measure as it would, among other things, compromise and open to criminal prosecution all medical personnel, emergency especially, in every situation where decisions must be made regarding an incapacitated female of child bearing age on life support. I vote no on **HB 2797**.—WARD LOYD, DEAN NEWTON

MR. SPEAKER: July 25, 2000, the U.S. House voted 417-0 for the Innocent Child Protection Act to deny federal funds for executing a pregnant woman. The bill defined a "child in utero" as "a member of the species Homo sapiens, at any stage of development, who is carried in the womb." It would be perverse to say a child must be protected when a criminal mother is to be executed, but not when the innocent mother is attacked by a criminal. Allowing criminals to get away with murder because you don't want to call a wanted child an unborn child is extremism. We vote yes on **HB 2797**.—MARY PILCHER COOK, BONNIE HUY, JOHN FABER, RALPH OSTMEYER, BILL MASON, TONY POWELL, BRENDA K. LANDWEHR, STEVE HUEBERT, DON MYERS

HB 2819, An act concerning abortion clinics; standards for the operation thereof; providing penalties for violations and authorizing injunctive actions, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 44; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballou, Barnes, Boston, Campbell, Cook, Crow, Dahl, DeCastro, DiVita, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Glasscock, Grant, Hayzlett, Henry, Holmes, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kauffman, Landwehr, Larkin, Light, Lightner, Lloyd, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Reardon, Schwartz, Shriver, Shultz, Spangler, Swenson, Tafaneli, Thimesch, Toplikar, Vickrey, Weber, Wilk, D. Williams, J. Williams, Wilson.

Nays: Ballard, Beggs, Benlon, Burroughs, Compton, Cox, Dillmore, Dreher, Findley, Flaharty, Flora, Garner, Gilbert, Goering, Gordon, Henderson, Hermes, Huff, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Levinson, Loganbill, Loyd, Newton, Nichols, E. Peterson, Ray, Rehorn, Ruff, Sharp, Showalter, Sloan, Stone, Storm, Tanner, R. Toelkes, Tomlinson, Wells, Welshimer, Winn.

Present but not voting: None.
 Absent or not voting: Bethell, O'Brien.
 The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: We vote no on **HB 2819**. We vote no due to the fact it is contradicting current Kansas law and past Supreme Court decisions. As state legislators, we are elected to uphold our state constitution and laws in addition to the federal constitution and law. There is no need for duplication.

The 2002 legislative session is confronted with a financial shortfall of more than \$700 million and growing daily. We need to be working on our constitutional charge of appropriating state funds and funding state agencies - our legislative duty - our duty as statesmen.—MARY COMPTON, CINDY HERMES, LANA GORDON, BONNIE SHARP

MR. SPEAKER: It is appalling indeed to find that we currently have thorough inspections of veterinary clinics, nursing homes, restaurants, hospitals, and many other facilities, but none for abortion providers unless they are licensed as ambulatory care centers in the State of Kansas. The time is overdue to have these centers inspected to insure that they are indeed providing a surgery that is safe. The measures in this bill will also give assurance that the client will be treated by professionals and given the dignity and service that they deserve. We vote yes on **HB 2819**.—PEGGY LONG, MARY PILCHER COOK, ANDREW HOWELL, C. FRANK MILLER, JOHN FABER, BILL MCCREARY, BILL MASON, VERN OSBORNE, LEE TAFANELLI, TONY POWELL, RALPH OSTMEYER, JUDY MORRISON, TED POWERS, DON MYERS

HB 3000, An act concerning performance of abortions on minors; amending K.S.A. 65-6704 and K.S.A. 2001 Supp. 65-6701 and 65-6705 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 77; Nays 46; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballou, Boston, Campbell, Cook, Dahl, DeCastro, DiVita, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Grant, Hayzlett, Henry, Holmes, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kauffman, Landwehr, Larkin, Light, Lightner, Lloyd, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Reardon, Ruff, Schwartz, Shriver, Shultz, Spangler, Swenson, Tafanelli, Thimesch, Toplikar, Vickrey, Weber, Wilk, D. Williams, J. Williams, Wilson.

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

Present but not voting: None.
 Absent or not voting: Bethell, O'Brien.
 The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: We vote no on **HB 3000**. As state legislators, we are elected to uphold our state and federal constitutions and laws. We believe in unlimited access to the judicial system for every Kansas citizen, whether you are a minor or an adult. This bill would limit minors' access to the judicial system.

The 2002 legislative session is confronted with a financial shortfall of more than \$700 million and growing daily. We need to be working on our constitutional charge of appropriating state funds and funding state agencies - our legislative duty - our duty as statesmen.—MARY COMPTON, CINDY HERMES, LANA GORDON, BONNIE SHARP

MR. SPEAKER: No reason has been articulated of a need to amend current law. My concern is the amending language crosses the constitutional demarcation between the per-

missible and the impermissible, and may have the effect of voiding the entire notice provisions if not the entirety of the abortions on minors act, an act which in its present form I believe Kansas needs. I vote no on **HB 3000**.—WARD LOYD, DEAN NEWTON

MR. SPEAKER: Parental involvement laws decrease the risk of medical complications connected with the abortion by allowing parents to provide important medical information and history their daughter may not know or provide. Parental involvement increases the likelihood the teenager will receive the needed follow-up care after the abortion. We vote yes on **HB 3000**.—JOHN FABER, BILL MCCREARY, ANDREW HOWELL, MARY PILCHER COOK, BONNIE HUY, KAREN DiVITA JOHNSON, RALPH OSTMEYER, PATRICIA LIGHTNER, VERLYN D. OSBORNE, BILL MASON, LEE TAFANELLI, PEGGY LONG, TONY POWELL, STEVE HUEBERT, BRENDA K. LANDWEHR, TED POWERS, DON MYERS

SB 506, An act relating to motor vehicles; concerning certain distinctive license plates; amending K.S.A. 8-147, 8-1,140, 8-1,141 and 8-1,142 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 39; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Ballard, Barnes, Boston, Campbell, Cook, Cox, Crow, Dahl, DeCastro, DiVita, Edmonds, Faber, Findley, Flaharty, Freeborn, Garner, Gatewood, Grant, Hayzlett, Henry, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Landwehr, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, L. Powell, T. Powell, Pyle, Reardon, Rehorn, Ruff, Schwartz, Shriver, Shultz, Sloan, Spangler, Swenson, Tafanelli, Thimesch, Topliar, Vickrey, Weber, Wilk, D. Williams, J. Williams, Wilson.

Nays: Aurand, Ballou, Beggs, Benlon, Burroughs, Compton, Dillmore, Dreher, Feuerborn, Flora, Gilbert, Glasscock, Goering, Gordon, Henderson, Hermes, Kirk, Klein, Krehbiel, Kuether, Lane, Loyd, Minor, Newton, Nichols, Owens, Pottorff, Powers, Ray, Sharp, Showalter, Stone, Storm, Tanner, R. Toelkes, Tomlinson, Wells, Welshimer, Winn.

Present but not voting: None.

Absent or not voting: Bethell, O'Brien.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **SB 506**. My son-in-law is a Jayhawker, my daughter is a Wildcat, my husband is a Shriner and I am a supporter of many of the not-for-profits and educational institutions authorized to have vehicle license plates. Whether I support the organizations is not at question! I do not support the policy of the State of Kansas getting into the fund raising business. I think a better policy would be for Kansans to show their support by bumper stickers and putting the money it would cost for license plates directly to their causes. Under **SB 506** only a small percent goes to their cause.—BONNIE SHARP

MR. SPEAKER: **SB 506** is nothing more than a state sanctioned bumper sticker. There are far too many special license plates already. The number should not be increased especially for a politically active group. We vote "NO" on **SB 506**!—GERRY RAY, AL LANE, RAY COX, DAVID HUFF

SB 624, An act relating to motor vehicles; providing for the issuance of certain distinctive license plates; amending K.S.A. 8-1,141 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 64; Nays 59; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Barnes, Boston, Campbell, Cook, Dahl, DeCastro, DiVita, Edmonds, Faber, Freeborn, Gatewood, Grant, Hayzlett, Henry, Holmes, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, Larkin, Light, Lightner, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Pauls, Phelps, L. Powell,

T. Powell, Pyle, Reardon, Ruff, Schwartz, Shriver, Shultz, Swenson, Tafanelli, Thimesch, Toplikar, Vickrey, Wilk, D. Williams, J. Williams, Wilson.

Nays: Aurand, Ballard, Ballou, Beggs, Benlon, Burroughs, Compton, Cox, Crow, Dillmore, Dreher, Feuerborn, Findley, Flaharty, Flora, Garner, Gilbert, Glasscock, Goering, Gordon, Henderson, Hermes, Horst, Huff, Humerickhouse, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Levinson, Lloyd, Loganbill, Loyd, Minor, Newton, Nichols, Owens, Patterson, E. Peterson, J. Peterson, Pottorff, Powers, Ray, Rehorn, Sharp, Showalter, Sloan, Spangler, Stone, Storm, Tanner, R. Toelkes, Tomlinson, Weber, Wells, Welshimer, Winn.

Present but not voting: None.

Absent or not voting: Bethell, O'Brien.

The bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote yes on **SB 624**. I have followed a group of my constituents as they have worked hard to bring this legislation before us. They want to proudly display their support of adoption over abortion.

Another more sinister group of Kansans is watching this vote. I refer to Topeka's own brand of hate mongering, the Rev. Fred Phelps. He expresses a keen interest in allowing license plate politics and threatens an expensive court battle to permit his brand of homophobic political expression.

As we eagerly anticipate seeing "Choose Life" license plates, we must accept and expensively defend one that says, "god hates fags.com."—L. CANDY RUFF

MR. SPEAKER: I rise in opposition to **SB 624**. Yesterday I offered a clear and reasonable amendment allowing for pro-choice proponents to have the option to buy a license plate stating their position on an issue, just as the pro-life proponents get to do in the language of this bill. It was soundly defeated. I would like to read to this body a definition of a word that *was not* apparent in this discussion:

"Tolerance—The capacity for or practice of allowing or respecting the nature, beliefs, or behavior of others."—ANNIE KUETHER, MARTI CROW, GERALDINE FLAHARTY, ROGER TOELKES, ETHEL M. PETERSON, SUE STORM, NANCY A. KIRK, VAUGHN L. FLORA, NILE DILLMORE

MR. SPEAKER: We vote no on **SB 624**. As documented by the Department of Revenue, additional expenditures of \$6,115 to \$14,725 would be incurred by the Division of Vehicles.

The 2002 legislative session is confronted with a financial shortfall of more than \$700 million and growing daily. We cannot in good conscience, vote for unnecessary expenditures at this time. We need to be working on our constitutional charge of appropriating state funds and funding state agencies - our legislative duty - our duty as statesmen.—MARY COMPTON, CINDY HERMES, LANA GORDON

MR. SPEAKER: I vote no on **SB 624**. While I support the cause that will benefit from any funds raised, it is absolutely inappropriate for this body to codify the name of an organization who endorses candidates for office. Although by law the funds of the organization and the foundation are not to be co-mingled there is no provision for a yearly audit which would ensure the people of Kansas that the funds placed in the Kansans for Life Educational Trust Fund are indeed being used for the purposes outlined in the bill.—DEENA HORST

MR. SPEAKER: I vote NO on **SB 624**. Once we open the state license plate to political speech it must be truly open for all.

