

Journal of the Senate

FORTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 24, 2003—2:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

The biggest task we have ahead
Is a shortfall to make up.
We need a bill the governor will sign
Before our ninety days are up.

There are several ways suggested:
We can cut expenditures,
But some say they would be so deep
Some services could not endure.

Others say the only way
Is for taxes to increase,
But some say their constituents think
They already have been fleeced.

Others have suggested
That we could raise the fees;
But it wouldn't be enough some say
No matter how much we squeeze.

A combination of these ways
May be preferred by some.
But just how we could arrange it
Is what must be overcome.

All I know is when we're faced
With a problem that will not go away,
There's no question it is time
When all of us should pray.

But remind us, Lord, that as we pray
We must let You be the Champ;
We want Your wisdom IN the bill,
Not ask You for Your rubber stamp.

I pray in the Name of Christ,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 267, An act concerning oil and gas; relating to percent of proceeds gas purchase agreements, by Committee on Ways and Means.

SB 268, An act concerning the department of health and environment; relating to financing the civil registration and health statistics functions thereof; establishing the civil registration and health statistics fee fund; prescribing certain fees; amending K.S.A. 65-2418 and repealing the existing section; also repealing K.S.A. 65-2418b and 65-2418d, by Committee on Ways and Means.

SB 269, An act concerning the employment security law; benefits thereunder; amending K.S.A. 44-704 and 44-757 and repealing the existing sections, by Committee on Ways and Means.

SB 270, 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 Ways and Means.

SB 271, An act concerning lotteries; authorizing electronic gaming machines and other lottery games at certain locations; amending K.S.A. 74-8702, 74-8710 and 74-8711 and K.S.A. 2002 Supp. 79-4805 and repealing the existing sections, by Committee on Ways and Means.

MESSAGE FROM THE GOVERNOR

SB 40 approved on March 20, 2003.

SB 31 approved on March 24, 2003.

March 19, 2003

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 2003-06 for your information.

KATHLEEN SEBELIUS
Governor

Pursuant to the authority vested in her as Governor of the State of Kansas, Governor Sebelius incorporated by reference Executive Orders 98-5, 00-06 and 02-05 and continued said Governor's Military Affairs Coordinating Council until May 1, 2005. This document shall be filed with the Secretary of State as Executive Order No. 03-06, and shall become effective May 1, 2003.

The President announced the above executive order is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 74**, as amended, **SB 132**, as amended.

Also, adoption of **SCR 1613**.

The House nonconcur in Senate amendments to **HB 2018**, requests a conference and has appointed Representatives Holmes, Krehbiel and Kuether as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2207**, requests a conference and has appointed Representatives Jim Morrison, P. Long and Kirk as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 21** and has appointed Representatives O'Neal, Patterson and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 43** and has appointed Representatives Neufeld, Shultz and Gatewood as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 102** and has appointed Representatives Myers, Powers and Sawyer as conferees on the part of the House.

Announcing, the House nonconcur in Senate amendments to **HB 2106**, requests a conference and has appointed Representatives Hutchins, Judy Morrison and Peterson as conferees on the part of the House.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Allen the Senate nonconcurrred in the House amendments to **SB 109** and requested a conference committee be appointed.

The President appointed Senators Allen, O'Connor and Gilstrap as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Clark, the Senate acceded to the request of the House for a conference on **HB 2018**.

The President appointed Senators Clark, Emler and Barone as conferees on the part of the Senate.

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **HB 2106**.

The President appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **HB 2207**.

The President appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

FINAL ACTION ON CONSENT CALENDAR

HB 2245 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

HB 2245, An act concerning weights and measures; relating to standards of commercial weighing and measuring devices; amending K.S.A. 2002 Supp. 83-202 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2329**, **HB 2353** be passed.

Committee on **Education** recommends **SCR 1612** be adopted.

Also **HB 2009**, as amended by House Committee, be amended on page 1, following line 41, by inserting new material to read as follows:

Sec. 2. K.S.A. 72-4938 is hereby amended to read as follows: 72-4938. ~~Fees for certificates of approval and registration of representatives shall be collected by the state board in accordance with the following schedule~~ (a) *The state board shall fix, charge and collect fees for certificates of approval, registration of representatives and providing transcripts to students who attended a proprietary school that has ceased operation by adopting rules and regulations for such purposes, subject to the following limitations:*

~~(1)~~ (1) For schools domiciled or having their principal place of business within the state of Kansas:

~~(1)~~ (A) Initial issuance of certificate of approval ~~\$800.00~~ not more than \$1,700

~~(2)~~ (B) Renewal of certificate of approval ~~300.00~~ not more than 1,200

~~(3)~~ (C) Initial registration of representative ~~50.00~~ not more than 150

~~(4)~~ (D) Annual renewal of registration of representative ~~25.00~~ not more than 100

~~(1)~~ (2) For schools domiciled or having their principal place of business outside the state of Kansas:

~~(1)~~ (A) Initial issuance of certificate of approval ~~\$1500.00~~ not more than \$3,400

~~(2)~~ (B) Renewal of certificate of approval ~~750.00~~ not more than 2,400

- ~~(3)~~ (C) Initial registration of representative ~~100.00~~ not more than 300
- ~~(4)~~ (D) Annual renewal of registration of
representative ~~75.00~~ not more than 200
- (3) For retrieval of student transcript from school that
has ceased operation not more than 10

(b) The state board shall determine annually the amount necessary to carry out and enforce the provisions of the Kansas proprietary school act for the next ensuing fiscal year and shall fix by rules and regulations the fees authorized for such year at the sum deemed necessary for such purposes within the limits of this section. Prior to adoption of any such rules and regulations, the state board shall afford the advisory commission on proprietary schools an opportunity to make recommendations on the proposed rules and regulations. The amount of all fees prescribed by this section prior to the effective date of this act shall continue in effect and shall be charged and collected until the amount of such fees is changed by rules and regulations adopted by the state board pursuant to this section.”;

Also on page 1, in line 42, by striking “is” and inserting “and 72-4938 are”;
By renumbering sections 2 and 3 as sections 3 and 4;
In the title, by striking all in lines 10 and 11 and inserting:
“AN ACT concerning the state board of regents; relating to certain fees imposed thereby; amending K.S.A. 72-4530 and 72-4938 and repealing the existing sections.”; and the bill be passed as amended.

HB 2179 be amended on page 1, by striking all in line 13; following line 13, by inserting:
“New Section 1. (a) Elections of members to the state board of education shall be nonpartisan. Laws applicable only to partisan elections shall not apply to elections of members to the state board of education. All laws applicable to elections, the violation of which is a crime, shall be applicable to elections of members to the state board of education.

(b) Except as provided in subsection (a), laws applicable to elections of state officers shall apply to elections of members to the state board of education to the extent that the same are not in conflict with the provisions of this act.

New Sec. 2. (a) No primary election of members of the state board of education shall be held unless by holding such primary one or more persons will be eliminated as candidates for office. In the event there are not more than two candidates for any one office, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general election ballot.

(b) The names of the two candidates receiving the greatest number of votes for any board member position at the primary election shall appear on the ballots in the general election.

(c) No ballot in a primary election shall have names for any board member position unless more than two candidates have filed for such position.

(d) On the ballots in general elections, blank lines for the name of write-in candidates shall be printed at the end of the list of candidates for office. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No blank lines for write-in candidates shall appear on primary election ballots.

(e) Names of candidates appearing on the ballots in primary and general elections of members to the state board of education shall be listed in the various possible orders in rotation.

New Sec. 3. The members of the state board of education shall fill by appointment any vacancy which occurs on the board. When a vacancy occurs, the board shall publish a notice one time in the Kansas register stating that the vacancy has occurred and that it will be filled by appointment by the board not sooner than 15 days after such publication. If the vacancy occurs on or after May 1 of the second year of the term, the person so appointed shall serve for the remainder of the unexpired term and until a successor is elected and qualifies. If the vacancy occurs before May 1 of the second year of the term, the person appointed to fill the vacancy shall serve until a successor is elected and qualifies at the next general election to serve the remainder of the unexpired term. The election of such successor shall be in the same manner as election of a member of the board for a regular term.

At such election, the ballots or ballot labels and returns of election with respect to such office shall be designated as follows: "To fill the unexpired term."

Sec. 4. K.S.A. 25-202 is hereby amended to read as follows: 25-202. (a) Except as otherwise provided in subsection ~~(b)~~ *by this section*, all candidates for national, state, county and township offices shall be nominated by: (1) A primary election held in accordance with article 2 of chapter 25 of the Kansas Statutes Annotated and amendments thereto; or (2) independent nomination petitions signed and filed as provided by existing statutes.

(b) Candidates for any of such offices who are members of any political party whose candidate for governor did not poll at least 5% of the total vote cast for all candidates for governor in the preceding general election shall not be entitled to nomination by primary election but shall be nominated by a delegate or mass convention according to article 3 of chapter 25 of the Kansas Statutes Annotated and amendments thereto.

