

Journal of the House

SIXTIETH DAY

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

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

The roll was called with 120 members present.

Rep. O'Brien was excused on verified illness.

Reps. Garner, Lloyd, O'Neal and Tanner were excused on excused absence by the Speaker.

Present later: Reps. Garner, Lloyd and O'Neal.

Reps. Glasscock and D. Williams were excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Lord, we lost an hour of sleep this weekend. We continue to imagine that by turning the hands of a clock one way or another we are manipulating time. But all we have done is move our lives around to fit the time that you have already given us. Even so, Lord, we could ill afford the hour we "lost." There is much to be done before we can move on. There are voices to be heard, decisions to be made, votes to be cast and actions to be taken. Most of all Lord, there are lives to be led: by those who have gathered here as the people's representatives and by the people who sent them.

Give us a special appreciation of "kairos"—your time, O God. Let us remember its preciousness. Let us use it wisely and always in ways that reflect our thanksgiving for a gift that none of us can manufacture or change. Hear our special thanks today for the time that has been given by the servants assembled here. May it be a blessing not only for them but for the people of Kansas.

We pray especially today for Ralph Tanner and his family as they mourn the loss of Ralph's mother.

We pray in your name. Amen.

The Pledge of Allegiance was led by Rep. McCreary.

MESSAGE FROM THE GOVERNOR

HB 2639, HB 2821 approved on April 8, 2002.

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **H. Sub. for Sub. SB 296**, requests a conference and has appointed Senators Vratil, Adkins and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 481**, requests a conference and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2690** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2729** and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **H. Sub. for Sub. SB 296**.

Speaker Glasscock thereupon appointed Reps. Holmes, Sloan and Dillmore 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 481**.

Speaker Glasscock thereupon appointed Reps. Horst, Faber and Gatewood as conferees on the part of the House.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2575, An act relating to developmental disabilities; establishing the state council on developmental disabilities; membership; powers and duties; amending K.S.A. 74-5501, 74-5503 and 74-5504 and K.S.A. 2000 Supp. 74-5502 and 74-5505 and repealing the existing sections; also repealing K.S.A. 74-5506, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

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

Nays: None.

Present but not voting: None.

Absent or not voting: DiVita, Garner, Lloyd, O'Brien, O'Neal, Tanner.

The bill passed, as amended.

HB 2770, An act concerning the Persian Gulf War veterans health initiative act; providing for certain funding; amending K.S.A. 2001 Supp. 73-1222, 73-1224, 73-1225, 73-1226, 73-1227, 73-1230 and 73-1231 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 0; Absent or not voting: 6.

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

Nays: Tomlinson.

Present but not voting: None.

Absent or not voting: DiVita, Garner, Lloyd, O'Brien, O'Neal, Tanner.

The bill passed, as amended.

HB 2991. An act relating to fire service training; concerning the university of Kansas; establishing the Kansas fire service training commission; amending K.S.A. 76-327 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 4; Present but not voting: 0; Absent or not voting: 6.

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

Nays: Ballou, Faber, Pottorff, Spangler.

Present but not voting: None.

Absent or not voting: DiVita, Garner, Lloyd, O'Brien, O'Neal, Tanner.

The bill passed.

HB 3010. An act concerning crimes, criminal procedure and punishment; relating to placement in court services or community corrections of felons; amending K.S.A. 2001 Supp. 22-3716 and 75-5291 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 7; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Dillmore, Faber, Henderson, Klein, Sharp, Spangler, Winn.

Present but not voting: None.

Absent or not voting: DiVita, Garner, Lloyd, O'Brien, O'Neal, Tanner.

The bill passed, as amended.

SB 129. An act relating to annual reports concerning certain tax incentive effectiveness; amending K.S.A. 2001 Supp. 74-8017 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 2; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter,

Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Burroughs, Spangler.

Present but not voting: None.

Absent or not voting: Garner, Lloyd, O'Brien, O'Neal, Tanner.

The bill passed, as amended.

Sub. SB 508, An act concerning state finances; relating to certain fees and charges; disposition thereof; providing financial support for certain state agencies; establishing the fire services training program fund; concerning certain transfers to such fund; providing financial support for the Kansas fire service training commission; 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, 76-327 and 84-9-801and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 11; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Compton, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Myers, Neufeld, Newton, Nichols, Novascone, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Campbell, Cook, Dillmore, Faber, Hutchins, Landwehr, Mayans, Jim Morrison, Judy Morrison, Pottorff, Spangler.

Present but not voting: None.

Absent or not voting: Garner, Lloyd, O'Brien, O'Neal, Tanner.

The substitute bill passed, as amended.

SB 553, An act relating to property taxation; requiring the submission of a report concerning land devoted to agricultural use valuation procedures; concerning the valuation of land devoted to agriculture use; amending K.S.A. 2001 Supp. 79-1476 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 9; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Crow, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Levinson, Light, Lightner, Loganbill, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Ballou, Burroughs, Cox, Dillmore, Henderson, Lane, M. Long, Sharp, Spangler.

Present but not voting: None.

Absent or not voting: Garner, Lloyd, O'Brien, O'Neal, Tanner.

The bill passed, as amended.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 439**, submits the following report:

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

On page 10, by striking all in lines 6 through 18 and inserting:

“(c) The commission may reinstate and renew the license of a licensee who has failed to comply with the requirements of subsection (b)(1) if within six months following the date of the expiration of the license, the licensee submits to the commission an application for late renewal. Such application shall be made on a form provided by the commission and shall be signed by the licensee. Except for late renewal of a license on deactivated status pursuant to K.S.A. 58-3849, and amendments thereto, such application also shall be signed by the licensee’s supervising broker or branch broker, if applicable. Such application shall be accompanied by (1) evidence of compliance with K.S.A. 58-3046a, and amendments thereto, or a written request that such license be renewed on deactivated status pursuant to K.S.A. 58-3849, and amendments thereto, and (2) payment of the renewal fee prescribed by K.S.A. 58-3063, and amendments thereto, plus a late fee of \$50.”;

On page 11, in line 2 by striking all after “for”; by striking all in lines 3 and 4 and inserting “. Such application shall be made on a form provided by the commission and shall be signed by the licensee and the licensee’s supervising broker or branch broker, if applicable.”

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

AL LANE
PEGGY LONG
L. CANDY RUFF
Conferees on part of House

NANCEY HARRINGTON
KAY O’CONNOR
U.L. GOOCH
Conferees on part of Senate

On motion of Rep. Lane, the conference committee report on **SB 439** was adopted.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 1; Absent or not voting: 5.

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

Nays: Spangler.

Present but not voting: Pottorff.

Absent or not voting: Garner, Lloyd, O’Brien, O’Neal, Tanner.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Edmonds, the House nonconcurred in Senate amendments to **HB 2091** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Edmonds, Huff and Larkin as conferees on the part of the House.

On motion of Rep. Wilk, the House nonconcurrred in Senate amendments to **HB 2613** and asked for a conference.

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

On motion of Rep. Freeborn, the House nonconcurrred in Senate amendments to **HB 2703** and asked for a conference.

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

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 3007** be adopted; also, on motion of Rep. McClure to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Gatewood to amend **HB 3007** on page 5, following line 4, by inserting the following:

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

Community correctional conservation camp \$2,060,000

Provided, That expenditures shall be made from the community correctional conservation camp account for fiscal year 2003 to maintain the community correctional conservation camp in operation throughout fiscal year 2003.

Conservation camp for female offenders \$413,000

Provided, That expenditures shall be made from the conservation camp for female offenders account for fiscal year 2003 to maintain the conservation camp for female offenders in operation throughout fiscal year 2003.

Lansing correctional facility—facilities operations \$990,960

Provided, That expenditures shall be made from the Lansing correctional facility—facilities operations account for fiscal year 2003 to maintain the Osawatomie minimum security correctional facility in operation throughout fiscal year 2003.

El Dorado correctional facility—facilities operations \$816,000

Provided, That expenditures shall be made from the El Dorado correctional facility—facilities operations account for fiscal year 2003 to maintain the Toronto minimum security correctional facility in operation throughout fiscal year 2003.

