

# Journal of the House

SEVENTY-SECOND DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, May 9, 2002, 9:30 a.m.

The House met pursuant to adjournment with Speaker Glasscock in the chair.  
The roll was called with 122 members present.

Rep. O'Brien was excused on verified illness.

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

Present later: Rep. O'Neal.

Prayer by Chaplain Chamberlain:

The Psalmist wrote a prayer for the pilgrims who journeyed to and from the Hebrew capital — the holy city of Jerusalem. It is a prayer of coming in and going out. Let it be the prayer of this body today as it continues to face the mountainous problems that challenge our state.

*I lift my eyes to the hills—from where will my help come? My help is in the name of the Lord, who made heaven and earth.*

*He will not let your foot be moved; he who keeps you will neither slumber nor sleep.*

*The Lord is your keeper; the Lord is your shade at your right hand.*

*The sun shall not strike you by day, nor the moon by night.*

*The Lord will keep you from all evil; he will keep your life. The Lord will guard your coming out and your going in from this time and forevermore.*

*(Psalm 121, NRSV)*

*Lord as you led us here in your service, lead us away in your love that we may walk always in confidence. Amen.*

*The Pledge of Allegiance was led by Rep. Miller.*

## MESSAGE FROM THE SENATE

Announcing passage of **HB 2009**, as amended; **HB 2795**, as amended.

The Senate adopts conference committee report on **S. Sub. for HB 2075**.

The Senate adopts conference committee report on **HB 2078**.

The Senate adopts conference committee report on **HB 2175**.

The Senate adopts conference committee report on **S. Sub. for HB 2621**.

The Senate accedes to the request of the House for a conference on **HB 2996** and has appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for Sub. SB 422**, requests a conference and has appointed Senators Morris, Jordan and Feleciano as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 438**, requests a conference and has appointed Senators Schmidt, Huelskamp and Downey as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 499**, requests a conference and has appointed Senators Morris, Jordan and Feleciano as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 647**, requests a conference and has appointed Senators Umbarger, Vratil and Downey as conferees on the part of the Senate.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Weber, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 614**, **HB 2009**, **HB 2795**, **HB 2642**, **HB 2996**, **SB 474**, **SB 475**; **S. Sub. for HB 2094**; **HB 2247**, **HB 2630**, **HB 2802**.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 499**.

Speaker Glasscock 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 647**.

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

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HR 6018**, A resolution urging implementation of the Conrad 20 rule in Kansas, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: O'Brien, O'Neal, Thimesch, Winn.

The resolution was adopted, as amended.

**MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Edmonds to nonconcur in Senate amendments to **HB 2009**, Rep. Spangler offered a substitute motion to concur in Senate amendments. Rep. Mays moved to lay the bill on the table. The motion prevailed.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 422**.

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 438**.

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

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

**COMMITTEE OF THE WHOLE**

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

Recommended that committee report recommending a substitute bill to **H. Sub. for SB 363** be adopted; also, on motion of Rep. R. Toelkes to amend, objection was made to withdrawal of the amendment. The question reverted back to the motion of Rep. R. Toelkes to amend which did not prevail.

Also, on motion of Rep. Tomlinson **H. Sub. for SB 363** be amended on page 6, following line 16, by inserting the following:

“General state aid

For the fiscal year ending June 30, 2003..... \$11,528,860”;

Also, roll call was demanded on further motion of Rep. Tomlinson to amend **H. Sub. for SB 363** on page 6, following line 30, by inserting the following:

“(b) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$11,528,860 from the Kansas endowment for youth fund of the Kansas public employees retirement system to the state general fund.”;

And by relettering subsections accordingly;

On roll call, the vote was: Yeas 70; Nays 52; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Ballard, Barnes, Bethell, Burroughs, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Horst, Humerickhouse, Kirk, Klein, Kuether, Larkin, Levinson, Light, Loganbill, M. Long, Loyd, McClure, McKinney, Minor, Nichols, Pauls, E. Peterson, Phelps, Pottorff, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Spangler, Storm, Swenson, Tanner, R. Toelkes, Weber, Wells, Welshimer, J. Williams, Wilson.

Present but not voting: None.

Absent or not voting: O'Brien, Thimesch, Wimm.

The motion of Rep. Tomlinson prevailed.

Also, rose and reported progress.

**CHANGE OF CONFEREES**

Speaker pro tem Aurand announced the appointment of Rep. Rehorn as a member of the conference committee on **HB 2020** to replace Rep. Thimesch.

On motion of Rep. Weber, the House recessed until 2:00 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. O'Neal in the chair.

**COMMITTEE OF THE WHOLE**

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

Recommended that discussion resume on **H. Sub. for SB 363** (see Committee of the Whole, Morning Session). On motion of Rep. Faber to amend, the motion did not prevail.

Also, on further motion of Rep. Faber to amend **H. Sub. for SB 363**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. E. Peterson to amend **H. Sub. for SB 363** on page 2, in line 17, by adding \$220,422 to the dollar amount and by adjusting the dollar amount in line 17 accordingly;

On roll call, the vote was: Yeas 73; Nays 47; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Boston, Burroughs, Campbell, Crow, Dahl, DeCastro, Dillmore, DiVita, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Horst, Howell, Huy, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, P. Long, Mason, Mayans, McClure, McCreary, McKinney, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Newton, Nichols, Osborne, Ostmeyer, Owens, Patterson, Pauls, E. Peterson, Phelps, L. Powell, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Storm, Swenson, Tafanelli, R. Toelkes, Vickrey, Wells, Welshimer, D. Williams, J. Williams, Wilson.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Compton, Cook, Cox, Dreher, Edmonds, Freeborn, Glasscock, Gordon, Hayzlett, Holmes, Huebert, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, Loyd, Mays, McLeland, Myers, Neufeld, Novascone, O'Neal, Palmer, J. Peterson, Pottorff, T. Powell, Powers, Ray, Schwartz, Stone, Tanner, Tomlinson, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Hermes, O'Brien, Thimesch, Toplikar, Winn.

The motion of Rep. E. Peterson prevailed.

Also, on motion of Rep. Ruff **H. Sub. for SB 363** be amended on page 17, following line 36, by inserting the following:

"Sec. 27.

#### DEPARTMENT OF HUMAN RESOURCES

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 91(c) of 2002 Senate Bill No. 517 on the employment security fund of the above agency for expenditures of moneys made available to the state under section 903 of the federal social security act, as amended, for administration of the unemployment insurance program account is hereby fixed at \$780,251: *Provided*, That, no additional expenditures shall be made from this account except upon specific authorization by an act of the legislature: *Provided further*, That the state finance council shall have no authority to approve any additional expenditures or to increase the expenditure limitation on this account.;"

And by renumbering the remaining sections accordingly;

Also, roll call was demanded on motion of Rep. R. Toelkes to amend **H. Sub. for SB 363** on page 17, following line 36, by inserting the following:

"Sec. 27. (a) In addition to the other purposes for which expenditures may be made by the governor's department and the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2003 for the governor's department and the department of administration as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures may be made by the governor's department and the department of administration from any such moneys appropriated from the state general fund or any special revenue fund for fiscal year 2003 to provide for the administrative actions to provide for the base pay rate increases prescribed by this section: *Provided*, That the governor is hereby authorized and directed to modify the pay plan for fiscal year 2003 in accordance with this subsection and to adopt such pay plan as so modified: *Provided further*, That the existing pay plan for fiscal year 2003 shall be modified to provide for base salary increases, including associated employer contributions, to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending on June 30, 2003, and which commences on December 22, 2002, by adjusting each step of the schedule of ranges and steps of the pay plan for state officers and employees in the classified service under the Kansas civil service act to provide for an average increase of 2.0% in each such step, to be effective for biweekly pay periods commencing on or after December 22, 2002: *And provided further*, That the pay plan adopted by the governor

under this subsection shall be the pay plan for the classified service under the Kansas civil service act: *And provided further*, That such pay plan shall be subject to modification and approval as provided under K.S.A. 75-2938 and amendments thereto: *And provided further*, That, notwithstanding any provisions of K.S.A. 75-3120l, and amendments thereto, to the contrary, the provisions of K.S.A. 46-137a and 46-137b, and amendments thereto, shall not apply to any base pay rate increases prescribed by this section, the modifications to the pay plan prescribed by this section shall not be construed to be increases in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act for any purpose under K.S.A. 46-137a and 46-137b, and amendments thereto, and in no case shall any provision of this section or any actions taken under authority of this section be construed to or provide any basis for any increase in the rate of compensation provided by law for any member of the legislature.

(b) During the fiscal year ending June 30, 2003, the governor is hereby authorized to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act and whose salaries are subject to approval by the governor under K.S.A. 75-2935b or 75-2935c and amendments thereto to provide for base salary increases of 2.0%, to be effective for biweekly pay periods commencing on or after December 22, 2002, and to be distributed on a merit basis from a merit salary pool: *Provided*, That the average of each such increase shall not exceed 2.0% of the base salaries of such officers and employees.

