

# Journal of the House

FIFTY-FOURTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, March 26, 2001, 10:00 a.m.

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

The roll was called with 121 members present.

Rep. Kauffman was excused on verified illness.

Rep. Howell was excused on legislative business.

Reps. Krehbiel and O'Neal were excused on excused absence by the Speaker.

Prayer by Rabbi Lawrence Karol, Temple Beth Sholom, Topeka, and guest of Rep. Gordon:

Dear God,

At some time, we each ask ourselves what our place or purpose is in life. We wonder what difference it makes that we exist, what our role is in the larger scheme of things. We question whether it's worth the trouble to work hard at our lives, to learn all we can, to grow into the best person we can possibly be. The contribution we make compared to all our efforts may seem small.

But all large, important things are made up of many small, seemingly insignificant parts. Every person is part of the world, of human history, of our planet and of the universe.

May we see beyond our differing faiths, backgrounds, and political philosophies to recognize that each of us has something to offer. May the very existence that we share unite us in common purpose despite difficulties and disagreements. May we open our eyes and minds to ideas and suggestions that may not be our own and give them due consideration. And may we take each other's words and wisdom to heart as we seek together the welfare of our state, our nation and our world. And let us say Amen.

The Pledge of Allegiance was led by Rep. Gatewood.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Business, Commerce and Labor: **Sub. SB 121**.

Taxation: **HB 2576**.

## MESSAGES FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 53**, requests a conference and has appointed Senators Donovan, Salmons and Gooch as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 107**, requests a conference and has appointed Senators Allen, Clark and Gilstrap as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 115**, requests a conference and has appointed Senators Donovan, Salmons and Gooch as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 126**, requests a conference and has appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 127**, requests a conference and has appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2005** 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 **S. Sub. for HB 2033** and has appointed Senators Praeger, Teichman and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2063** 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 2101** and has appointed Senators Schmidt, Huelskamp and Downey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2105** and has appointed Senators Harrington, O'Connor and Gooch as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2114** and has appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2300** and has appointed Senators Harrington, Brungardt and Gooch as conferees on the part of the Senate.

Also, announcing passage of **SB 112, SB 152, SB 208, SB 304**.

Also, announcing passage of **HB 2198, HB 2246, HB 2473**.

Announcing passage of **HB 2124**, as amended; **HB 2146**, as amended by **S. Sub. for HB 2146; HB 2154**, as amended by **S. Sub. for HB 2154**, as amended; **HB 2176**, as amended; **HB 2208**, as amended; **HB 2212**, as amended by **S. Sub. for HB 2212; HB 2275**, as amended; **HB 2299**, as amended by **S. Sub. for HB 2299**, as amended; **HB 2301**, as amended; **HB 2303**, as amended by **S. Sub. for HB 2303; HB 2316**, as amended; **HB 2369**, as amended; **HB 2481**, as amended; **HB 2505**, as amended.

The Senate concurs in House amendments to **SB 55**.

The Senate concurs in House amendments to **Sub. SB 123**.

The Senate concurs in House amendments to **SB 125**.

The Senate concurs in House amendments to **SB 139**.

Announcing rejection of **HB 2207**.

Also, the Senate nonconcur in House amendments to **SB 32**, requests a conference and has appointed Senators Harrington, Lyon and Gooch as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 50**, requests a conference and has appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 58**, requests a conference and has appointed Senators Praeger, Teichman and Feleciano as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 83**, requests a conference and has appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 183**, requests a conference and has appointed Senators Tyson, Taddiken and Lee as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 186**, requests a conference and has appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 214**, requests a conference and has appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 280**, requests a conference and has appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 321**, requests a conference and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

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

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

**SB 112, SB 152, SB 208, SB 304**.

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

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 53**.

Speaker pro tem Aurand thereupon appointed Reps. Hayzlett, Vickrey and M. Long 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 107**.

Speaker pro tem Aurand thereupon appointed Reps. T. Powell, Powers and Alldritt 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 115**.

Speaker pro tem Aurand thereupon appointed Reps. Hayzlett, Vickrey and M. Long 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 126**.

Speaker pro tem Aurand thereupon appointed Reps. T. Powell, Powers and Alldritt 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 127**.

Speaker pro tem Aurand thereupon appointed Reps. T. Powell, Powers and Alldritt 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 32**.

Speaker pro tem Aurand thereupon appointed Reps. Wilk, Neufeld and Nichols 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 50**.

Speaker pro tem Aurand thereupon appointed Reps. Boston, Jim Morrison and Showalter 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 58**.

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

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 183**.

Speaker pro tem Aurand thereupon appointed Reps. Freeborn, Myers and Flora 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 186**.

Speaker pro tem Aurand thereupon appointed Reps. Boston, Jim Morrison and Showalter 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 214**.

Speaker pro tem Aurand thereupon appointed Reps. Boston, Jim Morrison and Showalter 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 280**.

Speaker pro tem Aurand thereupon appointed Reps. Beggs, Palmer and E. Peterson 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 321**.

Speaker pro tem Aurand thereupon appointed Reps. Wilk, Neufeld and Feuerborn as conferees on the part of the House.

**MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Edmonds, the House nonconcurrred in Senate amendments to **HB 2007** and asked for a conference.

Speaker pro tem Aurand 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 **S. Sub. for HB 2017** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Wilk, Neufeld and Shriver as conferees on the part of the House.

On motion of Rep. Freeborn, the House nonconcurrred in Senate amendments to **HB 2047** and asked for a conference.

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

On motion of Rep. Mason, the House nonconcurrred in Senate amendments to **HB 2055** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Mason, Aday and Kuether as conferees on the part of the House.

On motion of Rep. Loyd, the House nonconcurrred in Senate amendments to **HB 2083** and asked for a conference.

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

On motion of Rep. Loyd, the House nonconcurrred in Senate amendments to **HB 2084** and asked for a conference.

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

On motion of Rep. Beggs, the House nonconcurrred in Senate amendments to **HB 2098** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Beggs, Palmer and E. Peterson as conferees on the part of the House.

On motion of Rep. Johnson, the House nonconcurrred in Senate amendments to **HB 2103** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Johnson, Dahl and Thimesch as conferees on the part of the House.

On motion of Rep. Ray, the House nonconcurrred in Senate amendments to **HB 2119** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Ray, Campbell and Gilbert as conferees on the part of the House.

On motion of Rep. Freeborn, the House nonconcurrred in Senate amendments to **HB 2131** and asked for a conference.

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

On motion of Rep. Freeborn, the House nonconcurrred in Senate amendments to **HB 2134** and asked for a conference.

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

On motion of Rep. Loyd, the House nonconcurrred in Senate amendments to **HB 2136** and asked for a conference.

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

On motion of Rep. Cox, the House concurred in Senate amendments to **HB 2169**, An act relating to state moneys; concerning the investment thereof; amending K.S.A. 75-4221 and K.S.A. 2000 Supp. 75-4237 and repealing the existing sections.

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

Yeas: Aday, Alldritt, 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, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Kline, 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, Osborne, Ostmeyer, 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, Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Howell, Kauffman, Krehbiel, O'Neal, Tomlinson.

On motion of Rep. Loyd, the House nonconcurred in Senate amendments to **HB 2174** and asked for a conference.

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

On motion of Rep. Loyd, the House nonconcurred in Senate amendments to **HB 2175** and asked for a conference.

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

On motion of Rep. Holmes, the House nonconcurred in Senate amendments to **HB 2200** and asked for a conference.

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

On motion of Rep. Holmes, the House nonconcurred in Senate amendments to **HB 2245** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Holmes, Sloan and McClure as conferees on the part of the House.

On motion of Rep. Holmes, the House nonconcurred in Senate amendments to **HB 2266** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Holmes, Sloan and McClure as conferees on the part of the House.

On motion of Rep. Tanner, the House nonconcurred in Senate amendments to **HB 2289** and asked for a conference.

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

On motion of Rep. Loyd, the House nonconcurred in Senate amendments to **HB 2297** and asked for a conference.

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

On motion of Rep. Boston, the House nonconcurred in Senate amendments to **HB 2313** and asked for a conference.

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

On motion of Rep. Lane, the House nonconcurred in Senate amendments to **HB 2343** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Lane, P. Long and Ruff as conferees on the part of the House.

On motion of Rep. Holmes, the House nonconcurred in Senate amendments to **HB 2397** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Holmes, Sloan and McClure as conferees on the part of the House.

On motion of Rep. Ray, the House nonconcurred in Senate amendments to **HB 2406** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Ray, Campbell and Gilbert as conferees on the part of the House.

On motion of Rep. Mason, the House nonconcurred in Senate amendments to **HB 2497** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Mason, Aday and Kuether as conferees on the part of the House.

On motion of Rep. Freeborn, the House nonconcurred in Senate amendments to **HCR 5008** and asked for a conference.

Speaker pro tem Aurand 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. Freeborn in the chair.

#### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2160**, **HB 2549** be passed.

**HB 2573** (see further action, Afternoon Session); **SB 118**; **HB 2539** (see further action, Afternoon Session) be passed over and retain a place on the calendar.

Committee report to **HB 2548** be adopted; and the bill be passed as amended.

Committee report to **SB 57** be adopted; and the bill be passed as amended.

Committee report to **HB 2292** be adopted; and the bill be passed as amended.

Committee report to **SB 14** be adopted; and the bill be passed as amended.

Committee report to **SB 263** be adopted; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Taxation** recommends **HCR 5018**, **HCR 5026** be adopted.

The Committee on **Taxation** recommends **HB 2396** be amended after line 38, by inserting two new sections to read as follows:

"Sec. 2. K.S.A. 2000 Supp. 79-1476 is hereby amended to read as follows: 79-1476.