(c) No candidate for any national, state, county or township office shall file for office as a partisan candidate in a primary election and also file for office as an independent candidate for any national, state, county or township office in the general election immediately following.

(d) The provisions of article 2 of chapter 25 of the Kansas Statutes Annotated and amendments thereto shall not apply to the justices of the supreme court or to judges of the district court in judicial districts which have approved the proposition of nonpartisan selection of district court judges, as provided in K.S.A. 20-2901 and amendments thereto, nor to special elections to fill vacancies.

(e) The provisions of law relating to partisan primary elections shall not apply to the election of members of the state board of education.

Sec. 5. K.S.A. 25-3903 is hereby amended to read as follows: 25-3903. Whenever a vacancy occurs in the office of state representative or state senator such vacancy shall be filled by appointment by the governor of the person elected to be so appointed by a district convention held as provided in K.S.A. 25-3902, *and amendments thereto*. Whenever a vacancy occurs in the office of member of the state board of education, such vacancy shall be filled in the manner provided for in ~~K.S.A. 25-3902a~~ *section 3, and amendments thereto*.

Sec. 6. K.S.A. 25-3905 is hereby amended to read as follows: 25-3905. (a) When a vacancy occurs after a primary election in a party candidacy, such vacancy shall be filled by the party committee of the congressional district, county or state, as the case may be, except if the vacancy is in a party candidacy for a district office ~~or for the office of member of the state board of education~~, it shall be filled by district convention held as provided in K.S.A. 25-3904, and amendments thereto, ~~or as provided in K.S.A. 25-3904a and amendments thereto~~, and except as otherwise provided in subsection ~~(c)~~ *(d)*. Such convention shall be called within 10 days of receipt of the notice that the vacancy has occurred or will occur. If only one political party nominates a candidate at the primary election and thereafter a vacancy occurs in such party candidacy, any political party may fill such vacancy in the manner specified in this section.

(b) When a vacancy in a candidacy for the office of member of the state board of education occurs after a primary election, such vacancy shall be filled by the members of the state board of education as provided by section 3, and amendments thereto.

~~(b)~~ (c) In addition to other vacancies in party candidacies to which this section applies, this section ~~shall~~ *shall* also *shall* apply when a vacancy occurs in an office, and it is provided by law that such vacancy shall be filled by appointment until the next general election at which time a person is to be elected to fill the unexpired term, or words of like effect, and such vacancy occurs after the primary election.

~~(c)~~ (d) When a vacancy occurs after a primary election in a party candidacy for governor or lieutenant governor, a vacancy ~~shall thereby~~ *shall* occur for the other of such two offices. Such vacancies shall be filled by a state party delegate convention. The convention shall be called by the state party chairperson. The delegates to the convention shall be the state party committee members, and the officers of the convention shall be the officers of the state party committee. At such convention the vote to fill such vacancies shall be taken such that each convention vote shall be for a candidate for governor and lieutenant governor running together. If the initial vacancy that has occurred is for the office of lieutenant

governor, the person who is the candidate for governor of such pair of candidates shall be the only governor candidate at such convention.

Sec. 7. K.S.A. 25-3906 is hereby amended to read as follows: 25-3906. (a) When a vacancy in a party candidacy for any national, state, district or county elective office occurs under the circumstances specified in this section, such vacancy shall be filled by the party committee of the congressional district, county or state, as the case may be, ~~except that~~. If such vacancy is in a party candidacy for a district office ~~or for the office of member of the state board of education~~, it shall be filled by district convention held as provided in K.S.A. 25-3904, and amendments thereto, ~~or as provided in K.S.A. 25-3904a and amendments thereto~~, and except as otherwise provided in ~~subsection (d) and (e) subsections (e) and (f)~~. Such convention shall be called within 10 days of notice that a vacancy has occurred or will occur.

~~(b)~~ *When a vacancy in a candidacy for the office of state board of education occurs during the time specified in subsection (c), such vacancy shall be filled by the members of the state board of education as provided by section 3, and amendments thereto.*

~~(b)~~ (c) This section shall apply to any vacancy in a party candidacy which occurs after the closing time for filing to be a candidate specified in K.S.A. 25-205, and amendments thereto, and prior to or on the day of the primary election, if such occurrence results in a political party not having a primary candidate for such office.

~~(c)~~ (d) This section shall apply when a vacancy occurs in an office, and it is provided by law that such vacancy shall be filled by appointment until the next general election at which time a person is to be elected to fill the unexpired term, or words of like effect, and such vacancy occurs during the period specified in subsection ~~(b)~~ (c).

~~(d)~~ (e) When a vacancy occurs during the period specified in subsection ~~(b)~~ (c) in a party candidacy for governor or lieutenant governor, and the occurrence results in a political party not having a pair of primary candidates for governor and lieutenant governor, a vacancy ~~shall thereby~~ also *shall* occur for the other of such two offices. Such vacancies shall be filled by a state party delegate convention. The convention shall be called by the state party chairperson. The delegates to the convention shall be the state party committee members, and the officers of the convention shall be the officers of the state party committee. At such convention the vote to fill such vacancies shall be taken such that each convention vote shall be for a candidate for governor and lieutenant governor running together. If the initial vacancy that has occurred is for the office of lieutenant governor, the person who is the candidate for governor of such pair of candidates shall be the only governor candidate at such convention.

~~(e)~~ (f) When there is more than one pair of candidates for governor and lieutenant governor of the same party, and a vacancy occurs during the period specified in subsection ~~(b)~~ (c) in a candidacy for lieutenant governor of such party, and the occurrence results in a governor candidate not having a lieutenant governor candidate, such vacancy shall be filled by the candidate for governor of such pair of candidates designating a candidate for lieutenant governor to be the running mate.

Sec. 8. K.S.A. 72-7504 is hereby amended to read as follows: 72-7504. (a) Whenever a vacancy occurs in any board member position, such vacancy shall be filled in the manner provided in ~~K.S.A. 25-3902a~~ *section 3*, and amendments thereto.

(b) A vacancy occurs in a board member position under any of the following circumstances:

- (1) Death of a board member, on the date of death.
- (2) Removal of a board member, on the date the removal order is final, or if appealed to the court, on the date the court action becomes final.
- (3) By written notice of resignation of a member filed with the state board, on the date specified in the notice of resignation, which shall be not later than 60 days after such notice of resignation is filed. The member resigning from the board also shall send a copy of the notice of resignation to the secretary of state.

(c) In the event that any board member changes residence outside of the district from which elected, such member promptly shall resign from the state board. If such a member fails to resign such member shall be subject to removal from office as provided by law. Any redistricting of board member districts which results in a board member residing outside

of the board member district shall not be grounds for removal and shall not disqualify such member from service on the state board for the remainder of the term for which the member was elected or appointed.

Sec. 9. K.S.A. 25-202, 25-1904, 25-3902a, 25-3903, 25-3904a, 25-3905, 25-3906 and 72-7504 are hereby repealed.”;

By renumbering section 2 as section 10;

In the title, by striking all in lines 9 and 10 and inserting:

“AN ACT concerning the state board of education; relating to the members thereof; amending K.S.A. 25-202, 25-3903, 25-3905, 25-3906 and 72-7504 and repealing the existing sections; also repealing K.S.A. 25-1904, 25-3902a and 25-3904a.”; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **HB 2023**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2023,” as follows:

“SENATE Substitute for HOUSE BILL No. 2023

By Committee on Elections and Local Government

“AN ACT concerning certain restrictive covenants.”;

and the substitute bill be passed.

Committee on **Judiciary** recommends **HB 2090**, **HB 2138**, **Sub HB 2294**, **HB 2314**, as amended by House Committee, be passed.

Also **HB 2308** be amended by substituting a new bill to be designated as “Senate Substitute for HOUSE BILL No. 2308,” as follows:

“Senate Substitute for HOUSE BILL No. 2308

By Committee on Judiciary

“AN ACT concerning the use of names derived from public records; repealing K.S.A. 21-3914.”;

and the substitute bill be passed.

