

Journal of the House

FORTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 15, 2007, 10:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.
The roll was called with 123 members present.
Rep. Brunk was excused on legislative business.
Rep. Peterson was excused on excused absence by the Speaker.
Present later: Rep. Brunk.

Prayer by the Very Reverend Michael Scully, OFM Cap., Provincial Minister, Capuchin Province of Mid-America, of Hays, and guest of Rep. Colyer:

Creator God,
we thank you for your presence in our lives
and for the gift of life that you have given to us.
We especially thank you for the beauty of creation
and the wonderful gifts that you have granted to us in so many forms.
We ask for wisdom for these women and men
who have been elected to serve us.
We ask especially for the wisdom they need
as they work on the budget for the State of Kansas.
Most of all, we pray that they will have the guidance they need
as they pursue their consciences to serve you
and all of us in your work of creation.
Help them be willing to give of themselves in such a way
that their actions will be totally for the good
of the citizens of our State.
In your name, we pray.

The Pledge of Allegiance was led by Rep. Beamer.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2583. An act concerning lotteries; enacting the Kansas expanded lottery act; authorizing operation of certain casino enterprises, electronic gambling machines, nonelectronic gambling devices and other lottery games at certain locations; prohibiting certain acts and providing penalties for violations; amending K.S.A. 74-8702, 74-8710 and 74-8716 and K.S.A. 2006 Supp. 12-4516, 19-101a, 21-4619, 74-8711 and 79-4805 and repealing the existing sections; also By Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2577.**

Calendar and Printing: **HB 2580.**

Health and Human Services: **HB 2578.**

Taxation: **HB 2579, HB 2581, HB 2582.**

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **HB 2097** from Committee on Health and Human Services and referral to Committee of the Whole.

Also, the withdrawal of **HB 2178**, **HB 2468** from Committee on Appropriations and referral to Select Committee on KPERs.

MESSAGES FROM THE GOVERNOR

HB 2152 approved on March 14, 2007.

MESSAGES FROM THE SENATE

Announcing passage of **Sub. SB 79; SB 351; Sub. SB 354; SB 360**.

Announcing adoption of **SCR 1609**.

Announcing passage of **HB 2107, HB 2109, HB 2116, HB 2161, HB 2190, HB 2193, HB 2216, HB 2230, HB 2232, HB 2233, HB 2249, HB 2374, HB 2385**.

Announcing passage of **HB 2010**, as amended; **HB 2032**, as amended; **HB 2034**, as amended; **Sub. HB 2042**, as amended; **Sub. HB 2108**, as amended; **HB 2112**, as amended; **HB 2268**, as amended; **Sub. HB 2278**, as amended; **HB 2314**, as amended; **HB 2360**, as amended; **HB 2368**, as amended; **HB 2373**, as amended.

The Senate concurs in House amendments to **SB 54**.

The Senate concurs in House amendments to **SB 72**.

The Senate concurs in House amendments to **SB 118**.

Also, announcing passage of **Sub. SB 20; SB 123, SB 319, SB 329; Sub. SB 334; SB 335, SB 362, SB 371**.

Announcing adoption of **SCR 1610**.

Announcing passage of **HB 2293**.

Announcing passage of **HB 2004**, as amended; **Sub. HB 2035**, as amended by **S. Sub. for Sub. HB 2035; HB 2111**, as amended; **HB 2185**, as amended; **HB 2487**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 20; Sub. SB 79; SB 123, SB 319, SB 329; Sub. SB 334; SB 335, SB 351; Sub. SB 354; SB 360, SB 362, SB 371; SCR 1609, SCR 1610.

CONSENT CALENDAR

Objection was made to **SB 112** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 82, SB 285** appearing on the Consent Calendar for the first day.

No objection was made to **SB 114, SB 326** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2491, An act concerning the transfer of certain balances in the motor carrier license fees fund to the state highway fund; amending K.S.A. 66-1,142 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell,

Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Vickrey.

Present but not voting: None.

Absent or not voting: Brunk, Peterson.

The bill passed.

HB 2526. An act concerning monitoring and analysis of mercury deposition in Kansas, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 14; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Bethell, Bowers, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Carlson, Colyer, Hodge, Huebert, Kelley, Kinzer, Mast, Masterson, Olson, Pottorff, Siegfried, Vickrey.

Present but not voting: None.

Absent or not voting: Brunk, Peterson.

The bill passed, as amended.

HB 2530. An act concerning consumer protection; relating to health care providers; amending K.S.A. 50-635 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 14; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Feuerborn, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Long, Lukert, Mah, Mast, Masterson, McKinney, McLachlan, McLeland, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crow, Faust-Goudeau, Flaharty, Flora, Garcia, Henderson, Kuether, Loganbill, McCray-Miller, Menghini, Judy Morrison, Ruiz, Swenson, Winn.