It is wrong to allow the pro-life message on license plates while rejecting pro-choice advocates access to this new forum of public expression. The Kuether amendment which was rejected would have simply allowed that same opportunity for those with views different from the proponents of this bill.

It is wrong to open up a forum for political speech and then have the state limit who can use this new forum.—JIM GARNER

MR. SPEAKER: For the state to endorse and sponsor, to pay from State General Funds the initial costs of setting up, and then mandate locally elected officials to administer and issue royalty permits for, a fundraising mechanism for a political advocacy group or a cause it wholly controls, is unconscionable. I vote no on **SB 624**.—WARD LOYD, DEAN NEWTON

MR. SPEAKER: We vote yes on **SB 624**. The purpose of this bill is to encourage women to consider adoption or other alternatives other than abortion as a choice for unplanned pregnancies. The sincere "pro-choice" legislators want to make abortion rare. When our culture sympathizes with the desperate plight of women dealing with an unplanned pregnancy by endorsing a violent solution, it does little to affirm the strength and worth of women or to restore their dignity.—JOHN FABER, BILL MCCREARY, RALPH OSTMEYER, PATRICIA LIGHTNER, BILL MASON, LEE TAFANELLI, TONY POWELL, STEVE HUEBERT, BRENDA K. LANDWEHR, DON MYERS, TED POWERS

MR. SPEAKER: It is time to look at women's true experience of abortion - not in fear, judgment or denial, but with the purpose of advancing the true feminist claim to be who we are as women - life givers, creative and compassionate nurturers. There is a need to promote and provide non-violent solutions that do not compromise our physical and psychological integrity. We vote yes on **SB 624**.—MARY PILCHER COOK, BONNIE HUY

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Boston, the House nonconcurred in Senate amendments to **Sub. HB 2057** and asked for a conference.

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

On motion of Rep. Boston, the House nonconcurred in Senate amendments to **HB 2665** and asked for a conference.

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

On motion of Rep. Boston, the House nonconcurred in Senate amendments to **HB 2666** and asked for a conference.

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

On motion of Rep. Boston, the House nonconcurred in Senate amendments to **HB 2718** and asked for a conference.

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

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2802** and asked for a conference.

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

On motion of Rep. Benlon, the House nonconcurred in Senate amendments to **S. Sub. for HB 2831** and asked for a conference.

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

CHANGE OF CONFEREES

Speaker Glasscock announced the appointment of Rep. Feuerborn as a member of the conference committee on **HB 2709** to replace Rep. Gilbert.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **Sub. HB 2890** be adopted; also, on motion of Rep. Osborne to amend, the motion did not prevail.

Also, on motion of Rep. Wilson to amend **Sub. HB 2890**, Rep. Powers moved to strike the enacting clause. Roll call was required.

On roll call, the vote was: Yeas 43; Nays 79; Present but not voting: 0; Absent or not voting: 3.

Yeas: Barnes, Boston, Campbell, Cook, Dahl, DeCastro, Edmonds, Faber, Freeborn, Hermes, Holmes, Howell, Huebert, Hutchins, Huy, Kauffman, Klein, Landwehr, Light, Lightner, Loyd, P. Long, Mason, Mayans, Mays, McClure, McCreary, McLeland, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Osborne, Ostmeyer, Palmer, Pauls, L. Powell, T. Powell, Powers, Pyle, Vickrey, D. Williams.

Nays: Aday, Aurand, Ballard, Ballou, Beggs, Benlon, Burroughs, Compton, Cox, Crow, Dillmore, Dreher, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Horst, Huff, Humerickhouse, Johnson, Kirk, Krehbiel, Kuether, Lane, Larkin, Levinson, Loganbill, M. Long, Loyd, McKinney, Merrick, Minor, Newton, Nichols, Novascone, O'Neal, Owens, Patterson, E. Peterson, J. Peterson, Phelps, Pottorff, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Bethell, DiVita, O'Brien.

The motion of Rep. Powers did not prevail, and the question reverted back to the motion of Rep. Wilson to amend **Sub. HB 2890**, which did not prevail.

Also, on motion of Rep. Henry to amend **Sub. HB 2890**, the motion did not prevail. Also, on motion of Rep. Cox to amend, the motion did not prevail. Also, on motion of Rep. R. Toelkes to amend, the motion did not prevail. Also, on motion of Rep. Grant to amend, the motion did not prevail.

Also, roll call was demanded on motion to recommend **Sub. HB 2890** favorably for passage.

On roll call, the vote was: Yeas 58; Nays 64; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Ballou, Beggs, Benlon, Burroughs, Compton, Cox, Crow, DiVita, Dreher, Findley, Flaharty, Flora, Gatewood, Glasscock, Grant, Henderson, Henry, Horst, Huff, Humerickhouse, Kirk, Kuether, Lane, Levinson, M. Long, Minor, Newton, Nichols, Novascone, O'Neal, Owens, Patterson, J. Peterson, Phelps, Powers, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Spangler, Stone, Storm, R. Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, Wilson, Winn.

Nays: Barnes, Boston, Campbell, Cook, Dahl, DeCastro, Dillmore, Edmonds, Faber, Feuerborn, Freeborn, Garner, Gilbert, Goering, Hayzlett, Hermes, Holmes, Howell, Huebert, Hutchins, Huy, Johnson, Kauffman, Klein, Krehbiel, Landwehr, Larkin, Light, Lightner, Loyd, Loganbill, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Osborne, Ostmeyer, Palmer, Pauls, E. Peterson, Pottorff, L. Powell, T. Powell, Pyle, Shultz, Sloan, Swenson, Tafanelli, Tanner, Thimesch, Vickrey, D. Williams, J. Williams.

Present but not voting: None.

Absent or not voting: Bethell, Gordon, O'Brien.

The motion to recommend **Sub. HB 2890** favorably for passage did not prevail.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **SB 374**, be passed.

The Committee on **Appropriations** recommends **HB 2575** be amended on page 2, in line 22, by striking “, education and welfare” and inserting “and human services”; in line 25, by striking “, education”; in line 26, by striking “and welfare” and inserting “and human services”; and the bill be passed as amended.

The Committee on **Appropriations** recommends **SB 396** be amended on page 1, in line 15, by striking all after “Section 1.”; in line 16, by striking “thereto, the” and inserting “The”; in line 17 by striking “claim” and inserting “voucher for payment of any bill for an amount due and owing to be paid”; in line 20, by striking “claim” and inserting “voucher for payment of any bill for an amount due and owing to be paid”; in line 21, by striking “claim” and inserting “voucher”; following line 24, by inserting the following material to read as follows:

“Sec. 2. The director of accounts and reports shall accept for payment from any state agency any duly authorized voucher for payment of any bill for an amount due and owing to be paid from moneys appropriated for such state agency and available for such purpose,

regardless of when services were rendered or when supplies, materials, equipment or other goods purchased were ordered or delivered.”;

And by renumbering sections accordingly;

Also on page 1, in the title, in line 11 by striking “claims” and inserting “vouchers”; in line 12, before the period, by inserting “and other state agencies”; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 3010** be amended on page 4, in line 40, after “contrary” by inserting “and subject to the availability of funding therefor”; and the bill be passed as amended.

The Committee on **Judiciary** recommends **SB 489** be amended on page 2, by striking all in lines 6 through 12; and the bill be passed as amended.

The Committee on **Taxation** recommends **HB 2396**, as amended by House Committee of the Whole, be amended on page 2, in line 4, by striking “2001” and inserting “2002”; by striking all in lines 5 through 43;

By striking all on pages 3 through 5;

On page 6, by striking all in lines 1 through 7; in line 8, by striking “7” and inserting “2”;

In the title, in line 17, by striking all after the first “valuation”; by striking all in lines 18 through 22; in line 23, by striking all before the period; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 3036, An act concerning election campaign finance; prohibiting contributions in elections for the office of attorney general from certain entities; prohibiting the attorney general from accepting certain campaign contributions; and prescribing penalties for the violation thereof, by Committee on Federal and State Affairs.

MESSAGES FROM THE SENATE

Announcing adoption of **SCR 1626**.

Also, the Senate nonconcurrs in House amendments to **SB 403**, requests a conference and has appointed Senators Umbarger, Vratil and Downey as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 619**, requests a conference and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate concurrent resolution was thereupon introduced and read by title:
SCR 1626.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 403**.

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

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 619**.

Speaker Glasscock thereupon appointed Reps. Wilk, Neufeld and Nichols as conferees on the part of the House.

On motion of Rep. Weber, the House recessed until 2:30 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. Mays in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Mays, Committee of the Whole report, as follows, was adopted:
Recommended that **SB 547** be passed.

On motion of Rep. Garner to amend **Sub. SB 116**, Rep. Tomlinson 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. Garner, which did not prevail, and the substitute bill be passed.

Committee report to **HB 3031** be adopted; and the bill be passed as amended.

On motion of Rep. T. Powell to suspend House Rule 2311 for the purpose of striking **HB 2890** from the calendar, the motion did not prevail.

Committee report recommending a substitute bill to **H. Sub. for Sub. SB 296** be adopted; also, on motion of Rep. Goering to amend, the motion did not prevail. Also, on motion of Rep. Dreher to amend, the motion did not prevail. Also, on further motion of Rep. Goering to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Kuether to amend **H. Sub. for Sub. SB 296** by striking all after the enacting clause and inserting:

“Section 1. K.S.A. 2001 Supp. 50-670 is hereby amended to read as follows: 50-670.
(a) As used in this section *and section 2, and amendments thereto*:

(1) “Consumer telephone call” means a call made by a telephone solicitor to the residence of a consumer for the purpose of soliciting a sale of any property or services to the person called, or for the purpose of soliciting an extension of credit for property or services to the person called, or for the purpose of obtaining information that will or may be used for the direct solicitation of a sale of property or services to the person called or an extension of credit for such purposes;

(2) “Unsolicited consumer telephone call” means a consumer telephone call other than a call made:

(A) In response to an express request of the person called;

(B) primarily in connection with an existing debt or contract, payment or performance of which has not been completed at the time of such call; or

(C) to any person with whom the telephone solicitor or the telephone solicitor’s predecessor in interest ~~had has an existing established~~ business relationship ~~if the solicitor is not an employee, a contract employee or an independent contractor of a provider of telecommunications services, or~~.

(3) “Telephone solicitor” means any natural person, firm, organization, partnership, association or corporation who makes or causes to be made a consumer telephone call, including, but not limited to, calls made by use of automatic dialing-announcing device;

(4) “Automatic dialing-announcing device” means any user terminal equipment which:

(A) When connected to a telephone line can dial, with or without manual assistance, telephone numbers which have been stored or programmed in the device or are produced or selected by a random or sequential number generator; or

(B) when connected to a telephone line can disseminate a recorded message to the telephone number called, either with or without manual assistance;

(5) “Negative response” means a statement from a consumer indicating the consumer does not wish to listen to the sales presentation or participate in the solicitation presented in the consumer telephone call.