Norton correctional facilityf —facilities operations \$1,298,000

Provided, That expenditures shall be made from the Norton correctional facility—facilities operations account for fiscal year 2003 to maintain the Stockton minimum security correctional facility in operation throughout fiscal year 2003.

And by relettering subsections accordingly;

On roll call, the vote was: Yeas 100; Nays 20; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Ballou, Cook, Cox, DiVita, Freeborn, Huebert, Humerickhouse, Huy, Landwehr, Lane, Lightner, Judy Morrison, Novascone, Palmer, Pottorff, T. Powell, Powers, Tomlinson, Weber, Wells.

Present but not voting: None.

Absent or not voting: Garner, Lloyd, O'Brien, O'Neal, Tanner.

The motion of Rep. Gatewood prevailed.

Also, on motion of Rep. Shriver **HB 3007** be amended on page 10, by striking all in lines 8 through 13;

And by renumbering sections accordingly;

Also, on motion of Rep. Hermes to amend **HB 3007**, the motion did not prevail. Also, on motion of Rep. Sloan to amend, the motion did not prevail.

Also, on motion of Rep. Winn **HB 3007** be amended on page 5, following line 4, by inserting the following:

“(d) In addition to the other purposes for which expenditures may be made by the department of corrections from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2003 for the department of corrections as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures may be made by the department of corrections for fiscal year 2003 for operating expenditures for the department of corrections and the secretary of corrections shall consult, cooperate and coordinate activities relating to placement of any day reporting center within Wyandotte county which takes placements of or which provides services for any person sentenced to the custody of the secretary with such municipalities and members of the public that have an interest in such placement and may be affected by the secretary’s decision on such placement to ensure that the municipality and the comments and concerns of the public are considered by the department prior to making such placement within Wyandotte county: *And provided further*, That, in making a final determination of such placement of any such facility within Wyandotte county by the secretary, the secretary shall make such determination only after, (1) providing appropriate updates and relevant information on the department’s progress toward a final placement decision, (2) giving due consideration to whether such placement is supported by such municipalities and the public and whether such placement is conducive to the location chosen, the community and the purpose behind the placement of such facility, (3) providing timely notice of a final decision, and (4) receiving approval from the governing body of the city in which the facility will be located: *And provided further*, That no such facility shall be placed within 1,000 feet of an existing day care center, preschool or elementary school.”;

And by relettering subsections accordingly;

Also, roll call was demanded on motion of Rep. Henry to amend **HB 3007** on page 36, following line 10, by inserting the following:

“Sec. 27.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

State operations	\$265,885
Mental health and retardation services aid and assistance	\$4,857,077
Youth services aid and assistance.....	\$6,330,319
Cash assistance.....	\$1,793,188
Community based services	\$2,864,689
Other medical assistance	\$17,292,570
Larned state hospital—operating expenditures.....	\$415,073
Osawatomie state hospital—operating expenditures	\$340,500
Parsons state hospital and training center—operating expenditures	\$253,446

(b) On July 1, 2002, the expenditure limitation established by section 31(b) of 2002 House Bill No. 3008 on the title XIX fund is hereby increased from \$46,501,137 to \$48,860,456.

(c) During the fiscal year ending June 30, 2003, notwithstanding the provisions of the provisos to the appropriation of all moneys lawfully credited to and available in the Kansas neurological institute fee fund as provided by section 31(b) of 2002 House Bill No. 3008, the secretary of social and rehabilitation services shall not fix, charge and collect fees from the unified school district in which the Kansas neurological institute is located for such educational services provided for pupils who are residents at Kansas neurological institute.

(d) During the fiscal year ending June 30, 2003, notwithstanding the provisions of the provisos to the appropriation of all moneys lawfully credited to and available in the Parsons state hospital and training center fee fund by section 31(b) of 2002 House Bill No. 3008, the secretary of social and rehabilitation services shall not fix, charge and collect fees from the unified school district in which the Parsons state hospital and training center is located for such educational services provided for pupils who are residents at Parsons state hospital and training center.

Sec. 28.

DEPARTMENT ON AGING

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

Senior care act \$2,420,008”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 54; Nays 65; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Burroughs, Crow, Dillmore, DiVita, Feuerborn, Findley, Flaharty, Flora, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Horst, Howell, Johnson, Kauffman, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, McClure, McCreary, McKinney, Minor, Nichols, Pauls, E. Peterson, Phelps, Pottorff, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Spangler, Storm, Swenson, Thimesch, R. Toelkes, Vickrey, Wells, Welshimer, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Huebert, Huff, Humerickhouse, Hutchins, Huy, Krehbiel, Landwehr, Lane, Light, Lightner, P. Long, Loyd, Mason, Mayans, Mays, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O’Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, L. Powell, T. Powell, Powers, Ray, Schwartz, Shultz, Sloan, Stone, Tafanelli, Tomlinson, Weber, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Bethell, Garner, Lloyd, O’Brien, Tanner, Toplikar.

The motion of Rep. Henry did not prevail.

Also, on motion of Rep. Shriver to amend **HB 3007**, the motion did not prevail.

Also, rose and reported progress.

REPORTS OF STANDING COMMITTEES

The Committee on **Higher Education** recommends **SB 647** be passed.

The Committee on **Taxation** recommends **SB 501** be amended on page 3, in line 32, by striking “or principal”; in line 33, by striking “place of business”;

On page 5, in line 11, after “individuals” by inserting “on a full-time equivalent basis”;

On page 6, in line 25, after “of” by inserting “sections 1 through 4 of”; by striking all in line 32 and inserting the following:

“Sec. 5. K.S.A. 2001 Supp. 79-32,206 is hereby amended to read as follows: 79-32,206. For all taxable years commencing after December 31, ~~1997~~ 2001, there shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act, the premiums tax upon insurance companies imposed pursuant to K.S.A. 40-252, and amendments thereto, and the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, an amount equal to 15% of the property tax levied for property tax year ~~1998~~ 2002, 18% of the property tax levied for property tax year 2003, 22% of the property tax levied for property tax year 2004, 25% of the property tax levied for property tax year 2005, 30% of the property tax levied for property tax year 2006, 35% of the property tax levied for property tax year 2007, and 40% of the property tax levied for property tax year 2008, and all such years thereafter, actually and timely paid during an income or privilege taxable year upon commercial and industrial machinery and equipment classified for property taxation purposes pursuant to section 1 of article 11 of the Kansas constitution in subclass (5) or (6) of class 2 and machinery and equipment classified for such purposes in subclass (2) of class 2. If the amount of such tax credit exceeds the taxpayer’s income tax liability for the taxable year, the amount thereof

which exceeds such tax liability shall be refunded to the taxpayer. If the taxpayer is a corporation having an election in effect under subchapter S of the federal internal revenue code, a partnership or a limited liability company, the credit provided by this section shall be claimed by the shareholders of such corporation, the partners of such partnership or the members of such limited liability company in the same manner as such shareholders, partners or members account for their proportionate shares of the income or loss of the corporation, partnership or limited liability company.

Sec. 6. K.S.A. 2001 Supp. 79-201w is hereby amended to read as follows: 79-201w. The following described property, to the extent specified by this section, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

(a) Any item of machinery, equipment, materials and supplies which, except for the operation of the provisions of this section, would be required to be listed for the purpose of taxation pursuant to K.S.A. 79-306, and amendments thereto, and which is used or to be used in the conduct of the owner's business, or in the conduct of activities by an entity not subject to Kansas income taxation pursuant to K.S.A. 79-32,113, and amendments thereto, whose original retail cost when new is ~~\$250 or less~~ \$500 or less with respect to tax years 2003 and 2004, and \$1,000 or less with respect to tax year 2005, and all tax years thereafter.

~~(b) The provisions of this section shall apply to all taxable years commencing after December 31, 1995.~~

Sec. 7. K.S.A. 79-301 is hereby amended to read as follows: 79-301. All tangible personal property subject to taxation shall be listed and assessed as of the first day of January each year in the name of the owner thereof. Such listing and assessment shall be made as ~~hereinafter~~ provided by law. A county or district appraiser may request the listing of any property not subject to taxation, but no taxpayer shall be required to comply with such request.

