

# Journal of the House

## NINTH DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, January 19, 2007, 9:00 a.m.

The House met pursuant to adjournment with Speaker Neufeld in the chair. The roll was called with 112 members present. Reps. Olson, Powers and Yoder were excused on verified illness. Reps. Aurand, Colyer, Craft, Grant, Huebert, Kiegerl, Masterson, O'Neal, Peterson and Shultz were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Earl Detwiler of Lyndon, pastor, Elmont United Methodist Church, Hoyt United Methodist Church and Chaplain at Stormont-Vail Regional Medical Center, and guest of Rep. Otto:

Dear God: We greet you this morning realizing that today is a gift. We can choose what we wish, but a little help would be appreciated. In the midst of everything we have to do, remind us that we are elected servants of the great State of Kansas. In all the committee work that has to be done, remind us that we exist within a collegial environment empowered by the people of our district. In all the debate and discussion help us to address issues with an intense awareness of our strengths and limitations. With an eye to far reaching implications, remind us that history will judge our actions today and we need your foresight and guidance.

We pray especially for members of our legislative staff in need of your care, Audrey Dunkle in the Research Department whose husband had a heart attack and Karen Lowery from the Revisor's Office whose husband died Thursday morning.

Finally just a couple of things. First, if I show up on any media's video or picture and I am reading the paper or doing other things, please remind my constituents that I adhere to the highest level of multitasking. Second, remember those things I thought about my esteemed colleague across the aisle? I really didn't mean what I thought, I was upset by their apparent shortcomings. In Christ, Amen.

The Pledge of Allegiance was led by Rep. Siegfried.

### PRESENTATION OF PETITIONS

The following petition was presented and filed:

**HP 2001**, by Rep. Otto, a petition encouraging the Kansas Legislature to restrict picketing by Rev. Fred Phelps and the Westboro Baptist Church members to respect the rights of grieving families, submitted by Helen Stiffler and 2,562 others.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2126**, An act concerning the Kansas water authority; relating to membership; amending K.S.A. 2006 Supp. 74-2622 and repealing the existing section, by Representative Sloan.

**HB 2127**, An act concerning certain electric generation facilities; relating to contracts for parallel generation services; amending K.S.A. 66-1,184 and K.S.A. 2006 Supp. 79-201 and repealing the existing sections, by Committee on Energy and Utilities.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

- Appropriations: **HB 2122**.
- Education: **HB 2123**.
- Elections and Governmental Organization: **HB 2094; SB 36**.
- Federal and State Affairs: **SB 33**.
- Health and Human Services: **HB 2096, HB 2097, HB 2098**.
- Insurance and Financial Institutions: **HB 2099, HB 2106, HB 2107, HB 2108, HB 2109, HB 2110, HB 2111, HB 2112, HB 2113, HB 2114, HB 2115, HB 2116, HB 2124, HB 2125**.
- Judiciary: **HB 2095, HB 2104, HB 2105**.
- Taxation: **HB 2100, HB 2101, HB 2102, HB 2103**.
- Transportation: **HB 2117, HB 2118, HB 2119, HB 2120, HB 2121**.

**REPORTS OF STANDING COMMITTEES**

Committee on **Appropriations** recommends **SB 30** be amended on page 1, by striking all in lines 20 through 35 and inserting the following:

“Section 1. (a) For the fiscal years ending June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall not be subject to the provisions of subsection (a) of K.S.A. 75-6702 and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 2.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Keeping education promises trust fund	
For the fiscal year ending June 30, 2007 .....	\$0

*Provided*, That no moneys shall be transferred or expended from the keeping education promises trust fund during fiscal year 2007: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-3711c and amendments thereto, any appropriation act of the 2007 regular session of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the keeping education promises trust fund for fiscal year 2007 or to otherwise authorize or provide for any expenditures from the keeping education promises trust fund for fiscal year 2007.

For the fiscal year ending June 30, 2008 .....	\$0
------------------------------------------------	-----

*Provided*, That, except as specifically authorized by act of the legislature, no moneys shall be transferred or expended from the keeping education promises trust fund during fiscal year 2008: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-3711c and amendments thereto, any appropriation act of the 2007 or 2008 regular session of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the keeping education promises trust fund for fiscal year 2008 or

to otherwise authorize or provide for any expenditures from the keeping education promises trust fund for fiscal year 2008.

For the fiscal year ending June 30, 2009 ..... \$0

*Provided*, That, except as specifically authorized by act of the legislature, no moneys shall be transferred or expended from the keeping education promises trust fund during fiscal year 2009: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-3711c and amendments thereto, any appropriation act of the 2008 or 2009 regular session of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the keeping education promises trust fund for fiscal year 2009 or to otherwise authorize or provide for any expenditures from the keeping education promises trust fund for fiscal year 2009.