(6) “Established business relationship” means the existence of an oral or written arrangement, agreement, contract or other such legal state of affairs between the telephone solicitor and a consumer, where both parties have a course of conduct or established pattern of activity for commercial or mercantile purposes and for the benefit or profit of both parties. The “established business relationship” must exist between the consumer and business directly, and does not extend to any related business entity or other business organization of

the telephone solicitor or related to the telephone solicitor or such solicitor's agent, including, but not limited to, a parent corporation, subsidiary partnership, company or other corporation or affiliate.

(b) Any telephone solicitor who makes an unsolicited consumer telephone call to a residential telephone number shall:

- (1) Identify themselves;
- (2) identify the business on whose behalf such person is soliciting;
- (3) identify the purpose of the call immediately upon making contact by telephone with the person who is the object of the telephone solicitation;
- (4) promptly discontinue the solicitation if the person being solicited gives a negative response at any time during the consumer telephone call;
- (5) hang up the phone, or in the case of an automatic dialing-announcing device operator, disconnect the automatic dialing-announcing device from the telephone line within 25 seconds of the termination of the call by the person being called; and
- (6) a live operator or an automated dialing-announcing device shall answer the line within five seconds of the beginning of the call. If answered by automated dialing-announcing device, the message provided shall include only the information required in subsection (b)(1) and (2), but shall not contain any unsolicited advertisement.

(c) A telephone solicitor shall not withhold the display of the telephone solicitor's *identifying information and* telephone number from a caller identification service when that number is being used for telemarketing purposes ~~and when the telephone solicitor's service or equipment is capable of allowing the display of such number.~~

(d) A telephone solicitor shall not transmit any written information by facsimile machine or computer to a consumer after the consumer requests orally or in writing that such transmissions cease.

(e) A telephone solicitor shall not obtain by use of any professional delivery, courier or other pickup service receipt or possession of a consumer's payment unless the goods are delivered with the opportunity to inspect before any payment is collected.

(f) *On and after July 1, 2003, no supplier shall make or cause to be made any unsolicited telephone call to the residential telephone number of any consumer in this state who has given notice to the information network of Kansas, in accordance with section 2, and amendments thereto, of such consumer's objection to receiving consumer telephone calls.*

(g) Local exchange carrier and telecommunications carriers shall not be responsible for the enforcement of the provisions of this section.

~~(g)~~ (h) Any violation of this section is an unconscionable act or practice under the Kansas consumer protection act.

~~(h)~~ (i) This section shall be part of and supplemental to the Kansas consumer protection act.

New Sec. 2. (a) A consumer living or residing in Kansas may give notice of such consumer's objection to receiving unsolicited consumer telephone calls to such consumer's residential telephone number. Such consumer's telephone number shall be listed in Kansas' no-call database by payment of a fee of \$2 and doing one of the following:

(1) Completing a written form designed by the attorney general and the information network of Kansas for the purpose of recording a consumer's notice of objection to receiving unsolicited consumer telephone calls and submitting that to the information network of Kansas;

(2) calling a toll-free number established by the attorney general and the information network of Kansas for the purpose of recording a consumer's notice of objection to receiving unsolicited consumer telephone calls and properly responding to the voice prompts; or

(3) accessing the appropriate internet site established by the attorney general and the information network of Kansas for the purpose of recording a consumer's notice of objection to receiving unsolicited consumer telephone calls and inputting the proper data requested by the website prompts.

(b) The no-call database shall consist of the aggregate collection of the telephone numbers of properly submitted notices of objection to receiving unsolicited consumer telephone calls. The information network of Kansas may maintain the no-call database in either a written or an electronic format.

(c) The telephone numbers of properly submitted notices of objection to receiving unsolicited consumer telephone calls shall become part of the no-call database in the quarter following the deadline for receipt of notice according to the following:

(1) The receipt deadline for the quarter commencing January 1 and ending March 31 is November 1;

(2) the receipt deadline for the quarter commencing April 1 and ending June 30 is February 1;

(3) the receipt deadline for the quarter commencing July 1 and ending September 30 is May 1; and

(4) the receipt deadline for the quarter commencing October 1 and ending December 31 is August 1.

(d) A notice of objection to receiving unsolicited consumer telephone calls shall remain in effect for five years from the date that telephone number first appears in the no-call database. The notice of objection may be renewed for additional five-year periods by payment of a fee of \$2 and using the methods provided in subsection (a).

(e) If a consumer whose telephone number is part of the no-call database changes telephone numbers, such consumer shall submit a new notice of objection to receiving unsolicited consumer telephone calls and provide the new number to the information network of Kansas.

(f) A consumer may revoke notice of objection to receiving unsolicited consumer telephone calls by completing a written form designed by the attorney general and the information network of Kansas for the purpose of revoking a consumer's notice of objection to receiving unsolicited consumer telephone calls and submitting that completed form to the information network of Kansas. A consumer may also revoke notice of objection to receiving unsolicited consumer telephone calls by accessing the appropriate internet site established by the information network of Kansas and inputting the proper data requested by the website prompts. Upon receipt of such revocation notice, the information network of Kansas will remove the relevant telephone number from the no-call database according to the same schedule used for adding telephone numbers to the no-call database as provided in subsection (c). In addition, the information network of Kansas may remove a telephone number from the no-call database if the Kansas certified local exchange carrier responsible for the assignment of the relevant telephone number indicates in writing, or if available, by internet, to the information network of Kansas that the consumer who submitted the objection to receiving unsolicited consumer telephone calls is no longer assigned to that telephone number.

(g) A person or entity desiring to make unsolicited consumer telephone calls in Kansas may obtain a copy of the no-call database for such person's or entity's lawful use, or for the lawful use by such entity's employees, or for the lawful use by such person's or entity's independent contractors for use in their business, so long as the independent contractor is regularly associated with the person or entity and is engaged in the same or related type of business as the person or entity, by doing the following:

(1) Signing a written confidentiality agreement prepared by the attorney general and the information network of Kansas that: (A) Restricts use of the no-call database exclusively for the purpose of compliance with this section; and (B) prohibits the transfer of the copy of the no-call database to any person or entity who has not submitted the signed written confidentiality agreement and payment to the information network of Kansas for receipt of a copy of the no-call database; and

(2) submitting the signed confidentiality agreement along with payment in an amount equal to \$25 per quarter for each Kansas area code to the information network of Kansas for providing a copy of the no-call database in downloadable electronic format. Those persons or entities desiring to obtain access to only part of the no-call database may do so by submitting the signed confidentiality agreement along with a request designating by area code the portion or portions of the no-call database they desire and providing payment in the amount of \$25 per quarter per area code to the information network of Kansas for providing a copy of the requested portion of the no-call database in downloadable electronic format. The information network of Kansas may require payment of a media and handling charge from persons who request a computer disk copy of the no-call database.

(h) No supplier who obtains a copy of the no-call database shall use that information for purposes other than compliance with this section. Information contained in the no-call database shall be used only for the purpose of compliance with this section or in a proceeding or action for violations of this section. Such information shall not be considered a public record pursuant to K.S.A. 45-215 *et seq.*, and amendments thereto.

(i) Moneys collected pursuant to subsections (a), (d) and (g) shall be used first to pay the cost of the database maintained by the information network of Kansas. Any such moneys in excess of the cost of the database maintained by the information network of Kansas shall be paid to the attorney general to investigate and prosecute violations of this section. Penalties and fees recovered from prosecutions of violations of this section shall be paid to the attorney general to investigate and prosecute violations of this section.

(j) The attorney general may enter into agreements with private entities, as determined necessary by the attorney general, to comply with the provisions of this act related to the creation and maintenance of the no-call data base.

Sec. 3. K.S.A. 2001 Supp. 50-670 is hereby repealed.

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

On roll call, the vote was: Yeas 53; Nays 64; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Barnes, Benlon, Boston, Burroughs, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Gordon, Grant, Henderson, Henry, Horst, Huff, Kirk, Klein, Kuether, Larkin, Levinson, Light, Loganbill, M. Long, McClure, McKinney, Minor, Newton, Nichols, Owens, Pauls, E. Peterson, Phelps, Pyle, Ray, Reardon, Rehorn, Ruff, Showalter, Shriver, Spangler, Storm, Thimesch, R. Toelkes, Tomlinson, Wells, Welshimer, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Compton, Cook, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Hayzlett, Hermes, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Lane, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Schwartz, Shultz, Sloan, Stone, Swenson, Tafanelli, Tanner, Vickrey, Weber, Wilk, J. Williams.

Present but not voting: None.

Absent or not voting: Bethell, Campbell, Cox, Goering, O'Brien, Sharp, Toplikar, D. Williams.

The motion of Rep. Kuether did not prevail.

Also, on motion of Rep. Dillmore to amend **H. Sub. for Sub. SB 296**, the motion did not prevail. Also, on motion of Rep. DiVita to amend, Rep. Sloan requested a ruling on the amendment being germane to the bill. Rep. DiVita subsequently withdrew the amendment, and **H. Sub. for Sub. SB 296** be passed.

Having voted on the prevailing side, Rep. Mason moved to reconsider the adverse action on **HB 2890** in the adoption of the Committee of the Whole Report (see Morning Session). On motion of Rep. Burroughs to adjourn, the motion did not prevail. The question reverted back to the motion of Rep. Mason, which did not prevail.

Committee reports to **HB 2635** be adopted; and the bill be passed as amended.

Committee report to **SCR 1614** be adopted; and the resolution be adopted as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Ray, the House concurred in Senate amendments to **HB 2781**, An act concerning libraries; relating to library funds and law library fees; establishing the Independence area library district; amending K.S.A. 12-1226 and 20-3126 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 69; Nays 47; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Burroughs, Compton, Crow, DeCastro, DiVita, Dreher, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert,

Glasscock, Goering, Gordon, Grant, Henderson, Henry, Hermes, Holmes, Horst, Huff, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Levinson, Light, Lloyd, Loganbill, M. Long, Loyd, Minor, Judy Morrison, Newton, O'Neal, E. Peterson, J. Peterson, Phelps, Pottorff, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shultz, Sloan, Stone, Storm, Swenson, R. Toelkes, Tomlinson, Wells, Welshimer, Wilk, Wilson, Winn.

Nays: Boston, Cook, Dahl, Dillmore, Edmonds, Faber, Feuerborn, Hayzlett, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kauffman, Landwehr, Larkin, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Myers, Neufeld, Nichols, Osborne, Ostmeyer, Owens, Palmer, Pauls, L. Powell, T. Powell, Powers, Pyle, Shriver, Spangler, Tafanelli, Tanner, Thimesch, Vickrey, Weber, J. Williams.

Present but not voting: None.

Absent or not voting: Bethell, Campbell, Cox, Lightner, Novascone, O'Brien, Patterson, Toplikar, D. Williams.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2770** be amended on page 1, by striking all in lines 25 through 43;

On page 2, by striking all in lines 1 through 43;

And by renumbering sections accordingly;

On page 5, following line 31, by inserting new material to read as follows:

“New Sec. 8. On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the state general fund to the Persian Gulf War veterans health initiative fund.”;

Also on page 5, in line 32, by striking “K.S.A. 8-145 and”;

On page 1, in the title, in line 20, by striking “K.S.A. 8-145 and”; and the bill be passed as amended.