Present but not voting: None.

Absent or not voting: Brunk, Peterson.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote NO on **HB 2530**. What are we thinking? Every single Kansan loses under **HB 2530**. By passing this bill, we are protecting the members of the billion dollar health care industry at the expense of Kansas health care consumers. **HB 2530** is the worst kind of special interest legislation. We should protect Kansas patients instead of trying to justify a special exception to our consumer protection laws. I vote NO.—MARTI CROW

MR. SPEAKER: I vote NO on **HB 2530**. The Kansas Consumer Protection Act was intended to protect Kansans from swindles, cons, and rip-offs. There is no valid reason for the health care industry to be held to a lower standard of consumer protection than nearly every other business and profession.

We say we want to improve access to health care, regulate abortion clinics, and protect frail seniors. Yet **HB 2530** does nothing to improve health care quality for Kansas citizens. Instead, it protects the worst of the worst-health care charlatans that intentionally deceive patients for profit. I vote NO.—DALE SWENSON

MR. SPEAKER: I vote NO on **HB 2530**. I oppose any change to the Kansas Consumer Protection Act that would exempt physicians, lawyers, or any other profession or business from Act's protections for the same reason I oppose any proposal to exempt any class from traffic laws, liquor laws, illicit drug laws or criminal laws. If we proclaim that we are *all* equal before the law, then we must act like we are *all* equal under the law. I vote NO.—ANNIE KUETHER, JULIE MENGhini

MR. SPEAKER: We vote YES on **HB 2530**. This is a carefully limited exception to the consumer protection act. It does not shield physicians from being held accountable for their actions, nor does it prevent a patient from bringing a consumer protection act claim against a physician or health care provider for deceptive business practices. The bill just makes it clear that negligence and standard of care claims are addressed through the medical malpractice tort system, and deceptive billing, advertising, or business disputes are addressed through the consumer protection act. Without this clarification, there would be increased litigation, defense costs, malpractice insurance costs, and ultimately, increased health care costs for Kansans.—MICHAEL R. O'NEAL, KAY WOLF, RICHARD CARLSON, MIKE KIEGERL, JIM MORRISON, ARLEN SIEGFREID, RICHARD J. PROEHL, JOHN C. GRANGE, JASON WATKINS, KEVIN YODER, VERN SWANSON, TOM MOXLEY, DON MYERS, DON SCHROEDER, GARY HAYZLETT, JEFF WHITHAM, LARRY POWELL, MITCH HOLMES, LEE TAFANELLI, DEENA HORST, PEGGY MAST, TY MASTERSON

HB 2535, An act concerning the department on aging; relating to fees for licenses to operate adult care homes; disposition of such fees; creation and administration of the state licensure fee fund; amending K.S.A. 2006 Supp. 39-930 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 7; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfroid, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brown, Dillmore, Huebert, Kelley, Kinzer, Landwehr, Watkins.

Present but not voting: None.

Absent or not voting: Brunk, Peterson.

The bill passed.

HB 2539, An act relating to the conveyance of certain real property of state agencies; authorizing the state board of regents to sell and convey or exchange certain real estate of Emporia state university and Kansas state university; authorizing the state fair board to convey of certain real property in Reno county to the city of Hutchinson; authorizing the department of social and rehabilitation services to convey certain real property in Miami

county to the city of Osawatomie; amending K.S.A. 2006 Supp. 75-3369a and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treasurer, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Peterson.

The bill passed, as amended.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Hayzlett in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Hayzlett, Committee of the Whole report, as follows, was adopted: Recommended that committee report to **HB 2540** be adopted; also, on motion of Rep. Schwartz be amended on page 23, by striking all in lines 6 through 8; and the bill be passed as amended.

On motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 1704 was suspended for the purpose of allowing Reps. Tafanelli and Feuerborn to speak more than once on **HB 2541**.

Committee report to **HB 2541** be adopted; also, on motion of Rep. Schwartz be amended on page 6, in line 1, by subtracting \$20 from the dollar amount in line 1 and by adjusting the dollar amount in line 1 accordingly; and the bill be passed as amended.

On motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 1704 was suspended for the purpose of allowing Reps. Tafanelli and Feuerborn to speak more than once on **HB 2542**.

