

Journal of the House

NINETEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 2, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker Neufeld in the chair.
The roll was called with 114 members present.
Rep. Powers was excused on verified illness.
Rep. Metsker was excused on legislative business.
Reps. Colyer, Donohoe, Landwehr, Masterson, Merrick, Shultz, Watkins, B. Wolf and Yoder were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Heavenly Father, we know that “the fruit of the Spirit is love, joy, peace, patience, kindness, goodness, faithfulness, gentleness and self-control.” (Galatians 6:22-23)

Today, may our words be spoken with kindness and gentleness. Help us to maintain self-control in our disagreements. Hold us faithful and accountable to our constituents that what we decide will be for their good. Fill us with patience as the discussion may take more time than we like. Help us keep the joy in our attitude of service. May we be at peace with the decisions made. And, may your love permeate our lives. In Jesus’ name, I pray, Amen.

The Pledge of Allegiance was led by Rep. Dahl.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

HB 2350, An act concerning sales taxation; relating to refunds; sales tax paid upon food; amending K.S.A. 2006 Supp. 79-3633 and 79-3635 and repealing the existing sections, by Representative Williams.

HB 2351, An act amending the Kansas mental health parity act; amending K.S.A. 2006 Supp. 40-2,105a and repealing the existing section, by Representative Swenson.

HOUSE CONCURRENT RESOLUTION No. 5011—

By Social Services Budget Committee

A CONCURRENT RESOLUTION urging the United States Congress to act and reauthorize the State Children Health Insurance Program (SCHIP) and associated funding; and urging Governor Sebelius to assist in identifying and enrolling children qualifying for Medicaid or the Kansas HealthWave program.

WHEREAS, The Legislature of the State of Kansas regards the health of our children to be of paramount importance to families in Kansas; and

WHEREAS, The Legislature of the State of Kansas regards poor child health as a threat to the educational achievement, social and psychological well-being of the children of Kansas; and

WHEREAS, The Legislature of the State of Kansas considers protecting the health of our children to be essential to the well-being of our youngest citizens and the quality of life in Kansas; and

WHEREAS, The Legislature considers the Kansas HealthWave program, which was established under K.S.A. 38-2001 et seq., and amendments thereto, and which has enrolled more than 37,000 uninsured children since its inception in 1999, to be an integral part of the arrangements for health benefits for the children of Kansas; and

WHEREAS, The Legislature recognizes the value of the Kansas HealthWave program in preserving child wellness, preventing and treating childhood disease, improving health outcomes, and reducing overall health costs; and

WHEREAS, The Legislature of the State of Kansas considers the federal funding available for the Kansas HealthWave program to be indispensable for providing health benefits for children of modest means: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature urges the members of the Kansas Congressional Delegation to use their best efforts to ensure that the United States Congress timely reauthorizes the State Children Health Insurance Program (SCHIP) to assure federal funding for the Kansas HealthWave program; and

Be it further resolved: That the Legislature urges Governor Sebelius to use her best efforts to work with the Kansas delegation to ensure that SCHIP is reauthorized in a timely manner; and

Be it further resolved: That the Legislature proclaims that all components of state government should work together with educators, health care providers, social workers and parents to ensure that all available public and private assistance for providing health benefits to uninsured children in Kansas be used to the maximum extent possible; and

Be it further resolved: That the Legislature urges Governor Sebelius to use her best efforts to provide meaningful assistance to help identify and enroll children who qualify for Medicaid or the Kansas HealthWave program; and

Be it further resolved: That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, the President of the United State Senate, the Speaker of the United State House of Representatives, the Secretary of the United State Department of Health and Human Services, each member of the Kansas Congressional Delegation, and to Governor Sebelius.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce and Labor: **HB 2344, HB 2345, HB 2346.**

Education: **HB 2325, HB 2337, HB 2338, HB 2339, HB 2343, HB 2347, HB 2348, HB 2349; SB 69.**

Elections and Governmental Organization: **HB 2329, HB 2330, HB 2331, HB 2332, HB 2333, HB 2334.**

Federal and State Affairs: **SB 13, SB 66.**

Health and Human Services: **HB 2327, HB 2341, HB 2342.**

Insurance and Financial Institutions: **HB 2328; SB 102.**

Judiciary: **HB 2326, HB 2340; SB 18, SB 31.**

Taxation: **HB 2335, HB 2336.**

CHANGE OF REFERENCE

Speaker Neufeld announced the withdrawal of **HB 2159** from Committee on Education Budget and referral to Committee on Education.

