

Journal of the House

FIFTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 25, 2003, 10:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 125 members present.

Prayer by Ms. Indigo Ashland, Concordia, who sang *The Lord's Prayer*. She was the guest of Rep. Freeborn.

The Pledge of Allegiance was led by Rep. Freeborn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2458. An act transferring the duties of the division of alcoholic beverage control to the Kansas highway patrol; amending K.S.A. 21-4216, 41-102, 41-107, 41-201, 41-202, 41-207, 41-210, 41-330, 41-1122, 41-1123, 41-2701, 74-2113, 74-5602, 75-5117, 75-5121, 79-4104, 79-41a07 and 79-4715 and repealing the existing sections, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committees as indicated:

Appropriations: **HB 2457**.

MESSAGE FROM THE GOVERNOR

March 24, 2003

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 2003-07 for your information.

EXECUTIVE ORDER NO. 2003-07

Establishing a Kansas Employee Preference Program

KATHLEEN SEBELIUS
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE GOVERNOR

HB 2006, HB 2031, HB 2159, HB 2166, HB 2196 approved on March 24, 2003.

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 181**.

Announcing passage of **HB 2245**.

The Senate nonconcurrs in House amendments to **SB 109**, requests a conference and has appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2018** and has appointed Senators Clark, Emler and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2106** and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2207** and has appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title

Sub. SB 181.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 109**.

Speaker Mays thereupon appointed Reps. Vickrey, Ostmeyer and Gilbert as conferees on the part of the House.

CONSENT CALENDAR

Objection was made to **SB 178** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 240** appearing on the Consent Calendar for the first day.

No objection was made to **Sub. SB 204** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. SB 204. An act concerning the residential childhood lead poisoning prevention act; amending K.S.A. 65-1,214 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, 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, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

HB 2241. An act concerning accountants and accountancy; regarding examination fees; relating to education requirements and examinations; amending K.S.A. 1-301, 1-302a and 1-304 and repealing the existing sections; also repealing K.S.A. 1-306, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 17; Present but not voting: 1; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Feuerborn, Flaharty, Freeborn, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novas-

cone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Barbieri-Lightner, Carter, Faber, Flora, Goering, Goico, Henderson, Howell, Huebert, Huy, Kuether, Landwehr, P. Long, McLeland, Powers, Schwab, Ward.

Present but not voting: Edmonds.

Absent or not voting: None.

The bill passed, as amended.

HB 2404. An act concerning sale of real estate for delinquent taxes; amending K.S.A. 79-2804h and K.S.A. 2002 Supp. 79-2804g and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, 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, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Ballou, Howell, Klein, Pauls, Vickrey.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2448. An act concerning certain underground storage of hydrocarbons; amending K.S.A. 2002 Supp. 55-1,115 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, 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, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

SB 15. An act concerning the residential landlord and tenant act; notice of termination of tenancy; amending K.S.A. 58-2570 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 67; Nays 57; Present but not voting: 1; Absent or not voting: 0.

Yeas: Aurand, Ballou, Beggs, Bethell, Boyer, Campbell, Compton, Cox, Crow, Decker, Dillmore, Dreher, Edmonds, Flaharty, Gilbert, Goering, Grant, Henry, Hill, Holland, Horst, Huff, Humerickhouse, Huntington, Jack, D. Johnson, Kassebaum, Klein, Krehbiel, Light, Loganbill, M. Long, Loyd, Mays, Minor, Jim Morrison, Neighbor, Newton, Nichols, Novascone, O'Malley, O'Neal, Owens, Patterson, Pauls, Peterson, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwartz, S. Sharp, Showalter, Shultz, Sloan, Storm, Swenson, Tafanelli, Thull, Ward, Wilk, J. Williams, Winn, Yoder, Yonally.

Nays: Ballard, Barbieri-Lightner, Betts, Brunk, Burgess, Burroughs, Carlin, Carter, Craft, Dahl, Davis, DeCastro, Faber, Feuerborn, Flora, Freeborn, Gatewood, Goico, Gordon, Hayzlett, Henderson, Holmes, Howell, Huebert, Hutchins, Huy, E. Johnson, Kauffman, Kirk, Kuether, Larkin, P. Long, Mason, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Judy Morrison, Myers, Neufeld, Osborne, Ostmeyer, Phelps, Powell, Powers, Schwab, B. Sharp, Shriver, Siegfried, Svaty, Thimesch, Toelkes, Vickrey, D. Williams, Wilson.

Present but not voting: Landwehr.

Absent or not voting: None.

The bill passed, as amended.

SB 37, An act concerning the uniform principal and income act; relating to minerals and other natural resources; amending K.S.A. 2002 Supp. 58-9-411 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 1; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, 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, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, 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, Yonally.

Nays: Carter, Howell.

Present but not voting: Landwehr.

Absent or not voting: None.

The bill passed.

SB 82, An act concerning school districts; relating to the powers and duties of the board of education; amending K.S.A. 72-1623, 72-1623a, 72-8134, 72-9003 and 72-9006 and repealing the existing sections; also repealing K.S.A. 72-124a, 72-1626, 72-1626a, 72-6734, 72-6735, 72-8110 through 72-8114, 72-8116, 72-8118, 72-8118a, 72-8119 through 72-8122, 72-8124, 72-8125, 72-8126, 72-8129 through 72-8133, 72-8135, 72-8136, 72-8137, 72-8138, 72-8139, 72-8141 through 72-8144, 72-8144a, 72-8144b, 72-8144c, 72-8146, 72-8150 through 72-8154, 72-8156, 72-8158 through 72-8163, 72-8176 through 72-8183 and 72-9901 through 72-9907, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 2; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Land-

wehr, 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, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Crow, Storm.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 134. An act concerning land and water recreational areas; relating to limited liability; agritourism and ecotourism; amending K.S.A. 58-3201 and 58-3202 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 86; Nays 39; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Beggs, Bethell, Boyer, Brunk, Burgess, Carlin, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Edmonds, Faber, Feuerborn, Flora, Freeborn, Goering, Goico, Gordon, Hayzlett, Henry, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Larkin, Light, P. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Minor, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Peterson, Phelps, Powell, Reitz, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Svaty, Tafanelli, Thimesch, Thull, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Barbieri-Lightner, Betts, Burroughs, Campbell, Crow, Davis, Dillmore, Flaharty, Gatewood, Gilbert, Grant, Henderson, Holland, Kirk, Klein, Kuether, Loganbill, M. Long, Loyd, J. Miller, Jim Morrison, Nichols, Owens, Patterson, Pauls, Pottorff, Powers, Reardon, Rehorn, Ruff, Sawyer, B. Sharp, Showalter, Shriver, Storm, Swenson, Toelkes, Ward, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: We are once again granting blanket immunity without regard to its consequences. When we grant such immunity, the beneficiary no longer has any incentive to act with reasonable care, endangering innocent people.

I am galled that the insurance industry has again used our hard working and honorable agricultural community to promote its own agenda.