HB 2032, as amended by House Committee, be amended on page 2, in line 27, after the stricken material by inserting “The only issue to be determined therein shall be the compensation required by K.S.A. 26-513, and amendments thereto.”;

On page 3, by striking all in lines 14 through 28 and inserting the following:

“Sec. 3. K.S.A. 58-3502 is hereby amended to read as follows: 58-3502. Whenever any program or project is undertaken by the state of Kansas, any agency or political subdivision thereof, under which federal financial assistance will be available to pay all or part of the cost of such program by reason of a grant from or contract or agreement with the federal government, and which program or project will result in the displacement of any person by acquisition of real property, or by the direct result of building code enforcement activities, rehabilitation or demolition programs, the state, agency, or political subdivision ~~may~~ *shall*:

(1) Provide fair and reasonable relocation payments and assistance to or for displaced persons as are required under sections 202, 203 and 204 of the federal act;

(2) Provide relocation assistance programs offering to displaced persons and others occupying property immediately adjacent to the real property acquired, the services described in section 205 of the federal act on the conditions prescribed therein;

(3) In acquiring the real property be guided to the greatest extent practicable under state law by the land acquisition policies in section 301 and the provisions of section 302 of the federal act;

(4) Pay or reimburse property owners for necessary expenses as specified in sections 303 and 304 of the federal act;

(5) Share costs of providing payments and assistance with the federal government in the manner and to the extent required by sections 211 (a) and (b) of the federal act; and

(6) Appoint such officers, enter into such contracts, utilize federal funds for planning and providing comparable replacement housing, and take such other actions as may be necessary to comply with the conditions and requirements of the federal act.

New Sec. 4. Whenever federal funding is not involved, and real property is acquired by any condemning authority through negotiation in advance of a condemnation action or through a condemnation action, and which acquisition will result in the displacement of any person, the condemning authority shall:

(a) Provide the displaced person, as defined in the federal uniform relocation assistance and real property acquisition policies act of 1970, fair and reasonable relocation payments and assistance to or for displaced persons.

(b) Fair and reasonable relocation payments and assistance to or for displaced persons as provided under sections 202, 203 and 204 of the federal uniform relocation assistance and real property acquisition policies act of 1970, and amendments thereto, shall be deemed fair and reasonable relocation payments and assistance pursuant to this section.

(c) Nothing in this section shall preclude the voluntary negotiation of fair and reasonable relocation payments and assistance between the displaced person and condemning authority. If such negotiations lead to agreement between the displaced person and the condemning authority, that agreement shall be deemed fair and reasonable.”;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 29, by striking “and” and inserting a comma; also in line 29, after the stricken material by inserting “and 58-3502”;

On page 1, in the title, in line 11, by striking “and” and inserting a comma; in line 12, before “and” by inserting “and 58-3502”; and the bill be passed as amended.

HB 2035, as amended by House Committee, be amended on page 1, in line 29, after the stricken language by inserting “The guardian ad litem or the child may request the court to appoint a second attorney to serve as attorney for the child, and the court, on good cause shown, may appoint such second attorney. The attorney for the child shall allow the child and the guardian ad litem to communicate with one another but may require such communications to occur in the attorney’s presence.”; also on page 1, in line 33, before “appointed” by inserting “or a second attorney”; also in line 33, after “child” by inserting “as provided in subsection (a)”;

On page 2, in line 9, by striking “for” and inserting “to represent the best interests of”; in line 10, after the stricken material by inserting “or a second attorney appointed for a child as provided in subsection (a)”;

in line 16, after the stricken material by inserting “, second attorney appointed pursuant to subsection (a)”;

and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2234**, as amended by House Committee, be amended on page 5, before line 32, by inserting the following:

“Sec. 3. K.S.A. 65-6309 is hereby amended to read as follows: 65-6309. (a) *The board may issue a license to an individual who is currently registered, certified or licensed to practice social work at the baccalaureate or masters level in another jurisdiction if the board determines that:*

(1) *The standards for registration, certification or licensure to practice social work at the baccalaureate or masters level in the other jurisdiction are substantially equivalent to the requirements of this state; or*

(2) *the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:*

(A) *Continuous registration, certification or licensure to practice social work at the baccalaureate or masters level during the five years immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;*

(B) *the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and*

(C) *a baccalaureate or masters degree in social work from a regionally accredited university or college.*

(b) *Applicants for licensure as a clinical specialist social worker shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either paragraph (1) or (2) of subsection (a) and at least two of the following areas acceptable to the board:*

(1) *Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;*

(2) *three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or*

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6314 and amendments thereto. ~~(a) An applicant shall be exempted from the requirement for an examination provided for herein if:~~

~~—(1) The applicant proves to the board that the applicant is licensed or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this act as determined by the board, and~~

~~—(2) pursuant to the laws of any such state or territory, the applicant has taken and passed an examination similar to that for which exemption is sought, as determined by the board.~~

~~—(b) An applicant for a license as a baccalaureate social worker who is, on the effective date of this act, employed as a social worker, social work supervisor or a social work administrator and who applied for such license on or before July 1, 1975, shall be exempted from academic and examination requirements imposed under the provisions of this act. An applicant for a license as a baccalaureate social worker who is a social worker, otherwise qualified for licensure as a baccalaureate social worker, and who applied for such license on or before July 1, 1975, shall be exempt from the examination requirements imposed under the provisions of this act.~~

~~—(c) An applicant for a license as a master social worker who applied for such license on or before July 1, 1975, and who presents proof to the board that such applicant is engaging in the private practice of social work may be exempt from the two years' supervised experience otherwise required by this act.~~

~~—(d) An applicant for a license as a master social worker who has satisfactorily completed a master's program in social work and was awarded a certificate, and who is employed in a position for which the master's degree is normally required and who applied for such license on or before July 1, 1975, shall be exempt from academic and examination requirements for licensing under the provisions of this act. An applicant for a license as a master social worker who is otherwise qualified for such licensure on the effective date of this act and who applied for such license on or before July 1, 1975, shall be exempt from the examination requirements for licensing under the provisions of this act.~~

~~—(e) An applicant for a license in a social work specialty who has satisfactorily completed two years of graduate social work training and was awarded a certificate, and who is employed in a position for which the master's degree is normally required and who applied for such license on or before July 1, 1975, shall be exempt from academic requirements for licensing under the provisions of this act.~~

~~—(f) An applicant for a license in a social work specialty who is otherwise qualified for such license on the effective date of this act and who applied for such license on or before July 1, 1975, shall be exempt from the examination requirements for licensing under the provisions of this act.~~

~~—(g) An applicant for licensing in a social work specialty who was engaged in the practice of a specialty approved by the board on the effective date of this act and who meets the academic requirements for licensing as a master social worker or qualifies for an exemption therefrom under the provisions of this section shall be exempt from the requirement for two years of supervised experience required for licensing under the provisions of this act.~~

~~(h)~~ (d) Upon application, the board shall issue temporary licenses to persons who have met all the qualifications for licensure under provisions of this act; except for passage of the required examination, who must wait for completion of the next examination, who have paid the required fee and who have submitted documentation as required by the board under the following provisions: (1) The temporary license shall expire upon receipt and recording of the person's examination score by the board if such person fails the examination, or upon the date the board issues or denies the person a license to practice social work if such person passes the examination; (2) such persons shall take the next license examination subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board; (3) no person may be granted a temporary license more than once; and (4) no person may work under a temporary license except under the supervision of a licensed social worker. Nothing in this subsection shall affect any temporary permit to prac-

tice issued under this subsection prior to the effective date of this act and in effect on the effective date of this act. Such temporary permit shall be subject to the provisions of this subsection in effect at the time of its issuance and shall continue to be effective until the date of expiration of the permit as provided under this subsection at the time of issuance of such temporary permit.

(⇔) (e) Any individual employed by a hospital and working in the area of hospital social services to patients of such hospital on July 1, 1974, is exempt from the provisions of this act.

(⇔) (f) If an applicant is denied licensure, the board shall provide the applicant with a written explanation of the denial within 10 days after the decision of the board, excluding Saturdays, Sundays and legal holidays.”;

And by renumbering sections accordingly;

On page 7, in line 4, before “65-6406” by inserting “65-6309.”;

On page 1, in the title, in line 11, before “65-6406” by inserting “65-6309.”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 261** be passed.

Also **SB 252** be amended on page 1, in line 15, by striking “The” and inserting “On January 1, 2004, the”; in line 18, by striking “Whenever” and inserting “On and after January 1, 2004, whenever”; in line 24, by striking “All” and inserting “On and after January 1, 2004, all”; in line 29, by striking “The” and inserting “On and after January 1, 2004, the”; in line 35, by striking “On the effective date of this act,” and inserting “On and after January 1, 2004.”; in line 43, by striking “Officers” and inserting “On and after January 1, 2004, all officers”;

On page 2, in line 5, by striking “All” and inserting “On and after January 1, 2004, all”; in line 26, by striking “Whenever” and inserting “On and after January 1, 2004, whenever”; in line 30, by striking “The” and inserting “On and after January 1, 2004, the”; in line 33, by striking “The” and inserting “On and after January 1, 2004, the”;

