

Journal of the House

FORTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 21, 2003, 10:30 a.m.

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

The roll was called with 114 members present.

Rep. Hayzlett was excused on legislative business.

Reps. Ballard, Brunk, Davis, Goering, Hill, Holland, Krehbiel, O'Neal, Powers and Yonally were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

God of power and might, God of grace and peace, as war begins again in your world, we offer our prayers to you the creator, the giver of life and the author of liberty.

Be with the sons and daughters of this nation who are in battle. Protect them from both the physical and the spiritual wounds of war. Bless those in authority who make the decisions of war. Stay their hands from unnecessary violence. Make them always vigilant and aware of opportunities to choose life over death and justice over vengeance.

In the midst of battle, spread your wings over all the innocents whose only crime was to have been born into a nation of tyranny and oppression. Protect them from injury and disease and bring to them new life in freedom and your grace.

And protect us here at home, Lord. Blind us to the media circus that turns combat into today's reality TV show. Instead, bring to our minds the young men and women for whom this is neither a game nor the latest "hot news topic," but a matter of life and of death. In the victory over despotism that you will give this nation, let our hearts be humble and our hands open and let us never forget as we reach out to the people of Iraq that we reach out to your children and our sisters and brothers. Amen.

The Pledge of Allegiance was led by Rep. Novascone.

INTRODUCTION OF GUESTS

There being no objection, the following remarks by Rep. Neighbor are spread upon the Journal:

I am honored to make this my first trip to the well. I am not here today to tack on an amendment, nor to ask for your support of a bill. Instead I am honored to stand before you to ask for you to help me recognize a very special person.

As I thought about what to say, I was reminded that all of us are here not only because we want to be part of the democratic process, but we are all life-long learners. When we come to the Legislature, we may be appointed to committees that challenge us to research and learn more about specific issues.

In order for us to have the quest for knowledge, someone along the way has instilled in each of us the desire to learn, to read, to question and to open our minds to new ideas. And that, my fellow legislators, is my reason for my trip here today.

In 1953, a woman by the name of Catherine Leeker started her journey as an educator. She began her career as a third grade teacher in the original Greenwood Elementary in Shawnee. That building is now a museum. A new Greenwood Elementary School was built and Ms. Leeker continued to teach third grade. That building required the trucking in of water and was on a septic tank. There were no water lines or sewers available and the school's capacity was only about 152 students. Hence, that building was closed and torn down.

This never deterred Ms. Leeker's desire to work with children and share her love of education. She then moved to Apache Elementary where today she teaches second grade to students who admire, respect, and love her. She guides them through the daily paces with a caring manner, while instilling in them the importance of high expectations. She is the type of teacher each one of us had and will always remember who gave that extra attention and taught us the value of education.

One of her colleagues asked Catherine on a teacher workday if she was going to wear jeans because it was common when students were not in school. The teacher went on to ask if Ms. Leeker even had a pair of jeans. Catherine replied, "No dear, but I do have a jean skirt."

I know many of you in this Legislative body are former or current teachers but I do not know any of you who have been teachers for 50 years and still counting. I hope you will now join me in recognizing Ms. Catherine Leeker, a teacher and professional who has dedicated herself to "turning on the light" and making education fun and exciting for hundreds of children for the past 50 years.

Rep. Neighbor introduced Ms. Leeker and presented her with a certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2452. An act concerning the employment security law; relating to eligibility for benefits; suspension of waiting period for certain claims; amending K.S.A. 44-757 and K.S.A. 2002 Supp. 44-705 and repealing the existing sections, by Committee on Appropriations.

HB 2453. An act concerning school finance; relating to enrollment; proceeds on sales tax levied; amending K.S.A. 72-6407, 72-6410, 72-6412 and 72-6442 and repealing the existing sections; also repealing K.S.A. 72-6407a, by Committee on Taxation.

HB 2454. An act concerning certain business entities; imposing an occupation tax; franchise fees; amending K.S.A. 17-1513, 17-1618, 17-7510, 17-7511, 17-7512 and 56-1a608 and K.S.A. 2002 Supp. 17-2036, 17-2718, 17-4634, 17-7503, 17-7504, 17-7505, 17-7507, 17-7509, 17-76,125, 17-76,139, 40-5008, 45-221, 56-1a606, 56-1a607, 56a-1201, 56a-1202 and 56a-1203 and repealing the existing sections; also repealing K.S.A. 2002 Supp. 17-7508, by Committee on Taxation.

HB 2455. An act concerning state agencies and political subdivisions of the state; relating to the powers and duties thereof, by Committee on Appropriations.

HB 2456. An act concerning the attorney general; authorizing transfers between items of appropriation from the state general fund concerning interstate water rights, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SCR 1609, SCR 1610.**

Appropriations: **SB 195, SB 250, SB 251.**

Judiciary: **HB 2450.**

Local Government: **SB 237.**

Taxation: **HB 2451.**

Select Committee on Pensions: **SB 260.**

MESSAGES FROM THE SENATE

The Senate nonconcur in House amendments to **SB 21**, requests a conference and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

Also, the Senate nonconcur in House amendments to **SB 43**, requests a conference and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 102**, requests a conference and has appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 21**.

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

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 43**.

Speaker Mays thereupon appointed Reps. Neufeld, Shultz and Gatewood as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 102**.

Speaker Mays thereupon appointed Reps. Myers, Powers and Sawyer as conferees on the part of the House.

MESSAGE FROM THE SENATE

Announcing adoption of **SCR 1613**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On motion of Rep. M. Long, **SCR 1613**, A concurrent resolution urging the International Speedway Corporation to enter into an agreement with the Kansas Speedway Corporation to allow an additional NASCAR Winston Cup race date, was introduced and adopted.

CONSENT CALENDAR

No objection was made to **Sub. SB 204** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 74, An act concerning schools; relating to the powers and duties of the state board of education; relating to personal financial literacy programs, was considered on final action.

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

Yeas: Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goico, Gordon, Grant, Henderson, Henry, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kauffman, Kirk, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Aurand, Carter, Faber, Kassebaum, Klein.

Present but not voting: None.

Absent or not voting: Ballard, Brunk, Davis, Goering, Hayzlett, Hill, Holland, Krehbiel, O'Neal, Powers, Yonally.

The bill passed, as amended.

SB 132, An act concerning automated external defibrillators; amending K.S.A. 65-6149a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 0; Present but not voting: 0; Absent or not voting: 11.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goico, Gordon, Grant, Henderson, Henry, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Tolkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Brunk, Davis, Goering, Hayzlett, Hill, Holland, Krehbiel, O'Neal, Powers, Yonally.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Holmes, the House nonconcurred in Senate amendments to **HB 2018** and asked for a conference.

Speaker Mays thereupon appointed Reps. Holmes, Krehbiel and Kuether as conferees on the part of the House.