(c) During the fiscal year ending June 30, 2003, each elected state official of the executive branch of state government, including the state board of education, and the Kansas 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 2.0%, to be effective for each biweekly pay period commencing on or after December 22, 2002, to be distributed on a merit basis from a merit salary pool: *Provided*, That the average of each such increase shall not exceed 2.0% of the base salaries of such officers and employees: *Provided further*, That the provisions of this subsection (c) shall not authorize or provide any salary increase for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, attorney general 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, 2003, the sum of \$9,539,390 to be used for the purpose of paying the proportionate share of the cost to the state general fund of: (1) The base salary increases pursuant to the adjustments to each step in the schedule of pay rate ranges and steps of the pay plan for the classified service under the Kansas civil service act made pursuant to subsection (a); and (2) the salary increases for state officers and employees in the unclassified service under the Kansas civil service act which are provided for in subsection (b) and subsection (c).

(e) To pay the proportionate share of the cost to the state general fund of each state agency for the salary increases specified in 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 (d) to the proper accounts created by state general fund appropriations for the fiscal year ending June 30, 2003.

(f) Upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve increases in

expenditure limitations on special revenue funds and accounts established for the fiscal year ending June 30, 2003, for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases specified in subsection (d).

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

Sec. 28.

JUDICIAL BRANCH

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

Judiciary operations.....	\$861,778
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Sec. 29.

LEGISLATIVE COORDINATING COUNCIL

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

Legislative coordinating council—operations.....	\$10,800
Legislative research department—operations .....	\$39,504
Office of revisor of statutes—operations.....	\$29,948

Sec. 30.

LEGISLATURE

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

Operations (including official hospitality).....	\$60,803
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Sec. 31.

DIVISION OF POST AUDIT

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

Operations (including legislative post audit committee) .....	\$23,329”;
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And by renumbering sections accordingly;

On roll call, the vote was: Yeas 52; Nays 67; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Ballard, Barnes, Burroughs, Crow, Dillmore, Faber, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Gordon, Grant, Henderson, Henry, Hermes, Humerickhouse, Hutchins, Kirk, Kuether, Larkin, Levinson, Loganbill, M. Long, Mayans, Mays, McClure, McKinney, McLeland, Minor, Nichols, Pauls, E. Peterson, Phelps, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Spangler, Storm, Swenson, Tafaneli, R. Toelkes, Wells, Welshimer, J. Williams, Wilson.

Nays: Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Feuerborn, Freeborn, Glasscock, Hayzlett, Holmes, Horst, Huebert, Huff, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, McCreary, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O’Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Schwartz, Shultz, Sloan, Stone, Tanner, Tomlinson, Vickrey, Weber, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Howell, Klein, O’Brien, Thimesch, Toplikar, Winn.

The motion of Rep. R. Toelkes did not prevail.

Also, roll call was demanded on motion of Rep. Nichols to amend **H. Sub. for SB 363** on page 17, following line 36, by inserting the following:

“Sec. 27.

DEPARTMENT OF COMMERCE AND HOUSING

(a) On July 1, 2002, of the \$14,554,841 appropriated for the department of commerce and housing for the fiscal year ending June 30, 2003 by section 88(a) of 2002 Senate Bill No. 517 from the state economic development initiatives fund in the operating grant (including official hospitality) account, the sum of \$53,118 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the department of commerce and housing is hereby decreased from 148.0 to 147.0.

Sec. 28.

DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) On July 1, 2002, of the \$17,277,241 appropriated for the department of health and environment for the fiscal year ending June 30, 2003 by section 93(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$44,387 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the department of health and environment is hereby decreased from 1,001.0 to 1,000.0.

Sec. 29.

SECRETARY OF STATE

(a) On July 1, 2002, of the \$1,749,331 appropriated for the secretary of state for the fiscal year ending June 30, 2003, by section 72 of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$89,029 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the secretary of state is hereby decreased from 56.0 to 54.0.

Sec. 30.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) On July 1, 2002, of the \$11,596,888 appropriated for the Kansas technology enterprise corporation for the fiscal year ending June 30, 2003, by section 90 of 2002 Senate Bill No. 517 from the state economic development initiatives fund in the operations, assistance and grants (including official hospitality) account, the sum of \$40,175 is hereby lapsed.

Sec. 31.

JUVENILE JUSTICE AUTHORITY

(a) On July 1, 2002, of the \$30,508,893 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 114(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$52,983 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the juvenile justice authority is hereby decreased from 635.0 to 634.0.

Sec. 32.

KANSAS DEPARTMENT OF AGRICULTURE

(a) On July 1, 2002, of the \$10,029,542 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 123(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$49,236 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the Kansas department of agriculture is hereby decreased from 300.5 to 299.5.

Sec. 33.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) On the effective date of this act, of the \$95,357,589 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 95(a) of 2002 Senate Bill No. 517 from the state general fund in the state operations account, the sum of \$53,344 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the department of social and rehabilitation services is hereby decreased from 4,048.5 to 4,047.5.

Sec. 34.

ATTORNEY GENERAL

(a) On July 1, 2002, of the \$3,894,982 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 71(a) of 2002 Senate Bill No. 517 from the state general fund in the operations account, the sum of \$38,749 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the attorney general is hereby decreased from 95.0 to 94.0.

Sec. 35.

DEPARTMENT OF EDUCATION

(a) On July 1, 2002, of the \$8,894,546 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 97(a) of Senate Bill No. 517 from the state general fund in the operations expenditures (including official hospitality) account, the sum of \$56,501 is hereby lapsed.

Sec. 36.

JUDICIAL BRANCH

(a) On July 1, 2002, of the \$81,079,774 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 78(a) of 2002 Senate Bill No. 517 from the state general fund in the judiciary operations account, the sum of \$72,293 is hereby lapsed.

Sec. 37.

INSURANCE DEPARTMENT

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 74(a) of 2002 Senate Bill No. 517 on the insurance department service regulation fund is hereby increased from \$7,632,083 to \$7,578,914.

(a) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the insurance department is hereby decreased from 157.0 to 156.0.

Sec. 38.

KANSAS ARTS COMMISSION

(a) On July 1, 2002, of the \$339,159 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 99(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$38,641 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the Kansas arts commission is hereby decreased from 8.0 to 7.0.

Sec. 39.

DEPARTMENT OF CORRECTIONS

(a) On July 1, 2002, of the \$13,470,469 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 113 (a) of 2002 Senate Bill No. 517 from the state general fund in the central administration operations and parole and postrelease supervision operations account, the sum of \$58,287 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the department of corrections is hereby decreased from 3,132.5 to 3,131.5.

Sec. 40.

GOVERNOR'S DEPARTMENT

(a) On July, 1, 2002, of the \$1,741,380 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 69(a) of 2002 Senate Bill No. 517 from the state general fund in the governor's department account, the sum of \$54,277 is hereby lapsed.

Sec. 41.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) On July, 1, 2002, of the \$12,347,923 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 119(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$69,999 is hereby lapsed.

(b) On July, 1, 2002, the position limitation established for the fiscal year ending June 30, 2002, by section 131(a) of 2002 Senate Bill No. 517 for the attorney general—Kansas bureau of investigation is hereby decreased from 200.0 to 199.0.



## Sec. 42.

## DEPARTMENT OF TRANSPORTATION

(a) On July 1, 2002, the expenditure limitation established by section 130(b) of 2002 Senate Bill No. 517 on the agency operations account of the state highway fund, is hereby decreased from \$227,072,321 to \$227,009,950.

(b) On July 1, 2002, the position limitation established by section 131(a) of 2002 Senate Bill No. 517 for the department of transportation is hereby decreased from 3,247.5 to 3,246.5.

## Sec. 43.

## ADJUTANT GENERAL

(a) On July 1, 2002, of the \$4,398,908 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 115(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$100,322 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2002 by section 131(a) of 2002 Senate Bill No. 517 for the adjutant general is hereby decreased from 215.0 to 213.0.

## Sec. 44.

## DEPARTMENT OF REVENUE

(a) On July 1, 2002, the expenditure limitation established by section 85(a) of 2002 Senate Bill No. 517 on the division of vehicles operating fund, is hereby decreased from \$32,755,967 to \$32,697,731.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the department of revenue is hereby decreased from 1,196.0 to 1,195.0.

## Sec. 45.

## KANSAS LOTTERY

(a) On July 1, 2002, the expenditure limitation established by section 86(a) of 2002 Senate Bill No. 517 on the lottery operating fund is hereby decreased from \$8,962,981 to \$8,817,287.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the Kansas lottery is hereby decreased from 87.8 to 83.8.

## Sec. 46.

## DEPARTMENT OF WILDLIFE AND PARKS

(a) On July 1, 2002, of the \$3,408,099 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 129(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$11,005 is hereby lapsed.

(b) On July 1, 2002, the expenditure limitation established by section 129(b) of 2002 Senate Bill No. 517 on the wildlife fee fund, is hereby decreased from \$23,945,007 to \$23,916,980.