The Committee on **Appropriations** recommends **Sub. for SB 508** be amended on page 1, in line 14, before “The” by inserting “(a)”; following line 23 by inserting the following:

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

Sec. 2. K.S.A. 1-204 is hereby amended to read as follows: 1-204. There is hereby created the board of accountancy fee fund. The board of accountancy shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the board of accountancy fee fund. All expenditures from the board of accountancy fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board of accountancy or by a person or persons designated by the chairperson.

Sec. 3. K.S.A. 9-1703 is hereby amended to read as follows: 9-1703. (a) The expense of every regular examination, together with the expense of administering the banking and savings and loan laws, including salaries, travel expenses, supplies and equipment, shall be paid by the banks and savings and loan associations of the state, and for this purpose the bank commissioner shall, prior to the beginning of each fiscal year, make an estimate of the expenses to be incurred by the department during such fiscal year. From this total amount the commissioner shall deduct the estimated amount of the anticipated annual income to the fund from all sources other than bank and savings and loan association assessments. The commissioner shall allocate and assess the remainder to the banks and savings and loan associations in the state on the basis of their total assets, as reflected in the last March 31 report called for by the federal deposit insurance corporation under the provisions of section 7 of the federal deposit insurance act, 12 USC 1817, and amendments thereto, or K.S.A. 17-5610, and amendments thereto, except that the annual assessment will not be less than \$1,000 for any bank or savings and loan association.

(b) The expense of every regular trust examination, together with the expense of administering trust laws, including salaries, travel expenses, supplies and equipment, shall be paid by the trust companies and trust departments of banks of this state, and for this purpose,

the bank commissioner, prior to the beginning of each fiscal year, shall make an estimate of the trust expenses to be incurred by the department during such fiscal year. The commissioner shall allocate and assess the trust departments and trust companies in the state on the basis of their total fiduciary assets, as reflected in the last December 31 report filed with the commissioner pursuant to K.S.A. 9-1704, and amendments thereto, except that the annual assessment will not be less than \$1,000 for any active trust department or trust company. A trust department or a trust company which has no fiduciary assets, as reflected in the last preceding year-end report filed with the commissioner, may be granted inactive status by the commissioner and the annual assessment shall not be more than \$100 for an inactive trust department or trust company. No inactive trust department or trust company shall accept any fiduciary assets or exercise any part of or all of its trust authority until such time as it has applied for and received prior written approval of the commissioner to reactivate its trust authority.

(c) A statement of each assessment made under the provisions of subsection (a) or (b) shall be sent by the commissioner to each bank, savings and loan association, trust department and trust company on July 1 or the next business day thereafter. If a bank, savings and loan association or trust company exists as a corporate entity with the secretary of state's office as of the close of business on June 30, and is authorized by the office of the state bank commissioner to conduct banking, savings and loan or trust business, one-half of the amount so assessed shall be due and payable on or before July 15. If a bank savings and loan association or trust company exists as a corporate entity with the secretary of state's office as of close of business on December 31, and is authorized to conduct banking, savings and loan or trust business, the remaining one-half of the amount assessed shall be due and payable on or before January 15. Any expenses incurred or services performed on account of any bank, trust department or trust company or other corporation which are outside of the normal expense of an examination required under the provisions of K.S.A. 9-1701, and amendments thereto, or K.S.A. 17-5612, and amendments thereto, shall be charged to and paid by the corporation for whom they were incurred or performed. The commissioner may impose a penalty upon any bank, savings and loan association, trust department or trust company which fails to pay its annual assessment. The penalty shall be assessed in the amount of \$50 for each day the assessment is not paid. The counting period for such penalty will begin February 1 or August 1.

The bank commissioner shall remit all moneys received by or for such commissioner from such examination fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each deposit shall be credited to the state general fund and the balance shall be credited to the bank commissioner fee fund. All expenditures from the bank commissioner fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the bank commissioner or by a person or persons designated by the commissioner.

(d) As used in this section, "savings and loan association" means a Kansas state-chartered savings and loan association.

(e) (1) In the event a bank, savings and loan association or trust company is merged into, consolidated with, or the assets and liabilities of which are purchased and assumed by another bank, savings and loan association or trust company, between the preceding March 31 and June 30, for banks and savings and loan associations, or the preceding December 31 and June 30, for trust companies, the surviving or acquiring bank, savings and loan association or trust company is obligated to pay the assessment of the institution being merged, consolidated or assumed for the fiscal year commencing July 1.

(2) In the event a bank, savings and loan association, or trust company is merged into, consolidated with, or the assets and liabilities of which are purchased and assumed by another bank, savings and loan association or trust company between July 1 and December 31, the surviving entity shall be obligated to pay the unpaid portion of the assessment for the fiscal year commencing July 1 which would have been due on or before January 15 of the institution being merged, consolidated or assumed.

Sec. 4. K.S.A. 2001 Supp. 16a-2-302 is hereby amended to read as follows: 16a-2-302.

(1) (a) The administrator shall receive and act on all applications for licenses to make supervised loans under this act. Applications shall be filed in the manner prescribed by the administrator and shall contain the information the administrator may require by rule and regulation to make an evaluation of the financial responsibility, character and fitness of the applicant.

(b) Submitted with each application shall be a nonrefundable application fee. Application and license fees shall be in such amounts as are established pursuant to subsection (5) of K.S.A. 16a-6-104, and amendments thereto. The license year shall be the calendar year. Each license shall be nonrefundable and nonassignable, and shall remain in force until surrendered, suspended or revoked.

(c) The administrator shall remit all moneys received under K.S.A. 16a-1-101 to 16a-6-414, inclusive, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Of each deposit ~~20%~~, 25% shall be credited to the state general fund and the balance shall be credited to the bank commissioner fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the administrator or by a person or persons designated by the administrator.

The ~~20%~~ 25% credit to the state general fund required by this subsection (c) is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and any and all other state governmental services, which are performed on behalf of the administrator by other state agencies which receive appropriations from the state general fund to provide such services.

(d) Every licensee shall, on or before the first day of January, pay to the administrator the license fee prescribed under this subsection (1) for each license held for the succeeding license year. Failure to pay the license fee within the time prescribed shall automatically revoke the license.

(2) No license shall be issued unless the administrator, upon investigation, finds that the financial responsibility, character and fitness of the applicant, and of the members thereof if the applicant is a copartnership or association and of the officers and directors thereof, if the applicant is a corporation, are such as to warrant belief that the business will be operated honestly and fairly within the purposes of this act. An applicant meets the minimum standard of financial responsibility for engaging in the business of making supervised loans, under subsection (1) of K.S.A. 16a-2-301, and amendments thereto, only if the applicant has filed with the administrator a proper surety bond of at least \$100,000 which has been approved by the administrator. The required surety bond may not be canceled by the licensee without providing the administrator at least 30 days' prior written notice and must provide within its terms that the bond shall not expire for two years after the date of the surrender, revocation or expiration of the subject license, whichever shall first occur.

(3) The administrator may deny any application or renewal for a supervised loan license if the administrator finds:

(a) There is a refusal to furnish information required by the administrator within a reasonable time as fixed by the administrator; or

(b) any of the factors stated in K.S.A. 16a-2-303, and amendments thereto, as grounds for denial, revocation or suspension of a license.

(4) Upon written request the applicant is entitled to a hearing on the question of license qualifications if: (a) The administrator has notified the applicant in writing that the application has been denied; or (b) the administrator has not issued a license within 60 days after the application for the license was filed. A request for a hearing may not be made more than 15 days after the administrator has mailed a writing to the applicant notifying the applicant that the application has been denied and stating in substance the administrator's findings supporting denial of the application.

(5) The administrator shall adopt rules and regulations regarding whether a licensee shall be required to obtain a single license for each place of business or whether a licensee may obtain a master license for all of its places of business, and in so doing the administrator

may differentiate between licensees located in this state and licensees located elsewhere. Each license shall remain in full force and effect until surrendered, suspended or revoked.

(6) No licensee shall change the location of any place of business without giving the administrator at least 15 days prior written notice.

(7) A licensee may conduct the business of making supervised loans only at or from any place of business for which the licensee holds a license and not under any other name than that in the license. Loans made pursuant to a lender credit card do not violate this subsection.

Sec. 5. K.S.A. 2001 Supp. 17-1271 is hereby amended to read as follows: 17-1271. (a) The securities commissioner shall remit all moneys received from all fees, charges, deposits or penalties which have been collected under the Kansas securities act or other laws of this state regulating the issuance, sale or disposal of securities or regulating dealers in this state or under the uniform land sales practices act, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the securities act fee fund.

(b) On the last day of each fiscal year, the director of accounts and reports shall transfer from the securities act fee fund to the state general fund any remaining unencumbered amount in the securities act fee fund exceeding \$50,000 so that the beginning unencumbered balance in the securities act fee fund on the first day of each fiscal year is \$50,000. All expenditures from the securities act fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the securities commissioner or by a person or persons designated by the securities commissioner.

(c) All amounts transferred from the securities act fee fund to the state general fund under subsection (b) are 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. Such reimbursements are in addition to those authorized by K.S.A. 75-3170a, and amendments thereto.

Sec. 6. K.S.A. 2001 Supp. 17-2236 is hereby amended to read as follows: 17-2236. (a) Before entering their respective duties, the administrator, each credit union examiner, and any other employee within the credit union department as determined in accordance with the provisions of K.S.A. 75-4104, and amendments thereto, shall give a bond set at a minimum of \$25,000 per individual conditioned upon the faithful and impartial discharge of their respective duties and the proper accounting for all funds which may come into their hands. Such bonds shall be executed by a surety company authorized to do business in this state. Such bonds shall be approved by the committee on surety bonds and insurance and filed, with the approval of such committee endorsed thereon together with the oaths of office of such officers and employees, with the secretary of state. Premium on such bonds shall be paid from the credit union fee fund. Suits may be maintained on such bonds in the name of the state for the use of the party or parties injured by a breach thereof.

(b) The administrator shall remit all moneys received by or for the administrator from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the credit union fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the administrator or by a person or persons designated by the administrator. The compensation of members and employees, office costs and other actual and necessary expenses of the department and expenses incurred in the administration and enforcement of this act shall be paid from the credit union fee fund.

Sec. 7. K.S.A. 2001 Supp. 17-5610 is hereby amended to read as follows: 17-5610. Every association shall at least four times annually file in the office of the commissioner a statement in such form as the commissioner prescribes. Such report shall show in detail the

resources and liabilities of the association at the close of business upon the date determined by the commissioner and shall be verified by the president, treasurer or secretary and shall be filed with the commissioner within 30 days. An association may comply with this section by filing with the commissioner a completed thrift financial report within 30 days of the final day of a reporting period as required by the office of thrift supervision pursuant to 12 C.F.R. section 563.180, and amendments thereto. A late penalty fee of \$5 per day shall be charged for each day the report is not received after the due date, but shall not exceed a maximum of \$150. The commissioner shall remit all moneys received by or for the commissioner from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance thereof shall be credited to the bank commissioner fee fund.

Sec. 8. K.S.A. 2001 Supp. 17-5701 is hereby amended to read as follows: 17-5701. (a) Associations shall pay to the commissioner fees due under the provisions of this section and K.S.A. 17-5702 to 17-5707, inclusive, and amendments thereto. The commissioner shall remit all moneys received by or for the commissioner from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the bank commissioner fee fund.