On motion of Rep. Jim Morrison, the House nonconcurred in Senate amendments to **HB 2207** and asked for a conference.

Speaker Mays thereupon appointed Reps. Jim Morrison, P. Long and Kirk as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **SB 131** be amended on page 1, after line 13, by inserting the following:

"Section 1. K.S.A. 65-166a is hereby amended to read as follows: 65-166a. (a) The secretary of health and environment is authorized and directed to establish by duly adopted rules or regulations a schedule of fees to defray all or any part of the costs of administering the water pollution control permit system established by K.S.A. 65-165 and 65-166, and amendments thereto. The amount of the fees so established shall be based upon the quantity of raw wastes or treated wastes to be discharged, units of design capacity of treatment facilities or structures, numbers of potential pollution units, physical or chemical characteristics of discharges and staff time necessary for review and evaluation of proposed projects. In establishing the fee schedule, the secretary of health and environment shall not assess fees for permits required in the extension of a sewage collection system, but such fees shall be assessed for all treatment devices, facilities or discharges where a permit is required by law and is issued by the secretary of health and environment or the secretary's designated representative. Such fees shall be nonrefundable.

(b) Any such permit for which a fee is assessed shall expire five years from the date of its issuance. The secretary of health and environment may issue permits pursuant to K.S.A. 65-165, and amendments thereto, for terms of less than five years, if the secretary determines valid cause exists for issuance of the permit with a term of less than five years. The minimum fee assessed for any permit issued pursuant to K.S.A. 65-165, and amendments thereto, shall be for not less than one year. Permit fees may be assessed and collected on an annual basis and failure to pay the assessed fee shall be cause for revocation of the permit. Any permit which has expired or has been revoked may be reissued upon payment of the appropriate fee and submission of a new application for a permit as provided in K.S.A. 65-165 and 65-166, and amendments thereto.

(c) A permit shall be required for:

- (1) Any confined feeding facility with an animal unit capacity of 300 to 999 if the secretary determines that the facility has significant water pollution potential; and
- (2) any confined feeding facility with an animal unit capacity of 1,000 or more.
- (d) At no time shall the annual permit fee for a confined feeding facility exceed:
 - (1) \$25 for facilities with an animal unit capacity of not more than 999;
 - (2) \$100 for facilities with an animal unit capacity of 1,000 to 4,999;
 - (3) \$200 for facilities with an animal unit capacity of 5,000 to 9,999; or
 - (4) \$400 for facilities with an animal unit capacity of 10,000 or more.
- (e) *Annual permit fees for any truck washing facility for animal wastes shall be as follows:*

(1) *For a private truck washing facility for animal wastes with two or fewer trucks, not more than \$100;*

(2) *for a private truck washing facility for animal wastes with three or more trucks, not more than \$200; and*

(3) *for a commercial truck washing facility for animal wastes, not more than \$320.*

~~(f)~~ (f) The secretary of health and environment shall remit all moneys received from the fees established pursuant to this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

~~(g)~~ (g) Any confined feeding facility with an animal unit capacity of less than 300 may be required to obtain a permit from the secretary if the secretary determines that such facility has significant water pollution potential.

~~(h)~~ (h) Any confined feeding facility not otherwise required to obtain a permit or certification may obtain a permit or certification from the secretary. Any such facility obtaining a permit shall pay an annual permit fee of not more than \$25.”;

And by renumbering sections accordingly;

On page 2, in line 7, after “pond” by striking the comma; in line 8, by striking all before the colon; in line 35, after the period by inserting “Animal unit for livestock markets shall be determined by dividing the annual animal units by 365. Such animal unit figure may be reduced if the livestock market demonstrates to the department the amount of time in 24-hour increments or partials thereof that animals are at the market.”;

On page 3, by striking all in lines 6 through 8;

On page 7, in line 8, after “K.S.A.” by inserting “65-166a and”; also in line 8, by striking “is” and inserting “are”;

Also on page 1, in the title, in line 9, by striking all after “to”; in line 10, by striking “ments to public” and inserting “water and soil pollution control and prevention; concerning”; also in line 10, after the semicolon by inserting “annual permit fees for truck washing facilities;”; also in line 10, after “K.S.A.” by inserting “65-166a and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

The Committee on **Appropriations** recommends **HB 2426** be amended on page 2, by striking all in lines 24 through 26 and inserting the following:

“(c) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 as authorized by this or other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project or projects for state hospital renovation and repair: *Provided*, That the capital improvement project or projects for state hospital renovation and repair are hereby approved for the department of social and rehabilitation services for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of social and rehabilitation services may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project or

projects: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project or projects shall not exceed \$49,163,883, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project or projects during the construction of such project or projects and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the state institutions building fund or any other appropriate special revenue fund or funds.”;

On page 8, by striking all in line 17; after line 29, by inserting the following:
“Residence hall renovation fund No limit”;

On page 9, in line 14, by striking “and” and inserting a comma; in line 15, before the period, by inserting “and to raze Salina campus building no. 701”; following line 15, by inserting the following:

“(g) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 as authorized by this or other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project for residence hall renovation: *Provided*, That the capital improvement project for residence hall renovation is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$4,700,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the Kansas educational building fund or any other appropriate funds.”;

On page 10, following line 23, 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, 2004, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Greenhouse laboratory construction fund	No limit
Horticulture research/education center construction fund	No limit

(e) In addition to the other purposes for which expenditures may be made by Kansas state university extension systems and agriculture research programs from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 as authorized by this or other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by Kansas state university extension systems and agriculture research programs from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project for greenhouse laboratory construction: *Provided*, That the capital improvement project for greenhouse laboratory construction is hereby approved for Kansas state university extension systems and agriculture research programs for the

purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university extension systems and agriculture research programs may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$1,700,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the Kansas educational building fund or any other appropriate funds.

(f) In addition to the other purposes for which expenditures may be made by Kansas state university extension systems and agriculture research programs from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 as authorized by this or other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by Kansas state university extension systems and agriculture research programs from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project for horticulture research/education center construction: *Provided*, That the capital improvement project for horticulture research/education center construction is hereby approved for Kansas state university extension systems and agriculture research programs for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university extension systems and agriculture research programs may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$1,500,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the Kansas educational building fund or any other appropriate funds.”;

On page 14, following line 31, by inserting the following:

“(c) During the fiscal year ending June 30, 2004, upon request of the chancellor of the university of Kansas, the director of accounts and reports shall transfer all moneys in the law enforcement training center improvements special revenue fund to the law enforcement training center fund. On the date of such request of the chancellor of the university of Kansas, all liabilities of the law enforcement training center improvements special revenue fund are hereby transferred to and imposed upon the law enforcement training center fund and the law enforcement training center improvements special revenue fund is hereby abolished.”;

On page 15, following line 26, by inserting the following:

“(c) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 as authorized by this or other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to construct parking facility #3: *Provided*,

That the capital improvement project to construct parking facility #3 is hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas medical center may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$14,500,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the parking surplus fund or any other appropriate funds.”;

On page 16, in line 8, by striking “special employment security” and inserting “employment security administration”;

On page 18, in line 28, by striking “\$157,776” and inserting “\$107,776”;

On page 19, by striking all in lines 21 through 32; by striking all in line 39;

On page 20, in line 37, by striking “\$220,000” and inserting “\$260,000”; following line 37 by inserting the following:

“Boating fee fund — river access \$220,000”;

On page 21, following line 39, by inserting the following:

“Wildlife conservation fund — Milford fish hatchery water line \$1,282,110”;

On page 22, by striking all in lines 11 through 18;

And by relettering the remaining subsections accordingly;

On page 23, in line 28, by striking “\$10,000,000” and inserting “\$13,000,000”; following line 42 by inserting the following:

“(b) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2005, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education \$13,000,000

Provided, That the state board of regents is hereby authorized to transfer moneys from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account to an account or accounts of the Kansas educational building fund of any institution under the control and supervision of the state board of regents to be expended by the institution for projects approved by the state board of regents: *Provided, however*, That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction.”; and the bill be passed as amended.

The Committee on **Appropriations** recommends **HB 2444** be amended on page 10, in line 30, by striking “\$103,373” and inserting “\$104,373”;

On page 17, in line 31, by striking “3.0” and inserting “2.0”; in line 32, by striking “3.0” and inserting “2.0”;

On page 20, in line 10, by striking “\$561,073” and inserting “\$517,730”; in line 14, by striking “\$2,440,921” and inserting “\$2,574,783”; in line 18, by striking “\$2,351,042” and inserting “\$2,394,385”; in line 26, by striking “\$10,829,521” and inserting “\$10,360,615”;

On page 22, in line 13, by striking “\$1,670,742” and inserting “\$1,699,601”;

On page 24, in line 5, by striking “\$3,649,834” and inserting “\$3,616,928”; following line 19, by inserting new material to read as follows:

“Any unencumbered balance in excess of \$100 as of June 30, 2003, in each of the following accounts is hereby reappropriated for fiscal year 2004: Additional operating expenditures for investigation and litigation regarding interstate water rights.”;

On page 25, following line 39, by inserting new material to read as follows:

“*Provided*, That, in addition to the other purposes authorized by K.S.A. 82a-1802 and amendments thereto, expenditures may be made from the interstate water litigation fund for: (1) Litigation costs for the case of *Kansas v. Colorado* No. 105, Original in the Supreme Court of the United States, including repayment of past contributions; (2) expenses related to the appointment of a river master or such other official as may be appointed by the Supreme Court to administer, implement or enforce its decree or other orders of the Supreme Court related to this case; and (3) expenses incurred by agencies of the state of Kansas to monitor actions of the state of Colorado and its water users and to enforce any settlement, decree or order of the Supreme Court related to this case.”;

On page 26, following line 1, by inserting new material to read as follows:

“(d) (1) During the fiscal year ending June 30, 2004, the attorney general may transfer any part of any item of appropriation for the fiscal year ending June 30, 2004, from the state general fund for the attorney general to another item of appropriation for fiscal year 2004 from the state general fund for the attorney general (A) for operating expenditures relating to interstate water rights regarding the Republican river and its tributaries, (B) for additional operating expenditures for investigation and litigation regarding interstate water rights, (C) for operating expenditures regarding interstate water rights relating to the Arkansas river and its tributaries, or (D) for operating expenditures regarding any other interstate water rights.

(2) The attorney general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of the legislative research department.”;

On page 31, in line 34, by striking “\$915,239” and inserting “\$972,624”;

On page 32, by striking all in lines 3 through 16; following line 20, by inserting new material to read as follows:

“Operating expenditures..... \$60,000”;

Also on page 32, in line 21, by striking “Any” and inserting “*Provided*, That any”;

On page 36, in line 41, preceding the period, by inserting “, any agency of the legislative branch of state government, or any agency of the judicial branch of government.”;

On page 47, in line 34, by striking all following “administration”; by striking all in lines 35 through 43;

On page 48, by striking all in lines 1 through 4; in line 5, by striking “administration”;

On page 52, in line 30, by striking all following the period; by striking all in lines 31 through 33; in line 34, by striking all preceding “All”;

On page 55, in line 5, by striking “other”; in line 6, preceding the period, by inserting “, including administration and operation of driver license and registration, administration of the taxation laws, administration of the alcoholic beverage control laws, and the indirect costs of operations in support of these activities in the department of revenue”;

On page 57, by striking all in lines 12 through 14 and inserting new material to read as follows:

“*Provided*, That, notwithstanding the provisions of K.S.A. 74-2021 and amendments thereto or of any other statute, expenditures maybe made from VIPS/CAMA technology hardware fund for the purposes of upgrading the VIPS/CAMA computer hardware and software for the state or for the counties, of administration and operation of the department of revenue, and of the indirect costs of operations in support of these activities in the department of revenue.”;

Also on page 57, following line 21, by inserting new material to read as follows:

“*Provided*, That, notwithstanding the provisions of K.S.A. 74-2022 and amendments thereto or of any other statute, expenditures maybe made from electronic databases fee fund for the purposes of operating expenditures, including expenditures for capital outlay; of operating, maintaining or improving the vehicle information processing system (VIPS), the Kansas computer assisted mass appraisal system (CAMA) and other electronic database systems

of the department of revenue, including the costs incurred to provide access to or to furnish copies of public records in such database systems; of the administration and operation of the department of revenue; and of the indirect costs of operations in support of these activities in the department of revenue.”;

Also on page 57, following line 38, by inserting new material to read as follows:

“(f) During the fiscal year ending June 30, 2004, the executive chief information technology officer shall coordinate joint meetings of representatives from the department of revenue and the secretary of state’s office to explore the possibility of sharing computer hardware and networks for three different applications that will have new software developed in the future and which will run in county courthouses: *Provided*, That two department of revenue initiatives, the computer assisted mass appraisal (CAMA) project and the vehicle information processing system (VIPS) project, shall replace existing software and need new hardware: *Provided further*, That the statewide voter registration system being planned by the secretary of state’s office is the third multimillion dollar computer system that may lend itself to shared resources in the 105 country courthouses, including hardware and networks: *And provided further*, That the executive chief information technology officer shall report beginning July 15, 2003, and at least quarterly thereafter, to the joint committee on information technology on progress in these meetings and consultations”;

On page 58, in line 23, following “make”, by inserting “only”; in line 25, following “fund”, by inserting “on or before July 15, 2002.”;

On page 61, in line 8, following “\$100”, by inserting “as of June 30, 2003”; in line 36, by striking “\$374,690,000” and inserting “\$338,539,160”;