On page 3, in line 11, by striking “13” and inserting “nine”; in line 13, by striking “Nine” and inserting “The nine”; in line 15, before the semicolon, by inserting “and shall not be employed as a full-time paid fire chief or firefighter”; in line 17, before the semicolon, by inserting “and shall not be employed as a full-time paid fire chief or firefighter”; in line 19, by striking “county commissioner” and inserting “licensed architect”; in line 20, by striking “city administrator” and inserting “full-time fire codes official”; in line 23, by striking “vocational educator or vocational trainer” and inserting “a member of the state board of regents, or a person designated by the chairperson of such board”; also in line 23, after the semicolon, by inserting “and”; in line 24, by striking “; and”; by striking all in lines 25 through 32; in line 33, by striking all before the period; in line 36, after the period, by inserting “The governor may seek the assistance of state fire service organizations in recommending qualified persons to fill board positions.”; in line 41, by striking all after the comma; in line 42, by striking all before “three” where it appears for the first time; also in line 42, after “three” where it appears for the first time by inserting “shall be appointed”;

On page 4, in line 7, after the period, by inserting “The board shall meet as necessary prior to January 1, 2004, to provide for transition planning to carry out the powers, duties and functions transferred to the board under this act.”; in line 8, by striking “after January 1, each year” and inserting “in 2003, at the first meeting of the board after January 1, 2005, and at the first meeting of the board in January thereafter”; in line 27, by striking “fire fighting” and inserting “the programs and”; also in line 27, before the semicolon, by inserting “administered by the state fire marshal’s office”; in line 32, by striking all after “(e)”; by striking all in line 33; in line 34, by striking all before the semicolon and inserting “appoint committees as necessary to assist in the coordination and oversight of the divisions and special projects offered by the state fire marshal’s office”; also in line 34, by striking “and”; in line 37, by striking the period and inserting the following: “; and

(g) approve all licensing and certification procedures administered by the office of the state fire marshal.”;

Also on page 4, in line 38, before “K.S.A.” by inserting “On January 1, 2004.”;

On page 5, in line 6, before “K.S.A.” by inserting “On January 1, 2004.”;

On page 12, in line 18, before "K.S.A." by inserting "On January 1, 2004,"; in line 39, before "K.S.A." by inserting "On January 1, 2004,";

On page 13, in line 2, before "K.S.A." by inserting "On January 1, 2004,"; in line 8, by striking "11" and inserting "9"; in line 13, before "K.S.A." by inserting "On January 1, 2004,"; in line 20, before "K.S.A." by inserting "On January 1, 2004,"; in line 27, before "K.S.A." by inserting "On January 1, 2004,"; in line 29, before "its" by inserting "October 1, 2003, and"; and the bill be passed as amended.

SB 253 be amended on page 2, by striking all in lines 23 through 25 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.";

Also on page 2, in line 37, by striking "\$165,000" and inserting in lieu thereof "\$170,000"; in line 38, by striking "\$399,944" and inserting in lieu thereof "\$352,323"; following line 37, by inserting the following:

"Roth roof replacement..... \$40,600";

On page 7, by striking all in lines 14 through 19;

And by renumbering the remaining sections accordingly;

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 Kan-

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, by striking all in lines 21 through 32;

And by relettering the remaining subsections accordingly;

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
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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.";

On page 24, following line 17, by inserting the following:

"(b) During the fiscal year ending June 30, 2004, the juvenile justice authority is authorized to make expenditures to raze building no. 14 at the Beloit juvenile correctional facility.";

On page 25, after line 22, by inserting the following:

"Sec. 33. K.S.A. 2002 Supp. 76-6b05 is hereby amended to read as follows: 76-6b05.

(a) All moneys received by the state treasurer under K.S.A. 76-6b04, and amendments thereto, shall be credited to the state institutions building fund, which is hereby created in the state treasury, to be used for the construction, reconstruction, equipment and repair of buildings and grounds at institutions specified in K.S.A. 76-6b04, and amendments thereto, and for payment of debt service on revenue bonds issued to finance such projects, all subject to appropriation by the legislature.

(b) Subject to any restrictions imposed by appropriation acts, the juvenile justice authority is authorized to pledge funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the juvenile justice authority specified by statute for the payment of debt service on revenue bonds issued for the purposes set forth in subsection (a). Subject to any restrictions imposed by appropriation acts, the juvenile justice authority is also authorized to pledge any funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the juvenile justice authority specified by statute as a priority for the payment of debt service on such revenue bonds. Neither the state or the juvenile justice authority shall have the power to pledge the faith and credit or taxing power of the state of Kansas for such purposes and any payment by the juvenile justice authority for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the juvenile justice authority for payment of debt service on revenue bonds and any such revenue bonds issued for the purposes set forth in subsection (a) shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

(c) Subject to any restrictions imposed by appropriation acts, the department of social and rehabilitation services is authorized to pledge funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the department of social and rehabilitation services specified by statute for the payment of debt service on revenue bonds issued for a new state security hospital on the Larned state hospital grounds or any other capital improvement projects at any other institution or facility of the department of social and rehabilitation services. Subject to any restrictions imposed by appropriation acts, the department of social and rehabilitation services is also authorized to pledge any funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the department of social and rehabilitation services specified by statute as a priority for the

payment of debt service on such revenue bonds. Neither the state or the department of social and rehabilitation services shall have the power to pledge the faith and credit or taxing power of the state of Kansas for such purposes and any payment by the department of social and rehabilitation services for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the department of social and rehabilitation services for payment of debt service on revenue bonds and any such revenue bonds issued for a new state security hospital on the Larned state hospital grounds or any other capital improvement projects at any other institution or facility of the department of social and rehabilitation services shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

Sec. 34. K.S.A. 2002 Supp. 76-6b05 is hereby repealed.”;

On page 1, in the title, in line 9, before “making” by inserting “concerning capital improvements for state agencies.”; in line 13, before the period, by inserting “; amending K.S.A. 2002 Supp. 76-6b05 and repealing the existing section”; and the bill be passed as amended.

SB 263 be amended on page 3, in line 9, by striking “\$5,541,102” and inserting “\$6,024,471”;

On page 4, after line 36, by inserting the following:

“(e) In addition to the other purposes for which expenditures may be made by the state bank commissioner from the bank commissioner fee 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 above agency from the bank commissioner fee fund for fiscal year 2004 for salaries and wages, including associated employer contributions, to implement executive directive no. 01-313 providing salary upgrades for financial examiners: *Provided*, That expenditures for such purpose from the bank commissioner fee fund for fiscal year 2004 shall not exceed \$124,594: *Provided further*, That all such expenditures for such purpose shall be in addition to any expenditure limitation imposed on the bank commissioner fee fund for fiscal year 2004.”;

On page 5, in line 25, by striking “\$492,147” and inserting “\$497,147”; in line 29, by striking “\$536,449” and inserting “\$543,649”;

On page 10, in line 30, by striking “\$103,373” and inserting “\$104,373”;

On page 12, after line 26, by inserting the following:

“*Provided*, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2004, for official hospitality shall not exceed \$200.”;

Also on page 12, after line 27, by inserting the following:

“*Provided*, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2005, for official hospitality shall not exceed \$200.”;

On page 14, in line 22, by striking “\$512,756” and inserting “\$523,044”;

On page 15, in line 17, by striking “\$239,223” and inserting “\$254,223”; in line 18, by striking “\$214,047” and inserting “\$279,047”;

On page 16, in line 8, by striking “\$122,961” and inserting “\$129,871”;

On page 19, in line 12, before “That” by inserting: “That the 50% limitation shall not apply to purchase or other acquisition of technology equipment which was included in the budget estimates for such fiscal year submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto: *And provided further*.”;

On page 20, in line 10, by striking “\$561,073” and inserting “\$569,619”; in line 14, by striking “\$2,440,921” and inserting “\$2,618,553”; in line 18, by striking “\$2,351,042” and inserting “\$2,369,071”; in line 26, by striking “\$10,829,521” and inserting “\$10,845,913”;

On page 22, in line 13, by striking “\$1,670,742” and inserting “\$1,713,785”;

On page 24, in line 5, by striking “\$3,649,834” and inserting “\$3,569,834”; after line 19, by inserting the following:

“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 30, in line 11, by striking “\$485,014” and inserting “\$445,134”; by striking all in lines 22 through 43;

On page 31, by striking all in lines 1 through 20; in line 34, by striking "\$915,239" and inserting "\$1,047,954";

On page 34, by striking "\$80,827,070" and inserting "\$82,631,505";

On page 36, in line 33, after the comma, by inserting "including only death benefits under K.S.A. 74-4927f and amendments thereto,";

On page 37, in line 27, after "74-4927" by inserting "*et seq.*";

On page 43, in line 9, by striking "\$838,864" and inserting "\$835,834"; in line 21, by striking "\$2,924,424" and inserting "\$2,915,066"; in line 27, by striking "\$752,699" and inserting "\$750,205"; in line 33, by striking "\$1,643,801" and inserting "\$1,638,354"; in line 39, by striking "\$529,188" and inserting "\$527,435";

On page 44, in line 1, by striking "\$2,272,992" and inserting "\$2,265,627"; in line 37, by striking "\$86,803" and inserting "\$116,250";

On page 47, in line 34, by striking all after "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 all before the period;