Sec. 8. K.S.A. 79-301, 79-3271 and 79-3279 and K.S.A. 2001 Supp. 79-201w and 79-32,206 are hereby repealed.”;

By renumbering existing sections accordingly;

In the title, in line 12, by striking “income”; by striking all in lines 14 and 15 and inserting “concerning property tax exemptions for and income tax credits for property tax paid upon certain machinery and equipment; amending K.S.A. 79-301, 79-3271 and 79-3279 and K.S.A. 2001 Supp. 79-201w and 79-32,206 and repealing the existing sections.”; and the bill be passed as amended.

The Committee on **Utilities** recommends **HB 3017** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 3017,” as follows:

“Substitute for HOUSE BILL No. 3017

By Committee on Utilities

“AN ACT concerning electric public utilities; relating to revenues from certain sales of electricity generated from renewable resources and technologies.”; and the substitute bill be passed.

(Sub. **HB 3017** was thereupon introduced and read by title.)

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on **Sub. SB 379**,

An act concerning state senate districts; providing for the reapportionment thereof; repealing K.S.A. 4-4,201 through 4-4,243,

which was received on March 5, 2002, and was read before the Senate on March 5, 2002.

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby veto Substitute for Senate Bill No. 379 for the following reasons:

Few of the basic tenets of our country are more precious than the right to vote. It is a right established in the United States Constitution, and further protected by the equal protection clause, which mandates the realignment of voting districts to ensure the constitutional right of one vote per person. In an effort to afford these rights due deference, the

Kansas Senate established a procedure and rules to govern their decisions about redistricting. This process, which included almost one year of public hearings and input, was designed to provide an open discussion of the options available for protecting the interests of all Kansas citizens.

Sub. SB 379 was not presented to any committee or afforded the opportunity for general public discussion and input. Many of the Senators impacted by the changes in this map, including some who voted for it, were not even provided a chance to look at the map, let alone study and comment on the maps implications to the voters of their respective Senate districts.

Lack of review has led to many concerns regarding the legality and fairness of this bill. For instance, a primary objective of redistricting is to maintain the core of existing districts. This is especially important since Senators do not run for reelection for two more years and will continue to serve current constituents during this time period. Every effort should be made to avoid splitting cities and current Senate districts. Even though consensus population figures establish that 13 of the State's existing Senate districts are within the legally allowed population deviation, the map passed by the Senate maintains only three of these districts. Further, the Senate bill splits at least 22 cities into different Senate districts. Clearly, this does not protect the core of existing districts. But more importantly, it negatively impacts the people of these districts and their ability to have a voice in the Senate.

Due to the lack of timely presentation of the bill in question, no effort was made to evaluate the impact of these actions. It is essential to the protection of Kansas' voters that communities have the opportunity to promote their common interest through the election process. Without hearings on the bill, individual citizens, and Senators representing their interests, were unable to raise concerns about the potential impact on their communities. Just as significantly, the committee wasn't afforded the opportunity to adequately analyze the bill in light of any special social, economic, cultural, racial and ethnic communities of interest or to evaluate the population deviations affecting issues facing these communities. The presentation of redistricting proposals to the designated committee, with an opportunity for public comment, was an essential part of ensuring the integrity of this process for the citizens of the State of Kansas.

I believe the courts would share my concerns regarding the vast changes made to the Johnson County districts. This is an exceptionally fast growing area of the State where communities of interest have been ignored. In one district, a significant number of constituents were separated from their current Senator for no apparent reason. Following the public hearings, Johnson County Senators jointly recommended a redistricting map designed to best accommodate consistent service to their constituents. The bill passed by the Senate ignored this recommendation and dramatically altered the Johnson County Senate districts.

Even though the southwest Shawnee County Senate district did not need a single modification to meet the constitutionally mandated population deviation figures, residential areas linked by common business, social and economic interest to the southwest part of the county were separated from their existing district and moved to a district largely controlled by those voters in northern Shawnee County. The northern Shawnee County district, especially North Topeka, will readily acknowledge its social and economic interest differs from that of the southwest part of the county. This Senate Bill alienates citizens from their traditional community of interest. The ripple effect of this modification caused yet another Shawnee County Senate district to change boundary lines when little or no change in the Senate district was necessary.

Some contend the Substitute Bill was necessary because the Senate Redistricting Committee did not attempt to address the concerns of rural communities. This is a puzzling observation since the bill passed out of committee and the bill passed by the Senate maintain the same number of districts in rural western Kansas. The only differences in the two proposals are which two incumbent Senators would reside in the same district and the percentage of their original district they retain.

Finally, I would discourage anyone from thinking this issue should be tied to the many other issues we face this session. I have repeatedly stated and will reiterate now . . . I will not negotiate or "trade" votes on this issue for any other issue this session. Unlike other bills crafted on the floor of a legislative house, the redistricting bill can not be "fixed" next

session when unintended consequences are discovered. Due to its importance to the citizens of the State of Kansas for the next ten years, redistricting must be dealt with in a manner designed to serve the people of Kansas.

I appreciate the fact that the actions of the Senate may have been the result of the intense partisan nature of the procedure to-date. I would encourage both Republican and Democrats to reopen discussions with an eye toward avoiding polarizing any particular region or district. I am committed to working with Republicans and Democrats to create a redistricting bill that will address their concerns and mine.

Those who argue that the majority has spoken should remember that as Governor, I have a strong constitutional responsibility to protect all Kansas citizens, especially minority interests, and to ensure protection to those whose votes may be one or two short but whose principles do not fall short. Protection of the minority voice is a fundamental tenet of our system of government as is the principle of an open process. Reapportionment is too serious an issue to be resolved behind closed doors in the dark of the night.

Given the agreement between the House of Representatives and the Senate to pass the other chamber's redistricting bill without alteration, there was no opportunity for public comment or review of this bill. Thus, my analysis of the bill provides the only independent review of the actions taken by the Senate. As Governor, my primary concern in redistricting is fairness to the citizens of Kansas. **Sub. SB 379**, in both process and result, ignores this concern. Because, like all other Kansans, I was not provided the opportunity to review the map prior to passage, my only option to provide input in the process is through a veto.

Bill Graves, Governor

Dated: March 5, 2002

There being no action on **Sub. SB 379**, the veto was sustained.

On motion of Rep. Weber, the House recessed until 2:30 p.m.

AFTERNOON SESSION

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

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

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **HB 3007** (see Committee of the Whole, Morning Session); also, roll call was demanded on motion of Rep. Minor to amend on page 36, following line 10, by inserting the following:

“Sec. 27.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

Larned state hospital—operating expenditures..... \$218,481”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 53; Nays 61; Present but not voting: 0; Absent or not voting: 11.

Yeas: Ballard, Benlon, Bethell, Burroughs, Cox, Crow, Dillmore, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Henderson, Henry, Huff, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, Loyd, McClure, McKinney, Minor, Nichols, O'Neal, Pauls, E. Peterson, Phelps, Reardon, Rehorn, Ruff, Showalter, Shriver, Spangler, Stone, Storm, Thimesch, R. Toelkes, Vickrey, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Boston, Campbell, Compton, Cook, Dahl, DeCastro, DiVita, Dreher, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Lane,

Light, Lightner, Lloyd, P. Long, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, Osborne, Ostmeyer, Owens, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Schwartz, Sloan, Tafanelli, Tomlinson, Toplikar, Weber.

Present but not voting: None.

Absent or not voting: Barnes, Grant, Horst, Neufeld, O'Brien, Palmer, Sharp, Shultz, Swenson, Tanner, D. Williams.

The motion of Rep. Minor did not prevail.

Also, on further motion of Rep. Minor to amend **HB 3007**, the motion did not prevail.

Also, on motion of Rep. Feuerborn **HB 3007** be amended on page 36, following line 10, by inserting new material to read as follows:

"Sec. 27.

KANSAS SENTENCING COMMISSION

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

Operating expenditures \$36,041";

And by renumbering sections accordingly;

Also, roll call was demanded on motion of Rep. McClure to amend **HB 3007** on page 36, following line 10, by inserting the following:

"Sec. 27.