On page 66, following line 42, by inserting new material to read as follows:

“(i) In addition to the other purposes for which expenditures may be made by the department of commerce and housing from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2003 for the department of commerce and housing as authorized by chapter 204 or chapter 205 of the 2002 Session Laws of Kansas this or other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by the department of commerce and housing for fiscal year 2003 to prepare and submit proposed rules and regulations to the joint committee on administrative rules and regulations prior to July 1, 2003, setting forth an objective scoring matrix for the purpose of awarding housing tax credits under the Kansas private activity bond allocation act, K.S.A. 74-5058 through 74-5063, and amendments thereto.”;

On page 67, in line 9, following “account”, by inserting “as of June 30, 2003,”; in line 30, by striking “\$1,854,917” and inserting “\$1,964,917”;

On page 71, in line 38, by striking “\$7,038,760” and inserting “\$7,338,760”;

On page 74, by striking all in lines 41 through 43;

On page 75, by striking all in lines 1 through 13;

On page 77, in line 15, by striking “\$500,000” and inserting “\$800,000”;

On page 79, following line 19, by inserting new material to read as follows:

“(l) In addition to the purposes for which expenditures may be made by the above agency from the operating expenditure account of the state general fund for the fiscal year ending June 30, 2004, as authorized by this or other appropriation act of the 2003 regular session of the legislature, expenditures may be made by the above agency from the operating expenditures account of the state general fund for fiscal year 2004 for a contract or contracts between the secretary of health and environment and not-for-profit organizations for programs that provide services for women which enable them to carry their pregnancies to term: *Provided*, That expenditures from the operating expenditures account of the department of health and environment for fiscal year 2004 shall be made pursuant to contracts for programs that provide services for women which enable them to carry their pregnancies to term, which are hereby authorized and directed to be entered into by the secretary of health and environment with the same not-for-profit organizations that the secretary entered into contracts with pursuant to section 93(a) of chapter 204 of the 2002 Session Laws of Kansas for fiscal year 2003: *Provided further*, That such contracted services may include an array of social services relating to pregnancy maintenance and that no individuals who are unable to pay shall be denied the delivery or provision of pregnancy maintenance services: *And provided further*, That no contract or contracts under pregnancy maintenance programs

shall be entered into with any group performing, promoting, referring for or educating in favor of abortion: *And provided further*, That a not-for-profit organization awarded a contract under this proviso shall match state moneys under this contract on the basis of a 50% match from a not-for-profit organization and a 50% match from the department of health and environment: *And provided further*, That the secretary of health and environment shall submit a report to the legislature at the beginning of the regular session of the legislature in 2004 on the results and outcomes of such pregnancy maintenance programs: *And provided further*, That no part of the grant moneys shall be used for any political purposes: *And provided further*, That expenditures from the operating expenditures account of the state general fund for fiscal year 2004 for such purpose shall not exceed \$300,000.

(m) Notwithstanding any other provision of any appropriation act of the 2003 regular session of the legislature for fiscal year 2003 or fiscal year 2004, the department of health and environment is hereby prohibited from making any expenditures from any moneys appropriated from the state general fund or any special revenue funds for the fiscal years ending June 30, 2003, or June 30, 2004, for the following purposes related to licensure requirements:

(1) Facilities, programs or services operated by a school on school property for children five years and older before and after the customary school day during the regular school term;

(2) non-residential programs or services designated for mental health treatment of children and adolescents provided by a community mental health center licensed pursuant to K.S.A. 75-3307b, and amendments thereto;

(3) drop-in recreation programs that are for children five years and older provided by a municipality, the salvation army, the boys and girls club of America where the children are free to come and go from the premises without being escorted by a parent or responsible person and short-term educational programs or classes for children in which the supervision and care of the children are incidental to their participation in the activity or training in specific subjects including, but not limited to, music, dance and religion, and the program provider does not assume responsibility for the provision of daily child care outside the scheduled program; and

(4) day camping or recreation programs for children five years and older which have as the primary emphasis outdoor education and recreation and are operated between school terms for no more than seven hours per day or which are accredited by the American camping association or other national standard-setting agency or church camp accreditation programs which must provide standards equivalent to the American camping association standards:

Provided, That this subsection (m) shall not preclude any person who is not required to be licensed under K.S.A. 65-501, *et seq.*, and amendments thereto, from applying for a license nor shall this section preclude the secretary of health and environment from issuing a license to any person not required to be licensed.”;

Also on page 79, following line 39, by inserting new material to read as follows:

“*Provided*, That expenditures may be made from the solid waste management fund during the fiscal year ending June 30, 2004, for official hospitality: *Provided further*, That such expenditures for official hospitality shall not exceed \$2,500.”

On page 84, following line 29, by inserting new material to read as follows:

“(j) During the fiscal year ending June 30, 2004, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment — division of environment to the sponsored project overhead fund — environment of the department of health and environment — division of environment pursuant to this section may include amounts equal to up to 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.”;

On page 85, in line 26, by striking “\$6,434,359” and inserting “\$6,834,359”;

On page 87, in line 28, preceding the period, by inserting “*And provided further*, That the secretary of aging shall implement a base-year model of reimbursement for nursing facilities beginning in state fiscal year 2004: *And provided further*, That information from the 2000 cost reports shall be used to calculate the base year: *And provided further*, That increases in reimbursement rates for nursing facilities may be made annually on an incre-

mental basis and the secretary of aging may use a nationally recognized source to determine an appropriate inflationary factor in calculating such increases: *And provided further*, That the base year model shall allow for incentives and pass-through mechanisms to encourage desired behaviors from the nursing facility industry and to recognize potential increases beyond the rate of normal inflation: *And provided further*, That any decision by the secretary of aging to initiate an incentive or pass-through mechanism shall be done only in concert and direct appropriations”;

On page 90, in line 27, by striking “\$129,408,738” and inserting “\$130,208,738”; preceding line 28, by inserting new material to read as follows:

“*Provided*, That expenditures made from the mental health and retardation services aid and assistance account for payments to community developmental disabilities organizations shall be subject to the requirement, which is hereby authorized and prescribed to be imposed and enforced by the department of social and rehabilitation services upon such community developmental disabilities organizations, that expenditures by such community developmental disabilities organizations from administrative and other system savings shall not the result in reductions in persons provided services or in the quantity or quality of services provided by such community developmental disabilities organizations and shall not result in increased waiting lists.”;

On page 98, following line 15, by inserting new material to read as follows:

“*Provided*, That expenditures from the family and children trust account — family and children investment fund for official hospitality shall not exceed \$1,500.”;

On page 99, in line 6, by striking “\$4,300,000” and inserting “\$3,300,000”;

On page 101, following line 25, by inserting new material to read as follows:

“(l) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2004 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services for fiscal year 2004 from the moneys appropriated from the state general fund or any special revenue fund for prescription drugs and drug services under the state medicaid plan: *Provided*, That the department of social and rehabilitation services shall reimburse, without prior authorization, for prescription drugs and drug services under the state medicaid plan for drugs otherwise excluded from the state medicaid preferred drug formulary pursuant to K.S.A. 2002 Supp. 39-7,121a, and amendments thereto, where the prescriber has personally written “dispense as written” or “D.A.W.”, or has signed the prescriber’s name on the “dispense as written” signature line in accordance with K.S.A. 65-1637 and amendments thereto.