(c) On July 1, 2002, the expenditure limitation established by section 129(b) of 2002 Senate Bill No. 517 on the boating fee fund, is hereby decreased from \$1,125,045 to \$1,120,410.

(d) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the department of wildlife and parks is hereby decreased from 406.5 to 405.5.

## Sec. 47.

## KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On July 1, 2002, the expenditure limitation established by section 79(b) of 2002 Senate Bill No. 517 on expenditures from the agency operations account in the expense reserve of the Kansas public employees retirement fund is hereby decreased from \$6,573,276 to \$6,534,641.

Sec. 48. (a) During the fiscal year ending June 30, 2003, no expenditures shall be made from any moneys appropriated for any state agency from the state general fund or any special revenue fund for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature

for operating expenditures, including any salaries and wages, for any state officer or employee as public information officers.

(b) As used in this section, "state agency" means the department of commerce and housing, department of health and environment, secretary of state, Kansas technology enterprise corporation, juvenile justice authority, Kansas department of agriculture, department of social and rehabilitation services, attorney general, department of education, judicial branch, insurance department, Kansas arts commission, department of corrections, governor's department, attorney general—Kansas bureau of investigation, department of transportation, adjutant general, department of revenue, Kansas lottery, department of wildlife and parks, and Kansas public employees retirement system.

Sec. 49. (a) In addition to the other purposes for which expenditures may be made by the governor's department and the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2003 for the governor's department and the department of administration as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures may be made by the governor's department and the department of administration from any such moneys appropriated from the state general fund or any special revenue fund for fiscal year 2003 to provide for the administrative actions to provide for the base pay rate increases prescribed by this section: *Provided*, That the governor is hereby authorized and directed to modify the pay plan for fiscal year 2003 in accordance with this subsection and to adopt such pay plan as so modified: *Provided further*, That the existing pay plan for fiscal year 2003 shall be modified to provide for base salary increases, including associated employer contributions, to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending on June 30, 2003, and which commences on March 16, 2003, by adjusting each step of the schedule of ranges and steps of the pay plan for state officers and employees 1.0% in each such step, to be effective for biweekly pay periods commencing on or after March 16, 2003: *Provided further*, That the pay plan adopted by the governor under this subsection shall be the pay plan for the classified service under the Kansas civil service act: *And provided further*, That such pay plan shall be subject to modification and approval as provided under K.S.A. 75-2938 and amendments thereto.

(b) There is hereby appropriated from the state general fund for the state finance council, for the fiscal year ending June 30, 2003, the sum of \$1,269,031 to be used for the purpose of paying the proportionate share of the cost to the state general fund of the base salary increases pursuant to the adjustments to each step in the schedule of pay rate ranges and steps of the pay plan for the classified service under the Kansas civil service act made pursuant to subsection (a).

(c) To pay the proportionate share of the cost to the state general fund of each state agency for the salary increases specified in subsection (b), 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 (b) to the proper accounts created by state general fund appropriations for the fiscal year ending June 30, 2003.

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

(e) Each state agency of the executive branch of state government shall prepare and submit a budget estimate for such salary increases specified in subsection (b), 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 roll call, the vote was: Yeas 59; Nays 63; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Ballard, Barnes, Burroughs, Crow, Dillmore, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Gordon, Grant, Henderson, Henry, Hermes, Horst, Howell, Humerickhouse, Hutchins, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, Mayans, Mays, McClure, McKinney, Minor, Nichols, Pauls, E. Peterson, Phelps, Powers, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Spangler, Storm, Swenson, Tafanelli, R. Toelkes, Toplikar, Vickrey, Wells, Welshimer, J. Williams, Wilson.

Nays: Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Freeborn, Glasscock, Hayzlett, Holmes, Huebert, Huff, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Ray, Schwartz, Shultz, Sloan, Stone, Tanner, Tomlinson, Weber, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: O'Brien, Thimesch, Winn.

The motion of Rep. Nichols did not prevail.

Also, on motion of Rep. Sloan to amend **H. Sub. for SB 363**, the motion did not prevail. Also, on motion of Rep. Shultz to amend, the motion did not prevail.

Also, on motion of Rep. DiVita **H. Sub. for SB 363** be amended on page 6, following line 30, by inserting:

“(c) Any moneys in the capital outlay fund of any school, if the moneys have been authorized for such use, may be used for the payment of expenses for computer technology, including but not limited to, computer software, hardware and upgrades.”;

Also, on motion of Rep. Larkin to amend **H. Sub. for SB 363**, the motion did not prevail. Also, on further motion of Rep. Larkin to amend, the motion was withdrawn.

Also, on motion of Rep. Wilk **H. Sub. for SB 363** be amended on page 14, by striking all in lines 26 through 43;

On page 15, by striking all in lines 1 through 4;

Renumber the remaining sections accordingly:

Also, on motion of Rep. Mayans **H. Sub. for SB 363** be amended on page 12, after line 25, by inserting the following:

“(f) During the fiscal year ending June 30, 2002, expenditures shall be made from any unused portion of the state postage allotment of Representative Carlos Mayans established pursuant to Legislative Coordinating Council policy 38 for the purpose of erecting a flagpole at Hesston college.”;

Also, on motion of Rep. Powell **H. Sub. for SB 363** be amended on page 1, following line 41, by inserting the following:

“(b) On and after the effective date of this act, during the fiscal year ending June 30, 2002, and during the fiscal year ending June 30, 2003, no expenditures shall be made from any moneys appropriated for the attorney general or any other state agency from the state general fund or any special revenue fund for fiscal year 2002 and fiscal year 2003 by chapter 144 or 216 of the 2001 Session Laws of Kansas, or by this or other appropriation act of the 2002 regular session of the legislature for the attorney general or any other state agency to prosecute or support the state of New York, *ex. rel.* Attorney General Elliot Spitzer, *et al.* v. Microsoft corporation litigation.”;

Also, on motion of Rep. Huy to amend **H. Sub. For SB 363**, Rep. Nichols requested the question be divided. Seeing no request for a ruling on the entire amendment being germane to the bill, the question was divided. Part A of the motion of Rep. Huy, the motion did not prevail.

Roll call was demanded on Part B of the motion of Rep. Huy to amend **H. Sub. for SB 363** on page 2, in line 34, before the period, by inserting “: *Provided*, The amount transferred by this section shall be expended only for the purpose of supporting the senior pharmacy program”;

On roll call, the vote was: Yeas 97; Nays 24; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Barnes, Beggs, Boston, Burroughs, Campbell, Compton, Cook, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Levinson, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Nichols, Novascone, O’Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, T. Powell, Powers, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Shultz, Spangler, Storm, Swenson, Tafanelli, Tanner, R. Toelkes, Vickrey, Wells, Welshimer, D. Williams, J. Williams, Wilson.

Nays: Aurand, Ballard, Ballou, Benlon, Bethell, Cox, Freeborn, Glasscock, Henry, Lane, Light, Lightner, Minor, Neufeld, Newton, J. Peterson, L. Powell, Ray, Schwartz, Sloan, Stone, Tomlinson, Weber, Wilk.

Present but not voting: None.

Absent or not voting: O’Brien, Thimesch, Toplikar, Winn.

Part B of the motion of Rep. Huy prevailed.

Also, on motion of Rep. Loyd to amend **H. Sub. for SB 363**, Rep. J. Peterson requested the question be divided. The question was divided.

On Part A of the motion of Rep. Loyd **H. Sub. for SB 363** be amended on page 17, following line 36, by inserting the following:

“Sec. 27. (a) Notwithstanding the provisions of subsection (a)(1) of section 169 of 2002 Senate Bill No. 517, the .31% lapse of the amount in each account of the state general fund of each state agency that is appropriated or reappropriated for the fiscal year ending June 30, 2002, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature shall not apply to any item of appropriation or reappropriation from the state general fund for fiscal year 2002 for judicial branch agencies.

And by renumbering the remaining sections accordingly

On Part B of the motion of Rep. Loyd to amend **H. Sub. for SB 363**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Gatewood to amend **H. Sub. for SB 363** on page 17, following line 36, by inserting the following:

“Sec. 27. On July 1, 2002, K.S.A. 2001 Supp. 79-2959, as amended by section 161 of 2002 Senate Bill No. 517, is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 4.5% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) The transfers on January 15 and July 15 of each year shall be in equal amounts which in the aggregate equal 3.630% of such taxes credited to the state general fund during the preceding calendar year; and (2) the amount of the transfer on each such date during state fiscal year 2003 shall be ~~\$26,246,722~~ \$27,340,335.50. All such transfers are subject to reduction under K.S.A. 75-6704 and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the

fiscal year ending June 30, 2003, shall be considered revenue transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) Sixty-five percent of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201 and amendments thereto on July 1 of the preceding year; and (2) thirty-five percent of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 28. On July 1, 2002, K.S.A. 2001 Supp. 79-2964, as amended by section 162 of 2002 Senate Bill No. 517, is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts which in the aggregate equal 3.5% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that: (a) The transfers on July 15 and December 10 of each year shall be in equal amounts which in the aggregate equal 2.823% of such taxes credited to the state general fund during the preceding calendar year; and (b) the amount of the transfer on each such date during state fiscal year 2003 shall be ~~\$16,740,646~~ \$17,438,174.50. All such transfers are subject to reduction under K.S.A. 75-6704 and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal year ending June 30, 2003, shall be considered revenue transfers from the state general fund.