On page 52, in line 30, by striking all after the period; by striking all in lines 31 through 33; in line 34, by striking all before "All";

On page 54, in line 35, by striking "\$35,286,944" and inserting "\$36,890,534";

On page 55, in line 5, by striking "other"; in line 6, before 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"; in line 16, by striking "\$103,187" and inserting "No limit";

On page 57, by striking all in lines 12 through 14 and inserting in lieu thereof the following: "Provided, That, notwithstanding the provisions of K.S.A. 74-2021, and amendments thereto, or of any other statute, expenditures may be made from this 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, in line 21, by striking "\$6,732,176" and inserting "No limit"; preceding line 22, by inserting the following:

"Provided, That, notwithstanding the provisions of K.S.A. 74-2022, and amendments thereto, or of any other statute, expenditures may be made from this 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, in line 23, by striking "\$8,821,736" and inserting "\$9,222,634";

On page 58, in line 23, after "make" by inserting "only"; in line 25, after "fund" by inserting "on or before July 15, 2002,"; in line 32, by striking "1" and inserting "15"; in line 35, by striking "\$542,800" and inserting "\$276,618.50 monthly until 11 transfers have been completed on or before June 15, 2004,";

On page 60, after line 41, by inserting the following:

"(g) Notwithstanding the provisions of K.S.A. 74-8838, and amendments thereto, on October 1, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$300,000 from the horse fair racing benefit fund to the state general fund.";

On page 61, in line 6, by striking "\$14,026,980" and inserting "\$13,501,660"; in line 8, after "\$100" by inserting "as of June 30, 2003,"; in line 36, by striking "\$374,690,000" and inserting "\$338,539,160";

On page 65, by striking all in line 8;

On page 67, in line 7, by striking "\$10,604,188" and inserting "\$10,929,508";

On page 70, in line 6, by striking "\$1,892,855" and inserting "\$0"; after line 35, by inserting the following:

“(e) Notwithstanding the provisions of K.S.A. 74-715, and amendments thereto, on July 1, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$215,208 from the workmen’s compensation fee fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the workmen’s compensation fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the workmen’s compensation fee fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of human resources by other state agencies which receive appropriations from the state general fund to provide such services.”;

On page 71, after line 32, by inserting the following:

“(d) In addition to the other purposes for which expenditures may be made by the Kansas commission on veterans affairs 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 Kansas commission on veterans affairs 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 the veterans’ home HVAC system replacement in conjunction with bonds issued for the capital improvement project or projects for state hospital renovation and repair, as authorized by section 3 of 2003 Senate Bill No. 253 for the department of social and rehabilitation services: *Provided*, That the capital improvement project for the veterans’ home HVAC system replacement is hereby approved for the Kansas commission on veterans affairs 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 in conjunction with bonds issued for the capital improvement project or projects for state hospital renovation and repair, as authorized by section 3 of 2003 Senate Bill No. 253 for the department of social and rehabilitation services: *Provided further*, That the Kansas commission on veterans affairs 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 \$1,413,500, 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 project shall be financed by appropriations from the state institutions building fund or any other appropriate special revenue fund or funds.”;

On page 73, after line 32, by inserting the following:

“*Provided*, That expenditures may be made from the health and environment training fee fund for acquisition and distribution of health and environment program literature and films and for participation in or conducting training seminars for training employees of the department of health and environment, for training recipients of state aid from the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury and credited to this fund: *And provided further*, That in addition to the other purposes for which expenditures may be made by the department of health and environment from moneys appropriated from the health and environment training fee fund for fiscal year 2004, expenditures may be made by the

department of health and environment from the health and environment training fee fund for fiscal year 2004 for agency operations.”;

Also on page 73, by striking all in lines 34 through 43;

On page 74, by striking all in lines 1 through 10; by striking all in lines 41 through 43;

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

On page 77, after line 8, by inserting the following:

“Gifts, grants and donations fund..... No limit
Special bequest fund..... No limit”;

Also on page 77, in line 15, by striking “\$500,000” and inserting “\$620,000”;

On page 79, after line 19, by inserting the following:

“(l) In addition to the other purposes for which expenditures may be made by the department of health and environment—health from the trauma fund for the fiscal year ending June 30, 2004, expenditures may be made by the above agency from the trauma fund for the fiscal year ending June 30, 2004, for the operating expenditures for the department of health and environment—health in an amount equal to any amount expended from the operating expenditures (including official hospitality) account of the department of health and environment—health for the purpose of establishing a state dental office: *Provided*, That expenditures for such purpose from the trauma fund for the fiscal year ending June 30, 2004, shall not exceed \$134,350: *Provided further*, That all such expenditures for such purpose shall be in addition to any expenditure limitation imposed on the trauma fund for the fiscal year ending June 30, 2004.

(m) In addition to the other purposes for which expenditures may be made by the department of health and environment—health from the trauma fund for the fiscal year ending June 30, 2004, expenditures may be made by the above agency from the trauma fund for the fiscal year ending June 30, 2004, for the operating expenditures for the department of health and environment—health in an amount equal to any amount expended from the operating expenditures (including official hospitality) account of the department of health and environment—health for the purpose of implementing the addition of hepatitis B vaccinations to the listing in K.A.R. 28-1-20: *Provided*, That expenditures for such purpose from the trauma fund for the fiscal year ending June 30, 2004, shall not exceed \$74,007: *Provided further*, That all such expenditures for such purpose shall be in addition to any expenditure limitation imposed on the trauma fund for the fiscal year ending June 30, 2004.”;

Also on page 79, after line 39, by inserting the following:

“*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 83, after line 5, by inserting the following:

“Laboratory medicaid cost recovery fund..... No limit
Medicare fund—federal No limit
Venereal disease control project fund..... No limit
DP & HP federal grant fund..... No limit
Federal homeland security fund No limit
Immunization grant funds—federal..... No limit
Diagnostic x-ray program fund..... No limit
Lead poisoning prevention federal fund..... No limit
Aids project—education risk reduction—federal fund..... No limit”;

On page 85, in line 26, by striking “\$6,434,359” and inserting “\$6,459,359”;

On page 98, in line 28, by striking “\$5,000,000” and inserting “\$4,960,000”; in line 40, by striking “\$3,106,230” and inserting “\$3,066,230”;

On page 99, in line 6, by striking “\$4,300,000” and inserting “\$4,000,000”; in line 23, by striking “\$2,000,000” and inserting “\$1,960,000”; by striking all in lines 27 through 30;

On page 102, in line 23, by striking “\$2,027,579,845” and inserting “\$1,777,788,000”; in line 26, by striking all after “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 amendments 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 109, in line 5, by striking “\$4,073,738” and inserting “\$4,293,056”;

On page 110, in line 9, by striking “\$6,836,148” and inserting “\$7,198,883”;

On page 132, after line 17, by inserting the following:

“(j) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall make one or more transfers from the construction defects recovery fund of the department of administration to the restricted fees fund of the university of Kansas: *Provided*, That any such transfer from the construction defects recovery fund of the department of administration shall be only from amounts available in such fund which are in excess of an amount certified by the director of the division of the budget as being in excess of 150% of the amounts required to meet known and reasonably anticipated expenditures from construction defects recovery fund of the department of administration: *Provided further*, That such transfer or transfers from the construction defects recovery fund of the department of administration to the restricted fees fund of the university of Kansas during the fiscal year ending June 30, 2004, shall not exceed an aggregate of \$530,500.”;

On page 135, after line 16, by inserting the following:

“Pediatric biomedical research \$800,000”;

Also on page 135, in line 17, by striking “Any” and inserting “*Provided*, That any”;

On page 139, after line 8, by inserting the following:

“(h) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2004, the following:

Aviation research initiative \$1,000,000”;

Also on page 139, in line 13, by striking “\$2,914,179” and inserting “\$2,955,429”; in line 32, by striking “\$10,379,878” and inserting “\$10,418,878”;

On page 140, in line 23, by striking “\$225,028” and inserting “\$475,028”;

On page 143, after line 17, by inserting the following:

“Regents clearing fund No limit”;

On page 144, by striking all in lines 12 and 13;

On page 145, after line 20, by inserting the following:

“(g) Upon the certification of the chief executive officer of the state board of regents that bonds have been issued as authorized by an act or acts of the 2003 legislature for the purpose of paying for unfunded pension obligations of universities under the control of the state board of regents, the director of accounts and reports shall transfer amounts designated by the chief executive officer of the state board of regents from such accounts of the state general fund or such special revenue funds at universities under the control of the state board of regents which are the amount equal to the difference between the amounts required for the payment of debt service on bonds that have been issued as authorized by an

act or acts of the 2003 legislature for the purpose of paying for unfunded pension obligations of universities under the control of the state board of regents and the amounts included in the budgets of such universities under the control of the state board of regents for the purpose of paying for unfunded pension obligations of universities under the control of the state board of regents to the regents clearing fund of the state board of regents.