(b) Upon the filing with the commissioner of a certificate of incorporation the incorporators shall simultaneously pay an incorporation fee of \$200. Any savings and loan association incorporated under this act, or any prior act, may extend the duration of time for which such association was organized by a vote of 51% of its shareholders present in person or by proxy at any association annual or special meeting called for that purpose, and such action of the shareholders shall be certified to the state bank commissioner accompanied by a fee of \$12.50.

Sec. 9. K.S.A. 2001 Supp. 20-1a02 is hereby amended to read as follows: 20-1a02. The clerk of the supreme court shall remit all moneys received by or for such clerk from applicants for examination for certified shorthand reporter to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund, and the balance shall be credited to the court reporters fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the supreme court or by a person or persons designated by the chief justice. Compensation of members and other actual and necessary expenses of the state board of examiners of court reporters shall be paid from such fund as authorized by the rules of the supreme court.

Sec. 10. K.S.A. 2001 Supp. 20-1a03 is hereby amended to read as follows: 20-1a03. The clerk of the supreme court shall remit all moneys received by or for such clerk from applicants for admission to the practice of law in Kansas, except amounts received for immediate remittance to carry out contractual investigation and report of bar applicants to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the bar admission fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the supreme court or by a person or persons designated by the chief justice. Compensation of members and other actual and necessary expenses of the state board of law examiners may be paid from such fund.

Sec. 11. K.S.A. 2001 Supp. 31-133a is hereby amended to read as follows: 31-133a. (a) No business shall inspect, install or service portable fire extinguishers or automatic fire

extinguishers for commercial cooking equipment without first being certified by the state fire marshal.

(b) (1) The state fire marshal shall adopt rules and regulations as provided in K.S.A. 31-134, and amendments thereto, establishing standards for inspection, installation, servicing and testing procedures and minimum insurance requirements of businesses inspecting, installing or servicing portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment. The rules and regulations shall also provide for qualifications and training of any person or persons designated by such business as the person or persons upon whose qualifications and training the certification of the business is based and, on and after January 1, 1991, shall require submission of proof, satisfactory to the state fire marshal, that such qualifications and training have been met.

(2) The rules and regulations shall further provide for annual certification of such businesses for a fee of not less than \$25 or more than \$200 for each certification, but no fee shall be charged for any person who is an officer or employee of the state or political or taxing subdivision thereof when that person is acting on behalf of the state or political or taxing subdivision. If the person or persons upon whose qualifications and training the certification of the business is based leave such business, the certification of that business is void.

(3) The state fire marshal shall remit all moneys received for fees under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. The state treasurer shall credit ~~20%~~ 25% of each such deposit to the state general fund and shall credit the remainder of each such deposit to the fire marshal fee fund.

(c) Inspection or service of any portable fire extinguisher or automatic fire extinguisher for commercial cooking equipment by any business who is not certified by the state fire marshal as required by this section shall constitute a deceptive act or practice under the Kansas consumer protection act and shall be subject to the remedies and penalties provided by such act.

(d) As used in this section:

(1) "Automatic fire extinguisher for commercial cooking equipment" means any automatic fire extinguisher mounted directly above or in the ventilation canopy of commercial cooking equipment.

(2) "Business" means any person who inspects, services or installs portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment but does not include (A) any person or authorized agent of the person who installs a portable fire extinguisher for protection of the person's own property or business or (B) any individual acting as a representative or employee of a certified business.

Sec. 12. K.S.A. 2001 Supp. 31-134 is hereby amended to read as follows: 31-134. (a) Any rules and regulations adopted by the state fire marshal under this act shall comply with the provisions of K.S.A. 77-415 *et seq.*, and amendments thereto, except that:

(1) In addition to the method of providing notice of the public hearing prescribed by K.S.A. 77-421, and amendments thereto, such notice shall be published three times in at least two newspapers of general circulation, with the last published notice to appear not less than 15 days prior to the public hearing.

(2) The state fire marshal shall make available for general distribution upon request copies of any nationally recognized code adopted by reference, marked so as to indicate the provisions thereof which have been so adopted. The state fire marshal may charge a fee for the copies in an amount equal to the cost of the copies and their distribution. Upon collection of any such fees, the state fire marshal shall remit to the state treasurer such fees in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. The state treasurer shall deposit the entire amount in the state treasury. The state treasurer shall credit ~~20%~~ 25% of each such deposit to the state general fund and shall credit the remainder of each such deposit to the fire marshal fee fund.

(3) In addition to the filing requirements of K.S.A. 77-416, and amendments thereto, the state fire marshal shall publish all such rules and regulations and make the same available for distribution to the general public upon request, but the fire marshal shall not be required

to republish the provisions of any nationally recognized code adopted by reference if such provisions are made available for general distribution upon request to the fire marshal's office.

(b) The rules and regulations adopted by the state fire marshal under authority of this act shall be known and may be cited as the Kansas fire prevention code. Such rules and regulations shall have uniform force and effect throughout the state. No municipality shall enact or enforce any ordinance, resolution or rule or regulation inconsistent therewith, except that nothing in this act shall be construed to impair the power of any municipality to regulate the use of land by zoning or fire district regulations or to prohibit or regulate the sale, handling, use or storage of fireworks within its boundaries. Whenever a question shall arise as to whether another state statute or an enactment of a municipality is inconsistent with the provisions of the fire prevention code, it shall be the duty of the state fire marshal to make such determination after a hearing thereon with all interested parties conducted in accordance with the provisions of the Kansas administrative procedure act. Any action of the state fire marshal pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

Sec. 13. K.S.A. 2001 Supp. 44-324 is hereby amended to read as follows: 44-324. (a) Any proceeding by one or more employees to assert any claim arising under or pursuant to this act may be brought in any court of competent jurisdiction.

(b) Whenever the secretary determines under K.S.A. 44-322a, and amendments thereto, that an employee has a valid claim for unpaid wages and determines that the amount of the claim is less than \$10,000, the secretary, upon the written request of the employee, shall take an assignment of the claim in trust for such employee and shall take action appropriate to enforce or defend such claim. Whenever the secretary determines under K.S.A. 44-322a, and amendments thereto, that an employee has a valid claim for unpaid wages and determines that the amount of the claim is equal to or greater than \$10,000, the secretary, upon the written request of the employee, may take an assignment of the claim in trust for such employee and if the assessment is taken, shall take action appropriate to enforce or defend such claim. With the written consent of the assignor, the secretary may settle or adjust any claim assigned pursuant to this subsection. Whenever the secretary takes an assignment of a claim in trust for an employee under this section, the secretary shall charge and collect a fee therefor which fee shall be fixed by rules and regulations adopted by the secretary. The fee fixed by rules and regulations shall be in an amount of not more than \$25 per claim assigned under this section.

(c) If the secretary prevails on behalf of the employee, the court shall award a judgment to the agency in an amount equal to the cost of reasonable attorney fees for such action.

(d) There is hereby created the wage claims assignment fee fund. The secretary shall remit all moneys received for assignment and attorney fees charged and collected under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the wage claims assignment fee fund. All expenditures from the wage claims assignment fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

Sec. 14. K.S.A. 2001 Supp. 44-926 is hereby amended to read as follows: 44-926. (a) The owner or user of a boiler or pressure vessel required by this act to be inspected by the chief inspector or a deputy inspector shall pay directly to the chief inspector, upon completion of inspection, inspection fees fixed by the secretary in accordance with this subsection (a). The secretary shall fix annually, by rules and regulations, a schedule of fees for inspections of pressure vessels installed after January 1, 1999, and boilers by state inspectors and may fix different fees for inspection of boilers and pressure vessels in the various categories. Such fees shall not exceed \$500 per day for each boiler or pressure vessel inspected.

(b) The owner or user of a boiler or pressure vessel for which an inspection certificate is to be issued pursuant to subsection (b) of K.S.A. 44-924, and amendments thereto, shall

pay directly to the chief inspector, before issuance of such certificate, a certificate fee fixed by the secretary by rules and regulations of not to exceed \$35.

(c) There is hereby created in the state treasury the boiler inspection fee fund. The chief inspector shall pay daily to the secretary all moneys received from the fees established hereunder, and the secretary shall remit all such moneys to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of such inspection fees shall be credited to the state general fund and the balance including all of the certificate fees shall be credited to the boiler inspection fee fund. All expenditures from the boiler inspection fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of human resources or by a person or persons designated by the secretary.

Sec. 15. K.S.A. 2001 Supp. 47-820 is hereby amended to read as follows: 47-820. The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the veterinary examiners fee fund. Costs relating to assessment and enforcement of civil fines shall be credited to the veterinary examiners fee fund from all moneys received that are civil fines and the balance shall be credited to the state general fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person or persons designated by the executive director.

Sec. 16. K.S.A. 2001 Supp. 49-420 is hereby amended to read as follows: 49-420. (a) The department shall remit all moneys received from the payment of fees or from civil penalties assessed by the secretary, including any interest thereon, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the mined-land conservation and reclamation fee fund. All expenditures from the mined-land conservation and reclamation fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary and may be expended for the administration and enforcement of this act.

(b) The mined-land reclamation fund is hereby created in the state treasury. The secretary shall remit all moneys received from the forfeiture of bonds to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the mined-land reclamation fund. The expenditures from the mined-land reclamation fund which are used for the reclamation of land shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary and shall be expended for reclamation of land affected by open pit, strip pit and surface types of mine operations. Administrative expenses associated with reclamation of the respective sites and not charged directly to the mined-land reclamation fund shall be made by intra-agency transfer to the mined-land conservation and reclamation fee fund.

Sec. 17. K.S.A. 2001 Supp. 55-155 is hereby amended to read as follows: 55-155. (a) Operators and contractors shall be licensed by the commission pursuant to this section.

(b) Every operator and contractor shall file an application or a renewal application with the commission. Application and renewal application forms shall be prescribed, prepared and furnished by the commission.

(c) No application or renewal application shall be approved until the applicant has:

(1) Provided sufficient information, as required by the commission, for purposes of identification;

(2) submitted evidence that all current and prior years' taxes for property associated with the drilling or servicing of wells have been paid;

(3) demonstrated to the commission's satisfaction that the applicant complies with all requirements of chapter 55 of the Kansas Statutes Annotated, all rules and regulations adopted thereunder and all commission orders and enforcement agreements, if the applicant is registered with the federal securities and exchange commission;

(4) demonstrated to the commission's satisfaction that the following comply with all requirements of chapter 55 of the Kansas Statutes Annotated, all rules and regulations adopted thereunder and all commission orders and enforcement agreements, if the applicant is not registered with the federal securities and exchange commission: (A) The applicant; (B) any officer, director, partner or member of the applicant; (C) any stockholder owning in the aggregate more than 5% of the stock of the applicant; and (D) any spouse, parent, brother, sister, child, parent-in-law, brother-in-law or sister-in-law of the foregoing;

(5) paid an annual license fee of \$100, except that an applicant for a license who is operating one gas well used strictly for the purpose of heating a residential dwelling shall pay an annual license fee of \$25;

(6) complied with subsection (d); and

(7) paid an annual license fee of \$25 for each rig operated by the applicant. The commission shall issue an identification tag for each such rig which shall be displayed on such rig at all times.