COMMUNICATIONS FROM STATE OFFICERS

From Helen Pedigo, Executive Director, Kansas Sentencing Commission, 2007 Report to the Legislature.

From Roderick L. Bremby, Secretary, Department of Health and Environment, 2006 Status Report of Tobacco Use in Kansas. The report is also available at www.kdheks.gov/tobacco.

From Tracy Streeter, Director, Kansas Water Office, report on an amendment to Post Rock Rural Water District's Contract No. 01-2 and a long-term water supply Contract No. 06-7 from Hillsdale Reservoir negotiated with the City of Edgerton.

From Steve Kelly, Acting Secretary, Department of Commerce, in accordance with K.S.A. 12-1774(d), 2006 Annual Report on STAR bonds.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE SENATE

Announcing passage of **SB 9, SB 14, SB 34, SB 38, SB 65, SB 99.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 9, SB 14, SB 34, SB 38, SB 65, SB 99.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, pursuant to House Rule 2306, **HB 2071** was withdrawn from the calendar under the heading General Orders and rereferred to Committee on Transportation.

CONSENT CALENDAR

No objection was made to **HB 2161** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2152** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Speaker Neufeld announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over today.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2303** be amended on page 1, in line 28, after "agriculture or designee," by inserting "the livestock commissioner or designee,"; in line 31, after "designee" by inserting "the adjutant general (the state director of homeland security) or designee"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2014** be amended on page 1, in line 15, by striking "The" and inserting "Subject to the provisions of subsection (b), the"; in line 31, by striking "appointments to the" and inserting "initial appointments to the commission, the governor and legislators shall appoint the same members appointed to the Kansas technical college and vocational school commission established pursuant to subsection (c) of section 2 of chapter 216 of the 2006 session laws of Kansas. If any of the members appointed to the Kansas technical college and vocational school commission declines to serve on the Kansas technical college and technical school commission established by this section, the appointing authority shall appoint another person as otherwise provided by this section. If a vacancy occurs in the membership of the commission created by this section, a successor shall be appointed in the same manner as the original appointment. When filling vacancies on the"; in line 37, before "members" by inserting "voting"; and the bill be passed as amended.

Committee on **Elections and Governmental Organization** recommends **HB 2058** be amended on page 2, in line 24, by striking all after the period; by striking all in lines 25 and 26; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 33** be passed.

Committee on **Health and Human Services** recommends **HB 2181, HB 2182** be passed and, because the committee is of the opinion that the bills are 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. 27, by Representative Palmer, congratulating Jacoby Zielinski on his participation in the Gifted and Talented Day at the capitol;

Request No. 28, by Representative Vickrey, congratulating Harold and Greta Achey on their 50th anniversary;

Request No. 29, by Representative Mast, commending Olpe State Bank on their five star rating;

Request No. 30, by Representative Sharp, congratulating Blake Petersen and Anne DeArmond on being winners in the PTA Citizenship Competition;

Request No. 31, by Representative Schroeder, congratulating Bill Ridge on his retirement from the McPherson Area Solid Waste Utility;

Request No. 32, by Representative Colyer, in memory of Dr. Fred McCoy's revolutionizing plastic surgery;

Request No. 33, by Representative Colyer, commending International Medical Corps on working in dangerous war zones;

Request No. 34, by Representative Colyer, commending Nancy Adsey and Rabih Torbay on their work with the International Medical Corps;

Request No. 35, by Representative McKinney, congratulating Rob Scott on being named the Kansas Track and Field 1A Girls Coach of the Year;

Request No. 36, by Representative Treaster, congratulating the Buhler HS debate team on winning the 4A 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. Vickrey, 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 and concurrent resolutions were thereupon introduced and read by title:

HB 2352, An act concerning state educational institutions; relating to fees and tuition; amending K.S.A. 2006 Supp. 76-729 and repealing the existing section; also repealing K.S.A. 2006 Supp. 76-729a, by Representative Tafanelli.