This vote will come back to haunt us and I will be relieved to be able to say that I voted against **SB 134**.—RICK REHORN

SB 151. An act concerning county and district hospitals; amending K.S.A. 19-4601, 19-4608, 80-2501 and 80-2518 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, 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, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. Mason in the chair.

COMMITTEE OF THE WHOLE

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

Recommended committee report to **HB 2444** be adopted; also, on motion of Rep. Aurand, House Rule 1704 be suspended to allow members to speak more than twice to the bill.

Also, on motion of Rep. Neufeld, **HB 2444** be amended on page 21, in line 11, preceding the period, by inserting “: *And provided further*, That no expenditures shall be made from this account for any meeting of any joint committee of the legislature during fiscal year 2004 unless such meeting is approved by the legislative coordinating council”;

On page 22, in line 10, preceding the period, by inserting “: *And provided further*, That no expenditures shall be made from this fund for any meeting of any joint committee of the legislature during fiscal year 2004 unless such meeting is approved by the legislative coordinating council”;

On page 98, in line 26, preceding the period, by inserting “: *Provided further*, That expenditures shall be made from the other medical assistance account for reimbursement of diagnostic related group outliers at the rate of 75% and expenditures from this account for all diagnostic related group reimbursements shall be at reimbursement rates that are reduced by 1.6% or by such other percentage reduction as may be required to maintain expenditures within the recommended budget”;

On page 162, in line 40, preceding the period by inserting “: *And provided further*, That expenditures may be made from this account for agreements, which the commissioner of juvenile justice is hereby authorized to enter into, to purchase services from licensed foster care providers for juvenile offenders in the custody of the commissioner of juvenile justice: *And provided further*, That expenditures may be made from this account for increased oversight and auditing of prevention program grants”;

On page 192, in line 11, by striking “or Missouri river”;

On page 210, following line 41, by inserting the following material to read as follows:

“(o)(1)

LEGISLATIVE COORDINATING COUNCIL

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2004, the following:

Legislative coordinating council — operations	\$8,008
Legislative research department — operations.....	\$41,787
Office of revisor of statutes — operations.....	\$16,538

(2)

LEGISLATURE

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2004, the following:

Operations (including official hospitality).....	\$52,188
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(3)

DIVISION OF POST AUDIT

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2004, the following:

Operations (including legislative post audit committee)	\$13,021
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(4)

JUDICIAL BRANCH

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2004, the following:

Judiciary operations..... \$1,804,434”;

Also, on motion of Rep. Schwab to amend **HB 2444**, Rep. Nichols requested the question be divided. The question was divided.

On Part A, **HB 2444** be amended on page 22, in line 39, by subtracting \$30,000 from the dollar amount and by adjusting the dollar amount in line 39 accordingly;

On Part B, **HB 2444** be amended on page 119, in line 33, by adding \$30,000 to the dollar amount and by adjusting the dollar amount in line 33 accordingly; in line 36, before the period, by inserting the following:

“: *Provided further*, That expenditures shall be made from this account in the amount of \$30,000 for auditory training equipment replacement”;

Also, roll call was demanded on motion of Rep. O’Malley to amend **HB 2444** on page 111, in line 21, by adding \$15,588,531 to the dollar amount and adjusting the dollar amount in line 21 accordingly;

On roll call, the vote was: Yeas 45; Nays 80; Present but not voting: 0; Absent or not voting: 0.

Yeas: Barbieri-Lightner, Betts, Boyer, Burgess, Campbell, Carlin, Carter, Davis, Dillmore, Freeborn, Goico, Hill, Horst, Huff, Huntington, Jack, Larkin, Light, Loganbill, Loyd, Merrick, Judy Morrison, Neighbor, Newton, O’Malley, O’Neal, Owens, Patterson, Peterson, Pottorff, Reardon, Reitz, Sawyer, Schwab, S. Sharp, Siegfried, Sloan, Storm, Svaty, Swenson, Toelkes, Wilk, D. Williams, Yoder, Yonally.

Nays: Aurand, Ballard, Ballou, Beggs, Bethell, Brunk, Burroughs, Compton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Holland, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, M. Long, P. Long, Mason, Mays, McCreary, McKinney, McLeland, F. Miller, J. Miller, Minor, Jim Morrison, Myers, Neufeld, Nichols, Novascone, Osborne, Ostmeyer, Pauls, Phelps, Powell, Powers, Rehorn, Ruff, Schwartz, B. Sharp, Showalter, Shriver, Shultz, Tafanelli, Thimesch, Thull, Vickrey, Ward, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: None.

The motion of Rep. O’Malley did not prevail.

Also, roll call was demanded on motion of Rep. Patterson to amend **HB 2444** on page 111, in line 21, by adding \$39,260,004 to the dollar amount and by adjusting the dollar amount in line 21 accordingly;

On roll call, the vote was: Yeas 38; Nays 84; Present but not voting: 0; Absent or not voting: 3.

Yeas: Betts, Boyer, Campbell, Carlin, Carter, Davis, Feuerborn, Horst, Huff, Huntington, Jack, Kassebaum, Loganbill, M. Long, Merrick, Judy Morrison, Neighbor, Newton, Novascone, O’Malley, O’Neal, Owens, Patterson, Peterson, Reardon, Reitz, Sawyer, Schwab, B. Sharp, S. Sharp, Siegfried, Sloan, Storm, Svaty, Swenson, D. Williams, Yoder, Yonally.

Nays: Aurand, Ballard, Ballou, Beggs, Bethell, Brunk, Burgess, Burroughs, Compton, Cox, Craft, Crow, Dahl, Decker, Dillmore, Dreher, Edmonds, Faber, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, F. Miller, J. Miller, Minor, Jim Morrison, Myers, Neufeld, Nichols, Osborne, Ostmeyer, Pauls, Phelps, Pottorff, Powell, Powers, Rehorn, Ruff, Schwartz, Showalter, Shriver, Shultz, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Barbieri-Lightner, DeCastro, Goico.

The motion of Rep. Patterson did not prevail.

Also, on motion of Rep. Hill, **HB 2444** be amended on page 106, by striking all in lines 26 through 43;

On page 107, by striking all in line 1; in line 2, by striking “(m)” and inserting “(l)”;

Also, on motion of Rep. Nichols, **HB 2444** be amended on page 108, in line 14, by striking “nine” and inserting “11”; in line 15, by striking “Five” and inserting “Seven”; in line 21, before “five” by inserting “two members shall be persons selected by the governor in general and”;

On page 110, in line 1, by striking “five” and inserting “six”;

Also, on motion of Rep. Gatewood to amend **HB 2444**, the motion did not prevail.

Also, rose and reported progress.

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **SCR 1609, SCR 1610** be adopted.

The Committee on **Agriculture** recommends **HCR 5017** be amended on page 2, in line 17, after “Agriculture” by inserting “, the Agricultural Marketing Service of the United States Department of Agriculture”; and the concurrent resolution be adopted as amended.