(b) On the effective date of this act, or as soon thereafter as moneys are available therefor, subject to and in accordance with the provisions of this subsection, during fiscal year 2007, the director of accounts and reports shall transfer one or more amounts that are equal to \$271,700,000 in the aggregate from the state general fund to the keeping education promises trust fund.

(c) On July 1, 2007, the director of accounts and reports shall transfer \$149,000,000 from the keeping education promises trust fund to the state general fund.”;

Also on page 1, in line 39, by striking “(c)” and inserting “(d)”;

On page 2, by striking all in lines 1 through 17 and inserting the following:

“Sec. 3.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Regents crumbling classrooms debt payment fund

For the fiscal year ending June 30, 2007 ..... \$0

*Provided*, That, except as specifically authorized by act of the legislature, no moneys shall be transferred or expended from the regents crumbling classrooms debt payment fund during fiscal year 2007: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-3711c and amendments thereto, any appropriation act of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the regents crumbling classrooms debt payment fund for fiscal year 2007 or to otherwise authorize or provide for any expenditures from the regents crumbling classrooms debt payment fund for fiscal year 2007.

For the fiscal year ending June 30, 2008 ..... \$0

*Provided*, That, except as specifically authorized by act of the legislature, no moneys shall be transferred or expended from the regents crumbling classrooms debt payment fund during fiscal year 2008: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-3711c and amendments thereto, any appropriation act of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the regents crumbling classrooms debt payment fund for fiscal year 2008 or to otherwise authorize or provide for any expenditures from the regents crumbling classrooms debt payment fund for fiscal year 2008.

For the fiscal year ending June 30, 2009 ..... \$0

*Provided*, That, except as specifically authorized by act of the legislature, no moneys shall be transferred or expended from the regents crumbling classrooms debt payment fund during fiscal year 2009: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-3711c and amendments thereto, any appropriation act of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the regents crumbling classrooms debt payment fund for fiscal year 2009 or to otherwise authorize or provide for any expenditures from the regents crumbling classrooms debt payment fund for fiscal year 2009.

For the fiscal year ending June 30, 2010 ..... \$0

*Provided*, That, except as specifically authorized by act of the legislature, no moneys shall be transferred or expended from the regents crumbling classrooms debt payment fund during fiscal year 2010: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-3711c and amendments thereto, any appropriation act of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the regents crumbling classrooms debt payment fund for fiscal year 2010 or to otherwise authorize or provide for any expenditures from the regents crumbling classrooms debt payment fund for fiscal year 2010.

For the fiscal year ending June 30, 2011 ..... \$0

*Provided*, That, except as specifically authorized by act of the legislature, no moneys shall be transferred or expended from the regents crumbling classrooms debt payment fund during fiscal year 2011: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-3711c and amendments thereto, any appropriation act of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the regents crumbling classrooms debt payment fund for fiscal year 2011 or to otherwise authorize or provide for any expenditures from the regents crumbling classrooms debt payment fund for fiscal year 2011.

For the fiscal year ending June 30, 2012 ..... \$0

*Provided*, That, except as specifically authorized by act of the legislature, no moneys shall be transferred or expended from the regents crumbling classrooms debt payment fund during fiscal year 2012: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-3711c and amendments thereto, any appropriation act of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the regents crumbling classrooms debt payment fund for fiscal year 2012 or to otherwise authorize or provide for any expenditures from the regents crumbling classrooms debt payment fund for fiscal year 2012.

(b) On the effective date of this act, or as soon thereafter as moneys are available therefor, and subject to and in accordance with the provisions of this subsection, during fiscal year 2007, the director of accounts and reports shall transfer \$76,612,979 from the state general fund to the regents crumbling classrooms debt payment fund.

(c) During the fiscal year ending June 30, 2007, the state board of regents shall certify to the director of accounts and reports the amount or amounts and the date or dates of payments to be made during the period commencing on the effective date of this act and June 30, 2007, for payment of principal and interest on bonds issued pursuant to section 13 of chapter 259 of the 1996 Session Laws of Kansas, in accordance with applicable bond covenants. At the same time as such certification is transmitted to the director of accounts and reports, the state board of regents shall transmit a copy of such certification to the director of the budget and the director of the legislative research department. Upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts specified on the date or dates specified in such certification from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair fund of the state board of regents: *Provided*, That the amount or amounts transferred from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair fund of the state board of regents during fiscal year 2007 under this subsection (c) shall not exceed \$1,630,130.