(d) In order to assure financial responsibility, each operator shall demonstrate annually compliance with one of the following provisions:

(1) The operator has obtained an individual performance bond or letter of credit, in an amount equal to \$.75 times the total aggregate depth of all wells (including active, inactive, injection or disposal) of the operator.

(2) The operator has obtained a blanket performance bond or letter of credit in an amount equal to the following, according to the number of wells (including active, inactive, injection or disposal) of the operator:

(A) Wells less than 2,000 feet in depth: 1 through 5 wells, \$5,000; 6 through 25 wells, \$10,000; and over 25 wells, \$20,000.

(B) Wells 2,000 or more feet in depth: 1 through 5 wells, \$10,000; 6 through 25 wells, \$20,000; and over 25 wells, \$30,000.

(3) The operator: (A) Has an acceptable record of compliance, as demonstrated during the preceding 36 months, with commission rules and regulations regarding safety and pollution or with commission orders issued pursuant to such rules and regulations; (B) has no outstanding undisputed orders issued by the commission or unpaid fines, penalties or costs assessed by the commission and has no officer or director that has been or is associated substantially with another operator that has any such outstanding orders or unpaid fines, penalties or costs; and (C) pays a nonrefundable fee of \$50 per year.

(4) The operator pays a nonrefundable fee equal to 3% of the amount of the bond or letter of credit that would be required by subsection (d)(1) or by subsection (d)(2).

(5) The state has a first lien on tangible personal property associated with oil and gas production of the operator that has a salvage value equal to not less than the amount of the bond or letter of credit that would be required by subsection (d)(1) or by subsection (d)(2).

(6) The operator has provided other financial assurance approved by the commission.

(e) Upon the approval of the application or renewal application, the commission shall issue to such applicant a license which shall be in full force and effect until one year from the date of issuance or until surrendered, suspended or revoked as provided in K.S.A. 55-162, and amendments thereto. No new license shall be issued to any applicant who has had a license revoked until the expiration of one year from the date of such revocation.

(f) If an operator transfers responsibility for the operation of a well or gas gathering system or for underground porosity storage of natural gas to another person, the transfer shall be reported to the commission in accordance with rules and regulations of the commission.

(g) The commission shall remit all moneys received from fees assessed pursuant to subsection (c)(7) of this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state

treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the conservation fee fund created by K.S.A. 55-143, and amendments thereto.

(h) The commission shall remit all moneys received pursuant to subsections (d)(3) and (d)(4) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the well plugging assurance fund.

Sec. 18. K.S.A. 2001 Supp. 55-176 is hereby amended to read as follows: 55-176. (a) Subject to the provisions of K.S.A. 55-143, and amendments thereto, the commission shall assess operators or their designated agents for all or part of the actual costs and expenses incurred in: (1) The supervision, administration, inspection, investigation; (2) the enforcement of this act and the rules and regulations adopted pursuant to this act; and (3) monitoring and inspecting oil and gas lease salt water and oil storage, disposal and emergency facilities.

(b) The commission shall remit all moneys received by or for it for costs or expenses under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the conservation fee fund created by K.S.A. 55-143, and amendments thereto.

Sec. 19. K.S.A. 2001 Supp. 55-609 is hereby amended to read as follows: 55-609. (a) Subject to the provisions of K.S.A. 55-143, and amendments thereto, the state corporation commission is hereby authorized and directed to tax and assess against the parties involved in any hearing or application all or any part of the costs incurred therein and also, all or any part of the costs to the state incurred in making necessary investigations and in enforcing its orders under K.S.A. 55-601 to 55-613, inclusive, and amendments thereto, and divide such costs among the parties in such proportion as is just and equitable.

(b) The state corporation commission shall remit all moneys received by or for it for costs taxed and assessed under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the conservation fee fund created by K.S.A. 55-143, and amendments thereto.

(c) Assessments imposed on the basis of a volume measure of production under the authority of this section shall be reported and remitted in the manner provided in K.S.A. 79-4230, and amendments thereto.

Sec. 20. K.S.A. 2001 Supp. 55-711 is hereby amended to read as follows: 55-711. (a) Subject to the provisions of K.S.A. 55-143, and amendments thereto, the state corporation commission is hereby directed to tax and assess against the parties involved in any hearing or application all or any part of the costs incurred therein, also all or any part of the costs to the commission incurred in making the necessary investigations and the enforcement of its orders under K.S.A. 55-701 to 55-713, inclusive, and amendments thereto, and divide such costs among the interested parties in such proportion as may be just and equitable.

(b) The state corporation commission shall remit all moneys received by or for it for costs under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the conservation fee fund created by K.S.A. 55-143, and amendments thereto.

(c) Assessments imposed on the basis of a volume measure of production under the authority of this section shall be reported and remitted in the manner provided in K.S.A. 79-4230, and amendments thereto.

Sec. 21. K.S.A. 2001 Supp. 55-901 is hereby amended to read as follows: 55-901. (a) The owner or operator of any oil or gas well which may be producing and which produces salt water or waters containing minerals in an appreciable degree shall have the right to return such waters to any horizon from which such salt waters may have been produced, or

to any other horizon which contains or had previously produced salt water or waters containing minerals in an appreciable degree, if the owner or operator of such well makes a written application to the state corporation commission for authority to do so, and written approval has been granted to the owner or operator after investigation by the state corporation commission.

(b) The state corporation commission is hereby directed to adopt such rules and regulations as may be just and equitable to carry out the provisions of this section.

(c) Subject to the provisions of K.S.A. 55-143, and amendments thereto, the state corporation commission shall assess all or any part of the cost that may be incurred under the provisions of this section against the applicant.

(d) The commission shall remit all moneys received by or for it for costs assessed under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the conservation fee fund created by K.S.A. 55-143, and amendments thereto.

Sec. 22. K.S.A. 2001 Supp. 58-2011 is hereby amended to read as follows: 58-2011. (a) Whenever a survey originates from a United States public land survey corner or any related accessory, the land surveyor shall file a copy of the report of the completed survey and references to the corner or accessory with the secretary of the state historical society and with the county surveyor for the county or counties in which the survey corner exists. If there is no county surveyor of such county, such report shall be filed with the county engineer. If there is no county engineer, such report shall be filed in the office of the county road department. Reports filed with the secretary of the state historical society may be filed and retrieved using electronic technologies if authorized by the secretary. Such report shall be filed within 30 days of the date the references are made. At the time of filing such report with the secretary of the state historical society, the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of the state historical society. Fees charged for filing and retrieval of such reports may be billed and paid periodically.

(b) Any person engaged in an activity in which a United States public land survey corner or any related accessory is likely to be altered, removed, damaged or destroyed shall have a person qualified to practice land surveying establish such reference points as necessary for the restoration, reestablishment or replacement of the corner or accessory. The land surveyor shall file a reference report with the secretary of the state historical society and with the county surveyor for the county or counties in which the survey corner exists. Such report shall be filed within 30 days of the date the references are made. At the time of filing such report with the secretary of the state historical society, the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of the state historical society.

(c) Upon completion of the activity likely to alter, remove, damage or destroy the public land survey corner or related accessory, the land surveyor shall review the survey corner and its accessories. If the survey corner or any accessory has been altered, removed, damaged or destroyed, the land surveyor shall replace the corner or accessory with a survey monument and file a restoration report with the secretary of the state historical society and the county surveyor in the county or counties in which it existed. If the survey corner and accessories are not damaged during the activity, a restoration report so stating shall be filed with the secretary of the state historical society and county surveyor's office. Such report shall be filed within 30 days after the activity is completed. At the time of filing such report with the office of the secretary of the state historical society the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of the state historical society.

(d) Failure to comply with the filing requirements of this section shall be grounds for the suspension or revocation of the land surveyor's license.

(e) The secretary of the state historical society may produce, reproduce and sell maps, plats, reports, studies and records relating to land surveys. The secretary of the state historical society shall charge a fee in an amount to be fixed by rules and regulations of the secretary for the furnishing of information retrieved from records filed pursuant to this

section and for reproductions or copies of maps, plats, reports, studies and records filed in such office.

(f) All moneys collected by the secretary of the state historical society under the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the land survey fee fund, which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants approved by the secretary of the state historical society or a person designated by the secretary of the state historical society and shall be used only for the purpose of paying the costs incurred in administering the provisions of this act. After the effective date of this act, any reference to the secretary of state in regard to appropriations to the land survey fee fund shall be deemed to refer to the secretary of the state historical society.

(g) The failure of any person to have a land surveyor establish reference points as required by subsection (b) shall be a class C misdemeanor.

Sec. 23. K.S.A. 2001 Supp. 58-3074 is hereby amended to read as follows: 58-3074. (a) Except as provided by subsections (b) and (c), the director of the commission shall remit all moneys received by or for the director from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the real estate fee fund established by former K.S.A. 58-3014, and amendments thereto, which fund is hereby continued in existence. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director or by a person or persons designated by the director.

(b) The director of the commission shall remit all moneys received by or for the director pursuant to K.S.A. 58-3066 through 58-3072, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Except as provided by subsections (b) and (d) of K.S.A. 58-3066, and amendments thereto, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the real estate recovery revolving fund.

(c) The director of the commission shall remit all moneys received by or for the director pursuant to K.S.A. 58-3050, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

Sec. 24. K.S.A. 2001 Supp. 58-4107 is hereby amended to read as follows: 58-4107. (a) The board shall adopt rules and regulations prescribing the fees provided for by this act in amounts necessary to administer and enforce this act, subject to the following:

- (1) For application for certification or licensure, a fee not to exceed \$50.
- (2) For any examination required for certification or licensure, a fee in an amount equal to the actual cost of the examination and administration thereof.
- (3) For original or renewal certification or licensure, a fee not to exceed \$300.
- (4) For late renewal of a certificate or license, a late fee not to exceed \$50.
- (5) For certification to another jurisdiction that an individual is certified or licensed, an amount not exceeding \$25.
- (6) For approval of a course of instruction approved pursuant to K.S.A. 58-4105, and amendments thereto, an amount not to exceed \$100.
- (7) For renewal of a course of instruction approved pursuant to K.S.A. 58-4105, and amendments thereto, an amount not to exceed \$25.

If a certificate or license is issued or renewed for a period other than one year, the fee shall be prorated to the nearest whole month.

(b) In addition to the certificate or license issued pursuant to this act, the board may offer to provide a wall certificate, which shall bear no expiration date, and may charge a fee not exceeding \$50 to each appraiser requesting the issuance of a wall certificate.

(c) The board may prescribe a fee not to exceed \$50 for registration of an appraiser pursuant to subsection (b) of K.S.A. 58-4103, and amendments thereto.

(d) The board may establish different classes of courses of instruction for the purpose of establishing fees pursuant to subsections (a)(6) and (7) and may establish a different fee for each such class.

(e) In addition to the fees prescribed above, the board shall collect any registry fee required pursuant to federal law. Such registry fees shall be transmitted by the board to the appraisal subcommittee of the federal financial institutions examination council in accordance with federal law.