The director of property valuation is hereby directed and empowered to administer and supervise a statewide program of reappraisal of all real property located within the state. Except as otherwise authorized by K.S.A. 19-428, and amendments thereto, each county shall comprise a separate appraisal district under such program, and the county appraiser shall have the duty of reappraising all of the real property in the county pursuant to guidelines and timetables prescribed by the director of property valuation and of updating the same on an annual basis. In the case of multi-county appraisal districts, the district appraiser shall have the duty of reappraising all of the real property in each of the counties comprising the district pursuant to such guidelines and timetables and of updating the same on an annual basis. Commencing in 2000, every parcel of real property shall be actually viewed and inspected by the county or district appraiser once every six years. Any county or district appraiser shall be deemed to be in compliance with the foregoing requirement in any year if 17% or more of the parcels in such county or district are actually viewed and inspected.

Compilation of data for the initial preparation or updating of inventories for each parcel of real property and entry thereof into the state computer system as provided for in K.S.A. 79-1477, and amendments thereto, shall be completed not later than January 1, 1989. When-

ever the director determines that reappraisal of all real property within a county is complete, notification thereof shall be given to the governor and to the state board of tax appeals.

Valuations shall be established for each parcel of real property at its fair market value in money in accordance with the provisions of K.S.A. 79-503a, and amendments thereto.

In addition thereto valuations shall be established for each parcel of land devoted to agricultural use upon the basis of the agricultural income or productivity attributable to the inherent capabilities of such land in its current usage under a degree of management reflecting median production levels in the manner hereinafter provided. A classification system for all land devoted to agricultural use shall be adopted by the director of property valuation using criteria established by the United States department of agriculture soil conservation service. For all taxable years commencing after December 31, 1989, all land devoted to agricultural use which is subject to the federal conservation reserve program shall be classified as cultivated dry land for the purpose of valuation for property tax purposes pursuant to this section. For all taxable years commencing after December 31, 1999, all land devoted to agricultural use which is subject to the federal wetlands reserve program shall be classified as native grassland for the purpose of valuation for property tax purposes pursuant to this section. Productivity of land devoted to agricultural use shall be determined for all land classes within each county or homogeneous region based on an average of the eight calendar years immediately preceding the calendar year which immediately precedes the year of valuation, at a degree of management reflecting median production levels. The director of property valuation shall determine median production levels based on information available from state and federal crop and livestock reporting services, the soil conservation service, and any other sources of data that the director considers appropriate.

The share of net income from land in the various land classes within each county or homogeneous region which is normally received by the landlord shall be used as the basis for determining agricultural income for all land devoted to agricultural use except pasture or rangeland. The net income normally received by the landlord from such land shall be determined by deducting expenses normally incurred by the landlord from the share of the gross income normally received by the landlord. The net rental income normally received by the landlord from pasture or rangeland within each county or homogeneous region shall be used as the basis for determining agricultural income from such land. The net rental income from pasture and rangeland which is normally received by the landlord shall be determined by deducting expenses normally incurred from the gross income normally received by the landlord. Commodity prices, crop yields and pasture and rangeland rental rates and expenses shall be based on an average of the eight calendar years immediately preceding the calendar year which immediately precedes the year of valuation. Net income for every land class within each county or homogeneous region shall be capitalized at a rate determined to be the sum of the contract rate of interest on new federal land bank loans in Kansas on July 1 of each year averaged over a five-year period which includes the five years immediately preceding the calendar year which immediately precedes the year of valuation, plus a percentage not less than ~~.75%~~ 2% nor more than ~~2.75%~~ 4%, as determined by the director of property valuation.

Based on the foregoing procedures the director of property valuation shall make an annual determination of the value of land within each of the various classes of land devoted to agricultural use within each county or homogeneous region and furnish the same to the several county appraisers who shall classify such land according to its current usage and apply the value applicable to such class of land according to the valuation schedules prepared and adopted by the director of property valuation under the provisions of this section.

It is the intent of the legislature that appraisal judgment and appraisal standards be followed and incorporated throughout the process of data collection and analysis and establishment of values pursuant to this section.

For the purpose of the foregoing provisions of this section the phrase "land devoted to agricultural use" shall mean and include land, regardless of whether it is located in the unincorporated area of the county or within the corporate limits of a city, which is devoted to the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest prod-

ucts; fruits, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products. Land devoted to agricultural use shall not include those lands which are used for recreational purposes, other than that land established as a controlled shooting area pursuant to K.S.A. 32-943, and amendments thereto, which shall be deemed to be land devoted to agricultural use, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

The term "expenses" shall mean those expenses typically incurred in producing the plants, animals and horticultural products described above including management fees, production costs, maintenance and depreciation of fences, irrigation wells, irrigation laterals and real estate taxes, but the term shall not include those expenses incurred in providing temporary or permanent buildings used in the production of such plants, animals and horticultural products.

The provisions of this act shall not be construed to conflict with any other provisions of law relating to the appraisal of tangible property for taxation purposes including the equalization processes of the county and state board of tax appeals.

Sec. 3. K.S.A. 2000 Supp. 79-1476 is hereby repealed.;

In line 39, by striking "2" and inserting "4";

In the title, in line 14, before the period by inserting "; concerning the agricultural use valuation capitalization rate; amending K.S.A. 2000 Supp. 79-1476 and repealing the existing section"; 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 2577**, An act concerning school district finance; authorizing the levy of an ad valorem tax for enhancement of teachers' salaries; providing for teachers' enhancement for affordable community housing weighting; amending K.S.A. 2000 Supp. 72-6407 and repealing the existing section, by Committee on Taxation.

**HB 2578**, An act concerning school district finance; concerning state aid and grants for various educational performance programs; relating to school district ad valorem taxes and other taxes for educational enhancement financing; making and concerning appropriations for the fiscal year ending June 30, 2002, for the department of education; amending K.S.A. 72-6413 and K.S.A. 2000 Supp. 72-1398, 72-6407, 72-6410, 72-6412, 72-6414, 72-6431, 72-6442, 79-201x, 79-2959, 79-2964, 79-3492b, 79-34,118, 79-34,141, 79-34,142, 79-34,147, 79-3603, 79-3635 and 79-3703 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 72-978, 72-979 and 72-983, by Committee on Taxation.

#### **CHANGE OF REFERENCE**

Speaker pro tem Aurand announced the withdrawal of **SB 121** from Committee on Business, Commerce and Labor and referral to Committee on Taxation.

#### **CHANGE OF CONFEREES**

Speaker pro tem Aurand announced the appointment of Rep. Thimesch as a member of the conference committee on **HB 2131** to replace Rep. Flora.

Also, the appointment of Rep. Thimesch as a member of the conference committee on **HB 2134** to replace Rep. Flora.

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

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 83**.

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

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



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 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. Freeborn in the chair.

**COMMITTEE OF THE WHOLE**

On motion of Rep. Freeborn, Committee of the Whole report, as follows, was adopted: Recommended that on motion of Rep. Ballou to amend **HB 2573**, the motion did not prevail.

Also, on motion of Rep. Burroughs to amend **HB 2573**, Rep. Mays requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. Burroughs challenged the ruling, the question being "Shall the Rules Chair be sustained?"

The Rules Chair was sustained.

Also, on further motion of Rep. Burroughs **HB 2573** be amended on page 1, after line 14, by inserting an additional section as follows:

"Sec. 1. K.S.A. 74-8930 is hereby amended to read as follows: 74-8930. Within ~~one year of the commencement of construction of any project of statewide as well as local importance as defined in K.S.A. 74-8902 and amendments thereto, located within a county which according to the 1990 decennial census contained a population greater than 25,000;~~ 120 days of the effective date of this act, developer of a project of state-wide as well as local importance shall reimburse the unified government of Wyandotte county for cash investment in the project as documented to and determined by the secretary of commerce and housing.";

And by renumbering the remaining sections accordingly;

On page 2, in line 10, by striking "2002" and inserting "2001 or, if a developer has complied with the provisions of K.S.A 74-8930 and amendments thereto, 2002";

On page 3, in line 2, by striking "74-8992 is" and inserting "74-8922 and 74-8930 are";

On page 1, in the title, in line 11, after "Supp.", by inserting "74-8930 and"; in line 12, by striking "section" and inserting "sections"; and **HB 2573** be passed as amended.

Committee report to **HB 2539** be adopted; also, on motion to recommend the bill favorably for passage, the motion did not prevail.

**REPORTS OF STANDING COMMITTEES**

The Committee on **Appropriations** recommends **HB 2545** be amended on page 2, in line 1, following "fund", by inserting ", as adjusted by the director of accounts and reports pursuant to K.S.A. 2000 Supp. 75-1318, and amendments thereto,"; in line 7, preceding the period, by inserting ": *Provided*, That, of the amount of additional expenditures authorized by the expenditure limitation increase prescribed by this subsection, no portion of such increased expenditure authority for fiscal year 2001 shall be the basis for any amount being transferred into a Kansas savings incentive program account or KSIP account under the Kansas savings incentive program pursuant to section 23 of chapter 132 of the 1999 Session Laws of Kansas or any other Kansas savings incentive program section in this or other appropriation act of the 2001 regular session of the legislature";

On page 3, in line 16, by striking "\$6,753,323" and inserting "\$6,782,199";

On page 4, in line 33, by striking "\$3,654,500" and inserting "\$4,771,763"; following line 37, by inserting the following:

"(e) On and after the effective date of this act, notwithstanding provisions of section 22(f) of chapter 130 of the 2000 Session Laws of Kansas, no moneys shall be expended from the automated tax systems fund of the department of revenue for the purpose of paying any vendors for work related to Project 2000 during the fiscal years ending June 30, 2001, and June 30, 2002.";

On page 5, by striking all of lines 12 through 17;

And by renumbering sections accordingly;

Also on page 5, in line 23, by striking "\$590,000" and inserting "\$504,421"; following line 38, by inserting the following:

"Provided, That no expenditures shall be made from the AIDS medications account for fiscal year 2001 on or after the effective date of this act unless the director of the budget certifies to the director of accounts and reports that such expenditures will not impose a maintenance of effort requirement on the state.";

On page 7, by striking all of lines 19 through 22;

Also on page 7, following line 28, by inserting the following:

"(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2001, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

HCBS programs fund—department on aging ..... \$0

(c) On and after the effective date of this act during fiscal year ending June 30, 2001, at the point during fiscal year 2001 that an aggregate amount of \$15,300,000 has been transferred from the intergovernmental transfer fund to the state medicaid match fund SRS pursuant to subsection (f)(1) of K.S.A. 2000 Supp. 75-4265 and amendments thereto, then the director of accounts and reports shall not transfer any more moneys from the intergovernmental transfer fund to the state medicaid match fund SRS of the department of social and rehabilitation services during fiscal year 2001 and all additional moneys that otherwise would have been transferred from the intergovernmental transfer fund to the state medicaid match fund SRS during fiscal year 2001 shall be transferred from the intergovernmental transfer fund to the state medicaid match fund department on aging.