The Committee on **Corrections and Juvenile Justice** recommends **SB 11** be passed.

The Committee on **Corrections and Juvenile Justice** recommends **SB 64** be amended on page 1, after line 13, by inserting the following:

“Section 1. K.S.A. 21-3836 is hereby amended to read as follows: 21-3836. (a) Any pretrial release of any criminal defendant, whether on bail or under another form of recognizance, shall be considered as a matter of law to include a condition that the defendant will not commit, cause to be committed or knowingly permit to be committed, on the defendant’s behalf, any violation of this act. Willful violation of that condition is subject to the sanction provided by subsection (c) of K.S.A. 21-3835, whether or not the defendant was the subject of an order under K.S.A. 21-3834.

(b) Any receipt for any bail or bond given by any court, or by any surety or bondsman and any written promise to appear on one’s own recognizance shall contain notice of the provisions of subsection (a) in a conspicuous location.

(c) *Any pretrial release of any criminal defendant whether on bail or under another form of recognizance who requests and is entitled to the assistance of counsel under the provisions of K.S.A. 22-4503, and amendments thereto, shall be considered as a matter of law to include a condition that the defendant shall pay the application fee prescribed by K.S.A. 2002 Supp. 22-4529, and amendments thereto, and the failure to pay such fee shall constitute a violation of this act. Willful violation of such condition is subject to the sanction provided by subsection (c) of K.S.A. 21-3835, and amendments thereto, whether or not the defendant was the subject of an order under K.S.A. 21-3834, and amendments thereto.*

Sec. 2. K.S.A. 2002 Supp. 22-4529 is hereby amended to read as follows: 22-4529. ~~The court may impose an administrative fee in the amount of \$35 against~~ Any defendant entitled to counsel pursuant to K.S.A. 22-4503, and amendments thereto *shall pay an application fee in the amount of \$50 to the clerk of the district court.* If it appears to the satisfaction of the court that payment of the ~~administrative~~ *application* fee will impose manifest hardship on the defendant, the court may waive payment of all or part of the ~~administrative application~~ fee. All moneys received pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the indigents’ defense services fund. If the defendant is acquitted or the case is dismissed, any ~~administrative application~~ *application* fee paid pursuant to this section shall be remitted to the defendant. ~~The provisions of this section shall take effect on and after July 1, 1997.”;~~

And by renumbering the remaining sections accordingly;

Also on page 1, in line 14, after “1.” by inserting “On and after July 1, 2003.”; in line 43, after “law” by inserting “or is otherwise required to be registered”;

On page 4, in line 12, after “2.” by inserting “On and after July 1, 2003.”; in line 17, after “3.” by inserting “On and after July 1, 2003.”;

On page 6, in line 26, after “4.” by inserting “On and after July 1, 2003.”;

On page 8, after line 32, by inserting the following:

“Sec. 7. K.S.A. 21-3836 and K.S.A. 2002 Supp. 22-4529 are hereby repealed.”;

And by renumbering the remaining sections accordingly;

Also on page 8, in line 33, before “K.S.A.” by inserting “On and after July 1, 2003,”; in line 36, by striking “statute book” and inserting “Kansas register”;

On page 1, in the title, in line 9, after “crimes” by inserting “, criminal procedure”; also in line 9 by striking “concerning offender reg-”; in line 10, by striking “istration,”; also in line 10, after “amending” by inserting “K.S.A. 21-3836 and”; also in line 10, after “Supp.” by inserting “22-4529,”; and the bill be passed as amended.

The Committee on **Federal and State Affairs** recommends **HB 2420** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2420,” as follows:

“Substitute for HOUSE BILL No. 2420

By Committee on Federal and State Affairs

“AN ACT enacting the children’s internet protection act; prohibiting certain acts and providing remedies for violations.”; and the substitute bill be passed.

(**Sub. HB 2420** was thereupon introduced and read by title.)

The Committee on **Judiciary** recommends **SB 70** be passed.

The Committee on **Transportation** recommends **SB 68**, be passed.

The Committee on **Transportation** recommends **SB 159** be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 31 and inserting the following:

“Section 1. K.S.A. 8-243, as amended by section 2 of 2003 Senate Bill No. 16, is hereby amended to read as follows: 8-243. (a) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act the driver’s license as applied for by the applicant. Such license shall bear the class or classes of motor vehicles which the licensee is entitled to drive, a distinguishing number assigned to the licensee, which, if the licensee so requests in writing, may be the licensee’s social security number, the name, date of birth, residence address, and a brief description of the licensee, a colored photograph of the licensee, a facsimile of the signature of the licensee or a space upon which the licensee shall write such licensee’s usual signature with pen and ink immediately upon receipt of the license and the statement provided for in subsection (b). No driver’s license shall be valid until it has been signed by the licensee. All drivers’ licenses issued to persons under the age of 21 years shall be readily distinguishable from licenses issued to persons age 21 years or older. In addition, all drivers’ licenses issued to persons under the age of 18 years shall also be readily distinguishable from licenses issued to persons age 18 years or older. *On and after July 1, 2004, the secretary of revenue shall implement a vertical format to make drivers’ licenses issued to persons under the age of 21 more readily distinguishable.* Except as otherwise provided, on or after July 1, 2004, no driver’s license issued by the division shall be valid until a colored photograph of such licensee has been taken and verified before being placed on the driver’s license. The secretary of revenue shall prescribe a fee of not more than \$4 and upon payment of such fee the division shall cause a colored photograph of such applicant to be placed on the driver’s license. Upon payment of such fee prescribed by the secretary of revenue, plus payment of the fee required by K.S.A. 8-246, and amendments thereto, for issuance of a new license, the division shall issue to such licensee a new license containing a colored photograph of such licensee. A driver’s license which does not contain a colored photograph of the licensee as required may be issued to persons exempted from such requirement. Any such license shall be valid for the purposes of the motor vehicle drivers’ license act and the division shall set forth upon such driver’s license the words “valid without photo.” Any person who is outside the state and for whom the division provides for renewal of the driver’s license by mail is exempt from the requirement to have a colored photograph of such person placed on such person’s driver’s license. Any person belonging to a religious organization which has a basic objection to having their picture taken may sign a statement to that effect and such person shall then be exempt from the picture requirements of this section.

(b) All Kansas drivers' licenses issued to any person 16 years of age or older shall contain a form which provides a statement for making a gift of all or any part of the body of the licensee in accordance with the uniform anatomical gift act, except as otherwise provided by this subsection. The statement to be effective shall be signed by the licensee in the presence of two witnesses who shall sign the statement in the presence of the donor. The gift becomes effective upon the death of the donor. Delivery of the license during the donor's lifetime is not necessary to make a valid gift. Any valid gift statement executed prior to July 1, 1994, shall remain effective until invalidated. The word "Donor" shall be placed on the front of a licensee's driver's license, indicating that the statement for making an anatomical gift under this subsection has been executed by such licensee.