Sec. 29. On July 1, 2002, K.S.A. 2001 Supp. 79-3425i, as amended by section 163 of 2002 Senate Bill No. 517, is hereby amended to read as follows: 79-3425i. On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; and (2) the amount of the transfer on each such date during state fiscal year 2003 shall not exceed ~~\$5,031,822~~ \$5,223,310.50. All transfers under this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal year ending June 30, 2003, shall be considered revenue transfers from the state general fund.”;

And by renumbering the remaining sections accordingly;

On page 20, following line 24, by inserting the following:

“Sec. 36. On July 1, 2002, K.S.A. 2001 Supp. 79-2959, as amended by section 161 of 2002 Senate Bill No. 517, 79-2964, as amended by section 162 of 2002 Senate Bill No. 517 and 79-3425i, as amended by section 163 of 2002 Senate Bill No. 517 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 13, preceding the period by inserting “amending K.S.A. 2001 Supp. 79-2959, as amended by section 161 of 2002 Senate Bill No. 517, 79-2964, as amended by section 162 of 2002 Senate Bill No. 517 and 79-3425i, as amended by section 163 of 2002 Senate Bill No. 517 and repealing the existing sections”;

On roll call, the vote was: Yeas 58; Nays 61; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Burroughs, Campbell, Crow, Dahl, Dillmore, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Horst, Howell, Kauffman, Kirk, Klein, Kuether, Larkin, Levinson, Light, Loganbill, M. Long, Loyd, Mayans, McClure, McCreary, McKinney, Minor, Nichols, Pauls,

E. Peterson, Phelps, Pyle, Ray, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Storm, Swenson, R. Toelkes, Vickrey, Wells, Welshimer, D. Williams, J. Williams, Wilson.

Nays: Aday, Aurand, Ballou, Beggs, Bethell, Boston, Compton, Cook, Cox, DeCastro, DiVita, Dreher, Edmonds, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Huff, Humerickhouse, Hutchins, Huy, Johnson, Krehbiel, Lane, Lightner, Lloyd, P. Long, Mason, Mays, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Schwartz, Shultz, Sloan, Spangler, Stone, Tafanelli, Tanner, Tomlinson, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Huebert, Landwehr, O'Brien, Thimesch, Toplikar, Winn.

The motion of Rep. Gatewood did not prevail.

Also, roll call was demanded on motion of Rep. Owens to amend **H. Sub. for SB 363** on page 5, in line 43, by striking "(a)";

On page 6, by striking all in lines 6 through 30;

On roll call, the vote was: Yeas 42; Nays 76; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballou, Boston, Compton, Cook, DeCastro, DiVita, Edmonds, Faber, Freeborn, Hayzlett, Hermes, Howell, Hutchins, Huy, Johnson, Kauffman, Landwehr, Lightner, Lloyd, P. Long, Mason, Mayans, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Neufeld, Novascone, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, L. Powell, T. Powell, Powers, Ray, Schwartz, Tomlinson.

Nays: Aday, Ballard, Barnes, Beggs, Benlon, Bethell, Burroughs, Campbell, Cox, Crow, Dahl, Dillmore, Dreher, Feuerborn, Findley, Flaharty, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Henderson, Henry, Holmes, Horst, Huebert, Huff, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Loganbill, M. Long, Loyd, Mays, McClure, McKinney, Minor, Newton, Nichols, O'Neal, Osborne, Pauls, E. Peterson, Phelps, Pottorff, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, R. Toelkes, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Present but not voting: None.

Absent or not voting: Flora, Humerickhouse, Myers, O'Brien, Thimesch, Toplikar, Winn.

The motion of Rep. Owens did not prevail.

Also, on further motion of Rep. Owens to amend **H. Sub. for SB 363**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Henry to amend **H. Sub. for SB 363** on page 2, following line 30, by inserting the following:

"(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

LTC—medicaid assistance—NF

For the fiscal year ending June 30, 2003..... \$3,555,309";

And by relettering the remaining subsections accordingly;

On roll call, the vote was: Yeas 60; Nays 60; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aday, Ballard, Barnes, Bethell, Burroughs, Cox, Crow, Dillmore, DiVita, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Gordon, Grant, Henderson, Henry, Humerickhouse, Hutchins, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Levinson, Loganbill, M. Long, Mayans, McClure, McKinney, Minor, Jim Morrison, Nichols, Novascone, Pauls, E. Peterson, Phelps, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Spangler, Storm, Swenson, Tafanelli, R. Toelkes, Wells, Welshimer, J. Williams, Wilson.

Nays: Aurand, Ballou, Beggs, Benlon, Boston, Campbell, Compton, Cook, Dahl, DeCastro, Dreher, Freeborn, Glasscock, Hayzlett, Hermes, Holmes, Horst, Howell, Huebert, Huff, Huy, Johnson, Krehbiel, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, Miller, Judy Morrison, Myers, Neufeld, Newton, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell,

Powers, Ray, Schwartz, Shultz, Stone, Tanner, Tomlinson, Vickrey, Weber, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Edmonds, O'Brien, Thimesch, Toplikar, Winn.

The motion of Rep. Henry did not prevail.

Also, roll call was demanded on of Rep. Nichols to amend **H. Sub. for SB 363** on page 17, following line 36, by inserting the following:

"Sec. 27. (a) In addition to the other purposes for which expenditures may be made by each state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2002 or for fiscal year 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made to manage the operations of the state agency within the approved budgets for the state agency so that no classified state officer or employee is laid off or furloughed from state service on or after the effective date of this act during fiscal year 2002 or fiscal year 2003 for the reason of lack of funding: *Provided*, That for that purpose each such state agency shall (1) make appropriate staffing adjustments and not fill empty positions, (2) authorize classified state officers and employees to voluntarily take leave without pay, and (3) authorize, determine and implement other administrative and management efficiencies to manage any lack of funding or required reductions in expenditures.

(b) On and after the effective date of this act, during fiscal year 2002 and fiscal year 2003, no expenditures shall be made from any moneys appropriated for any state agency from the state general fund for fiscal year 2002 or fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, to furlough or layoff any state officer or employee who is a classified state officer or employee, as defined in subsection (c), during fiscal year 2002 or fiscal year 2003: *Provided*, That no state agency shall furlough or layoff any state officer or employee who is a classified state officer or employee, as defined in subsection (c), during fiscal year 2002 or fiscal year 2003.

(c) As used in this section:

(1) "Classified state officer or employee" means any state officer or employee who is not an unclassified state officer or employee; and

(2) "unclassified state officer and employee" means (A) each officer and employee in the unclassified service under the Kansas civil service act of a state agency within the executive branch of state government, including all elected officials, (B) each officer and employee in the unclassified service under the Kansas civil service act of a state agency within the judicial branch of state government, including all justices of the supreme court, all judges of the court of appeals, all judges of the district courts, the judicial administrator and the judicial chief information technology officer, but excluding all nonjudicial personnel of the judicial branch who are in positions that would be in the classified service act if such positions were with a state agency within the executive branch of state government, as determined by the director of the budget after consulting with the judicial administrator and the director of personnel services, and (C) each officer and employee in the unclassified service under the Kansas civil service act of a state agency within the legislative branch of state government (i) who is a member of the legislature, (ii) who is appointed by the legislative coordinating council or whose compensation is fixed or determined by the legislative coordinating council, or (iii) who is member of the leadership staff in the office of the president of the senate, the speaker of the house of representatives, the vice-president of the senate, the speaker pro tem of the house of representatives, the majority leader of the senate, the majority leader of the house of representatives, the minority leader of the senate, or the minority leader of the house of representatives.";

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 109; Nays 10; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Ballard, Barnes, Beggs, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Hender-

son, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, R. Toelkes, Vickrey, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Aurand, Ballou, Benlon, Bethell, Freeborn, Light, Neufeld, L. Powell, Tomlinson, Weber.

Present but not voting: None.

Absent or not voting: Edmonds, O'Brien, J. Peterson, Thimesch, Toplikar, Winn.

The motion of Rep. Nichols prevailed.

Also, on motion of Rep. Rehorn to amend **H. Sub. for SB 363**, Rep. Howell requested the question be divided. The question was divided. Roll call was demanded on Part A of the motion of Rep. Rehorn to amend on page 17, following line 36, by inserting the following:

Sec. 28.

#### DEPARTMENT OF TRANSPORTATION

(a) For the fiscal year ending June 30, 2003, no expenditures shall be made from the state highway fund or any special revenue fund of the state department of transportation or any other agency for fiscal year 2003 for a capital improvement project or projects to construct a tunnel network in the capitol area complex.