(d) On and after the effective date of this act during fiscal year ending June 30, 2001, at the point during fiscal year 2001 that an aggregate amount of \$5,000,000 has been transferred from the intergovernmental transfer fund to the HCBS programs fund of the department of social and rehabilitation services pursuant to subsection (f)(1) of K.S.A. 2000 Supp. 75-4265 and amendments thereto, then the director of accounts and reports shall not transfer any more moneys from the intergovernmental transfer fund to the HCBS programs fund of the department of social and rehabilitation services during fiscal year 2001 and all additional moneys that otherwise would have been transferred from the intergovernmental transfer fund to the HCBS programs fund of the department of social and rehabilitation services during fiscal year 2001 shall be transferred from the intergovernmental transfer fund to the HCBS programs fund department on aging, which is hereby created in the state treasury.";

On page 9, in line 8, by striking "\$2,180" and inserting "\$2,030";

Also on page 9, following line 33, by inserting the following:

"(t) On the effective date of this act, the expenditure limitation established by section 33(b) of chapter 130 of the 2000 Session Laws of Kansas on the alcohol and drug abuse block grant federal fund is hereby increased from \$10,978,786 to \$11,186,173.

(u) On the effective date of this act, the expenditure limitation established by section 33(b) of chapter 130 of the 2000 Session Laws of Kansas on the child welfare services block grant federal fund is hereby decreased from \$6,496,560 to \$6,313,397.

(v) On the effective date of this act, the expenditure limitation established by section 33(b) of chapter 130 of the 2000 Session Laws of Kansas on the social services block grant federal fund is hereby decreased from \$28,351,705 to \$26,745,582.

(w) On the effective date of this act, the expenditure limitation established by section 33(b) of chapter 130 of the 2000 Session Laws of Kansas on the mental health block grant federal fund is hereby increased from \$2,370,291 to \$2,762,568.

(x) During the fiscal year ending June 30, 2001, of the amounts budgeted but not expended for the regular medical program from the other medical assistance account of the state general fund, the amounts budgeted but not expended for the mental health and retardation services aid account of the state general fund, and assistance program from the mental health and retardation services aid and assistance and the amounts budgeted for the regular medical program but not expended from the social welfare fund, an aggregate of \$870,000 from such accounts and such fund shall not be expended for other programs or purposes during fiscal year 2001 and shall be expended by the above agency during fiscal

year 2002 for implementation of the medicaid buy-in program for individuals with disabilities.”;

On page 12, by striking all of line 6;

Also on page 12, following line 16, by inserting the following:

“(c) On the effective date of this act, of the \$190,000 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 13(a) of chapter 182 of the 2000 Session Laws of Kansas from the state general fund in the day reporting center state match account, the sum of \$94,691 is hereby lapsed.”;

Also on page 12, following line 25, by inserting the following:

“(c) In addition to the other purposes for which expenditures may be made by the juvenile justice authority from the juvenile detention facilities fund for fiscal year 2001, notwithstanding the provisions of K.S.A. 79-4803 and amendments thereto, the juvenile justice authority is hereby authorized and directed to make expenditures from the juvenile detention facilities fund for fiscal year 2001 for juvenile intake and assessment: *Provided*, That expenditures from the juvenile detention facilities fund for fiscal year 2001 for juvenile intake and assessment shall not exceed \$1,000,000: *Provided further*, That all expenditures for such purpose shall be in addition to any expenditure limitation imposed on the juvenile detention facilities fund for fiscal year 2001.

(d) On the effective date of this act, of the \$34,385,360 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 52(a) of chapter 130 of the Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$1,300 is hereby lapsed.

(e) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2001, the following:

Atchison juvenile correctional facility operations..... \$1,300”;

Also on page 12, following line 36, by inserting the following:

“(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2001, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sentencing commission forfeiture fund..... No limit”;

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

“(f) On the effective date of this act, the expenditure limitation established by section 61(b) of chapter 130 of the 2000 Session Laws of Kansas on the feeding stuffs fee fund is hereby increased from \$491,867 to \$541,867.”;

Also on page 13, in line 26, by striking “\$3,000” and inserting “no limit”;

Also on page 13, following line 42, by inserting the following:

“(b) On the effective date of this act, the expenditure limitation established by section 66(b) of chapter 130 of the 2000 Session Laws of Kansas on the state water plan fund is hereby increased from \$2,826,474 to \$2,834,974.”;

On page 14, in line 6, by striking “400.5” and inserting “397.5”;

Also on page 14, following line 10, by inserting the following:

“Sec. 37.

#### ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2001, the following:

Additional operating expenditures ..... \$25,000

*Provided*, That expenditures may be made from the additional operating expenditures account only upon approval by the state finance council acting after receiving certification from the adjutant general that moneys have been received from the federal government to match such expenditures and acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session.

Sec. 38.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 74(a) of chapter 130 of the 2000 Session Laws of Kansas on the behavioral sciences regulatory board fee fund is hereby increased from \$425,141 to \$425,791.

Sec. 39.

CITIZENS' UTILITY RATEPAYERS BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 28(a) of chapter 183 of the 2000 Session Laws of Kansas on the utility regulatory fee fund is hereby increased from \$471,003 to \$546,469: *Provided*, That, of the amount of additional expenditures authorized by the expenditure limitation increase prescribed by this subsection, no portion of such increased expenditure authority for fiscal year 2001 shall be the basis for any amount being transferred into a Kansas savings incentive program account or KSIP account under the Kansas savings incentive program pursuant to section 70 of chapter 130 of the 2000 Session Laws of Kansas or any other Kansas savings incentive program section in this or other appropriation act of the 2001 regular session of the legislature: *Provided, however*, That, if the total amount of additional expenditures authorized by the expenditure limitation increase prescribed by this section are not expended or encumbered for fiscal year 2001, then an amount equal to the amount of such increased expenditure authority for fiscal year 2001 remaining may be expended from the utility regulatory fee fund for fiscal year 2002 pursuant to contracts for professional services and any such expenditures for fiscal year 2002 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for the fiscal year ending June 30, 2002.

Sec. 40.

DEPARTMENT OF COMMERCE AND HOUSING

(a) On the effective date of this act, the expenditure limitation established by section 12(a) of chapter 183 of the 2000 Session Laws of Kansas on the Kansas economic development endowment account of the state economic development initiatives fund is hereby decreased from \$16,578,179 to \$16,552,337.

(b) On the effective date of this act, the expenditure limitation established by section 12(d) of chapter 183 of the 2000 Session Laws of Kansas on the state operations (including official hospitality) subaccount of the Kansas economic development endowment account is hereby decreased from \$9,184,779 to \$9,158,937.

Sec. 41.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2001, the following:

Operating expenditures..... \$5,000

Sec. 42.

KANSAS HUMAN RIGHTS COMMISSION

(a) During the fiscal year ending June 30, 2001, of the moneys appropriated from the state general fund by section 17(a) of chapter 130 of the 2000 Session Laws of Kansas in the operating expenditures account an amount equal to \$15,595 shall remain unexpended, unencumbered and available for reappropriation in the operating expenditures account for the Kansas human rights commission for fiscal year 2002, in addition to any other moneys that remain unexpended, unencumbered and available for reappropriation in the operating expenditures account, and such amount of \$15,595 shall not be transferred into a Kansas savings incentive program account or KSIP account under the Kansas savings incentive program pursuant to section 70 of chapter 130 of the 2000 Session Law of Kansas or any other Kansas savings incentive program section in this or other appropriation act of the 2001 regular session of the legislature.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 15, by striking all after the comma, the second time it appears; in line 16, by striking all preceding “department”; in line 26, by striking “and”, the first time it appears; also in line 26, preceding the semicolon, by inserting “, adjutant general,

behavioral sciences regulatory board, citizens' utility ratepayers board, department of commerce and housing, judicial council and Kansas human rights commission"; and the bill be passed as amended.