(m) (1) During the fiscal year ending June 30, 2004, no moneys appropriated from the state general fund or any special revenue fund for fiscal year 2004 for any state agency and allocated within the approved budget for such state agency for salaries and wages for fiscal year 2004, as authorized by this or other appropriation act of the 2003 regular session of the legislature, shall be transferred, reallocated or expended for any other purpose: *Provided*, That, during fiscal year 2004, the director of the budget shall monitor all such moneys appropriated for fiscal year 2004 for each state agency and the director of the budget shall determine the amount of such moneys that are budgeted and appropriated in each account of the state general fund for fiscal year 2004 for such state agency for salaries and wages for state officers and employees, including associated employer contributions, that will not be expended for fiscal year 2004 for such purpose and are to be adjusted in such budget and are to be lapsed from such appropriations pursuant to this subsection, based on shrinkage data and other appropriate factors: *Provided further*, That the director of the budget is hereby authorized and directed to reduce the amount budgeted for salaries and wages for state officers and employees, including associated employer contributions, in each account of the state general fund for fiscal year 2004 of such state agency and to certify each such amount to the director of accounts and reports on or before June 30, 2004: *And 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, on June 30, 2004, the amount certified by the director of the budget to the director of accounts and reports under this subsection in each account of the state general fund of each state agency that is appropriated for fiscal year 2004, as specified in such certification, is hereby lapsed from the designated appropriation or appropriations from the state general fund for fiscal year 2004 and the director of accounts and reports shall make the appropriate adjustments to the accounts of each such state agency.

(2) As used in this subsection (m), "state agency" means the Rainbow mental health facility, Osawatomie state hospital, Larned state hospital, Parsons state hospital and training center, and Kansas neurological institute.

Sec. 54.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2004 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2003 regular session of the legislature, expenditures may be made by the department of social and rehabilitation services from for fiscal year 2004 from the moneys appropriated from the state general fund or any special revenue fund for the operating expenditures of a developmental disabilities institution closure study commission which shall consist of nine members appointed as follows: Five members shall be appointed by the governor; one member shall be appointed by the president of the senate; one member shall be appointed by the minority leader of the senate; one member shall be appointed by the speaker of the house of representatives; and one member shall be appointed by the minority leader of the house of representatives: *Provided*, That, of the members appointed by the governor, five members shall be persons interested in developmental disabilities and shall be appointed by the governor so that one represents a community developmental disability organization (CDDO), one represents an affiliate community developmental disability service provider, one is a person with a developmental disability who is a consumer of services provided to meet the needs of persons with developmental disabilities, one is a parent, guardian or family member of a person with a developmental disability, and one is an advocate for persons with developmental disabilities and the provision of services to such persons: *Provided, however*, That no member of the commission shall be affiliated with any developmental disabilities institution or with any employee or client of any developmental disabilities institution and no member shall be a member of the legislature: *Provided further*, That the operating expenditures for the commission shall be incurred in accordance with the following:

(1) Members of the commission shall be paid compensation, subsistence allowances, mileage and other expenses as provided by K.S.A. 75-3223 and amendments thereto, which is hereby authorized to be paid in accordance with that statute;

(2) the department of social and rehabilitation services shall provide such staff as are necessary to carry out the functions of the commission;

(3) the commission shall elect a chairperson and may elect such other officers as the commission determines necessary to carry out the functions of the commission;

(4) the commission shall meet on call of the chairperson or on request of a majority of the members of the commission;

(5) the commission may meet at any time or place in the state and may hold such public hearings as the commission determines necessary to carry out the functions of the commission;

(6) on or before December 1, 2003, the commission shall submit to the governor a written final report containing:

(A) A recommendation regarding developmental disabilities institution closure;

(B) a recommended date of any recommended closure for any such developmental disabilities institution;

(C) recommendations of policies and procedures to facilitate any such closure and to assist developmental disabilities institution clients displaced by any such closure; and

(D) recommendations on service and program changes to ensure that the supports, services and capacity are available to properly serve persons with developmental disabilities at the community level;

(7) in making its recommendations, the commission shall consider:

(A) the savings that would accrue to the state from closure of a developmental disabilities institution and the impact on funding of community services for persons with developmental disabilities;

(B) the impact of closure of a developmental disabilities institution on clients of the institution and their families and the availability of alternative services and facilities for clients of the developmental disabilities institution and their families including recommendations on service and program changes to ensure that such supports will be available at the community level to enable any potential closure recommendations;

(C) the impact of closure of a developmental disabilities institution on the quality of services provided to clients of the developmental disabilities institution and new ways to fund community-based services that ensure that persons with disabilities are properly served;

(D) the requirement that the funding follow the clients; and

(E) new ways of funding community-based services that ensure that persons with disabilities are properly served;

And provided further, That the commission shall work with stakeholders and providers as the commission develops its recommendations: *And provided further*, That a majority vote of five members of the commission shall be required for any action of the commission: *And provided further*, That nothing in this section shall be construed to require the commission to recommend closure of a developmental disabilities institution if the commission determines that no closure should be recommended: *And provided further*, That the governor shall submit the final report of the commission to the legislature on or before January 12, 2004: *And provided further*, That the commission's recommendation of a developmental disabilities institution to be closed, and the recommended date of closure, shall be final unless the legislature, by law passed on or before February 25, 2004, the 45th calendar day of the 2004 regular session, rejects such recommendation: *And provided further*, That unless so rejected by the legislature, the developmental disabilities institution recommended for closure shall be closed at the time recommended, notwithstanding any other provision of law to the contrary: *And provided further*, That all other recommendations of the commission shall be advisory.