STATE BOARD OF REGENTS

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

KanED planning \$350,000";

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 63; Nays 56; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Burroughs, Crow, Dillmore, DiVita, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Gordon, Grant, Henderson, Henry, Holmes, Horst, Kirk, Klein, Krehbiel, Kuether, Larkin, Levinson, Loganbill, M. Long, P. Long, Loyd, Mays, McClure, McKinney, Minor, Jim Morrison, Newton, Nichols, Ostmeyer, Owens, Patterson, Pauls, E. Peterson, Phelps, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Sloan, Spangler, Storm, Swenson, Thimesch, R. Toelkes, Wells, Welshimer, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dreher, Freeborn, Glasscock, Hayzlett, Hermes, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Landwehr, Lane, Light, Lightner, Lloyd, Mason, Mayans, McCreary, McLeland, Merrick, Miller, Judy Morrison, Myers, Novascone, O'Neal, Osborne, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Ray, Schwartz, Shriver, Stone, Tafanelli, Tomlinson, Toplikar, Vickrey, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Neufeld, O'Brien, Palmer, Shultz, Tanner, D. Williams.

The motion of Rep. McClure prevailed.

Also, on further motion of Rep. McClure to amend **HB 3007**, the motion did not prevail.

Also, on further motion of Rep. McClure to amend, Rep. McKinney requested the question be divided. Seeing no request for a ruling on the entire amendment being germane to the bill, the Chair ruled the question be divided.

On Part A of the motion of Rep. McClure, the motion did not prevail. Also, roll call was demanded on Part B of the motion of Rep. McClure to amend **HB 3007** on page 36, following line 10, by inserting:

Sec. 28. On July 1, 2002, K.S.A. 2001 Supp. 79-4804, as amended by section 77 of 2002 House Bill No. 3008, is hereby amended to read as follows: 79-4804. (a) After the transfer of moneys pursuant to K.S.A. 2001 Supp. 79-4806, and amendments thereto, an amount equal to 85% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for the financing of such programs supporting and enhancing the

existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than of such money shall be distributed equally among the congressional districts of the state. Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund which are created by this section.

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

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

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

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

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

(g) In each fiscal year, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, ~~except that the aggregate amount of the transfers on such dates during state fiscal year 2003 shall not exceed \$1,500,000.~~ No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance, which meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

Sec. 29. On July 1, 2002, K.S.A. 2001 Supp. 79-4804, as amended by section 77 of 2002 House Bill No. 3008, is hereby repealed.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 14, before the period by inserting “; amending K.S.A. 2001 Supp. 79-4804, as amended by section 77 of 2002 House Bill No. 3008, and repealing the existing section”;

On roll call, the vote was: Yeas 50; Nays 67; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Barnes, Crow, Dillmore, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Grant, Henry, Holmes, Howell, Kirk, Klein, Kuether, Larkin, Levinson, Light, Loganbill, M. Long, McClure, McKinney, Minor, Jim Morrison, Nichols, Pauls, E. Peterson, Phelps, Pyle, Reardon, Rehorn, Ruff, Showalter, Shriver, Sloan, Spangler, Storm, Swenson, Thimesch, R. Toelkes, Wells, Welshimer, J. Williams, Wilson.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Gordon, Hayzlett, Henderson, Hermes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Lane, Lightner, Lloyd, P. Long, Loyd, Mays, McCreary, McLeland, Merrick, Miller, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Ray, Schwartz, Sharp, Shultz, Stone, Tafanelli, Tomlinson, Toplikar, Vickrey, Weber, Wilk, Winn.

Present but not voting: None.

Absent or not voting: Burroughs, Goering, Mason, Mayans, O'Brien, Palmer, Tanner, D. Williams.

Part B of the motion of Rep. McClure did not prevail.

Also, on motion of Rep. Aurand to amend **HB 3007**, the motion did not prevail. Also, on motion of Rep. O'Neal to amend, the motion did not prevail. Also, on motion of Rep. Vickrey to amend, the motion did not prevail.

Also, on motion of Rep. Ballard **HB 3007** be amended on page 36, following line 10, by inserting the following:

“Sec. 27.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

Mental health and retardation services aid and assistance	\$4,857,077
Youth services aid and assistance	\$2,827,589
Cash assistance	\$1,793,188
Community based services	\$1,660,647
Other medical assistance	\$8,927,540
Larned state hospital—operating expenditures	\$415,073
Osawatomie state hospital—operating expenditures	\$340,500
Parsons state hospital and training center—operating expenditures	\$253,446

(b) On July 1, 2002, the expenditure limitation established by section 31(b) of 2002 House Bill No. 3008 on the title XIX fund is hereby increased from \$46,501,137 to \$48,860,456.

(c) During the fiscal year ending June 30, 2003, notwithstanding the provisions of the provisos to the appropriation of all moneys lawfully credited to and available in the Kansas neurological institute fee fund as provided by section 31(b) of 2002 House Bill No. 3008, the secretary of social and rehabilitation services shall not fix, charge and collect fees from the unified school district in which the Kansas neurological institute is located for such educational services provided for pupils who are residents at Kansas neurological institute.

(d) During the fiscal year ending June 30, 2003, notwithstanding the provisions of the provisos to the appropriation of all moneys lawfully credited to and available in the Parsons state hospital and training center fee fund by section 31(b) of 2002 House Bill No. 3008, the secretary of social and rehabilitation services shall not fix, charge and collect fees from the unified school district in which the Parsons state hospital and training center is located for such educational services provided for pupils who are residents at Parsons state hospital and training center.

Sec. 28.

DEPARTMENT ON AGING

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

Senior care act	\$2,420,008”;
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And by renumbering sections accordingly;

Also, on motion of Rep. Goering **HB 3007** be amended on page 9, by striking all in lines 11 through 43;

And by relettering the remaining subsections accordingly;

Also, on motion of Rep. Flora to amend **HB 3007**, Rep. McKinney requested the question be divided. Seeing no request for a ruling on the entire amendment being germane to the bill, the Chair ruled the amendment be divided.

On Part A of the motion of Rep. Flora to amend, the motion did not prevail. Also, roll call was demanded on Part B of the motion of Rep. Flora to amend **HB 3007** on page 36, following line 10, by inserting the following:

Sec. 33. (a) During the fiscal year ending June 30, 2003, the director of accounts and reports shall transfer \$1,624,445 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, ½ of such amount to be transferred on July 15 and to be transferred on January 15, except that such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers under this section during the fiscal year ending June 30, 2003, shall be considered revenue transfers from the state general fund.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 58; Present but not voting: 0; Absent or not voting: 9.

Yeas: Ballard, Barnes, Burroughs, Crow, Dahl, Dillmore, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Goering, Gordon, Grant, Henderson, Henry, Holmes, Horst, Howell, Johnson, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, Mayans, McClure, McKinney, Minor, Nichols, Pauls, E. Peterson, Phelps, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Spangler, Storm, Swenson, Thimesch, R. Toelkes, Wells, Welshimer, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, DeCastro, DiVita, Dreher, Hayzlett, Hermes, Huff, Humerickhouse, Hutchins, Huy, Kauffman, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Ray, Schwartz, Stone, Tafanelli, Tomlinson, Toplikar, Vickrey, Weber.

Present but not voting: None.

Absent or not voting: Ballou, Glasscock, Huebert, O'Brien, O'Neal, Shultz, Tanner, Wilk, D. Williams.

Part B of the motion of Rep. Flora did not prevail.

Also, on motion of Rep. Larkin **HB 3007** be amended on page 36, before line 11, by inserting the following:

“Sec. 27. On July 1, 2002, K.S.A. 2001 Supp. 79-2959, as amended by section 71 of 2002 House Bill No. 3008, is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 4.5% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) The transfers on January 15 and July 15 of each year shall be in equal amounts which in the aggregate equal 3.630% of such taxes credited to the state general fund during the preceding calendar year; and (2) the amount of the transfer on each such date during state fiscal year 2003 shall be ~~\$23,622,050~~ \$27,340,335.50. All such transfers are subject to reduction under K.S.A. 75-6704 and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal year ending June 30, 2003, shall be considered revenue transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows:

(1) Sixty-five percent of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201 and amendments thereto on July 1 of the preceding year; and (2) thirty-five percent of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 28. On July 1, 2002, K.S.A. 2001 Supp. 79-2964, as amended by section 72 of 2002 House Bill No. 3008, is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts which in the aggregate equal 3.5% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that: (a) The transfers on July 15 and December 10 of each year shall be in equal amounts which in the aggregate equal 2.823% of such taxes credited to the state general fund during the preceding calendar year; and (b) the amount of the transfer on each such date during state fiscal year 2003 shall be ~~\$15,066,581~~ \$17,438,174.50. All such transfers are subject to reduction under K.S.A. 75-6704 and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal year ending June 30, 2003, shall be considered revenue transfers from the state general fund.