(d) During the fiscal year ending June 30, 2008, the state board of regents shall certify to the director of accounts and reports the amount or amounts and the date or dates of payments to be made during fiscal year 2008 for payment of principal and interest on bonds issued pursuant to section 13 of chapter 259 of the 1996 Session Laws of Kansas, in accordance with applicable bond covenants. At the same time as such certification is transmitted to the director of accounts and reports, the state board of regents shall transmit a copy of such certification to the director of the budget and the director of the legislative research department. Upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts specified on the date or dates specified in such cer-

tification from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair fund of the state board of regents: *Provided*, That the amount or amounts transferred from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair fund of the state board of regents during fiscal year 2008 under this subsection (d) shall not exceed \$15,000,000.

(e) During the fiscal year ending June 30, 2009, the state board of regents shall certify to the director of accounts and reports the amount or amounts and the date or dates of payments to be made during fiscal year 2009 for payment of principal and interest on bonds issued pursuant to section 13 of chapter 259 of the 1996 Session Laws of Kansas, in accordance with applicable bond covenants. At the same time as such certification is transmitted to the director of accounts and reports, the state board of regents shall transmit a copy of such certification to the director of the budget and the director of the legislative research department. Upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts specified on the date or dates specified in such certification from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair fund of the state board of regents: *Provided*, That the amount or amounts transferred from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair fund of the state board of regents during fiscal year 2009 under this subsection (e) shall not exceed \$15,000,000.

(f) During the fiscal year ending June 30, 2010, the state board of regents shall certify to the director of accounts and reports the amount or amounts and the date or dates of payments to be made during fiscal year 2010 for payment of principal and interest on bonds issued pursuant to section 13 of chapter 259 of the 1996 Session Laws of Kansas, in accordance with applicable bond covenants. At the same time as such certification is transmitted to the director of accounts and reports, the state board of regents shall transmit a copy of such certification to the director of the budget and the director of the legislative research department. Upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts specified on the date or dates specified in such certification from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair fund of the state board of regents: *Provided*, That the amount or amounts transferred from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair fund of the state board of regents during fiscal year 2010 under this subsection (f) shall not exceed \$15,000,000.

(g) During the fiscal year ending June 30, 2011, the state board of regents shall certify to the director of accounts and reports the amount or amounts and the date or dates of payments to be made during fiscal year 2011 for payment of principal and interest on bonds issued pursuant to section 13 of chapter 259 of the 1996 Session Laws of Kansas, in accordance with applicable bond covenants. At the same time as such certification is transmitted to the director of accounts and reports, the state board of regents shall transmit a copy of such certification to the director of the budget and the director of the legislative research department. Upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts specified on the date or dates specified in such certification from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair fund of the state board of regents: *Provided*, That the amount or amounts transferred from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair fund of the state board of regents during fiscal year 2011 under this subsection (g) shall not exceed \$15,000,000.

(h) During the fiscal year ending June 30, 2012, the state board of regents shall certify to the director of accounts and reports the amount or amounts and the date or dates of payments to be made during fiscal year 2012 for payment of principal and interest on bonds issued pursuant to section 13 of chapter 259 of the 1996 Session Laws of Kansas, in accordance with applicable bond covenants. At the same time as such certification is transmitted to the director of accounts and reports, the state board of regents shall transmit a copy of such certification to the director of the budget and the director of the legislative research department. Upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts specified on the date or dates specified in such certification from the regents crumbling classrooms debt payment fund to the comprehensive

rehabilitation and repair fund of the state board of regents: *Provided*, That the amount or amounts transferred from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair fund of the state board of regents during fiscal year 2012 under this subsection (h) shall not exceed \$15,000,000.”;

And by renumbering section 3 as section 4;

On page 1, in the title, in line 13, by striking “concerning school finance” and inserting “making and concerning appropriations for the fiscal years ending June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012”; in line 14, preceding the semicolon, by inserting “and the regents crumbling classrooms debt payment fund”; in line 15, by striking all following “to”; by striking all in line 16; in line 17, by striking all preceding the period and inserting “such funds and restricting certain expenditures or transfers of certain moneys during certain fiscal years”;

And the bill be passed as amended.