(h) On July 1, 2004, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$711,000 from the regents clearing fund of the state board of regents to the comprehensive grant discontinued attendance fund of the state board of regents: *Provided*, That upon making such transfer the director of accounts and reports shall transfer the remaining balance in the regents clearing fund of the state board of regents which is in excess of \$41,250 to such state general fund accounts or special revenue funds of state universities under the control of the state board of regents as designated by the chief executive officer of the state board of regents: *Provided further*, That such amounts transferred from the regents clearing fund of the state board of regents to state general fund accounts or special revenue funds of state universities under the control of the state board of regents shall be in amounts certified by the chief executive officer of the state board of regents, the amount equal to each such state universities proportional share of health insurance and other fixed employer costs in the fiscal year ending June 30, 2004, which are in excess of health insurance and other fixed employer costs paid by such state universities in the fiscal year ending June 30, 2003.”;

On page 153, in line 5, by striking “\$3,585,513” and inserting “\$3,313,513”;

On page 155, in line 1, by striking “\$4,077,732” and inserting “\$4,089,732”;

On page 157, by striking all in lines 19 through 22;

And by relettering subsections accordingly;

On page 158, preceding line 37, by inserting the following:

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

Operating expenditures “\$28,880,582”;

Also on page 158, in line 37, by striking “(a)” and inserting “(b)”;

by striking all in line 42;

On page 160, by striking all in lines 40 through 43;

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

And by relettering subsections accordingly;

Also on page 161, after line 43, by inserting the following:

“(j) On July 1, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$28,880,582 from the state highway fund of the department of transportation to the state general fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2004 and notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2004 for support and maintenance of the Kansas highway patrol.”;

On page 162, in line 5, by striking “\$11,489,515” and inserting “\$11,569,515”;

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”;

by striking all in lines 19 through 32; in line 37, by striking “\$316,680” and inserting “\$483,991”;

On page 166, by striking all in line 6;

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

On page 168, in line 4, by striking “fund”;

On page 169, after line 9, by inserting the following:

“Information technology fund No limit”;

On page 176, in line 43, by striking “director of the budget” and inserting “Kansas water authority”;

On page 177, in line 7, before the period, by inserting “, the director of the budget, and the appropriate budget committee of the house of representatives and the subcommittee of the senate committee on ways and means that review the above agency’s budget”;

On page 178, after line 30, by inserting the following:

“(i) During the fiscal year ending June 30, 2004, a governor’s task force to study the future of Cedar Bluff reservoir, which is hereby requested to be created, shall present its findings and recommendations to the legislature on or before January 12, 2004.”;

On page 181, after line 18, by inserting the following:

“(e) 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 such parcel of any of such immediately adjacent real property, except that in the case of property within a municipality the secretary shall obtain the written permission of the governing body and such property shall not be subject to the written permission requirements prescribed by clause (A) and clause (B) of this subsection (e).

(f) During the fiscal year ending June 30, 2004, a governor’s task force to study the future of Cedar Bluff reservoir, which is hereby requested to be created, shall present its findings and recommendations to the legislature on or after January 12, 2004.”;

On page 185, after line 6, by inserting the following:

“Sec. 88.

OMBUDSMAN OF CORRECTIONS

(a) 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 other than refunds authorized by law shall not exceed the following:

Ombudsman of corrections fund..... \$184,745

Provided, That expenditures may be made from the ombudsman of corrections fund for the operating expenditures of the ombudsman of corrections: *Provided further*, That the ombudsman of corrections is hereby authorized and directed to fix, charge and collect fees for services provided by the ombudsman of corrections to any offender under the jurisdiction of the department of corrections which are not specifically authorized by any other statute: *And provided further*, That such fees shall not exceed \$2 for each request by an offender for assistance from the ombudsman of corrections: *And provided further*, That all fees received for such services shall be credited to this fund.

(b) On July 1, 2003, the director of accounts and reports shall transfer \$183,000 from the state general fund to the ombudsman of corrections fund.

Sec. 89.

KANSAS, INC.

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2004, the following:

Operations (including official hospitality)..... \$200,000

(b) 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 other than refunds authorized by law shall not exceed the following:

Kansas, Inc., matching fund..... No limit

Conversion of materials and equipment fund..... No limit

(c) 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;

Also on page 185, in line 31, by striking “1,158.0” and inserting “1,196.0”; in line 37, by striking “147.5” and inserting “146.5”; preceding line 38, by inserting the following:

“Kansas, Inc. 4.0”;

Also on page 185, in line 40, by striking “876.5” and inserting “878.5”;

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 20, by striking “9.0” and inserting “7.0”; preceding line 21, by inserting the following:

“Ombudsman of Corrections..... 3.5”;

On page 190, by striking all in lines 7 through 43;

By striking all on pages 191 through 198;

On page 199, by striking all in lines 1 through 4 and inserting in lieu thereof the following:

“Sec. 92. (a) In addition to the other purposes for which expenditures may be made by the governor’s department from the governor’s department account of the state general fund for the fiscal year ending June 30, 2004, expenditures shall be made by the governor’s department from the governor’s department account of the state general fund for fiscal year 2004:

(1) For an additional amount of biweekly compensation for the governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,726.07 per biweekly pay period for each biweekly pay period commencing on or after June 8, 2003, and ending before July 20, 2003, and

(2) for an additional amount of biweekly compensation for the governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,781.96 per biweekly pay period for each biweekly pay period commencing on or after July 20, 2003, which is chargeable to fiscal year 2004: *Provided*, That all expenditures under this subsection (a) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the governor for the biweekly pay periods which commence on or after June 8, 2003, and which are chargeable to fiscal year 2004.

(b) In addition to the other purposes for which expenditures may be made by the lieutenant governor from the operations account of the state general fund for the fiscal year ending June 30, 2004, expenditures shall be made by the lieutenant governor from the operations account of the state general fund for fiscal year 2004:

(1) For an additional amount of biweekly compensation for the lieutenant governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$1,053.91 per biweekly pay period for each biweekly pay period commencing on or after June 8, 2003, and ending before July 20, 2003, and

(2) for an additional amount of biweekly compensation for the lieutenant governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$1,069.72 per biweekly pay period for each biweekly pay period commencing on or after July 20, 2003, which is chargeable to fiscal year 2004: *Provided*, That all expenditures under this subsection (b) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the lieutenant governor for the biweekly pay periods which commence on or after June 8, 2003, and which are chargeable to fiscal year 2004.

(c) In addition to the other purposes for which expenditures may be made by the secretary of state from the operating expenditures account of the state general fund and one or more special revenue funds for the fiscal year ending June 30, 2004, expenditures shall be made by the secretary of state from the operating expenditures account of the state general fund and one or more special revenue funds for fiscal year 2004:

(1) For an additional amount of biweekly compensation for the secretary of state equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,894.60 per biweekly pay period

for each biweekly pay period commencing on or after June 8, 2003, and ending before July 20, 2003, and

(2) for an additional amount of biweekly compensation for the secretary of state equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,938.02 per biweekly pay period for each biweekly pay period commencing on or after July 20, 2003, which is chargeable to fiscal year 2004: *Provided*, That all expenditures under this subsection (c) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the secretary of state for the biweekly pay periods which commence on or after June 8, 2003, and which are chargeable to fiscal year 2004.

(d) In addition to the other purposes for which expenditures may be made by the attorney general from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2004, expenditures shall be made by the attorney general from the operating expenditures account of the state general fund for fiscal year 2004:

(1) For an additional amount of biweekly compensation for the attorney general equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,328.71 per biweekly pay period for each biweekly pay period commencing on or after June 8, 2003, and ending before July 20, 2003, and

(2) for an additional amount of biweekly compensation for the attorney general equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,378.64 per biweekly pay period for each biweekly pay period commencing on or after July 20, 2003, which is chargeable to fiscal year 2004: *Provided*, That all expenditures under this subsection (d) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the attorney general for the biweekly pay periods which commence on or after June 8, 2003, and which are chargeable to fiscal year 2004.

(e) In addition to the other purposes for which expenditures may be made by the state treasurer from one or more special revenue funds for the fiscal year ending June 30, 2004, expenditures shall be made by the state treasurer from one or more special revenue funds for fiscal year 2004:

(1) For an additional amount of biweekly compensation for the state treasurer equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,894.60 per biweekly pay period for each biweekly pay period commencing on or after June 8, 2003, and ending before July 20, 2003, and

(2) for an additional amount of biweekly compensation for the state treasurer equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,938.02 per biweekly pay period for each biweekly pay period commencing on or after July 20, 2003, which is chargeable to fiscal year 2004: *Provided*, That all expenditures under this subsection (e) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the state treasurer for the biweekly pay periods which commence on or after June 8, 2003, and which are chargeable to fiscal year 2004.