HB 2353, An act concerning fills, levees and other water obstructions; relating to unconsolidated material storage stockpiles or safety berms; amending K.S.A. 2006 Supp. 24-126 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2354, An act concerning public utilities and common carriers; relating to damages sustained by aggrieved parties; amending K.S.A. 66-176 and repealing the existing section, by Committee on Appropriations.

HB 2355, An act concerning the department of health and environment; relating to the food service and lodging act; licensure and inspection of lodging establishments; authorizing and prescribing the disposition of certain fees; amending K.S.A. 36-502 and K.S.A. 2006 Supp. 36-512 and repealing the existing sections, by Committee on Appropriations.

HB 2356, An act concerning eminent domain; amending K.S.A. 26-513 and repealing the existing section, by Committee on Elections and Governmental Organization.

HB 2357, An act concerning counties; relating to the office of election commissioner; amending K.S.A. 19-3419 and repealing the existing section, by Committee on Elections and Governmental Organization.

HB 2358, An act concerning certificates of title; relating to notice of security interest; amending K.S.A. 2006 Supp. 8-135 and repealing the existing section; also repealing K.S.A. 2006 Supp. 8-135e, by Committee on Transportation.

HB 2359, An act concerning crimes and punishment; relating to controlled substances; drug paraphernalia; amending K.S.A. 65-4153 and K.S.A. 2006 Supp. 65-4150, 65-4151 and 65-4152 and repealing the existing sections, by Committee on Judiciary.

HB 2360, An act concerning criminal procedure; relating to the arrest powers of federal law enforcement officers; amending K.S.A. 2006 Supp. 22-2411 and repealing the existing section, by Committee on Judiciary.

HB 2361, An act concerning property taxation; relating to statewide tax levy for public schools; rate of tax; exemption; amending K.S.A. 2006 Supp. 72-6431 and 79-201x and repealing the existing sections, by Committee on Taxation.

HB 2362, An act concerning income taxation; relating to credits; certain expenses related to living organ donations, by Committee on Taxation.

HB 2363, An act concerning civil procedure; relating to summary judgment; terms of court; amending K.S.A. 19-812a, 19-812b, 22-3013, 24-602, 24-603, 24-654, 24-709, 28-139, 41-209, 43-107, 43-112a, 43-112b, 60-206, 60-253 and 60-256 and repealing the existing sections; also repealing K.S.A. 20-325, 20-1036 and 20-3111, by Committee on Judiciary.

HB 2364, An act concerning elections; concerning presentation of photographic identification at time of voting; amending K.S.A. 2006 Supp. 25-1122, 25-1123, 25-2908 and 25-3002 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2365, An act concerning the Kansas highway patrol; amending K.S.A. 74-2113 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2366, An act concerning the minimum wage and maximum hours law; increasing the minimum wage; amending K.S.A. 44-1203 and repealing the existing section, by Committee on Economic Development and Tourism.

HB 2367, An act concerning public benefits and aliens unlawfully present in the United States; imposing certain prohibitions on receipt of public benefits, by Representative Kinzer.

HB 2368, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, by Joint Committee on Special Claims Against the State.

HB 2369, An act concerning school districts; creating the autism scholarship program; relating to the administration thereof, by Representatives Vickrey and George and Garcia, Kiegerl, Judy Morrison, Myers, Otto, Pauls, Roth, Ruff and Siegfried.

HB 2370, An act concerning law enforcement; relating to the enforcement of immigration laws, by Representative Kinzer.

HB 2371, An act concerning income taxation; relating to credits; employers who employ certain members of the Kansas army and air national guard or a Kansas unit of the reserve forces of the United States, by Committee on Federal and State Affairs.

HB 2372, An act enacting Alexa's law; relating to crimes against unborn children, by Committee on Federal and State Affairs.

HB 2373, An act concerning certificates of title; relating to liens on vehicles; amending K.S.A. 2006 Supp. 8-135 and repealing the existing section; also repealing K.S.A. 2006 Supp. 8-135e, by Committee on Transportation.

HB 2374, An act relating to the department of revenue; concerning certain records of the division of vehicles; amending K.S.A. 2006 Supp. 74-2012 and repealing the existing section, by Committee on Transportation.

HB 2375, An act relating to vehicles; concerning the registration of trailers; amending K.S.A. 2006 Supp. 8-128 and 8-143 and repealing the existing sections, by Committee on Transportation.