(b) As used in this section, (1) "commission" means the developmental disabilities institution closure study commission created pursuant to this section, and (2) "developmental disabilities institution" means the Parsons state hospital and training center or Kansas neurological institute.;

And by renumbering sections accordingly;

On page 102, in line 23, by striking "\$2,027,579,845" and inserting "\$1,777,788,000"; in line 26, by striking all following "2004"; by striking all in lines 27 through 43;

On page 103, by striking all in lines 1 through 5; in line 6, by striking all preceding the period; preceding line 7, by inserting new material to read as follows:

"Special education services aid..... \$249,791,845

Provided, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *Provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-983 and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing proviso, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-978 and amendments thereto: *And provided further*, That for expenditures from the special education services aid account of the above agency, fully-trained reading recovery teacher leaders, selected by the agency in accordance with established criteria, shall be considered to be special teachers as defined in subsection (j)(1) of K.S.A. 72-962 and amendments thereto for the purpose of determining amounts of payments to be made to school districts in accordance with the provisions of K.S.A. 72-978 and amend-

ments thereto from the amount remaining in the special education services aid account after deduction of expenditures made in accordance with the provisions of K.S.A. 72-893 and amendments thereto: *Provided, however*, That expenditures for fully-trained reading recovery teacher leaders considered to be special teachers shall not exceed \$180,000.”;

On page 107, in line 11, by striking “General state” and inserting “Special education services”;

On page 136, following line 28, by inserting new material to read as follows:

“(j) No expenditures shall be made by the university of Kansas medical center from any moneys appropriated from the state general fund or any special revenue fund for the fiscal years ending June 30, 2003, or June 30, 2004, for the purpose of transferring control of any physical, fiscal or operational assets currently under the control of the Theo and Alfred Landon Geriatric Center on Aging to any other center, program or division of the university of Kansas medical center.”;

On page 147, in line 14, by striking “\$10,500,106” and inserting “\$10,600,106”;

On page 152, in line 35, by striking “\$5,414,487” and inserting “\$6,114,487”;

On page 155, in line 1, by striking “\$4,077,732” and inserting “\$4,094,732”;

On page 157, by striking all in lines 19 through 22; in line 23, by striking “(d)” and inserting “(c)”; in line 42, by striking “(e)” and inserting “(d)”;

On page 158, in line 14, by striking “(f)” and inserting “(e)”; in line 42, by striking “\$30,965,704” and inserting “\$29,160,582”;

On page 160, in line 41, by striking “\$30,765,704” and inserting “\$29,160,582”; by striking all on line 43;

On page 161, by striking all in lines 1 through 11;

And by relettering subsections accordingly;

On page 162, in line 5, by striking “\$11,489,515” and inserting “\$11,522,421”;

On page 164, in line 39, by striking “\$817,705” and inserting “\$868,974”;

On page 165, in line 6, by striking “\$740,205” and inserting “\$791,474”;

On page 167, in line 25, following “agreement”, by inserting “grants”; in line 32, following “agreement”, by inserting “grants”; in line 40, by striking “responses” and inserting “response”;

On page 169, following line 9, by inserting new material to read as follows:

“Information technology fund..... No limit”;

On page 170, in line 18, by striking “2003” and inserting “2004”; in line 24, by striking “for the development of” and inserting “to update”;

On page 174, following line 40, by inserting new material to read as follows:

“(f) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2004, from amounts released from amounts encumbered from such fund or accounts thereof an amount not to exceed \$300,000 to the multipurpose small lakes program of the state water plan fund for the horse thief reservoir project.

On page 176, in line 43, by striking “, with the approval of the director of the budget,”;

On page 177, in line 6, preceding “the”, by inserting “the director of the budget,”; in line 7, preceding the period, by inserting “, and the appropriate house of representatives budget committee and the appropriate senate ways and means subcommittee”;

On page 178, following line 30, by inserting new material to read as follows:

“(i) During the fiscal year ending June 30, 2004, no expenditures shall be made by the Kansas water office from any moneys appropriated from the state general fund or any special revenue fund for fiscal year 2004 for the release of any water in Cedar Bluff reservoir under the control of the state of Kansas for any environmental, domestic, municipal, industrial, or irrigation purposes, except that expenditures may be made by the Kansas water office for the release of such waters for the purpose of the operations of facilities of the department of wildlife and parks below the dam of the Cedar Bluff reservoir: *Provided*, That the Kansas water office and the department of wildlife and parks shall explore the possibility of transferring the ownership and operating control of all storage capacity in Cedar Bluff reservoir currently under the authority of the Kansas water office to the department of wildlife and parks: *Provided, however*, That moneys budgeted for the Kansas water office and the department of wildlife and parks shall be expended by both such agencies to pay for the

operation and maintenance of the storage capacity for such waters in Cedar Bluff reservoir during fiscal year 2004.”;

On page 181, following line 18, by inserting new material to read as follows:

“(e) On and after the effective date of this act, during the fiscal year ending June 30, 2003, the department of wildlife and parks may make expenditures for river access projects on the Kansas river within the municipality of St. George and such expenditures for such river access projects shall not be subject to the conditions precedent prescribed by subsection (t) of section 157 of chapter 204 of the 2002 Session Laws of Kansas.

(f) (1) During the fiscal year ending June 30, 2004, no expenditures shall be made from any moneys appropriated for the department of wildlife and parks from the state general fund or any special revenue fund for fiscal year 2004 for construction of any new river access project on the Kansas river or Missouri river unless (A) the secretary of wildlife and parks has obtained the prior written permission for the proposed river access project from each owner of each parcel of real property on the river which is immediately adjacent to the real property upon which the proposed river access project is to be constructed, and (B) if a parcel of any of such immediately adjacent real property is being leased, the secretary of wildlife and parks also has obtained the prior written permission for the proposed river access project from the lessor of such parcel of any of such immediately adjacent real property.

(2) The provisions of subsection (f)(1) shall not apply to the municipalities of St. George, Wamego, Topeka and Edwardsville.

(g) During the fiscal year ending June 30, 2004, no expenditures shall be made by the department of wildlife and parks from any moneys appropriated from the state general fund or any special revenue fund for fiscal year 2004 for the release of any water in Cedar Bluff reservoir under the control of the state of Kansas for any environmental, domestic, municipal, industrial, or irrigation purposes, except that expenditures may be made by the department of wildlife and parks for the release of such waters for the purpose of the operations of facilities of the department of wildlife and parks below the dam of the Cedar Bluff reservoir: *Provided*, That the Kansas water office and the department of wildlife and parks shall explore the possibility of transferring the ownership and operating control of all storage capacity in Cedar Bluff reservoir currently under the authority of the Kansas water office to the department of wildlife and parks: *Provided, however*, That moneys budgeted for the Kansas water office and the department of wildlife and parks shall be expended by both such agencies to pay for the operation and maintenance of the storage capacity for such waters in Cedar Bluff reservoir during fiscal year 2004: *And provided further*, That the department of wildlife and parks and the Kansas water office shall make no expenditures of any moneys appropriated from the state general fund or any special revenue fund for fiscal year 2004 for any purpose associated with the transfer of land or water storage capacity at Cedar Bluff reservoir during fiscal year 2004 in order to allow a proposed governor’s task force to study the future of Cedar Bluff reservoir and to present it’s findings and recommendations to the legislature on or after January 12, 2004.”;

On page 186, in line 15, by striking “46.0” and inserting “47.0”; in line 17, by striking “861.8” and inserting “823.8”; in line 21, by striking “300.5” and inserting “296.5”;