(c) Any person who is deaf or hard of hearing may request that the division issue to such person a driver's license which is readily distinguishable from drivers' licenses issued to other drivers and upon such request the division shall issue such license. Drivers' licenses issued to persons who are deaf or hard of hearing and under the age of 21 years shall be readily distinguishable from drivers' licenses issued to persons who are deaf or hard of hearing and 21 years of age or older.":

On page 3, in line 4, following "8-243" by inserting ", as amended by section 2 of 2003 Senate Bill No. 16,";

In the title, in line 10, following "8-243" by inserting ", as amended by section 2 of 2003 Senate Bill No. 16,"; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6019—

By Representatives Thimesch, Mays, McKinney and Tafanelli

A RESOLUTION memorializing the Congress of the United States to provide necessary funding for the Department of Veterans Affairs.

WHEREAS, As a result of having served in Operation Desert Storm in the Arabian Peninsula 11 years ago, 16% of the 700,000 troops who were stationed there have been awarded disability benefits by the Department of Veterans Affairs -- and these injuries resulted from hostilities that lasted only 100 hours; and

WHEREAS, The state of Kansas recently released the results of a health study of over 2,000 Kansas veterans who served during the first Gulf War. The study identified clear links between Gulf veterans' health problems and the time and places in which they served. Overall, 34% of Kansas veterans who served in Desert Shield or Desert Storm had symptoms of Gulf War illness; and

WHEREAS, Subsequently, the Congress enacted Public Law 105-85 which requires the development and implementation of a medical tracking system for service members deployed overseas. Such requirements include an assessment of mental health and the drawing of blood to accurately record any changes in their medical condition during the course of their deployment; and

WHEREAS, As reported in an article by David Goldstein in the Kansas City Star on March 5, 2003, many of our troops currently in the Middle East have not received the testing required under Public Law 105-85; and

WHEREAS, The House of Representatives is concerned with the possibility that Kansas military personnel involved with Operation Iraqi Freedom could return home with similar illnesses as those of Desert Storm: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the House urges the United States government to begin preparing now to address the health needs of veterans of Operation Iraqi Freedom, including the administration of tests required under Public Law 105-85; and

Be it further resolved: That we believe it is the obligation of our national government to provide all necessary medical care and support for those injured or inflicted with illnesses in the defense of our nation and, anticipating additional costs associated with Operation

Iraqi Freedom, urge the Congress of the United States to provide adequate funding for the Department of Veterans Affairs; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to each member of the Kansas Congressional Delegation and to the Kansas Commission on Veterans Affairs, Kansas Disabled Veterans, Kansas Veterans of Foreign Wars and Kansas American Legion.

On motion of Rep. Aurand, the House recessed until 5:30 p.m.

EVENING SESSION

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

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 15**, requests a conference and has appointed Senators Vratil, Allen and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 82**, requests a conference and has appointed Senators Umbarger, Vratil and Downey as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 134**, requests a conference and has appointed Senators Brownlee, Jordan and Barone 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 15**.

Speaker pro tem Ballou 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 82**.

Speaker pro tem Ballou thereupon appointed Reps. Decker, Beggs and Reardon 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 134**.

Speaker pro tem Ballou thereupon appointed Reps. Hutchins, Judy Morrison and Peterson as conferees on the part of the House.

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. Dahl in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **HB 2444** (see Committee of the Whole, Morning Session).

Also, on motion of Rep. Phelps to amend **HB 2444**, the motion did not prevail.

Also, on motion of Rep. Neufeld to reconsider Part A of the motion of Rep. Schwab to amend (see Committee of the Whole, Morning Session), the motion prevailed.

The question then reverted back to Part A of the motion of Rep. Schwab, which did not prevail.

Also, on motion of Rep. Sloan to amend **HB 2444**, the motion did not prevail. Also, on further motion of Rep. Sloan to amend, the motion did not prevail.

Also, on motion of Rep. P. Long to amend **HB 2444**, the motion did not prevail.

Also, on motion of Rep. Bethell **HB 2444** be amended on page 92, in line 3, by striking "2000" and inserting "2001";

Also, on motion of Rep. Neighbor **HB 2444** be amended on page 111, in line 2, preceding the period by inserting “: *Provided, however,* That no expenditures shall be made by the department of education from the operating expenditures (including official hospitality) account for fiscal year 2004 unless the department of education has made a request to the secretary of education of the United States department of education requesting a waiver be issued for the state of Kansas and that Kansas be exempted from provisions of the federal elementary and secondary education act (Pub. Law No. 107-110), known as the no child left behind act of 2001”;

Also, on motion of Rep. Boyer to amend **HB 2444**, the motion did not prevail.

Also, on motion of Rep. S. Sharp to amend, the motion did not prevail. Also, on motion of Rep. Sloan to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. P. Long to amend **HB 2444** on page 60, following line 40, by inserting the following:

“(d) Notwithstanding the provisions of K.S.A. 74-8720 and amendments thereto, any unclaimed prize money accruing in the fiscal year ending June 30, 2004, shall be deposited in the lottery prize payment fund, and on or after July 15, 2003, and monthly thereafter until June 15, 2004, the director of accounts and reports shall transfer monthly any amounts of unclaimed prize money certified by the director of the Kansas lottery to the soldiers’ home fee fund for the purpose of providing for the welfare and benefit of veterans and for the operations and administration of the Kansas soldiers’ home.”;

On roll call, the vote was: Yeas 103; Nays 19; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Campbell, Carlin, Carter, Compton, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, O’Malley, O’Neal, Osborne, Ostmeyer, Owens, Pauls, Peterson, Phelps, Powell, Powers, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Aurand, Ballou, Cox, Feuerborn, Flaharty, Henderson, Humerickhouse, Kassebaum, Klein, Minor, Nichols, Novascone, Pottorff, Reardon, Rehorn, Showalter, Shriver, Wilk, Winn.

Present but not voting: None.

Absent or not voting: Burroughs, Patterson, B. Sharp.

The motion of Rep. P. Long prevailed.

Also, on motion of Rep. Powers to amend **HB 2444**, the motion was withdrawn.

Also, on motion of Rep. Krehbiel to amend **HB 2444**, the motion did not prevail.

Also, roll call was demanded on further motion of Rep. Krehbiel to amend **HB 2444** on page 45, in line 12, by subtracting \$450, 000 from the dollar amount and by adjusting the dollar amount in line 12 accordingly;

On page 95, in line 13, by adding \$1,196,000 to the dollar amount and by adjusting the dollar amount in line 13 accordingly; in line 25, before the period, by inserting the following: “: *Provided further,* That expenditures shall be made from this account by the above agency, in addition to other amounts budgeted therefor, in the amount of \$1,196,000 for the fiscal year ending June 30, 2004, to reduce the waiting list in the home and community based services developmentally disabled waiver”;

On page 117, in line 35, by subtracting \$16,500 from the dollar amount and by adjusting the dollar amount in line 35 accordingly;

On page 118, in line 1, by subtracting \$180,000 from the dollar amount and by adjusting the dollar amount in line 1 accordingly;

On page 120, in line 18, by subtracting \$550,000 from the dollar amount and by adjusting the dollar amount in line 18 accordingly;

On roll call, the vote was: Yeas 82; Nays 38; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballou, Barbieri-Lightner, Beggs, Betts, Boyer, Brunk, Burgess, Campbell, Carlin, Carter, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Gatewood, Goering, Goico, Grant, Hayzlett, Henry, Holmes, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kauffman, Kirk, Krehbiel, Landwehr, Larkin, M. Long, P. Long, Mays, McCreary, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Ostmeyer, Owens, Peterson, Phelps, Powell, Powers, Reardon, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Siegfried, Sloan, Storm, Swenson, Tafanelli, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Yoder.