HB 2376, An act concerning alcoholism and intoxication treatment; relating to treatment facilities, by Committee on Health and Human Services.

HB 2377, An act concerning juveniles; relating to the definition of a juvenile offender; amending K.S.A. 2006 Supp. 38-2302 and repealing the existing section, by Representative King.

HB 2378, An act amending the Kansas automobile injury reparations act; concerning failure to maintain financial security; amending K.S.A. 2006 Supp. 40-3104 and repealing the existing section, by Committee on Insurance and Financial Institutions.

HB 2379, An act concerning employment security law; relating to disqualification; amending K.S.A. 2006 Supp. 44-706 and repealing the existing section, by Committee on Commerce and Labor.

HOUSE CONCURRENT RESOLUTION No. 5012—

By Representatives Kinzer, Brown, Brunk, Carlson, Faber, Fund, Goico, Grange, Hodge, M. Holmes, Kelley, Kelsey, Kiegerl, Knox, Mast, Masterson, O'Neal, Peck, Siegfried, Watkins and Wilk

A PROPOSITION to amend section 24 of article 2 of the constitution of the state of Kansas, relating to appropriations.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 24 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

“§ 24. **Appropriations.** No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law. *The executive and judicial branches shall have no authority to direct the legislative branch to make any appropriation of money or to redirect the expenditure of funds appropriated by law, except as the legislative branch may provide by law or as may be required by the Constitution of the United States.*”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“*Explanatory statement.* The purpose of this amendment is to clarify the relationship of the legislative, executive and judicial branches with regard to any appropriation of money or the expenditures of funds appropriated by law.

“A vote for this amendment would clarify that section 24 of article 2 of the Kansas Constitution provides that neither the judicial branch nor the executive branch can force the legislative branch to appropriate money, except as the legislative branch may provide by law or as may be required by the Constitution of the United States. The amendment would also prohibit the judicial branch from ordering a change in how money is spent after it has been appropriated by the legislative branch, except as the legislative branch may provide by law or as may be required by the Constitution of the United States. If money is appropriated for a particular purpose the judicial branch could not stop that money from being spent for that purpose.

“A vote against this amendment would provide no change to the Kansas Constitution.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election to be held on the first Tuesday after the first Monday in November, 2008, unless a special election is called at an earlier date by concurrent resolution of the legislature, in which case the proposed amendment shall be submitted to the electors of the state at the special election.

HOUSE CONCURRENT RESOLUTION No. 5013—

By Representatives King, Vickrey, Brown, Burgess, Colyer, Crum, Faber, Faust-Goudeau, George, Goico, Gordon, Grange, Horst, Kelley, Kiegerl, Kinzer, Knox, Landwehr, Lane, Mast, Merrick, Metsker, Judy Morrison, Jim Morrison, Myers, O'Neal, Otto, Patton, Peck, Powers, Proehl, Schroeder, Schwartz, Spalding, Swanson, Swenson, Tafanelli, Watkins, Williams and B. Wolf

A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas, relating to property taxation.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

“§ 1. System of taxation; classification; exemption. (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, 1993, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. *The legislature shall provide by law to prohibit valuation increases on real or personal property used for residential purposes which is owned by and the principal place of residence of a Kansas resident who is 65 years of age or older as of January 1 of the tax year, and the legislature may enact legislation to limit application of this provision and enact such other legislation as is necessary to administer this provision.* The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located 11½%
- (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution 30%
- (3) Vacant lots 12%
- (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law 12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed 33%
- (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use 25%
- (7) All other urban and rural real property not otherwise specifically subclassified 30%

Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Mobile homes used for residential purposes 11½%
- (2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25% 30%
- (3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed 33%
- (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985 30%
- (5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than

seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property 25%

(6) All other tangible personal property not otherwise specifically classified 30%

(b) All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, merchants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, livestock, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. This amendment would require the legislature to prohibit valuation increases of real or personal property used for residential purposes which is owned by and the principal place of residence of a Kansas resident who is 65 years of age or older in certain circumstances.

"A vote for this proposition would require the legislature to prohibit valuation increases of real or personal property used for residential purposes which is owned by and the principal place of residence of a Kansas resident who is 65 years of age or older. The amendment would also allow the legislature to enact legislation to limit application of this provision and enact other legislation as necessary to administer this provision.