Sec. 29. On July 1, 2002, K.S.A. 2001 Supp. 79-3425i, as amended by section 73 of 2002 House Bill No. 3008, is hereby amended to read as follows: 79-3425i. On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; and (2) the amount of the transfer on each such date during state fiscal year 2003 shall not exceed ~~\$5,031,822~~ \$5,223,310.50. All transfers under this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal year ending June 30, 2003, shall be considered revenue transfers from the state general fund.

Sec. 30. On July 1, 2002, K.S.A. 2001 Supp. 79-2959, as amended by section 71 of 2002 House Bill No. 3008, 79-2964, as amended by section 72 of 2002 House Bill No. 3008, and 79-3425i, as amended by section 73 of 2002 House Bill No. 3008, are hereby repealed.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 14, preceding the period, by inserting “; amending K.S.A. 2001 Supp. 79-2959, as amended by section 71 of 2002 House Bill No. 3008, 79-2964, as amended by section 72 of 2002 House Bill No. 3008, and 79-3425i, as amended by section 73 of 2002 House Bill No. 3008, and repealing the existing sections”;

Also, on motion of Rep. Reardon to amend **HB 3007**, Rep. Shultz requested the question be divided. Seeing no request for a ruling on the entire amendment being germane to the bill, the Chair ruled the amendment be divided.

On Part A of the motion of Rep. Reardon **HB 3007** be amended on page 36, following line 10, by inserting the following:

“Sec. 27.

DEPARTMENT OF EDUCATION

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

General state aid \$18,657,720

And by renumbering sections accordingly;

Also, on Part B of the motion of Rep. Reardon **HB 3007** be amended on page 36, following line 10, by inserting the following:

“Sec. 27.

DEPARTMENT OF EDUCATION

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

General state aid—at risk weighting increase \$4,400,000”;
And by renumbering sections accordingly;

Also, roll call was demanded on motion of Rep. Nichols to amend **HB 3007** on page 36, following line 10, by inserting the following:

“Sec. 27.

DEPARTMENT OF COMMERCE AND HOUSING

(a) On July 1, 2002, of the \$12,236,238 appropriated for the above agency for the fiscal year ending June 30, 2003 by section 24(a) of 2002 House Bill 3008 from the state economic development initiatives fund in the operating grant (including official hospitality) account, the sum of \$855,000 is hereby lapsed: *Provided*, That the reductions for such lapsed amount of moneys appropriated shall be administered and implemented by making reductions in funding for agency operations in the amount of \$830,000 and for trade show promotion grants in the amount of \$25,000: *Provided further*, That expenditures shall be made by the above agency from the from the moneys appropriated in the operating grant (including official hospitality) account of the state economic development initiatives fund in the amount of not less than \$75,000 for a Kansas film and video attraction program, which shall be used by the Kansas film commission to attract film and video projects to the state.

(b) On July 1, 2002, the amount of \$1,750,000 authorized by section 24(f) of 2002 House Bill No. 3008 to be transferred on August, 15, 2002, and December 15, 2002, by the director of accounts and reports from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce and housing is hereby decreased to \$1,325,000 for each such date.

Sec. 28.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

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

Additional grants to centers of excellence \$138,234
Provided, That all expenditures from the additional grants to centers of excellence account for fiscal year 2003 shall be for additional grants to centers of excellence and shall be in addition to any other grants to centers of excellence for fiscal year 2003.

(b) In addition to the other purposes for which expenditures may be made by the Kansas technology enterprise corporation from moneys appropriated in the operations, assistance and grants (including official hospitality) account of the state economic development initiatives fund for fiscal year 2003 for the Kansas technology enterprise corporation as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by the Kansas technology enterprise corporation for fiscal year 2003 for additional grants for centers of excellence totaling \$783,882 which shall be made to the centers of excellence: *Provided*, That all expenditures from the operations, assistance and grants (including official hospitality) account for fiscal year 2003 shall be in addition to any other grants to centers of excellence for fiscal year 2003: *Provided further*, That funding for such additional grants to the centers of excellence shall come from reductions in funding from the operations, assistance and grants (including official hospitality) account of the state economic development initiatives fund for agency operations in the amount of \$120,000, for special projects in the amount of \$70,000, and for the experimental program to stimulate competitive research in the amount of \$593,882.

Sec. 29.

STATE BOARD OF REGENTS

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

Vocational education capital outlay aid \$270,000
Provided, That each expenditure from the vocational education capital outlay aid account for a grant of vocational education capital outlay aid for fiscal year 2003 shall be matched

by the area vocational school, area vocational-technical school or technical college receiving the grant in an amount equal to 50% of the amount of the grant.

Postsecondary aid for vocational education.....	\$696,766
Comprehensive grant program.....	\$250,000”;

And by renumbering section accordingly;

On roll call, the vote was: Yeas 87; Nays 31; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aday, Ballard, Barnes, Boston, Burroughs, Campbell, Cook, Dahl, DeCastro, Dillmore, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Gordon, Grant, Henderson, Henry, Hermes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Levinson, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Judy Morrison, Myers, Newton, Nichols, Osborne, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, T. Powell, Powers, Rardon, Rehorn, Ruff, Sharp, Showalter, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Toplikar, Vickrey, Wells, Welshimer, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Beggs, Benlon, Bethell, Compton, Cox, Crow, Dreher, Edmonds, Freeborn, Hayzlett, Holmes, Krehbiel, Lane, Light, Loyd, Mason, Jim Morrison, Neufeld, O’Neal, Ostmeyer, Owens, J. Peterson, L. Powell, Pyle, Ray, Schwartz, Shriver, Tomlinson, Weber.

Present but not voting: None.

Absent or not voting: DiVita, Glasscock, Novascone, O’Brien, Tanner, Wilk, D. Williams.

The motion of Rep. Nichols prevailed.

Also, roll call was demanded on motion of Rep. Faber to amend **HB 3007** on page 37, after line 15, by inserting the following:

“Sec. 33. K.S.A. 2001 Supp. 72-6407 is hereby amended to read as follows: 72-6407.

(a) “Pupil” means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil’s attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil’s postsecondary education enrollment and attendance together with the pupil’s attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil’s postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil’s vocational education enrollment and attendance together with the pupil’s attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil’s vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county,

Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils. A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs. The state board shall select not more than ~~3,756 preschool-aged at-risk pupils to be counted in the 2001-02 school year and not more than 5,500 preschool-aged at-risk pupils to be counted in any school year thereafter.~~

(e) "Enrollment" means, for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not hereinbefore specified, the number of pupils regularly enrolled in the district on September 20. Notwithstanding the foregoing, if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (1) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (2) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (A) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (B) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (C) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled.

(f) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, correlation weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, special education and related services weighting, *declining enrollment weighting, if any*, and transportation weighting to enrollment.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts having under 1,725 enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,725 or over enrollment.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget and budgeted therein the total amount authorized for the school year. School facilities weighting may be assigned to enrollment of the district only in

the school year in which operation of a new school facility is commenced and in the next succeeding school year.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Correlation weighting" means an addend component assigned to enrollment of districts having 1,725 or over enrollment on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts having under 1,725 enrollment.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2001 Supp. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 2001 Supp. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" means any community juvenile corrections center or facility, the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina, King's Achievement Center, and Liberty Juvenile Services and Treatment.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

(p) "*Declining enrollment weighting*" means an addend component assigned to enrollment of districts that are experiencing a decline in enrollment on the basis of costs attributable to a reduction in state financial aid as a result of such decline in enrollment.

New Sec. 34. The declining enrollment weighting of each district entitled thereto shall be computed by the state board as follows:

- (a) Determine enrollment of the district in the 1994-95 school year;
- (b) determine enrollment of the district in the current school year;
- (c) subtract enrollment determined under (b) from enrollment determined under (a);
- (d) multiply the remainder obtained under (c) by 0.2. The product is the declining enrollment weighting of the district.