Committee on **Transportation** recommends **HB 2041** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

#### **REPORT OF STANDING COMMITTEE**

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

**Request No. 3**, by Representative Schwartz, congratulating Lora Lee and Wilbur Link on their 60th wedding anniversary and George and Violet Merrill on their 50th wedding anniversary;

**Request No. 4**, by Representative Kiegerl, congratulating Paul and Dianna Jaklevich on their 50th wedding anniversary;

**Request No. 5**, by Representative Grange, congratulating Michelle Walthers on being named Miss Kansas 2006;

**Request No. 6**, by Representative Neufeld, commending Vickie Tiaht for her two years as President of The Congressional Club;

**Request No. 7**, by Representative Sharp, congratulating David Clark on attaining the rank of Eagle Scout;

**Request No. 8**, by Representative Kiegerl, congratulating Dr. Eileen Mertz on receiving the “25 Under 25 Award”;

**Request No. 9**, by Representative Bowers, congratulating Larry and Madonna Sorell on their 50th wedding anniversary;

**Request No. 10**, by Representative Bowers, congratulating Mel and Elizabeth Steinle on their 50th wedding anniversary;

**Request No. 11**, by Representative Owens, congratulating Jack and Jean Chaney on their 65th wedding anniversary;

**Request No. 12**, by Representative Gatewood, commending Paul Buckner on 60 years of service to the Baxter Springs Fire Department;

**Request No. 13**, by Representative King, congratulating the Independence High School boys and girls tennis teams on winning the 2006 state championship;

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

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

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

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

The following bills were thereupon introduced and read by title:

**HB 2128**, An act concerning elections; concerning petitions; amending K.S.A. 2006 Supp. 25-3601 and repealing the existing section, by Committee on Elections and Governmental Organization.

**HB 2129**, An act concerning elections; dealing with certain crimes; repealing K.S.A. 25-2407, by Committee on Elections and Governmental Organization.

**HB 2130**, An act concerning governmental consolidation and reorganization; amending K.S.A. 12-3901, 12-3902, 12-3903, 12-3904 and 12-3909 and K.S.A. 2006 Supp. 19-205 and repealing the existing sections, by Committee on Elections and Governmental Organization.

**HB 2131**, An act relating to the state fire marshal; providing for interpretive guidelines for rules and regulations, by Committee on Appropriations.

**HB 2132**, An act concerning the state fire marshal; relating to education requirements of certain employees and agents, by Committee on Appropriations.

**HB 2133**, An act concerning fire inspections; providing for an informal dispute resolution procedure, by Committee on Appropriations.

**HB 2134**, An act concerning the powers, duties and functions of the university of Kansas medical center and school of medicine, the university of Kansas hospital and the university of Kansas hospital authority; prescribing limitations on and procedures for partnership, affiliation and other agreements with certain health care facilities, hospitals and research organizations, by Committee on Appropriations.

**HB 2135**, An act relating to the division of vehicles, providing for an expedited processing fee; creating the expedited processing fee fund; amending K.S.A. 2006 Supp. 8-145 and repealing the existing section, by Committee on Transportation.

**HB 2136**, An act relating to motor vehicles; concerning the use of safety belts; amending K.S.A. 8-2503 and 8-2504 and K.S.A. 2006 Supp. 20-350 and repealing the existing sections, by Committee on Transportation.

**HB 2137**, An act regulating traffic; requiring the wearing of helmets when operating motorcycles; amending K.S.A. 8-1598 and repealing the existing section, by Committee on Transportation.

**HB 2138**, An act concerning the registration of vehicles; relating to license plates; establishing a license plate production fee; amending K.S.A. 2006 Supp. 8-145, 8-147 and 8-1,142 and repealing the existing sections, by Committee on Transportation.

**HB 2139**, An act concerning income taxation; relating to credits; taxpayer contributions to educational institutions in certain circumstances, by Representatives Otto and George.

**HB 2140**, An act designating English as the official language of the state of Kansas and concerning its use by state agencies and political or taxing subdivisions, by Representatives Myers, Beamer, Carlson, Crum, Dahl, Faber, Grange, M. Holmes, Humerickhouse, Kelsey, Kiegerl, McLeland, Judy Morrison, Jim Morrison, Peck, Ruff and Schroeder.

**HB 2141**, An act concerning corrections; creating a grant program to fight crime by strengthening community corrections and implementing risk reduction supervision, by Committee on Judiciary.

**HB 2142**, An act concerning corrections; relating to program credits; amending K.S.A. 2006 Supp. 21-4706, 21-4722 and 22-3717 and repealing the existing sections, by Committee on Judiciary.

**HB 2143**, An act concerning child support; relating to wildlife and parks licenses and permits; amending K.S.A. 2006 Supp. 23-495, 32-918 and 32-930 and repealing the existing sections, by Committee on Judiciary.

**HB 2144**, An act concerning certain nursing facilities; relating to reimbursement rates; amending K.S.A. 2006 Supp. 75-5958 and repealing the existing section, by Social Services Budget Committee.

**HB 2145**, An act concerning dispensing devices; relating to vehicle tank meters; amending K.S.A. 55-422, 83-221 and 83-401 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, January 22, 2007.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