(f) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance department service regulation fund for the fiscal year ending June 30, 2004, expenditures shall be made by the insurance department from the insurance department service regulation fund for fiscal year 2004:

(1) For an additional amount of biweekly compensation for the commissioner of insurance equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,894.60 per biweekly pay period for each biweekly pay period commencing on or after June 8, 2003, and ending before July 20, 2003, and

(2) for an additional amount of biweekly compensation for the commissioner of insurance equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,938.02 per biweekly pay period for each biweekly pay period commencing on or after July 20, 2003, which is

chargeable to fiscal year 2004: *Provided*, That all expenditures under this subsection (f) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the commissioner of insurance for the biweekly pay periods which commence on or after June 8, 2003, and which are chargeable to fiscal year 2004.

(g) (1) In addition to the other purposes for which expenditures may be made by each state agency from appropriations made for the fiscal year ending June 30, 2004, expenditures shall be made by each state agency from the appropriations made for fiscal year 2004:

(A) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of a board for any calendar day occurring on or after June 8, 2003, and before July 20, 2003, for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2004, and

(B) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$79.93 per calendar day for each member of a board for any calendar day occurring on or after July 20, 2003, for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2004: *Provided*, That all expenditures under this subsection (g) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of a board for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 8, 2003, is payable and which are chargeable to fiscal year 2004.

(2) As used in this subsection (g), (A) "state agency" means any state agency of the executive branch of state government (i) which has appropriations made for the fiscal year ending June 30, 2004, by this act or any other appropriation act of the 2003 regular session of the legislature, and (ii) which is, or which makes expenditures for, any board; and

(B) "board" means any board, commission, committee, task force, panel or other body in the executive branch of state government, including any advisory body, having one or more members who are entitled to receive per diem compensation for attendance at meetings of such body, or attendance at meetings authorized by such body of a subcommittee or other subsidiary group of such body, as provided in K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto.

(h) In addition to the other purposes for which expenditures may be made by the Kansas turnpike authority for the period commencing June 8, 2003, and ending June 30, 2004, expenditures shall be made by the Kansas turnpike authority for such period:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after June 8, 2003, and before July 20, 2003, for which per diem compensation is payable to such member of the Kansas turnpike authority under K.S.A. 68-2003 and amendments thereto who is entitled, in accordance with K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$79.93 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after July 20, 2003, for which per diem compensation is payable to such member of the Kansas turnpike authority under K.S.A. 68-2003 and amendments thereto who is entitled, in accordance with K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2004: *Provided*, That all expenditures

under this subsection (h) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of the Kansas turnpike authority for the appropriate pay periods for which such per diem compensation for calendar days occurring on or after June 8, 2003, and prior to July 1, 2004, is payable by the Kansas turnpike authority.

(i) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2004, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2004:

(1) (A) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislature for service at the regular session or any special session of the legislature for any calendar day occurring on or after June 8, 2003, and before July 20, 2003; and

(B) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$79.93 per calendar day for each member of the legislature for service at the regular session or any special session of the legislature for any calendar day occurring on or after July 20, 2003, which is chargeable to fiscal year 2004; and

(2) (A) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislature and for any other public officer or person for any calendar day occurring on or after June 8, 2003, and before July 20, 2003, for which per diem compensation is payable from appropriations for the legislature to such member of the legislature, public officer or person under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2004; and

(B) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$79.93 per calendar day for each member of the legislature and for any other public officer or person for any calendar day occurring on or after July 20, 2003, for which per diem compensation is payable from appropriations for the legislature to such member of the legislature, public officer or person under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2004: *Provided*, That all expenditures under this subsection (i) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislature, public officials and persons for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 8, 2003, is payable and which are chargeable to fiscal year 2004.

(j) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2004, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2004 for an additional amount of biweekly compensation for the following legislative officers equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation per biweekly pay period for such legislative officers as follows:

(1) For the president of the senate and the speaker of the house of representatives equal to the amount required to provide (A) an aggregate amount of \$479.60 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 8, 2003, and ending before July 20, 2003, and (B) an aggregate amount of \$486.79 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after July 20, 2003, which is chargeable to fiscal year 2004;

(2) for the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives, and the assistant minority leaders of the senate and house of representatives equal to the amount required to provide (A) an aggregate amount of \$244.79 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 8, 2003, and ending before July 20, 2003, and (B) an aggregate amount of \$248.46 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after July 20, 2003, which is chargeable to fiscal year 2004;

(3) for the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations equal to the amount required to provide (A) an aggregate amount of \$385.69 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 8, 2003, and ending before July 20, 2003, and (B) an aggregate amount of \$391.48 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after July 20, 2003, which is chargeable to fiscal year 2004;

(4) for the majority leaders of the senate and house of representatives equal to the amount required to provide (A) an aggregate amount of \$432.68 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 8, 2003, and ending before July 20, 2003, and (B) an aggregate amount of \$439.17 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after July 20, 2003, which is chargeable to fiscal year 2004; and

(5) for the minority leaders of the senate and house of representatives equal to the amount required to provide (A) an aggregate amount of \$432.68 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 8, 2003, and ending before July 20, 2003, and (B) an aggregate amount of \$439.17 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after July 20, 2003, which is chargeable to fiscal year 2004: *Provided*, That all expenditures under this subsection (j) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to such legislative officers under K.S.A. 46-137b and amendments thereto for the biweekly pay periods which commence on or after June 8, 2003, and which are chargeable to fiscal year 2004.

(k) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from the legislative coordinating council—operations account of the state general fund for the fiscal year ending June 30, 2004, expenditures shall be made by the legislative coordinating council from the legislative coordinating council—operations account of the state general fund for fiscal year 2004 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (1) an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislative coordinating council for any calendar day occurring on or after June 8, 2003, and before July 20, 2003, for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (2) an aggregate amount of compensation of \$79.93 per calendar day for each member of the legislative coordinating council for any calendar day occurring on or after July 20, 2003, for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which

is chargeable to fiscal year 2004: *Provided*, That all expenditures under this subsection (k) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative coordinating council for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after June 8, 2003, and which are chargeable to fiscal year 2004.

(l) In addition to the other purposes for which expenditures may be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for the fiscal year ending June 30, 2004, expenditures shall be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for fiscal year 2004:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislative post audit committee for any calendar day occurring on or after June 8, 2003, and before July 20, 2003, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (B) an aggregate amount of compensation of \$79.93 per calendar day for each member of the legislative post audit committee for any calendar day occurring on or after July 20, 2003, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2004; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$78.75 per calendar day for each member of the contract audit committee for any calendar day occurring on or after June 8, 2003, and before July 20, 2003, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1120 and amendments thereto to such member as provided in K.S.A. 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (B) an aggregate amount of compensation of \$79.93 per calendar day for each member of the contract audit committee for any calendar day occurring on or after July 20, 2003, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1120 and amendments thereto to such member as provided in K.S.A. 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2004: *Provided*, That all expenditures under this subsection (l) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative post audit committee or contract audit committee for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after June 8, 2003, and which are chargeable to fiscal year 2004.

(m) In addition to the other purposes for which expenditures may be made by the judicial branch from the judiciary operations account of the state general fund for the fiscal year ending June 30, 2004, expenditures shall be made by the judicial branch from the judiciary operations account of the state general fund for fiscal year 2004:

(1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$78.75 per calendar day for each member of the advisory council on dispute resolution for any calendar day occurring on or after June 8, 2003, and before July 20, 2003, for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505 and amendments thereto who is entitled, in accordance with subsection (e) of K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (B) an aggregate amount of compensation of \$79.93 per calendar day for each

member of the advisory council on dispute resolution for any calendar day occurring on or after July 20, 2003, for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505 and amendments thereto who is entitled, in accordance with subsection (e) of K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2004; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$78.75 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616 and amendments thereto for each calendar day occurring on or after June 8, 2003, and before July 20, 2003, for which per diem compensation is payable to such retired justice or judge under K.S.A. 20-2616 and amendments thereto, and (B) an aggregate amount of compensation of \$79.93 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616 and amendments thereto for each calendar day occurring on or after July 20, 2003, for which per diem compensation is payable to such retired justice or judge under K.S.A. 20-2616 and amendments thereto, and is chargeable to fiscal year 2004: *Provided*, That all expenditures under this subsection (m) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the advisory council on dispute resolution or to such retired justices or judges for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 8, 2003, is payable and which are chargeable to fiscal year 2004.

(n) In addition to the other purposes for which expenditures may be made by the judicial council from the operating expenditures account of the state general fund and one or more special revenue funds for the fiscal year ending June 30, 2004, expenditures shall be made by the judicial council from the operating expenditures account of the state general fund for fiscal year 2004 for:

(1) an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day occurring on or after June 8, 2003, and before July 20, 2003, for which per diem compensation is payable to such member of the judicial council or a special committee thereof under K.S.A. 20-2206 and amendments thereto at the rate of compensation in accordance with K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto; and

(2) an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$79.93 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day occurring on or after July 20, 2003, for which per diem compensation is payable to such member of the judicial council or a special committee thereof under K.S.A. 20-2206 and amendments thereto at the rate of compensation in accordance with K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and is chargeable to fiscal year 2004: *Provided*, That all expenditures under this subsection (n) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the judicial council or special committees thereof for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 8, 2003, is payable and which are chargeable to fiscal year 2004.