(f) Except as provided in subsection (g), the board shall collect all fees provided for by this act. No original or renewed certificate or license shall be issued unless all appropriate fees, including any federal registry fee, have been paid.

(g) If a testing service has been designated by the board to administer the examination, each applicant shall pay the examination fee to the testing service.

(h) The director of the board shall remit all moneys, received pursuant to this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit, other than amounts collected for federal registry fees or for civil fines imposed pursuant to K.S.A. 58-4118, and amendments thereto, shall be credited to the state general fund and the balance shall be credited to the appraiser fee fund, which is hereby created in the state treasury. All expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board or by a person or persons designated by the chairperson.

(i) All amounts collected for federal registry fees shall be credited totally to the federal registry clearing fund, which is hereby created in the state treasury. All disbursements from the federal registry clearing fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board or by a person or persons designated by the chairperson. Amounts credited to the federal registry clearing fund under this section shall not be subject to any limitations imposed by any appropriations act of the legislature.

Sec. 25. K.S.A. 2001 Supp. 65-6b10 is hereby amended to read as follows: 65-6b10. The secretary of health and environment shall remit all moneys received by the secretary under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund, and the balance shall be credited to the amygdalin (laetrile) enforcement fee fund, which fund is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or a person or persons designated by the secretary.

Sec. 26. K.S.A. 2001 Supp. 65-1718 is hereby amended to read as follows: 65-1718. (a) The state board of mortuary arts shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the mortuary arts fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the state board of mortuary arts or by a person or persons designated by the secretary.

(b) On July 1, 1985, the director of accounts and reports shall transfer all moneys in the embalming board fee fund to the mortuary arts fee fund. On July 1, 1985, all liabilities of the embalming board fee fund are hereby imposed upon the mortuary arts fee fund, and the embalming board fee fund is hereby abolished.

(c) Whenever the embalming board fee fund, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the mortuary arts fee fund.

Sec. 27. K.S.A. 2001 Supp. 65-1817a is hereby amended to read as follows: 65-1817a. The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the board of barbering fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board or by a person or persons designated by the chairperson.

Sec. 28. K.S.A. 2001 Supp. 65-1951 is hereby amended to read as follows: 65-1951. The board, the director or a person authorized by the board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 72-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the cosmetology fee fund.

Sec. 29. K.S.A. 2001 Supp. 65-2011 is hereby amended to read as follows: 65-2011. The state board of healing arts shall remit all moneys received by or for it under this act from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from such fund shall be made in accordance with the provisions of K.S.A. 65-2855, and amendments thereto.

Sec. 30. K.S.A. 2001 Supp. 65-2855 is hereby amended to read as follows: 65-2855. The board shall remit all moneys received by or for the board from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of such amount shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from the healing arts fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president.

Sec. 31. K.S.A. 2001 Supp. 65-2911 is hereby amended to read as follows: 65-2911. (a) The state board of healing arts may adopt such rules and regulations as necessary to carry out the purposes of this act. The executive director of the board shall keep a record of all proceedings under this act and a roster of all persons registered or certified under the act. The roster shall show the name, address, date and number of the original certificate of registration or certificate, and the renewal thereof.

(b) The state board of healing arts shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of such amount shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president of the board.

Sec. 32. K.S.A. 2001 Supp. 65-4610 is hereby amended to read as follows: 65-4610. The secretary shall remit all moneys received from fees for licensing alcohol or drug abuse treatment facilities to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer

shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the other state fees fund of the department of social and rehabilitation services. The secretary shall remit all moneys received from fees for licensing alcohol or drug abuse treatment facilities to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the other state fees fund of the department of social and rehabilitation services.

Sec. 33. K.S.A. 2001 Supp. 65-5413 is hereby amended to read as follows: 65-5413. The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person designated by the president of the board.

Sec. 34. K.S.A. 2001 Supp. 65-5513 is hereby amended to read as follows: 65-5513. The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person designated by the president of the board.

Sec. 35. K.S.A. 2001 Supp. 65-6910 is hereby amended to read as follows: 65-6910. (a) The board shall charge and collect in advance fees provided for in this act as fixed by the board by rules and regulations, subject to the following limitations:

Application fee, not more than.....	\$100
Temporary registration fee, not more than.....	\$50
Registration renewal fee, not more than.....	\$50
Registration late renewal fee, not more than.....	\$50
Registration reinstatement fee, not more than.....	\$50
Certified copy of registration, not more than.....	\$40
Written verification of registration, not more than.....	\$25

(b) The board shall charge and collect in advance fees for any examination administered by the board under the athletic trainers registration act as fixed by the board by rules and regulations in an amount equal to the cost to the board of the examination and its administration. If the examination is not administered by the board, the board may require that fees paid for any examination under the athletic trainers registration act be paid directly to the examination service by the person taking the examination.

(c) The board shall remit all moneys received from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person designated by the president of the board.

Sec. 36. K.S.A. 2001 Supp. 66-1,155 is hereby amended to read as follows: 66-1,155. The chairperson of the corporation commission shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent

of each such deposit shall be credited to the state general fund and the balance shall be credited to the gas pipeline inspection fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson or by a person or persons designated by the chairperson.

Sec. 37. K.S.A. 2001 Supp. 66-1503 is hereby amended to read as follows: 66-1503. (a)

(1) The state corporation commission shall determine within 15 days after each quarter-year for each such quarter-year, the total amount of its expenditures during such period of time and the total amount of expenditures of the citizens' utility ratepayer board during such period of time. The total amount shall include the salaries of members and employees and all other lawful expenditures of the commission and the board, including all expenditures in connection with investigations or appraisals made under the provisions of K.S.A. 66-1502, and amendments thereto, except that there shall not be included in such total amount of expenditures for the purpose of this section the expenditures during such period of time which are otherwise provided for by fees and assessments made under other existing laws for the regulation of motor carriers or for administering the oil proration and the oil and gas conservation laws.

(2) From the amount determined under paragraph (1) of this subsection, the commission shall deduct (A) all amounts collected under K.S.A. 66-1502, and amendments thereto, during such period of time and (B) the amounts of all fees collected during such period of time under the provisions of subsection (b)(1) of K.S.A. 66-1a01, and amendments thereto.

(3) To the remainder after making the deductions under paragraph (2) of this subsection, the commission shall add such amount as in its judgment may be required to satisfy any deficiency in the prior assessment period's assessment and to provide for anticipated increases in necessary expenditures for the current assessment period.

(b) The amount determined under subsection (a) shall be assessed by the commission against all public utilities and common carriers subject to the jurisdiction of the commission and shall not exceed, during any fiscal year, the greater of \$100 or 0.2% of the respective utility's or common carrier's gross operating revenues derived from intrastate operation as reflected in the last annual report filed with the commission pursuant to K.S.A. 66-123, and amendments thereto, prior to the beginning of the commission's fiscal year or made available to the commission upon request. Such assessment shall be paid to the commission within 15 days after the notice of assessment has been mailed to such public utilities and common carriers, which notice of assessment shall constitute demand of payment thereof.

(c) The commission shall remit all moneys received by or for it for the assessment imposed under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the public service regulation fund.

Sec. 38. K.S.A. 2001 Supp. 74-715 is hereby amended to read as follows: 74-715. There is hereby created in the state treasury a fund to be called the workmen's compensation fee fund. The workers compensation director shall remit all moneys received by or for such director from fees, charges or penalties which prior to the effective date of this act was required by law to be credited to the workmen's compensation fee fund to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the workmen's compensation fee fund. All expenditures from the workmen's compensation fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the workmen's compensation director or by a person or persons designated by the director.

Sec. 39. K.S.A. 2001 Supp. 74-1108 is hereby amended to read as follows: 74-1108. The executive administrator of the board of nursing shall remit all moneys received by the board from fees, charges or penalties, other than moneys received under K.S.A. 74-1109, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A.

75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the board of nursing fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president.

Sec. 40. K.S.A. 2001 Supp. 74-1405 is hereby amended to read as follows: 74-1405. (a) The board at its first meeting day of each year shall elect from its members a president, vice-president and secretary-treasurer. The board shall have a common seal. The board shall hold two regular meetings each year at times to be fixed by the board, and special meetings at such other times as may be necessary.

(b) Members of the Kansas dental board attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, or conducting examinations for dental or dental hygienists licenses or conducting inspections of dental laboratories required by K.S.A. 65-1438, and amendments thereto, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. Members of the board conducting examinations for dental or dental hygienists licenses may receive amounts for compensation, subsistence allowances, mileage or other expenses from a nonstate agency for conducting such examinations but no member receiving any such amounts shall be paid any compensation, subsistence allowances, mileage or other expenses under this section for conducting such examinations.

(c) The official office of the board shall be in Topeka. Meetings shall be held in Topeka or at such other places as the board shall determine to be most appropriate. Service of process may be had upon the board by delivery of process to the secretary of state who shall mail the same by registered or certified mail to the secretary of the board.

(d) The board may appoint a secretary-treasurer who shall be in the unclassified service of the Kansas civil service act. The secretary-treasurer shall receive an annual salary fixed by the board and approved by the governor. The secretary-treasurer shall be the legal custodian of all property, money, minutes, records, and proceedings and seal of the board.

(e) The board in its discretion may affiliate as an active member with the national association of dental examiners and any organization of one or more state boards for the purpose of conducting a standard examination of candidates for licensure as dentists or dental hygienists and pay regular dues to such association or organization, and may send members of the board to the meetings of the national association and the meetings of any organization of state boards of dental examiners organized for the purpose of conducting a standard examination of candidates for licensure as dentists and dental hygienists.

(f) The secretary-treasurer shall remit all moneys received by or for such secretary-treasurer from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the dental board fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president.

Sec. 41. K.S.A. 2001 Supp. 74-1503 is hereby amended to read as follows: 74-1503. (a) At the regular meeting of the board in April of every year it shall elect from its own membership a president, a vice-president and a secretary-treasurer.

(b) Members of the board of examiners in optometry attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(c) The board may appoint a secretary-treasurer who shall be in the unclassified service of the Kansas civil service act. The secretary-treasurer shall receive an annual salary which shall be fixed by the board and approved by the state finance council.

(d) The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the optometry fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president.

Sec. 42. K.S.A. 2001 Supp. 74-1609 is hereby amended to read as follows: 74-1609. (a) The executive secretary of the board shall be the executive officer in charge of the office of the board. Such secretary shall make, keep, and be in charge of all records and record books required to be kept by such board, including a record of all registrations and permits required under this act, and shall attend to the correspondence of the board and perform such other duties as the board may require in carrying out and administering this act.

(b) The executive secretary shall receive and receipt for all fees collected under this act. The executive secretary of the board shall remit all moneys received by or for such secretary from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the state board of pharmacy fee fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive secretary or by the president of the board, or both, as the board shall determine.

Sec. 43. K.S.A. 2001 Supp. 74-2704 is hereby amended to read as follows: 74-2704. All fees and payments required to be paid by applicants for examinations or licenses, shall be paid to the executive director of the Kansas state board of cosmetology or the board's designee. The executive director, or the board's designee, shall remit all moneys received from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the cosmetology fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person or persons designated by the board.