And by renumbering sections accordingly

On roll call, the vote was: Yeas 53; Nays 57; Present but not voting: 0; Absent or not voting: 15.

Yeas: Ballard, Barnes, Burroughs, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Henderson, Henry, Holmes, Howell, Huebert, Huy, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, P. Long, Mason, Mayans, Mays, McCreary, McKinney, Miller, Nichols, Novascone, Osborne, Palmer, Pauls, E. Peterson, Phelps, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Spangler, Storm, Swenson, R. Toelkes, Wells, D. Williams, J. Williams.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dreher, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Krehbiel, Lane, Light, Lightner, Loyd, McLeland, Merrick, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, O'Neal, Ostmeyer, Owens, Patterson, J. Peterson, Pottorff, L. Powell, Powers, Ray, Schwartz, Shriver, Sloan, Stone, Tafanelli, Tanner, Tomlinson, Vickrey, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Bethell, DiVita, Edmonds, Grant, Landwehr, Lloyd, McClure, O'Brien, T. Powell, Shultz, Thimesch, Toplikar, Welshimer, Wilson, Winn.

Part A of the motion of Rep. Rehorn did not prevail. Also, Part B of the motion was withdrawn.

Also, roll call was demanded on motion of Rep. Goering to amend **H. Sub. for SB 363** on page 17, following line 36, by inserting the following:

"Sec. 27. (a) During the fiscal years ending June 30, 2002, or June 30, 2003, no expenditures shall be made by the department of administration or any other state agency from moneys appropriated from the state general or any special revenue fund for fiscal year 2002 or for fiscal year 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature for the capital improvement project and equipment acquisition for the renovation of the Security Benefit Group building, which was referred to in subsection (k) of section 141 of 2002 Senate Bill No. 517, and no expenditures shall be made by the department of administration or any other state agency from any such moneys appropriated from the state general or any special revenue fund for fiscal year 2002 or for fiscal year 2003 to provide for the issuance of bonds by the Kansas development finance authority for such capital improve-



ment project and equipment acquisition for the renovation of the Security Benefit Group building.

(b) The approval of such capital improvement project and equipment acquisition for the renovation of the Security Benefit Group building for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto contained in subsection (k) of section 141 of 2002 Senate Bill No. 517 is hereby revoked and the authorization for the issuance of bonds by the Kansas development finance authority in accordance with that statute contained in subsection (k) of section 141 of 2002 Senate Bill No. 517 is hereby revoked. No bonds shall be issued by the Kansas development finance authority for the department of administration or any other state agency for the purposes of financing such capital improvement project and equipment acquisition for the renovation of the Security Benefit Group building pursuant to subsection (k) of section 141 of 2002 Senate Bill No. 517.

(c) On the effective date of this act, the provisions of subsection (k) of section 141 of 2002 Senate Bill No. 517 are hereby declared to be null and void and shall have no force and effect.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 67; Nays 52; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Burroughs, Cook, Crow, Dahl, Dillmore, DiVita, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Gordon, Grant, Henderson, Henry, Holmes, Howell, Hutchins, Huy, Kauffman, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Miller, Judy Morrison, Myers, Nichols, Novascone, Osborne, Ostmeyer, Palmer, Pauls, E. Peterson, Phelps, Pyle, Reardon, Rehorn, Ruff, Sharp, Shultz, Spangler, Storm, Swenson, R. Toelkes, Vickrey, Wells, Welshimer, D. Williams, J. Williams.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cox, DeCastro, Dreher, Freeborn, Glasscock, Hayzlett, Hermes, Horst, Huebert, Huff, Humerickhouse, Johnson, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, Loyd, Merrick, Minor, Jim Morrison, Neufeld, Newton, O'Neal, Owens, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Ray, Schwartz, Showalter, Shriver, Sloan, Stone, Tafanelli, Tanner, Tomlinson, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Edmonds, O'Brien, Thimesch, Toplikar, Wilson, Winn.

The motion of Rep. Goering prevailed.

Also, roll call was demanded on further motion of Rep. Goering to amend **H. Sub. for SB 363** on page 17, following line 36, by inserting the following:

“Sec. 27. For the fiscal years ending June 30, 2002, and June 30, 2003, no expenditures shall be made by the department of transportation, or any other state agency, from the state highway fund or any special revenue fund for a capital improvement project or projects to construct any pedestrian tunnel between the security benefit building and the statehouse.”;

On roll call, the vote was: Yeas 68; Nays 51; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Burroughs, Cook, Crow, Dillmore, DiVita, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Goering, Gordon, Henderson, Henry, Holmes, Horst, Howell, Hutchins, Huy, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Levinson, Loganbill, M. Long, P. Long, Mason, Mayans, Mays, McCreary, McKinney, McLeland, Merrick, Miller, Judy Morrison, Myers, Nichols, Osborne, Ostmeyer, Palmer, Pauls, E. Peterson, Phelps, T. Powell, Pyle, Reardon, Rehorn, Ruff, Sharp, Shultz, Spangler, Storm, Swenson, R. Toelkes, Vickrey, Wells, Welshimer, D. Williams, J. Williams.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cox, Dahl, DeCastro, Dreher, Glasscock, Grant, Hayzlett, Hermes, Huebert, Huff, Humerickhouse, Johnson, Krehbiel, Lane, Light, Lightner, Lloyd, Loyd, Minor, Jim Morrison, Neufeld, Newton, Novascone, O'Neal, Owens, Patterson, J. Peterson, Pottorff, L. Powell, Powers, Ray, Schwartz, Showalter, Shriver, Sloan, Stone, Tafanelli, Tanner, Tomlinson, Weber, Wilk, Wilson.

Present but not voting: None.

Absent or not voting: Edmonds, McClure, O'Brien, Thimesch, Toplikar, Winn.

The motion of Rep. Goering prevailed.

Also, on motion of Rep. Showalter to amend **H. Sub. for SB 363**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Feuerborn to amend **H. Sub. for SB 363** on page 9, in line 3, by adding \$814,215 to the dollar amount in line 3 and by adjusting the dollar amount in line 3 accordingly;

On page 12, in line 31, by adding \$599,642 to the dollar amount in line 31, and by adjusting the dollar amount in line 31 accordingly;

On roll call, the vote was: Yeas 103; Nays 16; Present but not voting: 0; Absent or not voting: 6.

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

Nays: Aurand, Ballou, Benlon, Bethell, Compton, Glasscock, Loyd, Neufeld, Ostmeyer, J. Peterson, Pottorff, L. Powell, Schwartz, Tomlinson, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Edmonds, Mayans, O'Brien, Thimesch, Toplikar, Winn.

The motion of Rep. Feuerborn prevailed.

Also, on further motion of Rep. Feuerborn **H. Sub. for SB 363** be amended on page 17, following line 36, by inserting the following:

"Sec. 27.

#### DEPARTMENT OF COMMERCE AND HOUSING

(a) On July 1, 2002, of the \$14,554,841 appropriated for the department of commerce and housing for the fiscal year ending June 30, 2003 by section 88(a) of 2002 Senate Bill No. 517 from the state economic development initiatives fund in the operating grant (including official hospitality) account, the sum of \$53,118 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the department of commerce and housing is hereby decreased from 148.0 to 147.0.

Sec. 28.

#### DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) On July 1, 2002, of the \$17,277,241 appropriated for the department of health and environment for the fiscal year ending June 30, 2003 by section 93(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$44,387 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the department of health and environment is hereby decreased from 1,001.0 to 1,000.0.

Sec. 29.

#### SECRETARY OF STATE

(a) On July 1, 2002, of the \$1,749,331 appropriated for the secretary of state for the fiscal year ending June 30, 2003, by section 72 of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$89,029 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the secretary of state is hereby decreased from 56.0 to 54.0.

Sec. 30.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) On July 1, 2002, of the \$11,596,888 appropriated for the Kansas technology enterprise corporation for the fiscal year ending June 30, 2003, by section 90 of 2002 Senate Bill No. 517 from the state economic development initiatives fund in the operations, assistance and grants (including official hospitality) account, the sum of \$40,175 is hereby lapsed.

Sec. 31.

JUVENILE JUSTICE AUTHORITY

(a) On July 1, 2002, of the \$30,508,893 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 114(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$52,983 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the juvenile justice authority is hereby decreased from 635.0 to 634.0.

Sec. 32.

KANSAS DEPARTMENT OF AGRICULTURE

(a) On July 1, 2002, of the \$10,029,542 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 123(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$49,236 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the Kansas department of agriculture is hereby decreased from 300.5 to 299.5.

Sec. 33.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) On the effective date of this act, of the \$95,357,589 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 95(a) of 2002 Senate Bill No. 517 from the state general fund in the state operations account, the sum of \$53,344 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the department of social and rehabilitation services is hereby decreased from 4,048.5 to 4,047.5.

Sec. 34.

ATTORNEY GENERAL

(a) On July 1, 2002, of the \$3,894,982 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 71(a) of 2002 Senate Bill No. 517 from the state general fund in the operations account, the sum of \$38,749 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the attorney general is hereby decreased from 95.0 to 94.0.