"A vote against this proposition would maintain the current system of property taxation which provides no such prohibition."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election to be held on the first Tuesday after the first Monday in November, 2008, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

HOUSE CONCURRENT RESOLUTION No. 5014—

By Representatives Kinzer, Brown, Brunk, Carlson, Hodge, Kelley, Kelsey, Kiegerl, Knox, Mast, Masterson, Peck, Siegfried and Watkins

A PROPOSITION to amend section 13 of article 2 of the constitution of the state of Kansas, relating to two-thirds majority required for passage of certain bills.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 13 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 13. Majority for passage of bills. A majority of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill, *except that two-thirds (2/3) of the members then elected (or appointed) and qualified in each house, voting in the affirmative, shall be necessary to pass any bill enacting or amending any law creating any new state tax or increasing the rate of any existing state income tax, sales tax, compensating use tax or other excise tax or a tax in the nature of an excise tax, property tax, or tax in the nature of a property tax, or estate or inheritance tax, or a tax in the nature of an estate or inheritance tax, or any combination thereof.* Two-thirds (2/3) of the members then elected (or appointed) and qualified in each house, voting in the affirmative, shall be necessary to ratify any amendment to the Constitution of the United States or to

make any application for congress to call a convention for proposing amendments to the Constitution of the United States.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“*Explanatory statement.* The purpose of this amendment is to require a supermajority to pass certain bills related to the creation of a new tax or the increase in the rate of any existing tax.

“A vote for this amendment would require two-thirds of the members of the house of representatives and two-thirds of the members of the senate to vote yes to pass any new state tax or increase the rate of any existing state income tax, sales tax, compensating use tax or other excise tax or a tax in the nature of an excise tax, property tax, or tax in the nature of a property tax, or estate or inheritance tax, or tax in the nature of an estate or inheritance tax, or any combination of such taxes.

“A vote against this amendment would provide no change to the constitution and maintain the current requirement that a simple majority of members of the house of representatives and members of the senate is all that is required to pass any bill.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election on the first Tuesday after the first Monday in November, 2008, unless a special election is called at an earlier date by concurrent resolution of the legislature, in which case the proposed amendment shall be submitted to the electors of the state at the special election.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6006—

By Committee on Health and Human Services

A RESOLUTION urging the Governor and the University of Kansas, the University of Kansas Medical Center and the University of Kansas Hospital Authority to not proceed with any affiliations for the University of Kansas Medical Center and the University of Kansas Hospital Authority with other hospitals, institutions and entities until the Legislature has had the opportunity to review the available information on any possible affiliations and to participate in the consideration of these matters affecting the future of the University of Kansas Medical Center and the University of Kansas Hospital Authority, particularly in relation to other important issues affecting Kansas and Kansans.

WHEREAS, The University of Kansas Medical Center is considering potential affiliation with other entities in research and medical areas; and

WHEREAS, Any affiliation of the University of Kansas Medical Center with other entities will have a long-term impact on the future of the University of Kansas Medical Center and the University of Kansas Hospital Authority; and

WHEREAS, It is important to all Kansans to have a strong and viable University Hospital Medical Center and University Hospital; and

WHEREAS, The state expends almost \$248,000,000 in state expenditures for the support of the University of Kansas Medical Center; and

WHEREAS, The programs and activities of the University of Kansas Medical Center and the University Hospital touch the lives of every Kansan; and

WHEREAS, It is imperative that the Legislature of Kansas have the opportunity to review and participate in formulation of any affiliation of the University of Kansas Medical Center with any other entity: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Governor and the University of Kansas are hereby urged to not proceed with any commitments or to

not enter into any letters of intent or other official or unofficial commitments on behalf of the State of Kansas regarding any affiliations for the University of Kansas Medical Center or the University of Kansas Hospital Authority with other hospitals, institutions or entities until the Legislature has the opportunity to review the available information on any possible affiliations and to participate in the consideration of these matters affecting the future of the University of Kansas Medical Center and the University of Kansas Hospital Authority, particularly in relation to other important issues affecting Kansas and Kansans.

REPORT ON ENGROSSED BILLS

HB 2037, HB 2038, HB 2066 reported correctly engrossed February 1, 2007.

On motion of Rep. Vickrey, the House adjourned until 9:45 a.m., Monday, February 5, 2007.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