Sec. 35. K.S.A. 2001 Supp. 72-6407 is hereby repealed.;"

And by renumbering the remaining section accordingly;

In the title, on page 1, in line 14, before the period by inserting "; providing for declining enrollment weighting; amending K.S.A. 2001 Supp. 72-6407 and repealing the existing section.;"

On roll call, the vote was: Yeas 67; Nays 51; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aday, Ballard, Benlon, Bethell, Campbell, Cook, Cox, Dahl, DiVita, Dreher, Edmonds, Faber, Flora, Garner, Gatewood, Goering, Gordon, Grant, Henry, Hermes, Howell, Huff, Johnson, Kauffman, Kirk, Kuether, Lane, Larkin, Levinson, Light, Lloyd, P. Long, Loyd, Mays, McClure, McCreary, McKinney, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, L. Powell, Pyle, Ray, Schwartz, Showalter, Shriver, Shultz, Stone, Storm, R. Toelkes, Tomlinson, Wells, J. Williams, Wilson.

Nays: Aurand, Ballou, Barnes, Beggs, Boston, Burroughs, Compton, Crow, DeCastro, Dillmore, Feuerborn, Findley, Flaharty, Freeborn, Gilbert, Hayzlett, Henderson, Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, Klein, Krehbiel, Landwehr, Lightner, M. Long, Mason, Mayans, McLeland, Neufeld, O'Neal, J. Peterson, Pottorff, T. Powell, Powers, Reardon, Rehorn, Ruff, Sharp, Sloan, Spangler, Swenson, Tafanelli, Thimesch, Toplikar, Vickrey, Weber, Welshimer, Winn.

Present but not voting: None.

Absent or not voting: Glasscock, Loganbill, Novascone, O'Brien, Tanner, Wilk, D. Williams.

The motion of Rep. Faber prevailed.

Also, on motion of Rep. R. Toelkes to amend **HB 3007**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Spangler to amend **HB 3007** on page 36, following line 10, by inserting the following:

“Sec. 27. (a) On and after the effective date of this act, during the fiscal years ending June 30, 2002, and June 30, 2003, no state agency shall make any expenditures from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2002 or fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, to provide moneys to a venture capital enterprise or to support a venture capital enterprise in any manner or for any purpose related thereto.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 56; Nays 60; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Barnes, Burroughs, Campbell, Cook, Crow, Dahl, Faber, Feuerborn, Flaherty, Flora, Garner, Gilbert, Goering, Grant, Henderson, Henry, Hermes, Holmes, Huebert, Huy, Kauffman, Kirk, Klein, Landwehr, Larkin, Levinson, M. Long, P. Long, McClure, McKinney, Minor, Neufeld, Nichols, Ostmeyer, Palmer, Pauls, E. Peterson, Phelps, L. Powell, Powers, Reardon, Rehorn, Ruff, Schwartz, Sharp, Shultz, Spangler, Swenson, Thimesch, R. Toelkes, Toplikar, Vickrey, Welshimer, Wilson, Winn.

Nays: Aday, Ballard, Ballou, Beggs, Benlon, Bethell, Boston, Compton, Cox, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Findley, Freeborn, Gatewood, Gordon, Hayzlett, Horst, Howell, Huff, Humerickhouse, Hutchins, Johnson, Krehbiel, Lane, Light, Lightner, Lloyd, Loyd, Mason, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Newton, O'Neal, Osborne, Owens, Patterson, J. Peterson, Pottorff, T. Powell, Pyle, Ray, Showalter, Shriver, Sloan, Stone, Storm, Tafanelli, Tomlinson, Weber, Wells, J. Williams.

Present but not voting: None.

Absent or not voting: Glasscock, Kuether, Loganbill, Mayans, Novascone, O'Brien, Tanner, Wilk, D. Williams.

The motion of Rep. Spangler did not prevail.

Also, on motion of Rep. Rehorn to amend **HB 3007**, the motion did not prevail.

Also, on motion of Rep. Wilson **HB 3007** be amended on page 36, following line 10, by inserting the following:

“Sec. 27.

STATE BOARD OF REGENTS

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

Municipal university operating grant.....	\$1,626,806
Community college operating grant.....	\$16,126,898
Faculty salary enhancement	\$13,422,757

Provided, That all moneys in the faculty salary enhancement account shall be used by the state board of regents to increase the salary of public service, teaching and research faculty members: *Provided further*, That the state board of regents is hereby authorized to transfer moneys from this account to appropriate accounts of the state general fund of any state educational institution under its jurisdiction: *And provided further*, That the executive director of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the division of the budget and the legislative research department.

Performance grant funding—technical schools and colleges	\$540,000
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Provided, That all moneys in the performance grant funding—technical schools and colleges account shall be used by the state board of regents for performance grants to eligible vocational educational schools and technical colleges pursuant to the Kansas higher education coordination act, and amendments thereto: *Provided further*, That the state board of regents is hereby authorized to make expenditures from the performance grant funding—technical

schools and colleges account for payment of such performance grants to eligible vocational educational schools and technical colleges pursuant to the Kansas higher education coordination act, and amendments thereto: *And provided further*, That the executive director of the state board of regents shall certify each such payment to the division of the budget and the legislative research department: *And provided further*, That no such payment shall exceed the amount equal to 2% of the aggregate amount of funding received by the recipient vocational educational school or technical college from the state general fund and the state economic development initiatives fund for fiscal year 2002.”;

And by renumbering sections accordingly;

Also, on motion of Rep. Kirk **HB 3007** be amended on page 36, following line 10, by inserting the following:

“Sec. 27.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) Prior to the fiscal year commencing on July 1, 2003, the department of social and rehabilitation services shall not restrict admissions to nursing facilities for mental health or remove patients from nursing facilities for mental health who have not been diagnosed with a severe and persistent mental illness: *Provided further*, That the department of social and rehabilitation services shall not restrict access to community mental health center services to consumers in nursing facilities for mental health to only to the 120-day period prior to discharge.”;

And by renumbering sections accordingly;

Also, roll call was demanded on motion of Rep. R. Toelkes to amend **HB 3007** on page 36, following line 10, by inserting the following:

“Sec. 27. (a) In addition to the other purposes for which expenditures may be made by the governor’s department and the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2003 for the governor’s department and the department of administration as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures may be made by the governor’s department and the department of administration from any such moneys appropriated from the state general fund or any special revenue fund for fiscal year 2003 to provide for the administrative actions to provide for the base pay rate increases prescribed by this section: *Provided*, That the governor is hereby authorized and directed to modify the pay plan for fiscal year 2003 in accordance with this subsection and to adopt such pay plan as so modified. The existing pay plan for fiscal year 2003 shall be modified to provide for base salary increases, including associated employer contributions, to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending on June 30, 2003, and which commences on December 21, 2002, by adjusting each step of the schedule of ranges and steps of the pay plan for state officers and employees in the classified service under the Kansas civil service act to provide for an average increase of 2.5% in each such step, to be effective for biweekly pay periods commencing on or after December 21, 2002: *Provided further*, That the pay plan adopted by the governor under this subsection shall be the pay plan for the classified service under the Kansas civil service act: *And provided further*, That such pay plan shall be subject to modification and approval as provided under K.S.A. 75-2938 and amendments thereto. (b) During the fiscal year ending June 30, 2003, the governor is hereby authorized to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act, who are receiving annual compensation of less than \$50,000 per year, and whose salaries are subject to approval by the governor under K.S.A. 75-2935b or 75-2935c and amendments thereto to provide for base salary increases of 2.5%, to be effective for biweekly pay periods commencing on or after December 21, 2002, and to be distributed on a merit basis from a merit salary pool: *Provided*, That the average of each such increase shall not exceed 2.5% of the base salaries of such officers and employees who are receiving annual compensation of less than \$50,000 per year: *Provided further*, That the provisions of this subsection (b) shall not authorize or provide any salary increase for any unclassified officer or employee who is receiving annual compensation of \$50,000 per year or more.