Sec. 35.

DEPARTMENT OF EDUCATION

(a) On July 1, 2002, of the \$8,894,546 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 97(a) of Senate Bill No. 517 from the state general fund in the operations expenditures (including official hospitality) account, the sum of \$56,501 is hereby lapsed.

Sec. 36.

JUDICIAL BRANCH

(a) On July 1, 2002, of the \$81,079,774 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 78(a) of 2002 Senate Bill No. 517 from the state general fund in the judiciary operations account, the sum of \$72,293 is hereby lapsed.

Sec. 37.

INSURANCE DEPARTMENT

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 74(a) of 2002 Senate Bill No. 517 on the insurance department service regulation fund fund is hereby increased from \$7,632,083 to \$7,578,914.

(a) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the insurance department is hereby decreased from 157.0 to 156.0.

Sec. 38.

KANSAS ARTS COMMISSION

(a) On July 1, 2002, of the \$339,159 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 99(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$38,641 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the Kansas arts commission is hereby decreased from 8.0 to 7.0.

Sec. 39.

DEPARTMENT OF CORRECTIONS

(a) On July 1, 2002, of the \$13,470,469 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 113 (a) of 2002 Senate Bill No. 517 from the state general fund in the central administration operations and parole and postrelease supervision operations account, the sum of \$58,287 is hereby lapsed.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the department of corrections is hereby decreased from 3,132.5 to 3,131.5.

Sec. 40.

GOVERNOR'S DEPARTMENT

(a) On July, 1, 2002, of the \$1,741,380 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 69(a) of 2002 Senate Bill No. 517 from the state general fund in the governor's department account, the sum of \$54,277 is hereby lapsed.

Sec. 41.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) On July, 1, 2002, of the \$12,347,923 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 119(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$69,999 is hereby lapsed.

(b) On July, 1, 2002, the position limitation established for the fiscal year ending June 30, 2002, by section 131(a) of 2002 Senate Bill No. 517 for the attorney general—Kansas bureau of investigation is hereby decreased from 200.0 to 199.0.

Sec. 42.

DEPARTMENT OF TRANSPORTATION

(a) On July, 1, 2002, the expenditure limitation established by section 130(b) of 2002 Senate Bill No. 517 on the agency operations account of the state highway fund, is hereby decreased from \$227,072,321 to \$227,009,950.

(b) On July, 1, 2002, the position limitation established by section 131(a) of 2002 Senate Bill No. 517 for the department of transportation is hereby decreased from 3,247.5 to 3,246.5.

Sec. 43.

ADJUTANT GENERAL

(a) On July, 1, 2002, of the \$4,398,908 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 115(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$100,322 is hereby lapsed.

(b) On July, 1, 2002, the position limitation established for the fiscal year ending June 30, 2002 by section 131(a) of 2002 Senate Bill No. 517 for the adjutant general is hereby decreased from 215.0 to 213.0.

Sec. 44.

DEPARTMENT OF REVENUE

(a) On July, 1, 2002, the expenditure limitation established by section 85(a) of 2002 Senate Bill No. 517 on the division of vehicles operating fund, is hereby decreased from \$32,755,967 to \$32,697,731.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the department of revenue is hereby decreased from 1,196.0 to 1,195.0.

Sec. 45.

KANSAS LOTTERY

(a) On July 1, 2002, the expenditure limitation established by section 86(a) of 2002 Senate

Bill No. 517 on the lottery operating fund is hereby decreased from \$8,962,981 to \$8,817,287.

(b) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the Kansas lottery is hereby decreased from 87.8 to 83.8.

Sec. 46.

#### DEPARTMENT OF WILDLIFE AND PARKS

(a) On July 1, 2002, of the \$3,408,099 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 129(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$11,005 is hereby lapsed.

(b) On July 1, 2002, the expenditure limitation established by section 129(b) of 2002 Senate Bill No. 517 on the wildlife fee fund, is hereby decreased from \$23,945,007 to \$23,916,980.

(c) On July 1, 2002, the expenditure limitation established by section 129(b) of 2002 Senate Bill No. 517 on the boating fee fund, is hereby decreased from \$1,125,045 to \$1,120,410.

(d) On July 1, 2002, the position limitation established for the fiscal year ending June 30, 2003, by section 131(a) of 2002 Senate Bill No. 517 for the department of wildlife and parks is hereby decreased from 406.5 to 405.5.

Sec. 47.

#### KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On July 1, 2002, the expenditure limitation established by section 79(b) of 2002 Senate Bill No. 517 on expenditures from the agency operations account in the expense reserve of the Kansas public employees retirement fund is hereby decreased from \$6,573,276 to \$6,534,641.

Sec. 48. (a) During the fiscal year ending June 30, 2003, no expenditures shall be made from any moneys appropriated for any state agency from the state general fund or any special revenue fund for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature for operating expenditures, including any salaries and wages, for any state officer or employee as public information officers.

(b) As used in this section, "state agency" means the department of commerce and housing, department of health and environment, secretary of state, Kansas technology enterprise corporation, juvenile justice authority, Kansas department of agriculture, department of social and rehabilitation services, attorney general, department of education, judicial branch, insurance department, Kansas arts commission, department of corrections, governor's department, attorney general—Kansas bureau of investigation, department of transportation, adjutant general, department of revenue, Kansas lottery, department of wildlife and parks, and Kansas public employees retirement system.";

And by renumbering sections accordingly;

Also, on motion of Rep. Patterson to amend **H. Sub. for SB 363**, Rep. Tanner requested the question be divided. The question was divided. Roll call was demanded on Part A of the motion to amend on page 6, following line 30, by inserting the following:

"(c) On and after July 1, 2002, through June 30, 2005, if moneys have been authorized for such use, any moneys in the capital outlay fund of any school district may be used for the payment of expenses for utility services provided to school facilities including, but not limited to, gas, electric, water, telephone, sewage and solid waste disposal.";

On roll call, the vote was: Yeas 64; Nays 56; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballou, Benlon, Boston, Campbell, Compton, Cook, Cox, Dahl, DiVita, Edmonds, Faber, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Kauffman, Landwehr, Lane, Lightner, Lloyd, P. Long, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, L. Powell, T. Powell, Powers, Pyle, Ray, Schwartz, Shultz, Storm, Tafanelli, Tanner, Tomlinson, Vickrey, Weber, Wilk, D. Williams.

Nays: Aday, Ballard, Barnes, Beggs, Bethell, Burroughs, Crow, Dillmore, Dreher, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Horst, Johnson, Kirk, Klein, Krehbiel, Kuether, Larkin, Levinson, Light, Loganbill, M. Long, Loyd, McClure, McKinney, Minor, Nichols, Pauls, E. Peterson, Phelps, Pottorff, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Spangler, Stone, Swenson, R. Toelkes, Wells, Welshimer, J. Williams, Wilson.

Present but not voting: None.

Absent or not voting: DeCastro, O'Brien, Thimesch, Toplikar, Winn.

Part A of the motion of Rep. Patterson prevailed.

Also, on Part B of the motion of Rep. Patterson to amend **H. Sub. for SB 363**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. DiVita to amend **H. Sub. for SB 363** on page 6, following line 30, by inserting:

“(c) Any moneys in the contingency reserve fund of any school, if determined by the board, may be used for the payment of increased expenses relating to employee health insurance benefits and extraordinary utility services provided to school facilities.”;

By relettering any remaining subsections accordingly;

On roll call, the vote was: Yeas 115; Nays 3; Present but not voting: 0; Absent or not voting: 7.

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

Nays: Kirk, Shriver, Welshimer.

Present but not voting: None.

Absent or not voting: Flora, Hermes, Minor, O'Brien, Thimesch, Toplikar, Winn.

The motion of Rep. DiVita prevailed.

Also, on motion of Rep. Vickrey **H. Sub. for SB 363** be amended on page 17, following line 36, by inserting the following:

“Sec. 27. Notwithstanding the provisions of the K.S.A. 77-151 and K.S.A. 2001 Supp. 77-138 and 77-165, and amendments thereto, no state agency shall make expenditures to provide and deliver a full set of hard bound Kansas Statutes Annotated to each member of the legislature: *Provided, however,* That new members of the legislature shall be entitled to receive one full set of hard bound Kansas Statutes Annotated: *Provided,* That each member of the legislature shall receive one set of Kansas Statutes Annotated supplements at each regular session.”;

And by renumbering the remaining sections accordingly;

Also, roll call was demanded on motion of Rep. Krehbiel to amend **H. Sub. for SB 363** on page 2, in line 3, by striking all after “(a)”; by striking all in lines 4 through 7; in line 8, by striking “(b)”;

On page 9, following line 3, by inserting the following:

“(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year or years specified, the following:

Operating expenditures  
For the fiscal year ending June 30, 2003..... \$114,009

*Provided,* That in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2003, as authorized by section 119(a) of 2002 Senate Bill No.