Committee report to **HB 2542** be adopted; also, on motion of Rep. Wilk be amended on page 149, in line 5, by striking "2008" and inserting "2007 or fiscal year 2008 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or"; in line 9, before "fiscal" by inserting "fiscal year 2007 or"; in line 33, by striking all after the colon; by striking all in lines 34 through 43;

On page 150, by striking all in lines 1 through 6; in line 7, by striking all before the period and inserting "Provided, however, That, if the university of Kansas medical center or the university of Kansas school of medicine, or both, as part of the effort to build a stronger bioscience research capability, decide to expend an affiliation for research and teaching with Saint Luke's health systems, then no such affiliation agreement between the university of Kansas medical center or the university of Kansas school of medicine, or both, and Saint Luke's health system shall be implemented until such affiliation has been reviewed and approved by the affirmative vote of a majority of the members of the state board of regents and the members of the board of directors of the university of Kansas hospital authority";

Also, roll call was demanded on motion of Rep. Roth to amend **HB 2542** on page 29 by striking all in lines 40 through 42;

On page 30, in line 2, by striking all after "match"; by striking all in lines 3 through 6; in line 7, by striking all before the period;

On page 35, after line 12, by inserting the following:

“(d) Notwithstanding the provisions of K.S.A. 2006 Supp. 25-4501, and amendments thereto, on and after the effective date of this act, during the fiscal years ending June 30, 2007, and June 30, 2008, no expenditures shall be made from any moneys appropriated for the secretary of state or any other state agency from the state general fund or any special revenue fund for fiscal years 2007 and 2008 by chapter 142 or 216 of the 2006 Session Laws of Kansas, or by this or other appropriation act of the 2007 regular session of the legislature to hold a presidential preference primary.”;

On roll call, the vote was: Yeas 85; Nays 34; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Bowers, Burroughs, Carlin, Carlson, Craft, Crow, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flora, Frownfelter, Garcia, Gatewood, George, Goico, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, M. Holmes, Huebert, Huntington, Johnson, Kelsey, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, Owens, Palmer, Pauls, Peck, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Siegfried, Svaty, Swanson, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Beamer, Bethell, Brown, Brunk, Burgess, Colyer, Crum, Dillmore, Flaharty, Fund, Gordon, Goyle, Grange, Hodge, Horst, Humerickhouse, Kelley, Kiegerl, King, Kinzer, Knox, Masterson, Metsker, O’Neal, Olson, Otto, Patton, Powers, Sloan, Swenson, Tafanelli, Watkins, Wilk, Yoder.

Present but not voting: None.

Absent or not voting: Colloton, C. Holmes, Peterson, Shultz, Spalding, Storm.

The motion of Rep. Roth prevailed.

Also, on motion of Rep. O’Neal, **HB 2542** be amended on page 245, after line 21, by inserting the following:

“Sec. 97.

KANSAS COMMISSION ON PEACE OFFICERS’ STANDARDS AND TRAINING

(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:

Kansas commission on peace officers’ standards and training fund	
For the fiscal year ending June 30, 2008	\$715,516

Provided, That expenditures from the Kansas commission on peace officers’ standards and training fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$500.”;

And by renumbering the remaining sections accordingly;

Also, roll call was demanded on motion of Rep. Ballard to amend **HB 2542** on page 106, in line 35, by adding \$4,294,993 to the dollar amount and by adjusting the dollar amount in line 35 accordingly;

On roll call, the vote was: Yeas 55; Nays 67; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Phelps, Pottorff, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, King, Kinzer, Knox, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Peck, Pow-

ell, Powers, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Kiegerl, Light, Peterson.

The motion of Rep. Ballard did not prevail.

Also, roll call was demanded on motion of Rep. Henry to amend **HB 2542** on page 108, in line 41, by adding \$3,988,073 to the dollar amount and by adjusting the dollar amount in line 41 accordingly;

On page 111, in line 28, by adding \$1,486,742 to the dollar amount and by adjusting the dollar amount in line 28 accordingly;

On roll call, the vote was: Yeas 53; Nays 63; Present but not voting: 0; Absent or not voting: 9.

Yeas: Ballard, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Pauls, Phelps, Rardin, Roth, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Watkins, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, King, Kinzer, Knox, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Proehl, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Whitham, Wilk, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Frownfelter, Holland, Kiegerl, Palmer, Peterson, Pottorff, Powers, Wetta, Worley.

The motion of Rep. Henry did not prevail.

Also, on motion of Rep. Ward, **HB 2542** be amended, as amended by Representative Wilk, on page 149, in line 5, by striking "2008" and inserting "2007 or fiscal year 2008 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or"; in line 9, before "fiscal" by inserting "fiscal year 2007 or"; in line 33, by striking all after the colon; by striking all in lines 34 through 43;

On page 150, by striking all in lines 1 through 6; in line 7, by striking all before the period and inserting "Provided, however, That, if the university of Kansas medical center or the university of Kansas school of medicine, or both, as part of the effort to build a stronger bioscience research capability, decide to expend an affiliation for research and teaching with Saint Luke's health systems, then no such affiliation agreement between the university of Kansas medical center or the university of Kansas school of medicine, or both, and Saint Luke's health system shall be implemented until such affiliation has been reviewed and approved by the affirmative vote of a majority of the members of the state board of regents, the members of the board of directors of the university of Kansas hospital authority and Wichita Center for Graduate Medical Education";