The Committee on **Appropriations** recommends **HB 2557** be amended on page 1, in line 37, by striking "20, 169" and inserting "\$19,984"; in line 38, by striking "\$20,285" and inserting "\$20,045";

On page 2, in line 4, by striking "\$179,693" and inserting "\$177,520"; in line 8, by striking "\$187,915" and inserting "\$187,147"; in line 20, by striking "\$5,143,973" and inserting "\$5,061,871"; in line 24, by striking "\$5,274,104" and inserting "\$5,162,158"; in line 39, by striking "\$127,066" and inserting "\$125,586"; in line 40, by striking "\$131,177" and inserting "\$130,674";

On page 3, in line 6, by striking "\$485,656" and inserting "\$479,907"; in line 10, by striking "\$512,945" and inserting "\$510,993"; in line 22, by striking "\$1,921,536" and inserting "\$1,898,043"; in line 29, by striking "\$1,978,604" and inserting "\$1,942,212";

On page 4, in line 2, by striking "\$698,184" and inserting "\$690,473"; in line 3, by striking "\$726,378" and inserting "\$723,758"; following line 3, by inserting the following:

"(b) On July 1, 2001, the director of accounts and reports shall transfer \$87,000 from the KSIP cosmetology fee fund to the cosmetology fee fund.";

Also on page 4, in line 12, by striking "\$861,352" and inserting "\$848,389"; in line 15, by striking "\$888,217" and inserting "\$870,801"; in line 26, by striking "\$322,135" and inserting "\$320,203"; in line 27, by striking "\$327,208" and inserting "\$326,041"; in line 36, by striking "\$206,283" and inserting "\$203,345"; in line 37, by striking "\$214,222" and inserting "\$210,280";

On page 5, in line 4, by striking "\$21,258" and inserting "\$21,133"; in line 5, by striking "\$21,937" and inserting "\$21,895"; in line 14, by striking "\$1,426,346" and inserting "\$1,409,237"; in line 18, by striking "\$1,383,705" and inserting "\$1,377,904"; in line 36, by striking "\$83,855" and inserting "\$83,212"; in line 39, by striking "\$84,630" and inserting "\$84,390";

On page 6, in line 9, by striking "\$554,053" and inserting "\$547,351"; in line 10, by striking "\$566,462" and inserting "\$564,180"; in line 19, by striking "\$246,154" and inserting "\$242,798"; in line 20, by striking "\$254,104" and inserting "\$249,594"; in line 32, by striking "\$648,459" and inserting "\$638,839"; in line 33, by striking "\$668,570" and inserting "\$655,666";

On page 7, in line 2, by striking "\$2,021,086" and inserting "\$1,988,702"; in line 25, by striking "2,067,598" and inserting "\$2,024,088";

On page 8, in line 13, by striking "\$535,753" and inserting "\$529,853"; in line 14, by striking "\$550,711" and inserting "\$544,811"; following line 14, by inserting the following: "Special litigation reserve fund

For the fiscal year ending June 30, 2002..... No limit  
*Provided*, That no expenditures shall be made from the special litigation reserve fund except upon the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

For the fiscal year ending June 30, 2003..... No limit  
*Provided*, That no expenditures shall be made from the special litigation reserve fund except upon the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

(b) On July 1, 2001, the director of accounts and reports shall transfer \$300,000 from the technical professions fee fund of the state board of technical professions to the special litigation reserve fund of the state board of technical professions.";

Also on page 8, in line 23, by striking "\$257,202" and inserting "\$280,278"; in line 24, by striking "\$242,889" and inserting "\$264,967"; in line 30, by striking "\$428,409" and inserting "\$419,750"; in line 34, by striking "2002" and inserting "2003"; also in line 34, by striking "\$458,165" and inserting "\$445,993";

On page 9, in line 2, by striking "\$143,457" and inserting "\$143,033";

On page 14, in line 38, by striking "\$1,786,732" and inserting "\$1,738,732";

On page 15, in line 27, by striking "\$1,854,878" and inserting "\$1,814,187";  
On page 16, in line 17, by striking "\$128,104" and inserting "\$126,257"; in line 36, by striking "\$4,075,642" and inserting "\$3,919,768";

On page 18, following line 41, by inserting the following:  
“(c) In addition to the other purposes for which expenditures may be made by the attorney general from moneys appropriated for 2002 from each special revenue fund or funds of the attorney general, into which moneys are transferred from the Kansas bureau of investigation state forfeiture fund or the Kansas bureau of investigation federal forfeiture fund, as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the attorney general for fiscal year 2002 from the moneys appropriated from such special revenue fund or funds for grants to each of the 11 counties in calendar year 2000 that had the most methamphetamine manufacturing laboratory seizures: *Provided*, That such grants shall be used by law enforcement agencies for methamphetamine prosecution activities to combat illegal methamphetamine activities and shall not be used to supplant existing funding for that purpose: *Provided, however*, That the aggregate of such grants shall not exceed \$50,000.”;

On page 19, in line 5, by striking "\$1,802,923" and inserting "\$1,775,786"; in line 43, by striking "\$998,463" and inserting "\$977,945";

On page 21, in line 21, by striking "\$7,385,804" and inserting "\$7,296,272";  
On page 22, in line 43, by striking "\$934,022" and inserting "\$919,998";  
On page 23, in line 16, by striking "\$201,638" and inserting "\$227,424";  
On page 24, in line 16, by striking "\$13,044,016" and inserting "\$12,901,305";  
On page 26, following line 30, by inserting the following:

“Senior services trust fund ..... No limit”;

Also on page 26, following line 33, by inserting the following:  
“Non-retirement administration fund..... No limit

*Provided*, That the executive officer of the Kansas public employees retirement system shall certify to the director of accounts and reports the amounts of moneys to transfer from the Kansas endowment for youth fund, the senior services trust fund, the family and children endowment account—family and children investment fund, and the state general fund, related to unclaimed property, for the purpose of reimbursing the costs of non-retirement related administrative activities and investment-related expenses for managing such funds in accordance with K.S.A. 2000 Supp. 74- 4909b and amendments thereto.”;

Also on page 26, in line 34, following “the”, by inserting “expense reserve of the”; in line 40, by striking "\$6,585,480" and inserting "\$6,173,150";

On page 27, in line 5, by striking all after “2002”; by striking all in lines 6 through 13, in line 14, by striking all preceding the period; in line 15, by striking "\$29,900,066" and inserting “No limit”; by striking all in lines 16 through 38 and inserting the following:  
“KPERs technology project..... No limit

(c) Expenditures may be made from the non-retirement administration fund for the fiscal year ending June 30, 2002, for the following specified purposes:

Agency operations..... \$255,000  
Investment-related expenses ..... No limit”;

Also on page 27, in line 43, by striking "\$1,455,640" and inserting "\$1,450,894";

On page 30, in line 6, by striking "\$13,368,898" and inserting "\$13,177,340"; in line 27, by striking "\$555,019" and inserting "\$549,645";

On page 31, following line 7, by inserting the following:

“(b) On July 1, 2001, October 1, 2001, January 1, 2002, and April 1, 2002, or as soon after each such date as moneys are available, and upon receipt of certification by the state corporation commission of the amount to be transferred, the director of accounts and reports shall transfer from the public service regulation fund of the state corporation commission to the utility regulatory fee fund of the citizens’ utility ratepayer board all moneys assessed by the state corporation commission for the citizens’ utility ratepayer board under K.S.A. 66-1502 or 66-1503 and amendments thereto and deposited in the state treasury to the credit of the public service regulation fund.”;

Also on page 31, in line 12, by striking "\$16,546,132" and inserting "\$16,320,779"; in line 24, by striking "\$1,388,585" and inserting "\$1,366,696";

On page 32, in line 7, by striking "\$141,230" and inserting "\$139,738";

On page 41, in line 14, by striking "\$2,060,014" and inserting "\$2,039,384"; in line 30, by striking "\$32,604,204" and inserting "\$32,109,914"; in line 43, by striking "\$31,229,721" and inserting "\$30,866,607";

On page 44, in line 18, preceding the period, by inserting "and VIPS software"; following line 23, by inserting:

"*Provided*, That no expenditures shall be made from the automated tax systems fund for fiscal year 2002 to pay any vendors for work related to Project 2000.";

On page 45, in line 19, preceding the period, by inserting ": *Provided*, That no funds shall be expended or paid from the automated tax systems fund of the department of revenue until after June 30, 2002, for the purpose of paying any vendors for work related to Project 2000";

On page 46, in line 5, by striking "\$9,257,161" and inserting "\$9,178,420";

On page 47, in line 4, by striking "\$3,188,533" and inserting "\$3,126,740";

On page 49, in line 6, preceding "made", by inserting "shall be"; in line 7, preceding "to", by inserting "in the amount of \$400,000";

On page 50, by striking all in lines 5 through 21; following line 29, by inserting:

"*Provided*, That, in addition to other positions within the department of commerce and housing in the unclassified service as prescribed by law, expenditures may be made from the housing assistance program—federal fund for 13 employees in the unclassified service under the Kansas civil service act.";

On page 52, by striking all in lines 13 through 43;

By striking all on page 53;

On page 54, by striking all in lines 1 through 38; in line 39, by striking "(d)" and inserting "(c)";

On page 55, by striking all in lines 29 through 43;

On page 56, by striking all in lines 1 through 29, and inserting the following:

"(d) Notwithstanding the provisions of subsection (g) of K.S.A. 2000 Supp. 79-4804 and amendments thereto, the director of accounts and reports shall not make any transfers from the state economic development initiatives fund to the state water plan fund during the fiscal year ending June 30, 2002.";

Also on page 56, by striking all in lines 32 through 35; in line 36, by striking "(b)" and inserting "(a)";

On page 57, by striking all in lines 5 through 10; by striking all in lines 13 through 37; in line 38, by striking "(c)" and inserting "(a)";

On page 58, in line 2, by striking "(d)" and inserting "(b)"; by striking all in lines 10 through 18; in line 23, by striking "\$2,151,838" and inserting "\$2,122,827";

On page 59, in line 1, by striking "\$8,553,152" and inserting "\$8,532,121"; in line 2, by striking "\$578,753" and inserting "\$571,057"; in line 42, by striking "\$290,301" and inserting "\$284,144";

On page 61, in line 35, by striking "\$1,653,525" and inserting "\$1,437,677";