Nays: Aurand, Ballard, Bethell, Compton, Cox, Crow, Davis, Dillmore, Dreher, Feuerborn, Flaharty, Freeborn, Gilbert, Gordon, Henderson, Hill, Holland, Horst, Kassebaum, Klein, Kuether, Light, Loganbill, Loyd, McKinney, Minor, Osborne, Pauls, Pottorff, Rehorn, Reitz, Ruff, Shriver, Shultz, Svaty, Thimesch, Winn, Yonally.

Present but not voting: None.

Absent or not voting: Burroughs, Flora, Mason, Myers, Patterson.

The motion of Rep. Krehbiel prevailed.

Also, on motion of Rep. Neighbor to amend **HB 2444**, the motion was withdrawn.

Also, on motion of Rep. Jack **HB 2444** be amended on page 110, in line 8 by striking all after the colon; by striking all in lines 9 through 16; in line 17, by striking all before "And"; in line 17, by striking "all other";

Also, roll call was demanded on motion of Rep. Ostmeyer to amend **HB 2444** on page 231, preceding line 23, by inserting the following material to read as follows:

"Sec. 132. (a) On or before September 1, 2003, expenditures shall be made from moneys appropriated from the state general fund and any available special revenue funds for the department of administration and the legislative coordinating council for the fiscal year ending June 30, 2004, for operating expenses for the preparation of a joint report of the approved state budget for the state fiscal year 2004 in accordance with this section: *Provided*, That the director of the budget and the director of the legislative research department shall prepare a joint report of the approved state budget for the current fiscal year as enacted by the legislature during the preceding regular session, including adjustments to reflect the state budget for the current fiscal year as enacted by law, actions of the state finance council, the governor or other state officers or agencies affecting such budget and actual expenditures by state agencies for the preceding fiscal year: *Provided further*, That the joint report of the approved state budget shall include separate sections detailing the approved state budget for the state general fund and for all other funds: *And provided further*, That, in addition, there shall be separate sections detailing the state general use budget and the state special use budget: *And provided further*, That, in addition to the approved budget of expenditures for the state special use budget, the section detailing the state special use budget shall include a delineation by source of revenue: *And provided further*, That, if there are one or more adjustments to be made to the joint report of the approved state budget prepared for the current fiscal year on or before December 15 pursuant to this section, the director of the budget and the director of the legislative research department shall prepare a revised joint report of the approved state budget report for fiscal year 2004 on or before December 15, 2003: *And provided further*, That, in the event of a disagreement or failure to agree upon a joint state budget report pursuant to this section, the legislature shall utilize the approved state budget reported by the director of the legislative research department and the governor shall utilize the approved state budget reported by the director of the budget.

(b) As used in this section, (1) "state general use budget" means that portion of the approved state budget comprised of the approved state budget for the state general fund and such amounts that are not accounted for as expenditures, including, but not limited to, (A) amounts transferred from the state general fund to another fund in the state treasury, either by revenue transfer or by demand transfer, (B) amounts accounted for as reductions in revenue deposited to the state general fund, (C) amounts deposited directly to funds in the state treasury other than the state general fund which may be expended for any public purpose, and (D) amounts which are expended from funds in the state treasury other than

the state general fund, which may not be expended for any public purpose and which replace or substitute for moneys appropriated from the state general fund for the immediately preceding fiscal year: and (2) "state special use budget" means that portion of the approved state budget other than the state general use budget.";

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 44; Nays 78; Present but not voting: 0; Absent or not voting: 3.

Yeas: Barbieri-Lightner, Brunk, Burgess, Carter, Dahl, DeCastro, Faber, Goering, Goico, Gordon, Hayzlett, Holmes, Horst, Howell, Huebert, Hutchins, Huy, E. Johnson, Kauffman, Krehbiel, Landwehr, Larkin, P. Long, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Ostmeyer, Powell, Powers, Schwab, Shultz, Siegfried, Tafanelli, D. Williams.

Nays: Aurand, Ballard, Ballou, Beggs, Bethell, Betts, Boyer, Campbell, Carlin, Compton, Cox, Craft, Crow, Davis, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Holland, Huff, Humerickhouse, Huntington, Jack, D. Johnson, Kassebaum, Kirk, Klein, Kuether, Light, Loganbill, M. Long, Loyd, McKinney, J. Miller, Minor, Neighbor, Nichols, O'Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Burroughs, Osborne, Patterson.

The motion of Rep. Ostmeyer did not prevail.

Also, on motion of Rep. Powers to amend **HB 2444**, the motion was withdrawn.

Also, roll call was demanded on motion of Rep. Loyd to amend **HB 2444** on page 33, in line 12, by adding \$186,123 to the dollar amount and by adjusting the dollar amount in line 12 accordingly;

On page 35, in line 7, by adding \$6,785,184 to the dollar amount and by adjusting the dollar amount in line 7 accordingly;

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

Yeas: Ballard, Bethell, Boyer, Burgess, Campbell, Carter, Cox, Craft, Crow, Dahl, Davis, Dillmore, Dreher, Flora, Gatewood, Goering, Goico, Gordon, Hayzlett, Hill, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, Kassebaum, Kirk, Klein, Kuether, Light, Loyd, Judy Morrison, Neighbor, Newton, Novascone, O'Malley, O'Neal, Owens, Pauls, Phelps, Rehorn, Reitz, Ruff, Schwab, S. Sharp, Sloan, Storm, Swenson, Tafanelli, Thull, Toelkes, Ward, Wilk, D. Williams, Yoder, Yonally.

Nays: Aurand, Ballou, Barbieri-Lightner, Beggs, Betts, Brunk, Carlin, Compton, DeCastro, Decker, Edmonds, Faber, Feuerborn, Flaharty, Freeborn, Gilbert, Grant, Henderson, Henry, Holland, Holmes, Howell, Huebert, Huy, E. Johnson, Kauffman, Krehbiel, Larkin, Loganbill, M. Long, P. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Myers, Neufeld, Nichols, Ostmeyer, Pottorff, Powell, Powers, Reardon, Sawyer, Schwartz, Showalter, Shriver, Shultz, Siegfried, Svaty, Thimesch, Vickrey, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Burroughs, Landwehr, Osborne, Patterson, Peterson, B. Sharp.