(c) During the fiscal year ending June 30, 2003, each elected state official of the executive branch of state government, including the state board of education, and the Kansas tech-

nology enterprise corporation, Kansas, Inc., the state board of regents and the board of trustees of the Kansas public employees retirement system, in each such official or board's discretion, are hereby authorized to modify or to authorize the modification of the salaries of the state officers and employees of such official or board, who are in the unclassified service under the Kansas civil service act, who are receiving annual compensation of less than \$50,000 per year, and whose salaries are not subject to approval by the governor under K.S.A. 75-2935b and amendments thereto, to provide for base salary increases of 2.5%, to be effective for each biweekly pay period commencing on or after December 21, 2002, to be distributed on a merit basis from a merit salary pool: *Provided*, That the average of each such increase shall not exceed 2.5% of the base salaries of such officers and employees who are receiving annual compensation of less than \$50,000 per year: *Provided further*, That the provisions of this subsection (c) shall not authorize or provide any salary increase for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, attorney general, to any member of any state board, commission, council or committee receiving per diem compensation as provided by statute, or to any unclassified officer or employee who is receiving annual compensation of \$50,000 per year or more.

(d) There is hereby appropriated from the state general fund for the state finance council, for the fiscal year ending June 30, 2003, the sum of \$7,522,367 to be used for the purpose of paying the proportionate share of the cost to the state general fund of: (1) The base salary increases pursuant to the adjustments to each step in the schedule of pay rate ranges and steps of the pay plan for the classified service under the Kansas civil service act made pursuant to subsection (a); and (2) the salary increases for state officers and employees in the unclassified service under the Kansas civil service act which are provided for in subsection (b) and subsection (c).

(e) To pay the proportionate share of the cost to the state general fund of each state agency for the salary increases specified in subsections (d), including associated employer contributions, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized and directed to approve the transfer of moneys from the appropriation under subsection (a) to the proper accounts created by state general fund appropriations for the fiscal year ending June 30, 2003.

(f) Upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts established for the fiscal year ending June 30, 2003, for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases specified in subsection (d).

(g) Each state agency of the executive branch of state government shall prepare and submit a budget estimate for such salary increases specified in subsection (d), and all amendments and revisions of such estimates, to the director of the budget on forms prescribed by the director of the budget. At the same time as each state agency submits such estimate, and all amendments and revisions thereof, each state agency shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the legislative research department.

Sec. 28.

JUDICIAL BRANCH

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

Judiciary operations.....	\$1,425,701
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Sec. 29.

LEGISLATIVE COORDINATING COUNCIL

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

Legislative coordinating council—operations.....	\$4,856
Legislative research department—operations	\$13,445
Office of revisor of statutes—operations.....	\$4,856
Sec. 30.	

LEGISLATURE

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

Operations (including official hospitality).....	\$11,892
Sec. 31.	

DIVISION OF POST AUDIT

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

Operations (including legislative post audit committee)	\$7,221”;
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And by renumbering sections accordingly;

On roll call, the vote was: Yeas 67; Nays 48; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aday, Ballard, Barnes, Burroughs, Campbell, Compton, Crow, Dillmore, DiVita, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Gordon, Grant, Henderson, Henry, Hermes, Horst, Howell, Humerickhouse, Hutchins, Johnson, Kirk, Klein, Kuether, Larkin, Levinson, Lightner, Loganbill, M. Long, P. Long, Mays, McClure, McKinney, Minor, Newton, Nichols, Pauls, E. Peterson, Phelps, T. Powell, Powers, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Toplikar, Vickrey, Wells, Welshimer, J. Williams, Wilson, Wimm.

Nays: Aurand, Ballou, Beggs, Benlon, Boston, Cook, Cox, Dahl, DeCastro, Dreher, Edmonds, Faber, Feuerborn, Freeborn, Hayzlett, Holmes, Huebert, Huff, Huy, Kauffman, Krehbiel, Lane, Light, Lloyd, Loyd, Mason, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, Pyle, Ray, Schwartz, Tomlinson, Weber.

Present but not voting: None.

Absent or not voting: Bethell, Glasscock, Landwehr, Mayans, Novascone, O’Brien, Shultz, Tanner, Wilk, D. Williams.

The motion of Rep. R. Toelkes prevailed.

Also, on motion of Rep. Goering **HB 3007** be amended on page 36, following line 10, by inserting new material to read as follows:

“Sec. 27. (a)(1) On July 1, 2002, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for salary bonus payments except for salary bonus payments under the Kansas savings incentive program to state officers or employees as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, is hereby lapsed from each such account: *Provided*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(2) During the fiscal year ending June 30, 2003, no expenditures shall be made from any moneys appropriated for any state agency from the state general fund or any special revenue fund for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature for salary bonus payments to state officers or employees except for salary bonus payments under the Kansas savings incentive program.”;

By renumbering remaining sections accordingly;

Also, on motion of Rep. Minor to amend **HB 3007**, the motion did not prevail.

Also, roll call was demanded on motion to recommend **HB 3007** favorably for passage.

On roll call, the vote was: Yeas 57; Nays 61; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Barnes, Burroughs, Campbell, Crow, Dillmore, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Grant, Hayzlett, Henderson, Henry,

Hermes, Horst, Howell, Johnson, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, McClure, McKinney, Minor, Nichols, Pauls, E. Peterson, Phelps, Pottorff, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Thimesch, R. Toelkes, Vickrey, Wells, Welshimer, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Boston, Compton, Cook, Cox, Dahl, De-Castro, DiVita, Dreher, Edmonds, Freeborn, Gordon, Holmes, Huebert, Huff, Humerickhouse, Hutchins, Huy, Kauffman, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, L. Powell, T. Powell, Powers, Pyle, Ray, Schwartz, Spangler, Tafanelli, Tomlinson, Toplikar, Weber.

Present but not voting: None.

Absent or not voting: Bethell, Glasscock, Novascone, O'Brien, Tanner, Wilk, D. Williams.

The motion to recommend **HB 3007** favorably for passage did not prevail.

Committee report to **SB 517** be adopted; also, on motion of Rep. Ballou be amended on page 10, following line 41, by inserting the following:

"Sec. 9. (a) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the state operations account of the state general fund of the above agency the amount of \$12,762.04, from the foster care assistance federal fund, the amount of \$5,613.24, and from the medical assistance federal fund, the amount of \$255.24, fund for reimbursement for attorney fees and other related expenses incurred in child in need of care proceedings, to the following claimants:

Steve and Susan Moore
471 N. Mulberry
Gardner, KS 66030 \$18,630.72";

And by renumbering sections accordingly;

Also, on motion of Rep. Miller **SB 517** be amended on page 10, following line 41, by inserting new material to read as follows:

"Sec. 9. (a) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the state operations account of the state general fund of the above agency the amount of \$5,781.33, from the foster care assistance federal fund, the amount of \$2,542.94, and from the medical assistance federal fund, the amount of \$115.63, as reimbursement for attorney fees and other related expenses incurred in a child in need of care action, to the following claimants:

Scott and Susan House
107 S. Choctaw
Dewey, OK 74029 \$8,439.90

(b) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the state operations account of the state general fund, of the above agency the amount of \$16,509.20, from the foster care assistance federal fund the amount of \$7,261.64, from the medical assistance federal fund the amount of \$330.18, as reimbursement for psychological tests and other related expenses incurred by grandparents in a child in need of care action, to the following claimants:

Clair and Shirley Gordon
201 East 2nd Ave.
Caney, KS 67333..... \$24,101.02";

Also, on motion of Rep. Stone **SB 517** be amended on page 10, by striking all in lines 27 through 41;

And by renumbering sections accordingly; and **SB 517** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Local Government** recommends **HB 3023** be amended on page 1, in line 18, by striking all after "property"; in line 19, by striking all before the period and inserting "which is burdened by any special assessment, the sales value thereof, and the sales value of any comparable real property so burdened, shall not include the present value of any such special assessment"; and the bill be passed as amended.