517, expenditures shall be made by the above agency from the operating expenditures account of the state general fund for fiscal year 2003 for salaries and wages, including associated employer contributions, for employing full-time equivalent positions in the trooper job classes to reduce the rate of shrinkage from the approved budget of the above agency in such classes of the above agency: *Provided further*, That expenditures for such purpose from the operating expenditures account of the state general fund for fiscal year 2003 shall not exceed \$114,099.”;

And by relettering the remaining subsections accordingly;

On roll call, the vote was: Yeas 69; Nays 47; Present but not voting: 1; Absent or not voting: 8.

Yeas: Aday, Aurand, Ballou, Beggs, Boston, Burroughs, Campbell, Compton, Cook, Dahl, DeCastro, Dillmore, DiVita, Edmonds, Feuerborn, Freeborn, Gordon, Hayzlett, Henry, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Krehbiel, Landwehr, Larkin, Lightner, Lloyd, M. Long, P. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, Osborne, Palmer, Patterson, J. Peterson, T. Powell, Pyle, Ray, Schwartz, Sharp, Showalter, Shultz, Sloan, Storm, Tafanelli, Tanner, R. Toelkes, Tomlinson, Vickrey, Weber, D. Williams, J. Williams.

Nays: Ballard, Barnes, Benlon, Bethell, Cox, Crow, Dreher, Faber, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Grant, Henderson, Holmes, Kirk, Kuether, Lane, Levinson, Light, Loganbill, Loyd, Mayans, McClure, Minor, O’Neal, Ostmeyer, Owens, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, Powers, Reardon, Rehorn, Ruff, Shriver, Spangler, Stone, Swenson, Wells, Welshimer, Wilk.

Present but not voting: Wilson.

Absent or not voting: Goering, Hermes, Kauffman, Klein, O’Brien, Thimesch, Toplikar, Winn.

The motion of Rep. Krehbiel prevailed.

Also, roll call was demanded on motion of Rep. Shriver to amend **H. Sub. For SB 363** on page 17, following line 36, by inserting the following:

“Sec. 27.

#### DEPARTMENT OF HUMAN RESOURCES

(a) In addition to the other purposes for which expenditures may be made by the department of human resources from moneys appropriated from the employment security fund for fiscal year 2003 for the department of human resources as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures are hereby authorized and shall be made from the employment security fund by the secretary of human resources for fiscal year 2003 from moneys made available to the state under section 903 of the federal social security act, as amended, to provide additional unemployment compensation benefits, which shall be referred to as temporary supplemental unemployment compensation benefits, for an additional three and one-half weeks beyond the periods provided under the employment security law: *Provided*, That all temporary supplemental unemployment compensation benefits shall be provided in accordance with administrative provisions adopted by the secretary of human resources and shall be in accordance with the eligibility, benefit provisions, requirements and other provisions of the unemployment compensation program, except as otherwise provided by this section: *Provided further*, That expenditures from employment security fund during fiscal year 2003 of moneys made available to the state under section 903 of the federal social security act, as amended, for temporary supplemental unemployment compensation benefits in accordance with this section shall not exceed \$39,000,000.”;

On roll call, the vote was: Yeas 55; Nays 62; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Barnes, Burroughs, Crow, DeCastro, Dillmore, DiVita, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Hayzlett, Henderson, Henry, Huebert, Huy, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Levinson, Loganbill, M. Long, McClure, McCreary, McKinney, McLeland, Minor, Nichols, Novascone, Palmer, Pauls, E. Peterson, Phelps, T. Powell, Powers, Reardon, Rehorn, Sharp, Showalter, Shriver, Storm, Swenson, R. Toelkes, Vickrey, Welshimer, D. Williams, J. Williams, Wilson.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, Dreher, Edmonds, Faber, Freeborn, Glasscock, Goering, Gordon, Holmes, Horst, Howell, Huff, Humerickhouse, Hutchins, Johnson, Krehbiel, Lane, Lightner, Lloyd, P. Long, Loyd, Mason, Mays, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, O'Neal, Osborne, Ostmeyer, Owens, Patterson, J. Peterson, Pottorff, L. Powell, Pyle, Ray, Ruff, Schwartz, Shultz, Sloan, Spangler, Stone, Tafaneli, Tanner, Tomlinson, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Hermes, Light, Mayans, O'Brien, Thimesch, Toplikar, Wells, Winn. The motion of Rep. Shriver did not prevail.

Also, on motion of Rep. Landwehr to amend **H. Sub. for SB 363**, the motion did not prevail.

Also, on motion of Rep. Beggs **H. Sub. for SB 363** be amended on page 17, following line 36, by inserting the following:

"Sec. 27. (a) In addition to the other purposes for which expenditures may be made from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2002 or fiscal year 2003 for the legislature as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made for fiscal year 2002 and fiscal year 2003 to authorize and provide each representative a postage allotment for calendar year 2002 and to provide each senator a postage allotment for calendar year 2002, subject to the allotment amounts prescribed by the legislative coordinating council, which allotment may be used for correspondence pertaining to constituent services, newsletters, newspaper notices relating to legislative matters and other informational publications relating to the legislature.";

And by renumbering sections accordingly;

Also, on motion of Rep. Owens to amend **H. Sub. for SB 363**, the motion did not prevail.

Also, on motion of Rep. Larkin **H. Sub. for SB 363** be amended on page 17, following line 36, by inserting the following:

"Sec. 27. (a)(1) On July 1, 2002, of the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for fiscal year 2003 for official out-of-state travel for the state agency, the amount equal to 20% of the amount budgeted for fiscal year 2003 in each such account of the state general fund for official out-of-state travel for the state agency, as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, is hereby lapsed: *Provided*, That the aggregate amount lapsed from all such accounts of the state general fund for fiscal year 2003 by this subsection shall not exceed \$1,000,000: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *And provided further*, That the amounts lapsed pursuant to this section shall be in addition to the amounts lapsed for this purpose pursuant to section 169(g) of 2002 Senate Bill No. 517.

(2) In determining the amount budgeted for each state agency for official out-of-state travel for the fiscal year ending June 30, 2003, in each account of the state general fund of such state agency that is appropriated for fiscal year 2003, for the purposes of making the certifications to the director of accounts and reports prescribed by this subsection (a), the director of the budget shall review the information contained in budget estimates submitted by state agencies for fiscal year 2003, the recommendations thereon by the governor, and the bills, reports and other legislative documentation of legislative action on such budget estimates and recommendations for fiscal year 2003 for such state agencies and may consider such additional information, including actual expenditures for official out-of-state travel during prior fiscal years by state agencies, and may apply appropriate analyses and prorations to determine the amounts to be certified under this subsection (a), subject to the maximum aggregate amount prescribed therefor and any applicable federal, state and other statutory or contract restrictions.";



And by renumbering sections accordingly;

Also, on motion of Rep. Spangler to amend **H. Sub. for SB 363**, the motion did not prevail. Also, on further motion of Rep. Spangler to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Ostmeyer to amend **H. Sub. for SB 363** on page 17, following line 36, by inserting the following:

“Sec. 27.

DEPARTMENT OF COMMERCE AND HOUSING

(a) On July 1, 2002, of the \$14,554,841 appropriated for the department of commerce and housing for the fiscal year ending June 30, 2003 by section 88(a) of 2002 Senate Bill No. 517 from the state economic development initiatives fund in the operating grant (including official hospitality) account, the sum of \$26,599 is hereby lapsed.

Sec. 28.

DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) On July 1, 2002, of the \$17,277,241 appropriated for the department of health and environment for the fiscal year ending June 30, 2003 by section 93(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$22,194 is hereby lapsed.

Sec. 29.

SECRETARY OF STATE

(a) On July 1, 2002, of the \$1,749,331 appropriated for the secretary of state for the fiscal year ending June 30, 2003, by section 72 of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$44,515 is hereby lapsed.

Sec. 30.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) On July 1, 2002, of the \$11,596,888 appropriated for the Kansas technology enterprise corporation for the fiscal year ending June 30, 2003, by section 90 of 2002 Senate Bill No. 517 from the state economic development initiatives fund in the operations, assistance and grants (including official hospitality) account, the sum of \$20,088 is hereby lapsed.

Sec. 31.

JUVENILE JUSTICE AUTHORITY

(a) On July 1, 2002, of the \$30,508,893 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 114(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$26,492 is hereby lapsed.

Sec. 32.

KANSAS DEPARTMENT OF AGRICULTURE

(a) On July 1, 2002, of the \$10,029,542 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 123(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$24,618 is hereby lapsed.

Sec. 33.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) On the effective date of this act, of the \$95,357,589 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 95(a) of 2002 Senate Bill No. 517 from the state general fund in the state operations account, the sum of \$26,672 is hereby lapsed

(b) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Community Based Services..... \$483,485

*Provided*, That expenditures of fund in this amount shall only be made to increase attendant care wages in the developmental disability home and community based services waiver program.

Sec. 34.

ATTORNEY GENERAL

(a) On July 1, 2002, of the \$3,894,982 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 71(a) of 2002 Senate Bill No. 517 from the state general fund in the operations account, the sum of \$38,749 is hereby lapsed.