(o) In accordance with appropriations for the fiscal year ending June 30, 2004, made by this or other appropriation act of the 2003 regular session of the legislature:

(1) (A) The governor is hereby authorized to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act and whose salaries are subject to approval by the governor under

K.S.A. 75-2935b or 75-2935c and amendments thereto to provide for base salary increases, to be effective on the first day of the first payroll period which commences on or after July 20, 2003, and which is chargeable to the fiscal year ending on June 30, 2004, and to be distributed on a merit basis from a merit salary increase pool, the average of such increases shall not exceed 1.5% of the base salaries of such officers and employees.

(B) Each elected state official of the executive branch of state government, including the state board of education, and the Kansas technology enterprise corporation, the state board of regents and the board of trustees of the Kansas public employees retirement system, in each such official or board's discretion, are hereby authorized to modify or to authorize the modification of the salaries of the state officers and employees of such official or board, who are in the unclassified service under the Kansas civil service act and whose salaries are not subject to approval by the governor under K.S.A. 75-2935b and amendments thereto, to provide for base salary increases to be effective on the first day of the first payroll period which commences on or after July 20, 2003, and which is chargeable to the fiscal year ending June 30, 2004, and to be distributed on a merit basis from a merit salary increase pool, the average of such increases shall not exceed 1.5% of the base salaries of such officers and employees of such official or board. The provisions of this subsection (o)(2)(B) shall not authorize or provide any salary increase for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, attorney general, or to any member of any state board, commission, council or committee receiving per diem compensation as provided by statute.

(2) There is hereby appropriated for the state finance council from the state general fund for the fiscal year ending June 30, 2004, the sum of \$12,268,926 to be used for the purpose of paying the proportionate share of the cost to the state general fund of: (A) The salary increases which are provided for by modification of the pay plan for state officers and employees in the classified service under the Kansas civil service act to provide for an increase of 1.5% in the pay rates of such pay plan for biweekly pay periods commencing on or after July 20, 2003, which are chargeable to the fiscal year ending June 30, 2004; and (B) the salary increases for state officers and employees in the unclassified service under the Kansas civil service act which are provided for in subsection (o)(1)(A) and subsection (o)(1)(B).

(3) To pay the proportionate share of the cost to the state general fund of each state agency for the salary increases specified in subsection (o)(2), including associated employer contributions, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the appropriation under subsection (o)(2) by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with such approval, to the proper accounts created by state general fund appropriations for the fiscal year ending June 30, 2004.

(4) Upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts established for the fiscal year ending June 30, 2004, by the director of accounts and reports, who is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts in accordance with such approval, for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases specified in subsection (o)(2) for the fiscal year ending June 30, 2004.

(5) Each state agency of the executive branch of state government shall prepare and submit a budget estimate for such salary increases specified in subsection (o)(2), and all amendments and revisions of such estimates, to the director of the budget on forms prescribed by the director of the budget. At the same time as each state agency submits such estimate, and all amendments and revisions thereof, each state agency shall submit a copy

of such estimate, and all amendments and revisions thereof, directly to the legislative research department.

(6)

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.....	\$9,984
Legislative research department—operations	\$31,161
Office of revisor of statutes—operations.....	\$19,023

(7)

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).....	\$63,638
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(8)

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)	\$17,757
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(9)

JUDICIAL COUNCIL

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

Operating expenditures	\$3,483
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(10)

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	\$1,086,028”;
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On page 204, after line 10, by inserting the following:

“(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.”;

On page 206, after line 15, by inserting the following:

“(c) On the effective date of this act, any unencumbered balance in the reading recovery account of the state general fund is hereby lapsed.”;

Also on page 206, in line 34, by striking “\$345,000” and inserting “\$394,000”;

On page 207, after line 26, by inserting the following:

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

Operating expenditures	\$12,000
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(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Inaugural expense fund.....	No limit”;
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Also on page 207, in line 38, after the period, by inserting “In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2003 and notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other

statute, transfers and expenditures may be made from the state highway fund during fiscal year 2003 for support and maintenance of the Kansas highway patrol.”;

On page 208, in line 27, by striking “\$474,178” and inserting “\$479,178”;

On page 209, after line 32, by inserting the following:

“Sec. 122.

HEALTHCARE STABILIZATION FUND BOARD OF GOVERNORS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 75(b) of chapter 204 of the 2002 Session Laws of Kansas on the healthcare stabilization fund is hereby increased from \$950,529 to \$973,529.

Sec. 123.

LEGISLATURE

(a) On the effective date of this act, of the \$12,248,431 appropriated for the above agency for the fiscal year ending June 30, 2003, by section 67(a) of chapter 204 of the 2002 Session Laws of Kansas from the state general fund in the operations (including official hospitality) account, the sum of \$682,055 is hereby lapsed.

Sec. 124.

KANSAS REAL ESTATE COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 24(a) of chapter 204 of the 2002 Session Laws of Kansas on the real estate fee is hereby increased from \$714,473 to \$743,973: *Provided*, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2003, for official hospitality shall not exceed \$200.

Sec. 125.

STATE BANK COMMISSIONER

(a) In addition to the other purposes for which expenditures may be made by the state bank commissioner from the bank commissioner fee fund for fiscal year 2003 as authorized by section 81(a) of chapter 144 of the 2001 Session Laws of Kansas or other appropriation act of the 2003 regular session of the legislature, expenditures shall be made by the above agency from the bank commissioner fee fund for fiscal year 2003 for salaries and wages, including associated employer contributions, to implement executive directive no 01-313 providing salary upgrades for financial examiners: *Provided*, That expenditures for such purpose from the bank commissioner fee fund for fiscal year 2003 shall not exceed \$65,215: *Provided further* That all such expenditures for such purposes shall be in addition to any expenditure limitation imposed on the bank commissioner fee fund for fiscal year 2003.”;

And by renumbering sections accordingly;

On page 217, in line 30, before “of” by inserting “½”; in line 31, before “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 renumbering sections accordingly;

and the bill be passed as amended.

HB 2254, as amended by House Committee, be amended on page 1, in line 28, by striking “or” where it appears for the first time and inserting “adult”; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 26, SB 133 reported correctly enrolled, properly signed and presented to the Governor on March 21, 2003.

SB 4, SB 17, SB 53, SB 65, SB 73, SB 118, SB 130, SB 175 reported correctly enrolled, properly signed and presented to the governor on March 24, 2003.

SR 1830, SR 1831, SR 1832 reported correctly enrolled, properly signed and presented to the Secretary of Senate on March 24, 2003.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Jackson in the chair.

On motion of Senator Jackson the following report was adopted:

Recommended **Sub for SB 181** be amended by adoption of the committee report recommending a substitute bill.

Senator Barnett moved the Senate return **Sub SB 181** to the Committee on Commerce.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 17, Nays 23, Present and Passing 0, Absent or Not Voting 0.

Yeas: Barnett, Barone, Corbin, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Huelskamp, Lee, Oleen, Pugh, Schodorf, Steineger, Tyson.

Nays: Adkins, Allen, Brownlee, Brungardt, Buhler, Bunten, Clark, Donovan, Emler, Harrington, Jackson, Jordan, Kerr, Lyon, Morris, O'Connor, Salmans, Schmidt, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The motion failed.

Senator Barnett amended the bill, on page 1, line 35, by inserting symptomatic after the word preexisting and **Sub SB 181** be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **Sub SB 181** was advanced to Final Action and roll call.

Sub SB 181, An act concerning workers compensation; relating to work disability; amending K.S.A. 44-501 and 44-510e and repealing the existing sections; also repealing K.S.A. 44-510a.

On roll call, the vote was: Yeas 27, Nays 13, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Emler, Harrington, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Barone, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Huelskamp, Oleen, Pugh, Steineger, Tyson.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **Sub for SB 181**. The Work Comp Act of 1993 was crafted with the intent that injuries that occur outside of the work place not be the responsibility of the employer. This bill clarifies this intent. For years this intent has been eroded by administrative law judges. Kansas will not turn its back on injured workers. Claims that this bill does that are erroneous and serve only to needlessly frighten workers who need our support. **Sub for SB 181** attempts to bring balance back into our workers compensation system and invites all affected parties to continue to make Kansas a safe, wonderful place to work.—KARIN BROWNLEE

Senator Harrington requests the record to show she concurs with the "Explanation of Vote" offered by Senator Brownlee on **Sub for SB 181**.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Tuesday, March 25, 2003.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.

PAT SAVILLE, *Secretary of the Senate*.