On page 62, in line 23, by striking "\$3,722,000" and inserting "No limit"; in line 42, by striking "\$20,925,027" and inserting "\$20,244,269";

On page 64, following line 6, by inserting the following:

"Pregnancy maintenance initiative .....	\$300,000
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Provided, That expenditures from the pregnancy maintenance initiative account of the department of health and environment for fiscal year 2002 shall be made pursuant to contracts for programs that provide services for women which enable them to carry their pregnancies to term, which are hereby authorized and directed to be entered into by the secretary of health and environment with the same not-for-profit organizations that the secretary entered into contracts with pursuant to section 30(h) of chapter 160 of the 1999 Session Laws of Kansas for fiscal year 2000: *Provided further*, That such contracted services may include an array of social services relating to pregnancy maintenance and shall provide that no individuals who are unable to pay shall be denied the delivery or provision of pregnancy maintenance services: *And provided further*, That no contract of contracts under pregnancy maintenance programs shall be entered into with any group performing, promoting, referring for or educating in favor of abortion: *And provided further*, That a not-for-profit organization

awarded a contract under this proviso shall match state moneys under this contract on the basis of a 50% match from a not-for-profit organization and a 50% match from the department of health and environment: *And provided further*, That the secretary of health and environment shall submit a report to the legislature at the beginning of the regular session of the legislature in 2002 on the results and outcomes of such pregnancy maintenance programs: *And provided further*, That no part of the grant moneys shall be used for any political purposes.”;

On page 65, in line 27, preceding the period, by inserting “: *And provided further*, That, notwithstanding the provisions of K.S.A. 36-503 and amendments thereto, the secretary of health and environment may make expenditures from this fund to increase application fees for food service establishment licenses to an amount not to exceed \$130, which fee increases are hereby authorized and directed to be adopted”;

On page 69, following line 18, by inserting: “*Provided*, That, notwithstanding the provisions of K.S.A. 2000 Supp. 75-5670 and amendments thereto, expenditures may be made by the department of health and environment for fiscal year 2002 for the stroke prevention project from the trauma fund of the department of health and environment: *Provided, however*, That expenditures for the stroke prevention project from the trauma fund for fiscal year 2002 shall not exceed \$156,000: *Provided further*, That, notwithstanding the provisions of K.S.A. 2000 Supp. 75-5670 and amendments thereto, expenditures may be made by the department of health and environment for fiscal year 2002 for the regional children’s advocacy center from the trauma fund of the department of health and environment: *And provided further*, That expenditures for the regional children’s advocacy center from the trauma fund for fiscal year 2002 shall not exceed \$50,000.”;

Also on page 69, in line 27, by striking “\$1,397,506” and inserting “\$1,394,347”; in line 29, by striking “\$482,435” and inserting “\$479,714”; in line 30, by striking “\$406,900” and inserting “\$404,510”; in line 32, by striking “health care programs” and inserting “initiatives”; following line 35, by inserting the following:

“Sudden infant death support network .....	\$25,000
Crisis pregnancy outreach program	
for Johnson county .....	\$35,000”;

On page 71, following line 25, by inserting the following:

“(n) In addition to the other purposes for which expenditures may be made by the department of health and environment from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2002 as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the department of health and environment for fiscal year 2002 from the moneys appropriated from the state general fund or any special revenue fund for the following purposes: (1) To draft and adopt an amendment to subsection (d) of K.A.R. 28-4-354 to include nurse practitioners or registered nurses in consultation with a physician among those permitted to examine ill, injured, intoxicated or physically or mentally impaired juveniles to approve such juveniles for admission to or detention in an emergency shelter; (2) to work with the epilepsy foundation of Kansas and Western Missouri to develop a plan for epilepsy education; (3) to implement such epilepsy education plan if funding is available; (4) to direct all health care providers administering vaccines purchased through the department of health and environment to inform all immunization recipients that any vaccines given in manner that combines separate or individual vaccines may be given in individual doses of each separate vaccine; and (5) a state dental care loan repayment program for qualified persons to assist in covering education or training and related expenses in order to become qualified as dentists and dental hygienists in conjunction with amounts provided by counties and other local governments pursuant to loan agreements and other agreements which are hereby authorized and directed to be entered into by the secretary of health and environment with individuals and other entities and which may be required for the purposes of such loan program.

(o) No moneys appropriated for the department of health and environment from the state general fund or any special revenue fund for fiscal year 2002 shall be expended for the licensure of any youth residential facility as defined in K.S.A. 38-1502 or K.S.A. 38-1602



and amendments thereto that is to be located within a city without the approval of the governing body of the city in which the facility is to be located.”;

Also on page 71, in line 30, by striking “\$4,467,645” and inserting “\$4,369,792”;

On page 72, following line 6, by inserting the following:

“Senior legal hotline ..... \$30,000”;

Also on page 72, in line 23, by striking all after the comma, by striking all in line 24, in line 25, by striking all before the colon and inserting “That the secretary of aging shall combine the income eligible, senior care act, case management, custom care and environmental modification programs into one program”; in line 33, by striking “\$136,403,477” and inserting “\$134,903,477”;

On page 74, in line 15, by striking “\$9,700,000” and inserting “\$10,950,000”; following line 24, by inserting the following:

“HCBS programs fund—department on aging..... \$250,000”;

On page 75, in line 12, by striking “\$87,876,981” and inserting “\$86,924,772”; in line 32, by striking “\$9,398,466” and inserting “\$9,000,164”;

On page 76, in line 9, by striking “\$9,716,548” and inserting “\$9,263,787”; in line 23, by striking “\$5,592,630” and inserting “\$5,270,951”; in line 39, by striking “\$6,201,974” and inserting “\$5,880,914”;

On page 77, in line 18, by striking “\$740,473” and inserting “\$642,672”;

On page 78, in line 3, by striking “\$58,815,619” and inserting “\$58,603,619”; in line 8, preceding the period, by inserting “: *And provided further*, That expenditures shall be made from the youth services aid and assistance account in the amount of \$90,000 from the community funding program subaccount for a pilot project for 100 child welfare mediation cases in Wichita pursuant to a contract which is hereby authorized and directed to be entered into by the secretary of social and rehabilitation services with a private contractor which shall provide \$30,000 of foundation funding for such project: *And provided further*, That the secretary of social and rehabilitation services is hereby authorized and directed to enter into a contract with United Methodist Youthville for a sexual aggression treatment program which shall be a residential program having available eight beds for participants and which is to be funded from the foster care program subaccount of the youth services aid and assistance account and from other available funding sources in an aggregate amount of not to exceed \$1,174,988”;

On page 80, in line 31, by striking “2001” and inserting “2002”; in line 33, by striking “\$278,641,495” and inserting “\$272,821,463”; also in line 33, by striking “2001” and inserting “2002”; in line 38, by striking “2001” and inserting “2002”;

On page 81, in line 2, by striking “\$50,489,624” and inserting “\$50,637,777”; in line 10, preceding the period, by inserting “: *And provided further*, That expenditures shall be made from the social welfare fund for a grant in the amount of \$15,000 for the fetal alcohol syndrome project pursuant to a grant agreement that shall require a \$1 for \$1 match from the local contractor, that local funds shall be used for prevention services and that the contractor shall also provide all data and information required the secretary of social and rehabilitation services to determine the effectiveness of the project: *And provided further*, That expenditures shall be made from the social welfare fund to pay for the third day of emergency shelter payments for law enforcement placements during fiscal year 2002”;

Also on page 81, in line 12, by striking “\$11,193,076” and inserting “\$11,188,264”; in line 18, by striking “\$2,763,991” and inserting “\$2,762,809”; in line 19, by striking “\$23,044,036” and inserting “\$22,954,702”; following line 34, by inserting:

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

On page 82, following line 1, by inserting the following:

“Child support enforcement administration fund ..... No limit”;  
 Also on page 82, by striking all in lines 8 through 16; by striking all in lines 18 through 26;

On page 84, following line 16, by inserting the following:

“Kinship services support and training..... \$437,479”;

Also on page 84, in line 24, by striking “\$11,260,000” and inserting “\$3,260,000”; in line 38, preceding the period, by inserting “: *And provided further*, That expenditures from the childrens’ cabinet early childhood discretionary grant program account by the Kansas children’s cabinet for matching federal funds shall not exceed \$212,000”; in line 39, by striking “\$750,000” and inserting “\$250,000”; following line 39, by inserting the following:

“(1) During the fiscal year ending June 30, 2002, of the amounts budgeted but not expended for the regular medical program from the other medical assistance account of the state general fund, the amounts budgeted but not expended from the mental health and retardation services aid and assistance account of the state general fund, and the amounts budgeted but not expended for the regular medical program from the social welfare fund, an aggregate of \$870,000 from such accounts and such fund shall not be expended for other programs or purposes during fiscal year 2002 and shall be expended by the above agency during fiscal year 2003 for implementation of the medicaid buy-in program for individuals with disabilities.”;

On page 85, in line 1, by striking “\$1,069,217” and inserting “\$1,059,442”; in line 11, by striking “\$9,183,881”; and inserting “\$9,053,648”; in line 15, by striking “\$56,000” and inserting “\$54,000”; in line 32, by striking “\$54,000” and inserting “\$56,000”; in line 33, by striking “\$2,060,403,000” and inserting “\$2,060,853,000”; by striking all in lines 34 through 37; in line 38, by striking all preceding the colon, and inserting “*Provided*, That any unencumbered balance in the general state aid account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That any unencumbered balance in the general state aid account in excess of \$10,262,000 shall be transferred to the inservice education aid account of the state general fund of the department of education to be used to fund approved inservice education programs as authorized by K.S.A. 72-9601 *et. seq.*, and amendments thereto”;

On page 86, by striking all in line 5; in line 23, by striking “\$4,667,000” and inserting “\$4,417,000”;