The motion of Rep. Loyd did not prevail.

Also, on motion of Rep. Powers **HB 2444** be amended on page 94, in line 42, by subtracting \$274,352 from the dollar amount and by adjusting the dollar amount in line 42 accordingly;

On page 95, in line 5, following the colon, by inserting "*And provided further*, That the department of social and rehabilitation services shall institute a system of peer review for community mental health centers:";

On page 95, in line 13, by adding \$274,352 to the dollar amount and by adjusting the dollar amount in line 23 accordingly;

On page 197, in line 31, by subtracting 12.0 from the number in the line to eliminate the mental health quality enhancement coordinators and adjusting the number in line 31 accordingly;

Also, on motion of Rep. Brunk **HB 2444** be amended on page 11, in line 11, by subtracting \$2,000 from the dollar amount and by adjusting the dollar amount in line 11 accordingly;

On page 231, following line 22, by inserting the following material to read as follows:

“Sec. 132. (a) On July 1, 2003, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2004, by this appropriation act and that is budgeted for official hospitality and for which a specific expenditure limitation is specified in this act, as certified by the director of the budget to the director of accounts and reports for fiscal year 2004, the amount equal to the amount certified by the director of the budget is hereby lapsed from each such account: *Provided*, That the aggregate amount lapsed from such accounts of the state general fund for fiscal year 2003 by this subsection shall not exceed \$36,000: *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.

(b) On July 1, 2003, the director of accounts and reports shall transfer the amount in each special revenue fund or account thereof of each state agency that is authorized for expenditure for official hospitality during the fiscal year ending June 30, 2004, by this appropriation act and that is budgeted for official hospitality and for which a specific expenditure limitation is specified in this act, as certified by the director of the budget to the director of accounts and reports for fiscal year 2004, from each special revenue or account thereof to the state general fund: *Provided*, That the aggregate amount transferred from all such special revenue funds or accounts thereof by this subsection shall not exceed \$37,750: *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 by renumbering sections accordingly;

Also, on motion of Rep. O’Neal to amend **HB 2444**, the motion did not prevail.

Also, on further motion of Rep. O’Neal **HB 2444** be amended on page 38, in line 19, by striking all in lines 19 through 24;

Also, on motion of Rep. Powell **HB 2444** be amended on page 38, after line 24, by inserting the following:

“(h) Notwithstanding the provisions of K.S.A. 74-4921, and amendments thereto, for the fiscal year ending June 30, 2004, the Kansas public employees retirement system, the board of trustees of the Kansas public employees retirement system and any investment manager under contract with such board shall not make or authorize the investment of any moneys of the Kansas public employees retirement fund: (1) In any stocks, securities or obligations of any French company or corporation or a company or corporation with a situs in France or to a subsidiary or affiliate of a United States company operating in France; (2) in any loans to France, to a national company or corporation of France or to a subsidiary or affiliate of a United States company operating in France; or (3) in or with any financial institution which is making or maintaining any investments described in paragraph (1) or (2).”;

Also, on motion of Rep. Loyd to amend **HB 2444**, the motion did not prevail.

Also, on motion of Rep. Neufeld **HB 2444** be amended on page 56, in line 16, by striking “\$103,187” and inserting “No limit”;

On page 58, in line 29, by striking “\$6,732,176” and inserting “No limit”;

On page 100, in line 37, by adding \$30,761,580 to the dollar amount and by adjusting the dollar amount in line 37 accordingly;

On page 218, in line 33, by adding \$90,000 to the dollar amount which reads \$284,661,005 and by adjusting the dollar amount in line 33 which reads \$284,661,005 accordingly; and **HB 2444** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **SB 145**, as amended by Senate Committee, be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 145," as follows:

"HOUSE Substitute for SENATE BILL No. 145

By Committee on Agriculture

"AN ACT concerning the Kansas pet animal act; relating to seizure and impoundment of animals."; and the substitute bill be passed.

(H. Sub. for SB 145 was thereupon introduced and read by title.)

The Committee on **Appropriations** recommends **HB 2456** be amended in line 22 after the period, by inserting "The provisions of this section shall not apply to any item of appropriation for the attorney general for the Kansas bureau of investigation."; and the bill be passed as amended.

The Committee on **Appropriations** recommends **SB 223** be amended on page 8, in line 28, by striking "The" and inserting "Subject to the provisions of K.S.A. 75-3317 through 75-3322, and amendments thereto, the"; and the bill be passed as amended.

The Committee on **Corrections and Juvenile Justice** recommends **SB 14** be amended on page 2, in line 22, after the period, by inserting "The provisions of this subsection shall not apply to a minor found to be in need of a guardian or conservator for reasons other than impairment.";

On page 4, in line 15, preceding the period, by inserting ", except for adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, and amendments thereto"; in line 20, preceding the period, by inserting "and whether such information contains adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, and amendments thereto";

On page 6, in line 26, following the period by inserting "The provisions of this subsection shall not apply to a minor found to be in need of a guardian or conservator for reasons other than impairment.";

On page 8, in line 21, preceding the period, by inserting ", except for adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, and amendments thereto"; in line 26, preceding the period, by inserting "and whether such information contains adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, and amendments thereto"; and the bill be passed as amended.

The Committee on **Federal and State Affairs** recommends **SB 205**, as amended by Senate Committee, be amended on page 1, in line 33, by striking "skilled in" and inserting "knowledgeable of";

On page 2, in line 2, by striking "Kansas artists" and inserting "Kansans"; in line 8, by striking "Each"; by striking all in line 9; in line 10, by striking all before the semicolon and inserting "The submission deadline shall be determined by the commission"; in line 12, by striking "Kansas artists" and inserting "Kansans"; in line 18, before "shall" by inserting "shall be forwarded to the commission, which"; in line 24, after "held" by inserting "no later than"; and the bill be passed as amended.

The Committee on **Health and Human Services** recommends **SB 225** be amended on page 1, in line 37, by striking "the care"; by striking all in lines 38 and 39; in line 40, by striking all preceding the period and inserting: "examining, evaluating and testing individuals with mechanical, anatomical, physiological and developmental impairments, functional limitations and disabilities or other health and movement-related conditions in order to determine a diagnosis solely for physical therapy, prognosis, plan of therapeutic intervention and to assess the ongoing effects of physical therapy intervention. Physical therapy also includes alleviating impairments, functional limitations and disabilities by designing, implementing and modifying therapeutic interventions that may include, but are not limited to, therapeutic exercise; functional training in community or work integration or reintegration; manual therapy; therapeutic massage; prescription, application and, as appropriate, fabrication of assistive, adaptive, orthotic, prosthetic, protective and supportive devices and equipment; airway clearance techniques; integumentary protection and repair techniques; debridement and wound care; physical agents or modalities; mechanical and electrotherapeutic modali-

ties; patient-related instruction; reducing the risk of injury, impairments, functional limitations and disability, including the promotion and maintenance of fitness, health and quality of life in all age populations and engaging in administration, consultation, education and research. Physical therapy also includes the care and services provided by a physical therapist or a physical therapist assistant under the direction and supervision of a physical therapist that is licensed pursuant to this act. Physical therapy does not include the use of roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, the practice of any branch of the healing arts and the making of a medical diagnosis”;