Sec. 44. K.S.A. 2001 Supp. 74-3903 is hereby amended to read as follows: 74-3903. The abstracters' board of examiners shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the abstracters' fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board or by a person or persons designated by chairperson.

Sec. 45. K.S.A. 2001 Supp. 74-5805 is hereby amended to read as follows: 74-5805. (a) At the first meeting of the board in every year it shall elect from its own membership a chairman and vice-chairman. The board shall appoint one of its own members or some other person to serve as executive officer of the board. The executive officer shall be in the unclassified service of the Kansas civil service act and shall receive compensation fixed by the board with the approval of the state finance council.

(b) Members of the board of examiners in fitting and dispensing of hearing aids attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(c) The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the hearing aid board fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary-treasurer or by a person or persons designated by such secretary-treasurer.

Sec. 46. K.S.A. 2001 Supp. 74-6708 is hereby amended to read as follows: 74-6708. (a) The commission is authorized to receive any gifts, grants, or donations made for any of the purposes of its program and to disburse and administer all such gifts, grants and donations and moneys appropriated to the commission in accordance with the terms thereof.

(b) The commission is authorized to fix and collect reasonable fees for services and materials provided by the commission.

(c) There is hereby established the commission on disability concerns fee fund. The commission shall remit all moneys received by or for it from fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the commission on disability concerns fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the commission on disability concerns, or by a person or persons designated by the chairperson and secretary of human resources.

Sec. 47. K.S.A. 2001 Supp. 74-7009 is hereby amended to read as follows: 74-7009. (a) The following nonrefundable fees shall be collected by the board:

(1) For an original license, issued upon the basis of an examination given by the board, an application fee in the sum of not more than \$200 plus an amount, to be determined by the board, equal to the cost of any examination required by the board in each branch of the technical professions;

(2) for a license by reciprocity under K.S.A. 74-7024, and amendments thereto, an application fee of not more than \$500;

(3) for a certificate of authorization for a corporation, the sum of not more than \$300;

(4) for the biennial renewal of a license, the sum of not more than \$200; and

(5) for the biennial renewal of a certificate of authorization for a corporation, the sum of not more than \$300.

(b) On or before November 15, each year, the board shall determine the amount necessary to administer the provisions of this act for the ensuing calendar year including the amount to be credited to the state general fund, and shall fix the fees for such year at the sum deemed necessary for such purposes.

(c) The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the technical professions fee fund, which fund is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board or by a person or persons designated by the chairperson.

Sec. 48. K.S.A. 2001 Supp. 74-7506 is hereby amended to read as follows: 74-7506. The behavioral sciences regulatory board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the behavioral sciences regulatory board fee fund, which is hereby established. All expend-

itures from the behavioral sciences regulatory board fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the behavioral sciences regulatory board or by a person or persons designated by the chairperson.

Sec. 49. K.S.A. 2001 Supp. 75-1119b is hereby amended to read as follows: 75-1119b. The board of accountancy shall remit all moneys received by or for it under the provisions of this act from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the board of accountancy fee fund.

Sec. 50. K.S.A. 2001 Supp. 75-1308 is hereby amended to read as follows: 75-1308. The commissioner shall keep a record of all fees collected by the commissioner, together with a record of all expenses incurred in the administration of programs for the regulation of banks and trust companies and in the administration of programs for the regulation of consumer and mortgage lending. The bank commissioner shall remit all moneys received by or for the commissioner from such fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. ~~Twenty~~ *Twenty-five* percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the bank commissioner fee fund. All expenditures from the bank commissioner fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the bank commissioner or by a person or persons designated by the commissioner.”;

And by renumbering sections accordingly;

Also on page 1, in line 31, after “1.0%” by inserting “for calendar years 2003 and 2004, and 1.25% for calendar year 2005 and ensuing years.”;

On page 2, in line 3, following the period by inserting “The provisions of this subsection shall expire on December 31, 2004.”; in line 12, preceding the period by inserting “for the fiscal years ending June 30, 2003, and June 30, 2004, the state treasurer shall credit 25% of each such deposit to the state general fund and shall credit the remainder of each such deposit to the fire marshal fee fund for the fiscal year ending June 30, 2005, and ensuing fiscal years”; by striking all in lines 24 and 25 and inserting the following:

“Sec. 53. K.S.A. 75-3170 is hereby amended to read as follows: 75-3170. Upon receipt of the fees and moneys paid into the state treasury in accordance with the provisions of sections 1 to 31, both sections inclusive, of this act, the state treasurer shall credit the same as follows:

(a) ~~Twenty percent (20%)~~ *Twenty-five* percent of the gross receipts received from each particular agency shall be credited to the general fund to reimburse the ~~said~~ fund for accounting, auditing, budgeting, legal, payroll, personnel, and purchasing services, and any and all other state governmental services, which are performed on behalf of each of ~~said~~ *such* agencies by other state agencies receiving general revenue fund appropriations to provide such services.

(b) The remaining balances of fees and moneys paid into the state treasury by each of the ~~said~~ *such* state agencies, after credits to the general fund in accordance with subsection (a) hereof, shall be credited to the specific fee funds as provided for in sections 1 to 31 and K.S.A. ~~17-5609~~, 17-5610 and 17-5701, *and amendments thereto*.

Sec. 54. K.S.A. 2001 Supp. 75-3170a is hereby amended to read as follows: 75-3170a. (a) The ~~20%~~ 25% credit to the state general fund required by K.S.A. 1-204, 9-1703, ~~16-609~~, 16a-2-302, 17-1271, 17-2236, ~~17-5609~~, 17-5610, ~~17-5612~~, 17-5701, 20-1a02, 20-1a03, 31-133a, 31-134, 44-324, 44-926, 47-820, 49-420, 55-155, 55-176, 55-609, 55-711, 55-901, 58-2011, 58-3074, 58-4107, 65-6b10, 65-1718, 65-1817a, 65-2011, 65-2855, 65-2911, 65-4610, 65-5413, 65-5513, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903, 74-5805, 74-7009, 74-7506, 75-1119b, 75-1308 and 75-1514 ~~and 2-3506, 84-9-411 and 84-9-413~~, and amendments thereto, *and K.S.A. 2001 Supp. 65-1951, 65-6910 and 84-9-801, and amendments thereto*, is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and any and all other

state governmental services, which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) Nothing in this act or in the sections amended by this act or referred to in subsection (a), shall be deemed to authorize remittances to be made less frequently than is authorized under K.S.A. 75-4215 and amendments thereto.

(c) Notwithstanding any provision of any statute referred to in or amended by this act or referred to in subsection (a), whenever in any fiscal year such ~~20%~~ 25% credit to the state general fund in relation to any particular fee fund is \$200,000, in that fiscal year the ~~20%~~ 25% credit no longer shall apply to moneys received from sources applicable to such fee fund and for the remainder of such year the full 100% so received shall be credited to such fee fund; ~~except as otherwise provided in subsection (d) and except that during the fiscal year ending June 30, 1993, with respect to the fire marshal fee fund, when the 20% credit to the state general fund prescribed by K.S.A. 31-133a, 31-134 and 75-1514 and amendments thereto, in the aggregate, is \$400,000, then in that fiscal year such 20% credit no longer shall apply to moneys received from sources applicable to the fire marshal fee fund and for the remainder of such fiscal year the full 100% so received shall be credited to the fire marshal fee fund.~~

Sec. 55. K.S.A. 2001 Supp. 84-9-801 is hereby amended to read as follows: 84-9-801. **Uniform commercial code fee fund.** (a) There is hereby created in the state treasury the uniform commercial code fee fund.

(b) The secretary of state shall remit to the state treasurer at least monthly all fees received by the secretary of state for providing information concerning filings under article 9 of chapter 84 of the Kansas Statutes Annotated. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit ~~20%~~ 25% of the amount to the state general fund and the balance to the uniform commercial code fee fund.

(c) All expenditures from the uniform commercial code fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of state or a person or persons designated by the secretary of state.

(d) If information regarding filings in the office of the secretary of state is provided by a register of deeds, the fee to be collected from the customer shall be an amount fixed by rules and regulations adopted by the secretary of state. The rules and regulations adopted by the secretary of state shall specify the amount the register of deeds shall remit to the county treasurer for deposit into the county general fund. The register of deeds shall remit at least monthly the remainder of all such fees collected to the state treasurer. The state treasurer shall deposit the entire amount in the state treasury and shall credit ~~20%~~ 25% of the amount to the state general fund and the remainder to the uniform commercial code fee fund.

Sec. 56. K.S.A. 1-204, 9-1703, 75-1508 and 75-3170 and K.S.A. 2001 Supp. 16a-2-302, 17-1271, 17-2236, 17-5610, 17-5701, 20-1a02, 20-1a03, 31-133a, 31-134, 44-324, 44-926, 47-820, 49-420, 55-155, 55-176, 55-609, 55-711, 55-901, 58-2011, 58-3074, 58-4107, 65-6b10, 65-1718, 65-1817a, 65-1951, 65-2011, 65-2855, 65-2911, 65-4610, 65-5413, 65-5513, 65-6910, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903, 74-5805, 74-6708, 74-7009, 74-7506, 75-1119b, 75-1308, 75-1514, 75-3170a and 84-9-801 are hereby repealed.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 9, by striking all after “concerning”; by striking all in line 10; in line 11, by striking all before “and” and inserting “state finances; relating to certain fees and charges; disposition thereof; providing financial support for certain state agencies; amending K.S.A. 1-204, 9-1703, 75-1508 and 75-3170 and K.S.A. 2001 Supp. 16a-2-302, 17-1271, 17-2236, 17-5610, 17-5701, 20-1a02, 20-1a03, 31-133a, 31-134, 44-324, 44-926, 47-820, 49-420, 55-155, 55-176, 55-609, 55-711, 55-901, 58-2011, 58-3074, 58-4107, 65-6b10, 65-1718, 65-1817a, 65-1951, 65-2011, 65-2855, 65-2911, 65-4610, 65-5413, 65-5513, 65-6910, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903,

74-5805, 74-6708, 74-7009, 74-7506, 75-1119b, 75-1308, 75-1514, 75-3170a and 84-9-801"; and the substitute bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2680, HB 2697, HB 3000 reported correctly engrossed April 2, 2002.

HB 2662, HB 2733 reported correctly re-engrossed April 2, 2002.

REPORT ON ENROLLED RESOLUTIONS

HCR 5014; HR 6007, HR 6012 reported correctly enrolled and properly signed on April 3, 2002.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 1945, please insert the following preceding MESSAGES FROM THE GOVERNOR:

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SB 436**.

Appropriations: **HB 3033, HB 3034; SB 627, SB 638**.

Federal and State Affairs: **HCR 5056**.

Also, in the Journal, on pages 1954 and 1955, under Report of Standing Committees, on **SB 429**, the sentence to be inserted on page 2, in line 5, should read as follows: "The secretary of administration shall adopt rules and regulations to provide safeguards to preclude opportunities for abuse within the employee award and recognition program in each state agency, to ensure objective decision-making procedures in award and recognition determinations for all participating employees, and to provide participating employees a right of review or appeal to the department of administration, or to another disinterested state agency if the employee involved is employed by the department of administration, as part of such procedures."

On motion of Rep. Weber, the House adjourned until 9:30 a.m., Thursday, April 4, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