On page 87, in line 10, preceding the period, by inserting “: *Provided*, That, notwithstanding the provisions of K.S.A. 2000 Supp. 72-1412 *et. seq.*, and amendments thereto, expenditures shall be made from the mentor teacher program grants account for grants to beginning teachers in their first year of teaching”;

On page 89, in line 39, by striking “ending June 30, 2002” and inserting “or years specified”; in line 41, by striking all after “study”; following line 41, by inserting the following:

“For the fiscal year ending June 30, 2002 ..... \$250,000”;

Also on page 89, in line 42, by striking all after “program”; following line 42, by inserting the following:

“For the fiscal year ending June 30, 2002 ..... \$2,250,000”;

On page 90, in line 3, by striking all after “at-risk”; following line 3, by inserting the following:

“For the fiscal year ending June 30, 2002 ..... \$5,050,000

For the fiscal year ending June 30, 2003..... \$3,500,000”;

Also on page 90, in line 4, by striking all after “prevention”; following line 4, by inserting the following:

“For the fiscal year ending June 30, 2002 ..... \$500,000”;

Also on page 90, in line 5, by striking all after “fund”; following line 5, by inserting the following:

“For the fiscal year ending June 30, 2002 ..... \$125,000”;

Also on page 90, in line 6, by striking all after “grants”; following line 6, by inserting the following:

“For the fiscal year ending June 30, 2002 ..... \$500,000

Also on page 90, in following line 10, by inserting the following:

“Operating expenditures (including official hospitality)

For the fiscal year ending June 30, 2002..... \$1,647,500

*Provided*, That expenditures shall be made by the department of education from the operating expenditures (including official hospitality) account for the purpose of development of skill sets, development and piloting of the third grade accomplishment examination, and teacher training for interventions: *Provided, however*, That expenditures from this account for such purposes shall not exceed \$1,647,500.

Third grade summer school

For the fiscal year ending June 30, 2002..... \$2,500,000

*Provided*, That all expenditures from the third grade summer school account shall be for extended learning summer school programs for third grade pupils across the state: *Provided, however*, That such funds shall be provided for not to exceed 25% of third grade students across the state.

Kansas skills for success in school plans for interventions

For the fiscal year ending June 30, 2003..... \$2,306,738

*Provided*, That, prior to providing a child with interventions, a school district shall encourage parents of pupils at risk to obtain an eye examination by an optometrist or an ophthalmologist to determine if such child suffers from conditions which impair the ability to read: *Provided, however*, That the expense for such examination, if not reimbursed through medicaid, healthwave, private insurance or other governmental or private program, shall be the responsibility of the child’s parent.

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

Operating expenditures (including official hospitality) ..... \$400,000

Kansas skills for success in school plans for interventions ..... \$15,666,725

*Provided*, That, prior to providing a child with interventions, a school district shall encourage parents of pupils at risk to obtain an eye examination by an optometrist or an ophthalmologist to determine if such child suffers from conditions which impair the ability to read: *Provided, however*, That the expense for such examination, if not reimbursed through medicaid, healthwave, private insurance or other governmental or private program, shall be the responsibility of the child’s parent.”;

And by relettering subsections accordingly;

Also on page 90, in line 32, by striking “\$1,591,722” and inserting “\$1,572,661”; in line 38, by striking “\$3,567,380” and inserting “\$3,817,380”;

On page 91, in line 25, by striking “\$333,838” and inserting “\$328,559”;

On page 92, in line 30, by striking “\$4,339,419” and inserting “\$4,262,781”;

On page 93, in line 36, by striking “\$7,285,994” and inserting “\$7,153,291”;

On page 94, in line 23, by striking “\$5,765,713” and inserting “\$5,705,869”;

On page 95, in line 4, by striking “\$50,000” and inserting “\$49,867”;

On page 96, in line 20, by striking “\$31,309,311” and inserting “\$30,619,948”;

On page 98, in line 38, by striking “\$103,806,622” and inserting “\$101,168,038”;

On page 102, in line 7, by striking “\$785,218” and inserting “\$768,575”; in line 12, by striking “\$18,295,652” and inserting “\$17,916,645”; in line 17, by striking “\$29,480,930” and inserting “\$28,871,566”;

On page 103, in line 29, by striking “\$9,842,527” and inserting “\$9,539,889”;

On page 104, in line 31, by striking “\$30,056,455” and inserting “\$29,383,823”;

On page 106, in line 33, by striking “\$32,764,096” and inserting “\$32,013,786”;

On page 109, in line 2, by striking “\$129,392,277” and inserting “\$125,715,900”; in line 6, by striking “\$6,175,626” and inserting “\$5,993,587”;

On page 113, in line 5, by striking “\$103,070,977” and inserting “\$101,224,874”;

On page 115, in line 37, by striking “\$64,544,363” and inserting “\$62,950,810”;

On page 117, in line 38, by striking “\$2,881,151” and inserting “\$2,848,369”;

On page 121, by striking all in lines 10 through 21;

And by relettering subsections accordingly;

On page 122, in line 6, by striking “\$13,231,912” and inserting “\$13,016,420”; in line 17, by striking “\$37,195” and inserting “\$137,195”; in line 24, by striking “\$422,000” and inserting “\$345,380”; in line 25, after “That”, by inserting “any unencumbered balance in the

day reporting center state match account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$69,378, except upon approval of the state finance council: *Provided further*, That”;

Also on page 122, in line 34, preceding the period, by inserting “: *And provided further*, That the department of corrections and the secretary of corrections shall consult, cooperate and coordinate activities relating to placement of any day reporting center 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: *And provided further*, That, in making a final determination of such placement of any such facility 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”;

Also on page 122, following line 35, by inserting: “*Provided*, That, in addition to the other purposes for which expenditures may be made by the department of corrections from the local jail payments account of the state general fund for fiscal year 2002, expenditures may be made by the department of corrections from the local jail payments account of the state general fund for fiscal year 2002 for reimbursement costs incurred during the fiscal year 2001.”;

Also on page 122, in line 38, by striking “\$29,151,155” and inserting “\$29,697,153”;  
On page 123, in line 5, by striking “\$10,539,874” and inserting “\$10,373,933”; in line 11, by striking “\$23,942,818” and inserting “\$23,573,952”; in line 17, by striking “\$32,299,254” and inserting “\$31,791,400”; in line 23, by striking “\$9,391,443” and inserting “\$9,246,723”; in line 29, by striking “\$9,388,523” and inserting “\$9,248,100”; in line 35, by striking “\$11,764,065” and inserting “\$11,576,099”; in line 41, by striking “\$20,752,995” and inserting “\$20,436,056”;

On page 124, in line 5, by striking “\$7,627,528” and inserting “\$7,501,310”;

On page 125, following line 4, by inserting: “*Provided*, That, notwithstanding the provisions of K.S.A 75-5282, and amendments thereto, and in addition to any other expenditures authorized to be made from the correctional industries fund as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the department of corrections from the correctional industries fund for treatment and programs: *Provided, however*, That expenditures for treatment and programs from the correctional industries fund for the fiscal year 2002 shall not exceed \$150,000.”;

Also on page 125, in line 10, preceding the period, by inserting “: *Provided further*, That, in addition to any other expenditures authorized to be made from the state of Kansas—department of corrections inmate benefit fund, the sum of \$1,050,000 shall be expended from such fund for fiscal year 2002 for treatment and programs”;

On page 127, in line 31, by striking “\$33,221,882” and inserting “\$33,182,543”; in line 38, by striking “\$1,000” and inserting “\$4,000”; in line 42, by striking “\$11,955,934” and inserting “\$11,805,034”;

On page 128, in line 13, by striking “\$6,274,654” and inserting “\$6,192,560”; in line 27, by striking “\$5,544,379” and inserting “\$5,474,433”; in line 40, by striking “\$4,519,540” and inserting “\$4,474,426”;

On page 129, in line 15, by striking “endowment for youth” and inserting “juvenile delinquency prevention”;

On page 130, following line 11, by inserting the following:  
“Pregnancy maintenance and parenting grants..... \$150,000

*Provided*, That all expenditures by the above agency from the pregnancy maintenance and

parenting grants account shall be for a pilot project targeting troubled teenage parents and other parents at risk of committing abuse and neglect.”;

On page 131, in line 14, by striking “\$4,549,979” and inserting “\$4,508,723”; after line 18, by inserting the following:

“Additional operating expenditures ..... \$25,000

*Provided*, That expenditures may be made from the additional operating expenditures account only upon approval by the state finance council acting after receiving certification from the adjutant general that moneys have been received from the federal government to match such expenditures and acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session.”;

On page 132, by striking all in line 5; in line 32, by striking “\$2,810,408” and inserting “\$2,768,910”;

On page 133, in line 3, by striking “\$406,020” and inserting “\$403,465”; in line 21, by striking “\$203,010” and inserting “\$201,733”; in line 25, by striking “\$203,010” and inserting “\$201,732”;

On page 134, in line 12, by striking “\$528,671” and inserting “\$518,889”; in line 20, by striking “\$26,390,135” and inserting “\$25,905,362”;

On page 136, in line 23, by striking “\$9,873,155” and inserting “\$9,793,818”;

On page 137, following line 3, by inserting the following:

“(h) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2002 as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the department of administration for fiscal year 2002 from the moneys appropriated from the state general fund or any special revenue fund for a classification and job rate study by the director of personnel services comparing the salaries paid to Kansas highway patrol troopers to the salaries paid to law enforcement officers of other law enforcement agencies in Kansas and in other states: *Provided*, That the director of personnel services shall submit the report of such study to the governor and to the legislative budget committee on or before October 1, 2001.”;

Also on page 137, in line 8, by striking “\$12,462,791” and inserting “\$12,278,495”;