On page 2, in line 8, following “podiatrist”, by inserting “, a licensed chiropractor”; in line 9, preceding the period, by inserting “or a therapeutic licensed optometrist pursuant to subsection (e) of K.S.A. 65-1501, and amendments thereto”; by striking all in lines 10 through 33;

By relettering the remaining subsections accordingly;

On page 9, in line 27, by striking “or” and inserting “, by a licensed chiropractor,”; also in line 27, preceding the semicolon, by inserting “or by a therapeutic licensed optometrist pursuant to subsection (e) of K.S.A. 65-1501, and amendments thereto”; in line 41, by striking “: (1)”; in line 42, by striking “In” and inserting “in”;

On page 10, in line 6, by striking “; or (2) to engage in the”; in line 7, by striking all preceding the period; in line 25, by striking all following “and”; by striking all in line 26; in line 27, by striking all preceding “the” and inserting “practicing their profession. The provisions of article 29 of chapter 65 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto shall not apply to”;

On page 11, in line 23, by striking “registered” and inserting “licensed”;

On page 33, in line 35, following the period, by inserting “The state board of healing arts shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.”; and the bill be passed as amended.

The Committee on **Higher Education** recommends **SB 7** be amended on page 1, in line 14, by striking “Subject to the provisions of” and inserting “Except as provided by”; in line 43, by striking “2005” and inserting “2009”;

On page 2, in line 6, by striking “provide” and inserting “include, but not be limited to, provisions relating to”; in line 8, following “college” by inserting “. If the territory of the technical college includes more than one county, the plan shall designate a home county”; in line 12, by striking the second “and”; in line 14, by striking all preceding “will”; in line 15 by striking the period and inserting “and the division of other assets and indebtedness and other liabilities”;

(6) the manner and terms upon which faculty, employees and students will be transferred to the independent governing board. Subject to the provisions of section 4, and amendments thereto, such provisions shall specify terms of employment and address other personnel matters; and

(7) the payment schedule of amounts owed to the school district pursuant to section 3, and amendments thereto.”;

Also on page 2, in line 16, following “regents”, by inserting “and the governing body of the technical college”; following line 38, by inserting:

“New Sec. 3. (a) The governing board of a technical college established pursuant to section 2, and amendments thereto, shall make payments to the school district which issued or authorized the issuance of bonds prior to July 1, 2003, to finance capital improvements for buildings and facilities the ownership of which is transferred to the technical college pursuant to the plan approved under section 2, and amendments thereto. Such payments shall be equal to the amount of state aid the school district would receive as state aid pursuant to K.S.A. 75-2319, and amendments thereto, on the outstanding bonds issued to finance such capital improvements.

(b) Any moneys received by a school district pursuant to this section shall be credited to the bond and interest fund of the school district to be used for the purposes of such fund.

New Sec. 4. (a) Any faculty member or employee of a school district whose employment is transferred to a technical college pursuant to section 2, and amendments thereto, shall

retain all accrued sick leave, vacation leave and personal leave accrued at the time of such transfer.

(b) Any faculty member or employee of a school district whose employment is transferred to a technical college pursuant to section 2, and amendments thereto, shall remain eligible for any early retirement incentive program or benefits as if no transfer had occurred.

(c) Any faculty member or employee of a school district whose employment is transferred to a technical college pursuant to section 2, and amendments thereto, shall retain salary as if no transfer had occurred.

(d) Any faculty member or employee of a school district whose employment is transferred to a technical college pursuant to section 2, and amendments thereto, shall retain earned due process protections and rights as if no transfer had occurred.

New Sec. 5. (a) On or before September 1, 2003, the state board of regents shall appoint an advisory committee of unclassified professional staff to advise the board and the council of presidents. Such advisory committee shall have the same powers and duties as the council of faculty senate presidents and the students advisory group.

(b) On or before September 1, 2003, the state board of regents shall appoint an advisory committee of classified employees to advise the board and the council of presidents. Such advisory committee shall have the same powers and duties as the council of faculty senate presidents and the students advisory group.

Sec. 6. K.S.A. 2002 Supp. 75-2319 is hereby amended to read as follows: 75-2319. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which is obligated to make payments from its bond and interest fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

(1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

(2) determine the median AVPP of all school districts;

(3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. The state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 5% for contractual bond obligations incurred by a school district prior to the effective date of this act, and 25% for contractual bond obligations incurred by a school district on or after the effective date of this act;

(5) determine the amount of payments in the aggregate that a school district is obligated to make from its bond and interest fund and, of such amount, compute the amount attributable to contractual bond obligations incurred by the school district prior to the effective date of this act and the amount attributable to contractual bond obligations incurred by the school district on or after the effective date of this act;

(6) multiply each of the amounts computed under (5) by the applicable state aid percentage factor;

(7) add the products obtained under (6). *Subject to the provisions of subsection (f)*, the amount of the sum is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection 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.

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

(f) *The state board of education shall reduce the amount of the entitlement of a school district under this section by an amount equal to any payment received by the school district pursuant to section 3, and amendments thereto.*

New Sec. 7. As used in this section through section 11, and amendments thereto:

(a) "Board" means the governing board of a technical college established pursuant to section 2, and amendments thereto.

(b) "Unconditionally authorized to make a tax levy" means that the board has adopted a resolution under section 8, and amendments thereto, has published the same, and either that such resolution was not protested or that it was protested and an election was held by which the tax levy was approved.

(c) "Territory" or "territory of the technical college" means the territory of the technical college as described in the plan approved pursuant to section 2, and amendments thereto.

(d) "Home county" means the home county of the territory of the technical college as designated in the plan approved pursuant to section 2, and amendments thereto.

New Sec. 8. (a) The board may make an annual tax levy for a period of not to exceed five years of not to exceed two mills upon all taxable tangible property within the territory of the technical college for the purpose of construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of buildings, architectural expenses incidental thereto and the acquisition of real property for use as building sites or for educational programs. No levy shall be made under this section until a resolution authorizing the levy is passed by the board and published once each week for three consecutive weeks in a newspaper having general circulation in the territory of the technical college. The resolution shall specify the mill rate of the tax levy and the period of time for which the tax levy shall be made under authority thereof. After adoption of the resolution, the levy may be made unless, within 60 days following the last publication of the resolution, a petition in opposition to the levy, signed by qualified electors of such territory equal in number to not less than 5% of the qualified electors who voted for the office of secretary of state in the last preceding election, is filed with the county election officer of the home county of the territory of the technical college. If a petition is filed, the levy shall not be made unless the question has been submitted to and approved by a majority of the qualified electors of the territory of the technical college voting at an election called for that purpose or at the next general election. If a petition is filed and no election is held, a new resolution authorizing a levy for the purposes specified in this section may not be adopted for a period of one year after the filing of the petition.