On page 190, in line 15, by striking “\$3,781.96” and inserting “\$3,726.07”; in line 28, by striking “\$1,069.72” and inserting “\$1,053.91”; in line 37, following “fund”, by inserting “and one or more special revenue funds”; in line 39, following “fund”, by inserting “and one or more special revenue funds”; in line 43, by striking “\$2,938.02” and inserting “\$2,894.60”;

On page 191, in line 15, by striking “\$3,378.64” and inserting “\$3,328.71”; in line 23, by striking all following “from”; in line 24, by striking all preceding “one”; in line 26, by striking all following “from”, and inserting “one or more special revenue funds”; in line 27, by striking “state general fund”; in line 30, by striking “\$2,938.02” and inserting “\$2,894.60”;

On page 192, in line 2, by striking “\$2,938.02” and inserting “\$2,894.60”;

On page 197, in line 6, following “fund”, by inserting “and one or more special revenue funds”; by striking all in lines 24 through 43;

On page 198, by striking all in lines 1 through 43;

On page 199, by striking all in lines 1 through 4;

On page 201, following line 16, by inserting new material to read as follows:

“(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 22(c) of chapter 204 of the 2002 Session Laws of Kansas on the state board of pharmacy fee fund is hereby increased from \$571,321 to \$574,713.”;

On page 204, following line 10, by inserting new material to read as follows:

“(b) The director of accounts and reports shall not make the transfer of any unencumbered balance from the operations, assistance and grants (including official hospitality) account of the Kansas technology enterprise corporation in the state economic development initiatives fund to the state general fund which was directed to be made on June 30, 2003, by section 16 of chapter 205 of the 2002 Session Laws of Kansas: *Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2003, in the operations, assistance and grants (including official hospitality) account of the Kansas technology enterprise corporation in the state economic development initiatives fund is hereby reappropriated for fiscal year 2004: *Provided further*, That such reappropriation shall include unexpended released encumbrances from prior fiscal years.

(c) The director of accounts and reports shall transfer from the operations, assistance and grants (including official hospitality) account of the Kansas technology enterprise corporation in the state economic development initiatives fund an amount equal to the amount reappropriated on June 30, 2002, in the operations, assistance and grants (including official hospitality) account of the Kansas technology enterprise corporation in the state economic development initiatives fund: *Provided*, That any such transfer shall be made in several installments during the fiscal year ending June 30, 2003, and June 30, 2004 upon the advice and approval of the director of the budget and the director of accounts and reports: *Provided further*, That the funding for the centers for excellence program shall not be affected by any such transfer.

Sec. 104.

KANSAS, INC.

(a) The director of accounts and reports shall not make the transfer of any unencumbered balance from the operations (including official hospitality) account of Kansas, Inc., in the state economic development initiatives fund to the state general fund which was directed to be made on June 30, 2003, by section 16 of chapter 205 of the 2002 Session Laws of Kansas: *Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2003, in operations (including official hospitality) account of Kansas, Inc., in the state economic development initiatives fund is hereby reappropriated for fiscal year 2004: *Provided further*, That such reappropriation shall include unexpended released encumbrances from prior fiscal years.”;

And by renumbering sections accordingly;

On page 207, following line 26, by inserting new material to read as follows:

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

“Operating expenditures..... \$17,000

(c) There is appropriated for the above agency for the 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:

Inaugural expense fund..... No limit”;

On page 208, in line 27, by striking “\$474,178” and inserting “479,178”; following line 32, by inserting new material to read as follows:

“(h) On the effective date of this act, the position limitation established by section 131(a) of chapter 204 of the 2002 Session Laws of Kansas for the Kansas department of agriculture is hereby decreased from 300.5 to 296.5.”;

On page 217, in line 30, preceding “of”, by inserting “½”; in line 31, preceding “to”, by inserting “½”; by striking all in lines 37 through 43;

On page 218, by striking all in lines 1 through 11;

And by renumber sections accordingly; and the bill be passed as amended.

The Committee on **Environment** recommends **HCR 5019** be amended on page 1, in line 29, following "to" by inserting ": (1) Establish for each county an irrigated transition yield which more accurately reflects the yield capable by irrigated practices; (2) recognize changes in planting pattern to allow an irrigating producer to separate non-irrigated corners from the irrigated pivot circle; and (3)";

In the title, in line 10, by striking all following "to"; by striking all in line 11; in line 12, by striking all preceding the period and inserting "take certain actions"; and the concurrent resolution be adopted as amended.

The Committee on **Local Government** recommends **SB 178** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Local Government** recommends **SB 79** be amended on page 3, by striking all in line 2 and inserting:

"Sec. 2. K.S.A. 12-523 is hereby amended to read as follows: 12-523. Annexation ordinances of cities shall take effect on publication as provided by law, except that any annexation ordinance published within ~~thirty (30)~~ 60 days before any election specified in this section shall become effective on the day following such election, unless such day is also within ~~thirty (30)~~ 60 days before any election specified in this section in which case such ordinance shall become effective on the day following the last such election. Elections to which this section shall apply are: (1) Primary and general election of state, county and national officers, and (2) primary and general city elections, and (3) primary and general school elections. The provisions of this section shall not apply to any special election.

Sec. 3. K.S.A. 12-523 and 12-751a are hereby repealed.";

By renumbering the remaining section;

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

"AN ACT concerning cities; relating to property located outside the corporate limits of cities; amending K.S.A. 12-523 and 12-751a and repealing the existing sections."; and the bill be passed as amended.

The Committee on **Local Government** recommends **SB 167** be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 32 and inserting:

"Section 1. K.S.A. 12-1617e is hereby amended to read as follows: 12-1617e. (a) The governing body of any city ~~shall have the power to~~ *may* have removed or abated from any lot or parcel of ground within the city any and all nuisances, including rank grass, weeds or other vegetation ~~and shall have the power to cause to be~~. *The governing body may have* drained any pond or ponds of water, at the cost and expense of the owner of the property on which the nuisance is located, whenever the city, county or joint board of health or other agency as may be designated by the governing body of the city files with the clerk of such city its statement in writing that such nuisance, rank vegetation, or pond of water, describing the same and where located, is a menace and dangerous to the health of the inhabitants of the city, or of any neighborhood, family or resident of the city. The governing body of the city, by resolution, also may make such determination.