On page 139, in line 11, by striking “\$736,997” and inserting “\$741,421”; in line 17, by striking “\$77,500” and inserting “\$79,008”; in line 38, by striking “\$359,097” and inserting “\$510,024”;

On page 140, in line 13, by striking “\$164,202” and inserting “\$163,412”; in line 23, by striking “\$10,043,111” and inserting “\$9,837,277”;

On page 141, in line 39, by striking “\$495,943” and inserting “\$526,943”;

On page 142, following line 39, by inserting the following:

“Civil litigation fee fund ..... No limit

*Provided*, That the above agency is authorized to make expenditures from the civil litigation fee fund for costs or other expenses associated with investigation and litigation regarding fraudulent meat sales: *Provided further*, That a portion of the moneys received by the state from fines and other moneys collected as a result of the settlement of fraudulent meat sales cases, as determined by the secretary of agriculture and the attorney general, shall be deposited in the state treasury to the credit of this fund by the attorney general.”;

On page 143, in line 19, by striking “\$631,729” and inserting “\$621,748”;

On page 145, in line 5, by striking “\$614,765” and inserting “\$599,674”;

On page 146, in line 1, preceding the period, by inserting “: *And provided further*, That an amount not to exceed \$850,000 be allocated for fiscal year 2002 to conservation districts for cost-sharing grants to reduce water use and improve irrigation water use efficiency, with 50% of the total amount provided to projects capable of achieving a water use efficiency level of 92% or greater”;

Also on page 146, in line 25, by striking “\$200,000” and inserting “\$250,000”; following line 33, by inserting:

“(e) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2002, in the land treatment cost share account the amount equal to the unencumbered balance as of June 30, 2001, in the land treatment cost-share programs account of the state water plan fund.

(f) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2002, in the nonpoint source pollution assistance account the amount equal to the unencumbered balance as of June 30, 2001, in the non-point source pollution account of the state water plan fund.”;

Also on page 146, in line 38, by striking “\$1,422,360” and inserting “\$1,380,851”;

On page 147, following line 6, by inserting the following:

“Local water project match fund..... No limit  
*Provided*, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects shall be deposited in the state treasury to the credit of the local water project match fund: *Provided further*, That all moneys credited to this fund shall be used to match state funds for water projects using federal cost-share funds.”;

Also on page 147, in line 24, preceding the period, by inserting “: *And provided further*, That no additional water supply storage space shall be purchased during fiscal year 2002”;

On page 148, in line 40, after the period, by inserting “A copy of the terms of the loan shall be submitted to the director of the legislative research department.”;

On page 149, in line 1, after the period, by inserting “Each such loan shall bear interest at a rate equal to the net earnings rate for the pooled money investment portfolio at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification by the pooled money investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts to the water marketing fund of the Kansas water office. The principal and interest of each loan authorized pursuant to this subsection shall be repaid in payments payable at least annually for a period of not more than five years.”;

Also on page 149, in line 9, by striking “\$4,305,369” and inserting “\$4,253,524”; in line 23, by striking “\$23,732,695, and inserting “\$23,493,977”; in line 34, by striking “\$4,880,243” and inserting “\$4,830,639”;

On page 150, in line 1, by striking “\$1,092,472” and inserting “\$1,081,615”;

On page 151, by striking all in lines 9 through 12;

And by relettering subsections accordingly;

On page 153, in line 12, by striking “\$216,874,370” and inserting “\$213,039,207”;

On page 155, in line 43, by striking “96.0” and inserting “95.5”;

On page 156, by striking all in line 12; in line 24, by striking “136.0” and inserting “149.0”; in line 28, by striking “863.5” and inserting “851.0”;

On page 157, in line 2, by striking “44.0” and inserting “46.0”; in line 7, by striking “9.0” and inserting “11.0”;

On page 162, in line 10, before “K.S.A”, by inserting “On July 1, 2001,”;

On page 163, following line 12, by inserting the following:

“Sec. 94. On July 1, 2001, K.S.A. 2000 Supp. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) On each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days

activities. Upon receipt of such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.

(c) On each July 1, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund, an amount equal to the amount certified by the state fair board pursuant to subsection (b), except that, (1) no transfer from the state general fund under this subsection shall exceed \$300,000 in any fiscal year; and (2) no amount shall be transferred under this section from the state general fund to the state fair capital improvements fund during the fiscal year ending June 30, 2002.

Sec. 95. (a) The governor is hereby authorized and directed to modify the pay plan for fiscal year 2001 in accordance with this subsection and to adopt such pay plan as so modified. The existing pay plan for fiscal year 2001 shall be modified to provide for (1) one additional step at the top of each pay range which is equivalent to a 2.5% step increase above the amount of step 15 of each pay grade or the equivalent increase for biweekly pay periods, to be effective for biweekly pay periods commencing on or after June 10, 2001; and (2) an increase of 0.5% in the pay rates of such pay plan, to be effective for biweekly pay periods commencing on or after October 1, 2001. 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. Such pay plan shall be subject to modification and approval as provided under K.S.A. 75-2938 and amendments thereto. The provisions of the existing pay plan for fiscal year 2001, providing for base salary increases of 2.5% through step movement on the schedule of pay ranges and steps for eligible state officers and employees in the classified service under the Kansas civil service act, shall remain in effect for fiscal year 2002 and shall not be suspended or modified so that such step movement base pay increases are not provided for fiscal year 2002 to eligible state officers and employees in the classified service under the Kansas civil service act in accordance with applicable statutes and rules and regulations and personnel policies under the Kansas civil service act.

(b) 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 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: (1) 1.5%, to be effective for biweekly pay period commencing on or after June 10, 2001, and ending before December 9, 2001, and (2) an additional 1.5%, to be effective for biweekly pay periods commencing on or after December 9, 2001, and to be distributed on a merit basis from a merit salary pool. The average of each such increase shall not exceed 1.5% of the base salaries of such officers and employees.

(c) Each elected state official of the executive branch of state government, including the state board of education, and the Kansas technology enterprise corporation, Kansas, Inc., the state board of regents and the board of trustees of the Kansas public employees retirement system, in each such official or board's discretion, are hereby authorized to modify or to authorize the modification of the salaries of the state officers and employees of such official or board, who are in the unclassified service under the Kansas civil service act and whose salaries are not subject to approval by the governor under K.S.A. 75-2935b and amendments thereto, to provide for base salary increases of: (1) 1.5%, to be effective for each biweekly pay period commencing on or after June 10, 2001, and ending before December 9, 2001, and (2) an additional 1.5%, to be effective for biweekly pay periods commencing on or after December 9, 2001, and to be distributed on a merit basis from a merit salary pool. The average of each such increase shall not exceed 1.5% of the base salaries of such officers and employees. 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, or to any member of any state board, commission, council or committee receiving per diem compensation as provided by statute.

(d) There is hereby appropriated from the state general fund for the state finance council, for the fiscal year ending June 30, 2002, the sum of \$22,054,180 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 step movement on the schedule of pay rate ranges and

steps of the pay plan for the classified service under the Kansas civil service act; (2) the salary increases for state officers and employees in the classified service under the Kansas civil service act which are provided for in subsection (o); (3) 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); and (4) the salary increases for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance and attorney general.

(e) To pay the proportionate share of the cost to the state general fund of each state agency for the salary increases specified in subsection (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, 2002.

(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, 2002, 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.”;

And by renumbering sections accordingly;

On page 176, in line 40, preceding “79-2959” by inserting “2-223,”;

On page 1, in the title, in line 14, preceding “79-2959” by inserting “2-223,”; and the bill be passed as amended.

The Committee on **Ethics and Elections** recommends **SB 314** be passed.

The Committee on **Taxation** recommends **SB 35** be amended on page 1, by striking all in lines 14 through 43;

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

On page 3, by striking all in lines 1 through 21; after line 21, by inserting the following:

“Section 1. K.S.A. 2000 Supp. 12-1927 is hereby amended to read as follows: 12-1927.

(a) Except as provided by subsection (b), the recreation commission shall prepare an annual budget for the operation of the recreation system. Prior to the certification of its budget to the city or school district, the recreation commission shall meet for the purpose of answering and hearing objections of taxpayers relating to the proposed budget and for the purpose of considering amendments to such proposed budget. The recreation commission shall give at least 10 days’ notice of the time and place of the meeting by publication in a weekly or daily newspaper having a general circulation in the taxing district. Such notice shall include the proposed budget and shall set out all essential items in the budget except such groupings as designated by the director of accounts and reports on a special publication form prescribed by the director of accounts and reports and furnished with the regular budget form. The public hearing required to be held herein shall be held not less than 10 days prior to the date on which the recreation commission is required to certify its budget to the city or school district. After such hearing the budget shall be adopted or amended and adopted by the recreation commission. In order to provide funds to carry out the provisions of this act and to pay a portion of the principal and interest on bonds issued pursuant to K.S.A. 12-1774, and amendments thereto, the recreation commission shall annually, not later than



August 1 of any year, certify its budget to such city or school district which shall levy a tax sufficient to raise the amount required by such budget on all the taxable tangible property within the taxing district. Each year a copy of the budget adopted by the recreation commission shall be filed with the city clerk in the case of a city-established recreation system or with the clerk of the school district in the case of a school district-established recreation system or with the clerk of the taxing district in the case of a jointly established recreation system. A copy of such budget also shall be filed with the county clerk of the county in which the recreation system is located. If the recreation system is located in more than one county, a copy of the budget shall be filed with the clerk of the county in which the greater portion of the assessed valuation of the recreation system is located. The city or school district shall not be required to levy a tax in excess of the maximum tax levy set by the city or school district by current resolution. In the case of a new recreation commission established under the provisions of this act, such levy shall not be required to exceed one mill. Whenever the recreation commission determines that the tax currently being levied for the commission, as previously established by the city or school district, is insufficient to operate the recreation system and the commission desires to increase the mill levy above the current levy, the commission shall request that the city or school district authorize an increase by adopting a resolution declaring it necessary to increase the annual levy. The city or school district may authorize the increase by resolution, but such increase shall not exceed one mill per year. The maximum annual mill levy for the recreation commission general fund shall not exceed a total of four mills.