Sec. 35.

DEPARTMENT OF EDUCATION

(a) On July 1, 2002, of the \$8,894,546 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 97(a) of Senate Bill No. 517 from the state general fund in the operations expenditures (including official hospitality) account, the sum of \$28,251 is hereby lapsed.

Sec. 36.

JUDICIAL BRANCH

(a) On July 1, 2002, of the \$81,079,774 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 78(a) of 2002 Senate Bill No. 517 from the state general fund in the judiciary operations account, the sum of \$36,147 is hereby lapsed.

Sec. 37.

INSURANCE DEPARTMENT

(a) On July 1, 2002, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 74(a) of 2002 Senate Bill No. 517 on the insurance department service regulation fund is hereby decreased from \$7,632,083 to \$7,578,914.

Sec. 38.

KANSAS ARTS COMMISSION

(a) On July 1, 2002, of the \$339,159 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 99(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$19,321 is hereby lapsed.

Sec. 39.

DEPARTMENT OF CORRECTIONS

(a) On July 1, 2002, of the \$13,470,469 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 113 (a) of 2002 Senate Bill No. 517 from the state general fund in the central administration operations and parole and postrelease supervision operations account, the sum of \$29,144 is hereby lapsed.

Sec. 40.

GOVERNOR'S DEPARTMENT

(a) On July 1, 2002, of the \$1,741,380 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 69(a) of 2002 Senate Bill No. 517 from the state general fund in the governor's department account, the sum of \$27,139 is hereby lapsed.

Sec. 41.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) On July 1, 2002, of the \$12,347,923 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 119(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$35,000 is hereby lapsed.

Sec. 42.

DEPARTMENT OF TRANSPORTATION

(a) On July 1, 2002, the expenditure limitation established by section 130(b) of 2002 Senate Bill No. 517 on the agency operations account of the state highway fund, is hereby decreased from \$227,072,321 to \$227,041,136.

Sec. 43.

ADJUTANT GENERAL

(a) On July 1, 2002, of the \$4,398,908 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 115(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$50,161 is hereby lapsed.

Sec. 44.

DEPARTMENT OF REVENUE

(a) On July 1, 2002, the expenditure limitation established by section 85(a) of 2002 Senate Bill No. 517 on the division of vehicles operating fund, is hereby decreased from \$32,755,967 to \$32,726,849.

Sec. 45.

KANSAS LOTTERY

(a) On July 1, 2002, the expenditure limitation established by section 86(a) of 2002 Senate Bill No. 517 on the lottery operating fund is hereby decreased from \$8,962,981 to \$8,817,287.

Sec. 46.

DEPARTMENT OF WILDLIFE AND PARKS

(a) On July 1, 2002, of the \$3,408,099 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 129(a) of 2002 Senate Bill No. 517 from the state general fund in the operating expenditures account, the sum of \$5,503 is hereby lapsed.

(b) On July, 1, 2002, the expenditure limitation established by section 129(b) of 2002 Senate Bill No. 517 on the wildlife fee fund, is hereby decreased from \$23,945,007 to \$23,930,993.

(c) On July, 1, 2002, the expenditure limitation established by section 129(b) of 2002 Senate Bill No. 517 on the boating fee fund, is hereby decreased from \$1,125,045 to \$1,122,727.

Sec. 47.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On July 1, 2002, the expenditure limitation established by section 79(b) of 2002 Senate Bill No. 517 on expenditures from the agency operations account in the expense reserve of the Kansas public employees retirement fund is hereby decreased from \$6,573,276 to \$6,534,641.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 99; Nays 20; Present but not voting: 0; Absent or not voting: 6.

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

Nays: Aurand, Ballou, Beggs, Benlon, Bethell, Cox, Dreher, Glasscock, Lane, Loyd, Mason, Neufeld, Newton, J. Peterson, Ray, Schwartz, Tanner, Tomlinson, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Hayzlett, Hermes, O’Brien, Thimesch, Toplikar, Winn.

The motion of Rep. Ostmeyer prevailed.

Also, on motion of Rep. Henry **H. Sub. for SB 363** be amended on page 3, following line 25, by inserting the following:

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

LTC—medicaid assistance—fund.....	\$2,000,000
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(e) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,000,000 from the senior services trust fund to the LTC—medicaid assistance—fund.”;

Also, on motion of Rep. Burroughs to amend **H. Sub. for SB 363**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Spangler to amend **H. Sub. for SB 363** on page 17, following line 36, by inserting the following:

“Sec. 27.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) In addition to the other purposes for which expenditures may be made by the Kansas public employees retirement system from the moneys appropriated from the Kansas public employees retirement fund or from the group insurance reserve fund for fiscal year 2003 as authorized by this or other appropriation act of the 2002 regular session of the legislature,

expenditures are hereby authorized and directed to be made by the Kansas public employees retirement system from the moneys appropriated from the Kansas public employees retirement fund or from the group insurance reserve fund for fiscal year 2003 for the following:

(1) Each retiree who is entitled to receive a retirement benefit, pension or annuity payment from a retirement system or who is a local school annuitant shall be entitled to receive a retiree dividend payment as specified in this subsection (a). Such retiree dividend payment shall be paid in addition to the amount of the annual retirement benefit, pension or annuity payment to which the retiree is otherwise entitled and shall be paid in the form of a special additional benefit payment which shall be made on October 1, 2002.

(2) Each such special additional benefit payment as provided in this subsection (a) shall be payable to the retiree in an amount equal to 100% of the retirement benefit payment such retiree is entitled to receive on July 1, 2002.

(3) Each such special additional benefit payment shall be paid by the retirement system to the retiree and the local school annuitant and shall be payable from the Kansas public employees retirement fund.

(4) The actuarial cost of the special additional benefit payments prescribed by this subsection (a) shall not be subject to the provisions of subsection (8) of K.S.A. 74-4920 and amendments thereto.

(5) As used in this subsection (a):

(A) "Retiree" means (i) any person who is a member of a retirement system and who retired prior to July 1, 2001, (ii) any person who is a special member of a retirement system and who retired prior to July 1, 2001, (iii) any person who is a joint annuitant or beneficiary of any member described in clause (i) or any special member described in clause (ii), and (iv) any insured disability benefit recipient.

(B) "Retirement system" means the Kansas public employees retirement system, the Kansas police and firemen's retirement system, the state school retirement system and the retirement system for judges.

(C) "Local school annuitant" means (i) any person who is an annuitant with 10 or more years of service, who is receiving an annuity, whose annuity is not included, in whole or in part, in payments made to such school district under K.S.A. 72-5512b and amendments thereto, and who is not a member of a group I or of group II as defined in K.S.A. 72-5518 and amendments thereto, and (ii) any person who is receiving an annuity and who retired prior to September 1, 1981.

(D) "Insured disability benefit recipient" means any person receiving an insured disability benefit under K.S.A. 74-4927 and amendments thereto, prior to July 1, 2001.;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 45; Nays 66; Present but not voting: 8; Absent or not voting: 6.

Yeas: Aday, Ballard, Barnes, Burroughs, Crow, Dillmore, Faber, Feuerborn, Findley, Flora, Garner, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Humerickhouse, Hutchins, Kirk, Klein, Kuether, Lane, Larkin, Loganbill, M. Long, McClure, McKinney, Minor, Nichols, Pauls, Phelps, Reardon, Rehorn, Ruff, Sharp, Showalter, Spangler, Storm, Swenson, Wells, Wilson.

Nays: Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Freeborn, Glasscock, Holmes, Horst, Huebert, Huff, Huy, Johnson, Kauffman, Krehbiel, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Pyle, Schwartz, Shultz, Sloan, Stone, Tafanelli, Tanner, Tomlinson, Vickrey, Weber, Wilk, D. Williams, J. Williams.

Present but not voting: Flaharty, Howell, Levinson, E. Peterson, Powers, Ray, R. Toelkes, Welshimer.

Absent or not voting: Landwehr, O'Brien, Shriver, Thimesch, Toplikar, Winn.

The motion of Rep. Spangler did not prevail, and **H. Sub. for SB 363** be passed as amended.

**MESSAGE FROM THE SENATE**

The Senate concurs in House amendments to **SB 297**.

The Senate concurs in House amendments to **SB 499**, and requests return of the bill.

The Senate concurs in House amendments to **Sub. SB 545**, and requests return of the bill.

The Senate adopts conference committee report on **SB 429**.

The Senate adopts conference committee report on **SB 489**.

The Senate adopts conference committee report on **H. Sub. for SB 605**.

The Senate adopts conference committee report on **SCR 1623**.

The Senate adopts conference committee report on **HB 2718**.

The Senate adopts conference committee report on **HB 2746**.

The Senate adopts conference committee report on **Sub. HB 2872**.

**REPORT ON ENGROSSED BILLS**

**HB 2703; Sub. HB 2979** reported correctly re-engrossed May 9, 2002.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6018** reported correctly enrolled and properly signed on May 9, 2002.

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

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