(b) Whenever an initial resolution has been adopted under subsection (a) and the resolution specified a lesser mill rate than two mills, the board may adopt a second resolution under the same procedure as is provided in subsection (a) for the initial resolution and, subject to the same conditions and for the same purposes as provided in subsection (a), shall be authorized to make an additional tax levy in an amount to be specified in the second resolution for the remainder of the period of time specified in the initial resolution for the making of the levy under authority thereof. Any second resolution shall be limited in an amount as specified in subsection (a), less such amount as was authorized in the initial resolution, and not to exceed an aggregate amount of two mills in any one year. If any such resolution is adopted and the tax levy therein specified is authorized under the conditions specified in subsection (a), the amount of bonds which may be issued under section 10, and amendments thereto, may be increased accordingly.

(c) The board which has made a tax levy under this section may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew its authority to make a like annual tax levy in the amount, upon the conditions and in the manner specified in subsection (a).

(d) The provisions of this section shall be subject to K.S.A. 2002 Supp. 79-5040, and amendments thereto.

New Sec. 9. There is hereby established in every technical college of the state a fund which shall be called the capital outlay fund. Such fund shall consist of all moneys deposited therein in accordance with law. The proceeds of any tax levied under section 8, and amendments thereto, shall be deposited in the capital outlay fund of the technical college making such levy. Any proceeds derived from the sale of oil or gas or other minerals by a technical college may be deposited in the capital outlay fund of the technical college. To the extent that any other statute conflicts with this section, this section shall control.

New Sec. 10. (a) Any moneys in the capital outlay fund of any technical college and any moneys received from issuance of bonds under this section may be used for the purposes specified in section 8, and amendments thereto. The board which is unconditionally authorized to make a tax levy in lieu of making all or part of such tax levy, may issue and sell general obligation bonds. Such bonds shall be issued in the manner provided by the general bond law. Such bonds shall be issued to mature in not more than five years. No election shall be required to issue such bonds. If bonds are issued under authority of this section, the amount of such bonds which may be issued shall be determined as follows:

(1) The amount of such bonds shall not exceed the amount of the product which results from multiplying the remaining number of years provided in the resolution authorizing the capital outlay fund tax levy and adopted under section 8, and amendments thereto, times the mill rate provided in the resolution times the assessed valuation of the taxable tangible property within the territory of the technical college at the time the bonds are issued, less the sum of all amounts specified in paragraphs (2) and (3) of this subsection.

(2) The maximum amount of bonds authorized by this section to be issued shall be reduced by all amounts which have been or will be received by such technical college from any tax levy made under authority of the resolution prior to the issuance of such bonds. The maximum amount shall be reduced further by the estimated amount of interest to be paid on such bonds.

(3) The maximum amount of bonds authorized by this section to be issued shall be reduced by an amount equal to the amount of unpaid principal on bonds which have theretofore been issued under this section.

(b) Bonds issued under the authority conferred by this section by the board shall not be subject to or within any bonded debt limitation prescribed by law and, in determining the amount of bonded indebtedness of any such technical college in applying any such bonded debt limitation, bonds issued under this section shall not be considered.

New Sec. 11. If any technical college is unconditionally authorized to make a tax levy, but the board chooses, in any year, not to make the levy, or chooses to make a lesser levy than authorized, the board may do so. If the board refrains from making a levy in any one or more years or from making the full levy which it is authorized to make under section 8, and amendments thereto, and the resolution adopted thereunder, the authority of the technical college to make a tax levy under section 8, and amendments thereto, shall not be

extended beyond the period of time specified in the resolution, nor shall the mill rate of the tax levy authorized for any succeeding year be increased thereby.”;

By renumbering sections 3 and 4 as sections 12 and 13, respectively;

Also on page 2, in line 39, by striking “is” and inserting “and K.S.A. 2002 Supp. 75-2319 are”;

In the title, in line 10, following the semicolon, by inserting “relating to the powers and duties thereof; relating to the powers and duties of the state board of regents;” also in line 10, before “and” by inserting “and K.S.A. 2002 Supp. 75-2319”; also in line 10, by striking “section” and inserting “sections”; and the bill be passed as amended.

The Committee on **Taxation** recommends **HB 2416** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2459, An act concerning taxation; relating to sales and compensating tax; retailer; definition of doing business in state; amending K.S.A. 79-3702 and repealing the existing section, by Committee on Taxation.

HB 2460, An act concerning the Kansas department of agriculture; relating to appointment of secretary thereof; amending K.S.A. 74-560 and repealing the existing section, by Committee on Agriculture.

HB 2461, An act authorizing the secretary of corrections to convey certain land, by Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6020—

By Representatives P. Long and Hill

A RESOLUTION recognizing Emporia veterans and honoring Veterans Day.

WHEREAS, In 1953, Alvin J. King of Emporia proposed that Armistice Day be changed to Veterans Day to recognize and honor all veterans from all wars and conflicts. Although Alvin King was only 15 years old when the United States went to war in 1917 and never served in the Armed Forces, he had a deep respect for veterans. Alvin King lost John Cooper, a stepson that he raised, who was killed-in-action in Belgium during World War II while serving with Rifle Company B of the 137th Infantry Regiment. Subsequently he developed friendships with the surviving members of Rifle Company B of the 137th Infantry Regiment; and

WHEREAS, in the early 1950s, Alvin King suggested either creating a special day to honor all veterans or adopting Armistice Day so that it was dedicated to all veterans because, at that time, Armistice Day honored the veterans of World War I. By 1953, the community of Emporia had raised enough money to send Alvin King and his wife, Gertrude, to Washington, D.C. to garner support for an official veterans day. Alvin King had a friend and supporter in United States Representative Ed Rees of Emporia who was strongly in favor of King’s idea and said “it would give the holiday a new meaning and more widespread patriotic observance”; and

WHEREAS, President Dwight D. Eisenhower signed an Act proclaiming November 11 as Veterans Day, stating with respect to that day, “On that day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain”; and

WHEREAS, Emporia area men and women, time and again, have answered the call to arms and put their lives at risk to defend our nation’s interests and the cause of freedom around the world. They have proudly worn the American uniforms of freedom and democ-

racy guided by a simple credo exemplified by the words duty, honor and country, which to them has real meaning. As veterans, they love their country dearly and stand behind all the good that our nation represents. They also take pride in knowing that no other group of Americans has done more for our country and our freedom: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize and honor the men and women of the Emporia community who have served in our nation's military forces and ask that all Kansans observe Veterans Day; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send five enrolled copies of this resolution to Representative P. Long.

REPORT ON ENGROSSED BILLS

HB 2241, HB 2404 reported correctly engrossed March 24, 2003.

On motion of Rep. Aurand, the House adjourned until 9:30 a.m., Wednesday, March 26, 2003.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