(b) Prior to adopting the budget pursuant to subsection (a), the Blue Valley recreation commission appointed by the Blue Valley unified school district No. 229 shall submit its proposed budget to the board of education of such school district. The school board either shall approve, or modify and approve, the proposed budget. The recreation commission shall adopt such budget as approved, or modified and approved, by the board.

(c) Any resolution adopted under subsection (a) shall state the total amount of the tax to be levied for the recreation system and shall be published once each week for two consecutive weeks in the official newspaper of the taxing district. Whereupon, such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition requesting an election upon the proposition to increase the tax levy in excess of the current tax levy, signed by at least 5% of the qualified voters of the taxing district, is filed with the county election officer within 30 days following the date of the last publication of the resolution. In the event a valid petition is filed, no such increased levy shall be made without such proposition having been submitted to and having been approved by a majority of the voters of the taxing district voting at an election called and held thereon. All such elections shall be called and held in the manner provided by the general bond law, and the cost of the election shall be borne by the recreation commission. Such taxes shall be levied and collected in like manner as other taxes, which levy the city or school district shall certify, on or before August 25 of each year, to the county clerk who is hereby authorized and required to place the same on the tax roll of the county to be collected by the county treasurer and paid over by the county treasurer to the ex officio treasurer of the recreation commission.

(d) The tax levy provided in this section shall not be considered a levy of such city or school district under any of the statutes of this state, but shall be in addition to all other levies authorized by law and, with respect to any such levy made for the first time in 1989, shall not be subject to the provisions of K.S.A. 79-5021 *et seq.*, and amendments thereto.

(e) At any time after the making of the first tax levy pursuant to this act, the amount of such tax levy may be reduced by a majority of the voters of the taxing district voting at an election called pursuant to a petition and conducted in the same manner as that prescribed by subsection (c). The authority of any recreation commission in existence on the effective date of this act or any recreation commission established under the provisions of this act to operate and conduct its activities, ~~other than the recreation commission appointed by the Blue Valley unified school district No. 229;~~ may be revoked in any year following the third year of its operation by a majority of the voters of the taxing district voting at an election called pursuant to a petition and conducted in the same manner as that prescribed by subsection (c). If the petition submitted is for the purpose of reducing the mill levy, it shall

state the mill levy reduction desired. Upon revocation, all property and money belonging to the recreation commission shall become the property of the taxing authority levying the tax for the commission, and the recreation commission shall be dissolved. *In the event that the recreation commission appointed by the Blue Valley unified school district No. 229 is dissolved, the existing mill levy the revenue received from which is used and is to be used for the payment of debt or any other obligation as authorized by such commission's latest budget shall continue to be in force and effect until such debt or other obligation is paid in full.*

(f) All financial records of the recreation commission shall be audited as provided in K.S.A. 75-1122, and amendments thereto, and a copy of such annual audit report shall be filed with the governing body of the city or school district, or both, in the case of a jointly established recreation system. A copy of such audit also shall be filed with the county clerk of the county in which the recreation system is located. If the recreation system is located in more than one county, a copy of the budget shall be filed with the clerk of the county in which the greater portion of the assessed valuation of the recreation system is located. The cost of each audit shall be borne by the recreation commission.

(g) *Revenue received from the annual general fund mill levy for the Blue Valley recreation commission shall not be used for any purpose for which the capital improvement fund of such commission may be used pursuant to the provisions of K.S.A. 2000 Supp. 12-1935, and amendments thereto.*

Sec. 2. K.S.A. 2000 Supp. 12-1928 is hereby amended to read as follows: 12-1928. Every recreation commission appointed pursuant to this act shall have the power to:

- (a) Make and adopt rules and regulations for the operation of the recreation system;
- (b) conduct the activities of the recreation system on any property under its custody and management, or, with proper consent, on any other public property and upon private property with the consent of the owners;
- (c) receive any gift or donation from any source;
- (d) receive, accept and administer any money appropriated or granted to it by the state or federal government or any agency thereof;
- (e) purchase insurance. The city or school district to which the recreation commission certifies its budget shall levy an annual tax upon all taxable tangible property within the taxing district in an amount necessary to pay for insurance purchased for those purposes authorized by K.S.A. 75-6111, and amendments thereto, and to pay a portion of the principal and interest on bonds issued pursuant to K.S.A. 12-1774, and amendments thereto, except that no levy shall be made under this subsection which, when coupled with any levy made pursuant to subsection (j), is in excess of one mill without the approval of the city or school district. Taxes levied pursuant to this subsection shall be in addition to all other taxes authorized or limited by K.S.A. 12-1927, and amendments thereto, or any other provisions of law;
- (f) sue and be sued;
- (g) enter contracts;
- (h) enter lease agreements for real and personal property. The term of any such lease shall not exceed 10 years. Any such lease agreement shall be subject to the approval of the city or school district to which the recreation commission certifies its budget;
- (i) employ a superintendent of recreation and any other employees which may be necessary for proper operation of the recreation system;
- (j) create and establish employee benefits contribution funds for the purpose of paying the employer's share of any employee benefits, exclusive of any salaries, wages or other direct payments to such employees, as may be prescribed in the resolution creating such funds. The recreation commission may receive and place in such funds any moneys from any source whatsoever which may be lawfully utilized for the purposes stated in the resolution creating such funds, including the proceeds of tax levies authorized by law for such purposes. The city or school district to which is certified the budget of any recreation commission which has established employee benefits contribution funds pursuant to this subsection shall levy an annual tax upon all taxable tangible property within the taxing district in an amount determined by the recreation commission to be necessary for the purposes for which such funds were created and to pay a portion of the principal and interest on

bonds issued pursuant to K.S.A. 12-1774, and amendments thereto, except that no levy shall be made under this subsection which, when coupled with any levy made pursuant to subsection (e), is in excess of one mill without the approval of the city or school district. Taxes levied pursuant to this subsection shall be in addition to all other taxes authorized or limited by K.S.A. 12-1927, and amendments thereto, or any other provisions of law. For the purposes of this subsection, employee benefits shall include social security as provided by subsection (c) of K.S.A. 40-2305, and amendments thereto, workers' compensation as provided by K.S.A. 44-505c, and amendments thereto, unemployment compensation as provided by K.S.A. 44-710a, and amendments thereto, health insurance and retirement benefits;

(k) acquire title to personal property by purchase, bequest, gift or other donation and acquire title to real property by devise, gift or other donation. No real property may be purchased or leased, including any renewal thereof, for a term exceeding three years by the recreation commission appointed by the Blue Valley unified school district No. 229 without first obtaining the approval of the board of education of such school district and providing publication notification thereof once each week for three consecutive weeks in one or more newspapers of general circulation in the Blue Valley recreation system area. Whenever property owned by a recreation commission is sold, the proceeds shall be used for recreation purposes; and

(1) perform any other acts necessary to carry out the provisions of this act.

Sec. 3. K.S.A. 2000 Supp. 12-1935 is hereby amended to read as follows: 12-1935. (a) The recreation commission appointed by the Blue Valley unified school district No. 229 may petition the board of education of such school district to adopt a resolution proposing to make an annual levy not to exceed one mill upon all taxable tangible property within the taxing district for the purpose of creating a capital improvement fund to be used for the acquisition of sites, and for the constructing, equipping, repairing, remodeling and furnishing of buildings for recreation system purposes and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the taxing district. Upon receipt of such petition, the board shall adopt a resolution imposing such levy. No levy shall be made unless the proposal to make such levy is submitted to and approved by a majority of the qualified electors of the taxing district voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law. *Any levy made pursuant to this section coupled with the general fund levy shall not exceed the maximum annual mill levy allowable for the general fund pursuant to K.S.A. 12-1927, and amendments thereto, and shall be the sole source of revenue for the purposes for which such levy is made.*

(b) Any fund created pursuant to this section shall not be subject to the provisions of K.S.A. 79-2925 to 79-2937, inclusive, and amendments thereto. In making the budget of the recreation system, the amounts credited to, and the amount on hand in, the capital improvement fund and the amount expended therefrom shall be shown on the budget for the information of the taxpayers of the taxing district. Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.

Sec. 4. K.S.A. 2000 Supp. 12-1927, 12-1928 and 12-1935 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, in line 10, by striking all after “concerning”; in line 11, by striking all before the period and inserting “recreational districts; relating to the Blue Valley recreation system; amending K.S.A. 2000 Supp. 12-1927, 12-1928 and 12-1935 and repealing the existing sections”; and the bill be passed as amended.

The Committee on **Taxation** recommends **SB 39** be amended on page 2, in line 43, by striking “for-profit” both times such phrase appears;

On page 3, in line 4, before the period by inserting “, for an amount not less than 75% of the value of any such credit”; and the bill be passed as amended.

#### CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **SB 19** from Committee on Calendar and Printing and rereferral to Committee of the Whole.

**CHANGE OF CONFEREES**

Speaker pro tem Aurand announced the appointment of Rep. Gatewood as a member of the conference committee on **HB 2119** to replace Rep. Gilbert.

**REPORT ON ENGROSSED BILLS**

**HB 2229** reported correctly engrossed March 26, 2001.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6011, HR 6015** reported correctly enrolled and properly signed on March 26, 2001.

On motion of Rep. Weber, the House adjourned until 9:30 a.m., Tuesday, March 27, 2001.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