The Committee on **Transportation** recommends **HB 3026** be amended on page 1, in line 21, by striking "\$10.50" and inserting "\$11"; in line 22, by striking "\$15.50" and inserting "\$16"; in line 24, by striking "\$26" and inserting "\$26.50"; in line 25, by striking "\$36" and inserting "\$36.50"; in line 29, by striking "\$13.50" and inserting "\$14"; in line 36, by striking "\$2.50" and inserting "\$2";

On page 2, in line 19, by striking "\$36" and inserting "\$37"; in line 21, by striking "103" and inserting "102"; in line 23, by striking "134" and inserting "132"; in line 25, by striking "201" and inserting "197"; in line 27, by striking "320" and inserting "312"; in line 29, by striking "320" and inserting "312"; in line 31, by striking "381" and inserting "375"; in line 33, by striking "484" and inserting "475"; in line 35, by striking "618" and inserting "605"; in line 37, by striking "824" and inserting "805"; in line 39, by striking "1,030" and inserting "1,010"; in line 41, by striking "1,236" and inserting "1,210"; in line 43, by striking "1,571" and inserting "1,535";

On page 3, in line 2, by striking "1,777" and inserting "1,735"; in line 4, by striking "1,983" and inserting "1,935"; in line 8, by striking "\$2.50" and inserting "\$2"; in line 39, by striking "\$46" and inserting "\$44"; in line 40, by striking "19" and inserting "18";

On page 4, in line 16, by striking "103" and inserting "102"; in line 18, by striking "134" and inserting "132"; in line 20, by striking "180" and inserting "177"; in line 22, by striking "180" and inserting "177"; in line 24, by striking "216" and inserting "215"; in line 26, by striking "247" and inserting "245"; in line 28, by striking "320" and inserting "315"; in line 30, by striking "422" and inserting "415"; in line 32, by striking "484" and inserting "480"; in line 34, by striking "587" and inserting "580"; in line 36, by striking "773" and inserting "760"; in line 38, by striking "906" and inserting "890"; in line 40, by striking "1,030" and inserting "1,010";

On page 5, in line 6, by striking "\$36" and inserting "\$37"; in line 8, by striking "41" and inserting "42"; in line 13, by striking "54,000" and inserting "36,000"; following line 14, by inserting the following:

"For a gross weight of more than 36,000 lbs. and not more than 54,000 lbs. 75";

Also on page 5, in line 16, by striking "186" and inserting "190"; in line 18, by striking "371" and inserting "370"; in line 19, by striking "618" and inserting "610";

On page 6, in line 7, by striking "\$16" and inserting "\$15"; in line 8, by striking "31" and inserting "30"; in line 9, by striking "62" and inserting "60"; in line 13, by striking "\$2.50" and inserting "\$2"; in line 21, by striking "\$36" and inserting "\$35"; in line 23, by striking "\$26" and inserting "\$25"; in line 24, by striking "\$16" and inserting "\$15"; in line 27, by striking "\$16" and inserting "\$15";

On page 8, in line 30, by striking "\$2" and inserting "\$1.50";

On page 9, in line 3, by striking "\$3.50" and inserting "\$3";

On page 10, by striking all in lines 28 through 43;

By striking all on pages 11 and 12;

On page 13, by striking all of lines 1 through 26;

By renumbering sections accordingly;

Also on page 13, in line 38, by striking "103" and inserting "102"; in line 40, by striking "134" and inserting "132"; in line 42, by striking "180" and inserting "177";

On page 14, in line 2, by striking "180" and inserting "177"; in line 4, by striking "216" and inserting "215"; in line 6, by striking "247" and inserting "245"; in line 8, by striking "320" and inserting "315"; in line 10, by striking "422" and inserting "415"; in line 12, by striking "484" and inserting "480"; in line 14, by striking "587" and inserting "580"; in line 16, by striking "773" and inserting "760"; in line 18, by striking "906" and inserting "890"; in line 20, by striking "1,030" and inserting "1,010"; by striking all of lines 37 through 43;

By striking all on pages 15 through 19;

On page 20, by striking all of lines 1 through 13;

By renumbering sections accordingly;

On page 37, in line 26, by striking all following "8-143"; by striking all in line 27; in line 28, by striking "2425" and inserting "and 8-143j";

In the title, in line 10, by striking all after "8-143"; by striking all in line 11; in line 12, preceding "K.S.A." by inserting "and 8-143j and"; 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 bills were thereupon introduced and read by title:

HB 3038. An act relating to cigarette and tobacco products taxation; increasing the rate thereof; amending K.S.A. 79-3310, 79-3312, 79-3371 and 79-3378 and K.S.A. 2001 Supp. 79-3311 and repealing the existing sections, by Committee on Taxation.

HB 3039. An act relating to sales taxation; increasing the rate thereof; amending K.S.A. 2001 Supp. 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 79-3603b, by Committee on Taxation.

HB 3040. An act concerning state finances; relating to certificates of borrowing and the allotment system; amending K.S.A. 75-3725a and repealing the existing section, by Committee on Appropriations.

MESSAGES FROM THE GOVERNOR

HB 2372, HB 2399, HB 2708, HB 2723, HB 2741, HB 2763, HB 2799, HB 2808, HB 2879, HB 2900, HB 2901 approved on April 9, 2002.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2091** and has appointed Senators Corbin, Jenkins and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2613** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2703** and has appointed Senators Tyson, Taddiken and Lee as conferees on the part of the Senate.

The President announced the appointment of Senator Jordan as a member of the conference committee on **SB 467** to replace Senator Schmidt.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6015—

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

A RESOLUTION congratulating and commending the William Allen White Children's Book Award on its 50th Anniversary.

WHEREAS, The William Allen White Children's Book Award was established for the children of Kansas by Ruth Gagliardo in 1952. With the consent of the White family, the award was named for William Allen White, the famous editor of The Emporia Gazette who was an advisor to presidents, a Pulitzer Prize winner and was fondly known as the Sage of Emporia; and

WHEREAS, The award encourages students in grades three to eight to read good literature. The award promotes literacy and the enjoyment of reading and provides opportunities for students to meet and to interact with authors of children's books; and

WHEREAS, The award was the first state award in the nation to be reader selected. The award selection process provides students with practice in the democratic right to vote; and

WHEREAS, The award is sponsored by Emporia State University and is funded by the Trusler Foundation, patrons of the award and Emporia State University; and

WHEREAS, The 50th Anniversary of the William Allen White Children's Book Award is to be celebrated at Emporia on October 5, 2002: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the William Allen White Children's Book Award upon its 50th anniversary and declare that the year 2002 be named "The Year of the William Allen White Children's Book Award"; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Dean Joyce Davis, White Library, Emporia State University, 1200 Commercial, Emporia, Kansas 66801.

HOUSE RESOLUTION No. 6016—

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

A RESOLUTION in memory of John Vogel.

WHEREAS, John Vogel of Lawrence died June 21, 2001, at age 85; and

WHEREAS, Mr. Vogel served in the Kansas House of Representatives from district number 61 from 1962 until 1980. He was chairperson of the House Agriculture and Livestock Committee for 14 years and a member of the House Ways and Means Committee for 12 years; and

WHEREAS, Mr. Vogel's public service earned him awards from the University of Kansas, Kansas State University, Kansas Veterinary Medical Association, Lawrence Kiwanis Club, Lawrence Sertoma Club, Lawrence Association of Life Underwriters and the Kansas Audio-Reader Network; and

WHEREAS, Mr. Vogel was born in Stuttgart and attended primary and secondary schools in Phillips County before graduating from the University of Kansas School of Business in 1939. Although he could have pursued a career in business, he chose to be a farmer. As stated by his daughter, Nancy, "He had rural roots and a closeness to the soil that brought a lot of peace to him. He was a contented country gentleman."; and

WHEREAS, He married Irene Schaaque on April 19, 1935; she died May 20, 1995. Survivors include their daughter, Nancy S. Vogel, and their son, Gerald M. Vogel. He was buried in Memorial Park Cemetery in Lawrence: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor the dedicated public service of John Vogel and extend our deepest sympathy to surviving family members; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Nancy S. Vogel, P.O. Box 894, Hays, Kansas 67601 and to Gerald M. Vogel, 1572 Eldorado Drive, Lawrence, Kansas 66047.

REPORT ON ENROLLED BILLS

HB 2677, HB 2781 reported correctly enrolled, properly signed and presented to the governor on April 9, 2002.

On motion of Rep. Weber, the House adjourned until 9:30 a.m., Wednesday, April 10, 2002.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