~~The city clerk shall issue notice requiring (b) Except as provided by subsection (c), the governing body of the city shall order the owner or agent of the owner of the premises property to remove and abate from the premises property the thing or things therein described as a nuisance within a time, not exceeding 10 days, to be specified in the notice. The notice order. The order shall state that before the expiration of the waiting period, the recipient thereof may request a hearing before the governing body or its designated representative. The notice order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service, or if the same. If the property is unoccupied and the owner is a nonresident, then by mailing a notice the order by certified mail, return receipt requested, to the last known address of the owner.~~

(c) *If the owner or agent of the owner of the property has been ordered to remove or abate a nuisance from the same property for two or more times within a twenty-four-month period, the governing body may provide notice of the issuance of any further orders to abate or remove a nuisance from such property in the manner provided by subsection (b) or as provided by this subsection. Except as specifically provided by this subsection, the governing*

body may provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

(d) If the owner or agent fails to comply with the requirement of the ~~notice~~ order for a period longer than that named in the ~~notice~~ order, the city shall proceed to have the things described in the ~~notice~~ order removed and abated from the lot or parcel of ground. *If the city abates or removes the nuisance, the city shall give notice to the owner or agent by certified mail, return receipt requested, of the total cost of such abatement or removal incurred by the city. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. The city also may recover the cost of providing notice, including any postage, required by this section. If the cost of such removal or abatement and notice is not paid within the thirty-day period, the cost shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. If the cost is to be assessed, the city clerk, at the time of certifying other city taxes to the county clerk, shall certify such costs, and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and any applicable interest has been paid in full.*

~~(b)~~ (e) Any city may remove and abate from property other than public property or property open to use by the public a motor vehicle determined to be a nuisance. Disposition of such vehicle shall be in compliance with the procedures for impoundment, notice and public auction provided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and amendments thereto. Following any sale by public auction of a vehicle determined to be a nuisance, the purchaser may file proof thereof with the division of vehicles, and the division shall issue a certificate of title to the purchaser of such motor vehicle. If a public auction is conducted, but no responsible bid received, the city may file proof thereof with the division of vehicles, and the division shall issue a certificate of title of such motor vehicle to the city. Any person whose motor vehicle has been disposed of pursuant to this subsection shall be eligible for a refund of the tax imposed pursuant to K.S.A. 79-5101 *et seq.*, and amendments thereto. The amount of such refund shall be determined in the manner provided by K.S.A. 79-5107, and amendments thereto.

New Sec. 2. The area comprising the county of Douglas is hereby designated as an urban area as permitted by section 17 of article 2 of the constitution of the state of Kansas.

Sec. 3. K.S.A. 19-2680 is hereby amended to read as follows: 19-2680. Any county which has been declared to be an urban area under the provisions of K.S.A. 19-2654 ~~is hereby authorized to or section 2, and amendments thereto, may~~ adopt, and from time to time amend, a charter for the government of such county. Such charter shall provide for the exercise of powers of local legislation and administration not inconsistent with general law or the constitution of the state of Kansas, and may:

(a) Fix the boundaries of each county commissioner's district, provide a method for changing them from time to time, and fix the number, term, and compensation of the commissioners and their method of election, and shall define and outline duties and powers of the county commissioners;

(b) provide for the exercise of such powers similar or identical to the powers permitted under K.S.A. 19-101 and ~~article 39 of chapter 12 of the Kansas Statutes Annotated 12-3901 et seq., and amendments thereto;~~

(c) provide in the charter a method for its amendment;

(d) determine the distribution of legislative and administrative duties of the county officials, provide for consolidation or expansion of services as necessary, authorize the appointment of a county administrator or a county manager, and prescribe the general structure of county government ; and

(e) authorize the appointment of or elimination of elective officials and offices within the charter similar or identical to that authorization permitted the board of county commissioners under ~~article 39 of chapter 12 of the Kansas Statutes Annotated K.S.A. 12-3901 et seq., and amendments thereto.~~

Sec. 4. K.S.A. 2002 Supp. 19-2681 is hereby amended to read as follows: 19-2681. (a) The board of county commissioners of any county which has been declared to be an urban area under the provisions of K.S.A. 19-2654 or section 2, and amendments thereto, may establish a charter commission for such county for the purpose of studying, proposing, drafting or amending a charter for the government of such county. The charter commission shall be established by resolution and shall be appointed in the manner and have the powers and duties as hereinafter provided.

(b) A new charter commission shall not be established until four years after the date of the establishment of a prior commission.

Sec. 5. K.S.A. 2002 Supp. 19-2685 is hereby amended to read as follows: 19-2685. (a) The proposed charter shall be submitted by the charter commission to the board of county commissioners ~~and~~. *Subject to the provisions of subsection (b),* the board of county commissioners shall submit the proposed charter to the electors of the county at the general election next following submission of the final report in which all qualified electors of the county are eligible to vote. In submitting such proposed charter to the board of county commissioners, the charter commission may submit alternative sections or articles to the board of county commissioners. Any alternative sections or articles shall be submitted by the board of county commissioners for approval or rejection by the electors. Any section or article of a proposed charter which affects the size or structure of the board of county commissioners may be submitted at the same election at which the proposed charter is submitted but shall be submitted as a separate question on the ballot. An affirmative vote of a majority of the qualified electors voting on the question shall be required for the adoption of such charter.

(b) *The board of county commissioners of a county designated an urban area pursuant to section 2, and amendments thereto, may reject a proposed charter submitted to such board pursuant to subsection (a). If the board rejects the proposed charter, the charter shall not be submitted for approval to the electors of the county and such proposed charter shall not be adopted.*

Sec. 6. K.S.A. 12-1617e and 19-2680 and K.S.A. 2002 Supp. 19-2681 and 19-2685 are hereby repealed.”;

By renumbering the remaining section;

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

“AN ACT concerning cities and counties; relating to the powers and duties of the governing bodies thereof; amending K.S.A. 12-1617e and 19-2680 and K.S.A. 2002 Supp. 19-2681 and 19-2685 and repealing the existing sections.”; and the bill be passed as amended.

The Committee on **Utilities** recommends **HB 2448** be passed.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 103, by Representative Neighbor, honoring Catherine Leeker for 50 years of service to the teaching profession;

Request No. 104, by Representative Larkin, congratulating the Nemaha Valley High School Girls Basketball Team for winning the State Basketball Championship, Class 3A;

Request No. 105, by Representative Dreher, congratulating Gene and Joan Wolfe on their 50th wedding anniversary;

Request No. 106, by Representative Phelps, congratulating Nicholas Flax, Patrick Flax and Andy Dale Hansen on achieving the rank of Eagle Scout;

Request No. 107, by Representative Kauffman, congratulating Lindsay Doyle on winning the My City 2020 Essay Contest;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Aurand, the committee report was adopted.

COMMITTEE ASSIGNMENT CHANGE

Speaker Mays announced the appointment of Rep. Minor to replace Rep. Showalter on Committee on Agriculture.

REPORT ON ENROLLED BILLS

HB 2221, HB 2315 reported correctly enrolled, properly signed and presented to the governor on March 21, 2003.

REPORT ON ENROLLED RESOLUTIONS

HR 6017 reported correctly enrolled and properly signed on March 21, 2003.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Monday, March 24, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