Also, on motion of Rep. Carlin, **HB 2542** be amended on page 74, in line 33, by adding \$50,000 to the dollar amount and by adjusting the dollar amount in line 33 accordingly;

Also, on motion of Rep. Rhoades, **HB 2542** be amended on page 88, after line 2, by inserting the following to read as follows:

"Newborn screening \$1,200,000";

On page 206, in line 19, by adding 3.0 to the number in the line and adjusting the number in line 19 accordingly;

Also, roll call was demanded on motion of Rep. McLachlan to amend **HB 2542** on page 152, in line 10, by adding \$1,000,000 to the dollar amount and by adjusting the dollar amount in line 10 accordingly;

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

Yeas: Ballard, Burroughs, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Huebert, Kelsey, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Myers, Neighbor, Palmer, Pauls, Phelps, Pottorff, Powers, Rardin, Ruff, Ruiz, Sawyer, Schroeder, Sloan, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Watkins, Wetta, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, George, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kiegerl, King, Kinzer, Knox, Mast, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Peck, Powell, Proehl, Rhoades, Roth, Schwartz, Sharp, Shultz, Siegfried, Spalding, Swanson, Tafanelli, Vickrey, Whitham, Wilk, B. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Carlin, Goico, Hill, Kelley, Peterson, K. Wolf.

The motion of Rep. McLachlan did not prevail.

Also, on motion of Rep. Lane to amend **HB 2542**, the motion was withdrawn.

Also, roll call was demanded on further motion of Rep. Lane to amend **HB 2542** on page 81, by striking all in lines 16 through 18 and inserting the following:

“(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 2007	\$113,438
For the fiscal year ending June 30, 2008	\$477,252”;

On roll call, the vote was: Yeas 46; Nays 71; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Palmer, Pauls, Phelps, Ruff, Ruiz, Sawyer, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hill, Hodge, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Peck, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Hayzlett, Huebert, Landwehr, Light, Peterson, Rardin, Watkins, Whitham.

The motion of Rep. Lane did not prevail.

Also, roll call was demanded on motion of Rep. Frownfelter to amend **HB 2542** on page 182, in line 31, by adding \$117,107 to the dollar amount and by adjusting the dollar amount in line 31 accordingly;

On page 207, in line 1, by adding 2.0 to the number in the line and adjusting the number in line 1 accordingly;

On roll call, the vote was: Yeas 57; Nays 60; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Huntington, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Phelps, Proehl, Ruff, Ruiz, Sawyer, Sharp, Sloan, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Watkins, Wetta, Williams, Winn, Yoder.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Grange, Hayzlett, Hodge, C.

Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Powers, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Spalding, Swanson, Tafanelli, Vickrey, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Gordon, Landwehr, Light, McKinney, Peterson, Rardin, Whitham, Wilk.

The motion of Rep. Frownfelter did not prevail.

Also, rose and reported progress.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 83**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 4, in line 19, by striking “: (i)” in line 20, by striking all after the comma; by striking all in line 21; in line 22, by striking all before “any” and inserting “: (i) In”; in line 24, by striking “or (iii)” and inserting “(ii)”; in line 28, before the period, by inserting “or (iii) elects to have an unemployment tax account established at the time of initial registration in accordance with subsection (c) of K.S.A. 44-711, and amendments thereto”;

On page 21, in line 24, by striking “The” and inserting: “(1) Except as provided further, the”; in line 30, by striking “The”; by striking all in lines 31 and 32; in line 33, by striking all before “No”; in line 35, by striking “(1)” and inserting “(A)”; in line 36, by striking “(2)” and inserting “(B)”; in line 38, by striking “(3)” and inserting “(C)”; in line 43, after the period, by inserting:

“(2) The waiting week requirement of paragraph (1) shall not apply to new claims, filed on or after July 1, 2007, by claimants who become unemployed as a result of an employer terminating business operations within this state, declaring bankruptcy or initiating a work force reduction pursuant to public law 100-379, the federal worker adjustment and retraining notification act (29 U.S.C. 2101 through 2109), as amended. The secretary shall adopt rules and regulations to administer the provisions of this paragraph.

(3) A claimant shall become eligible to receive compensation for the waiting period of one week, pursuant to paragraph (1), upon completion of three weeks of unemployment consecutive to such waiting period.”;

On page 23, in line 16, after “employer”, by inserting “who is not eligible for a rate contribution”; in line 17, by striking “those” and inserting “such”;

On page 30, in line 12, by striking “years” and inserting “year”; also in line 12, by striking “2008” and inserting “subsequent rate years”; in line 24, after “2008” by inserting “and subsequent rate years”; in line 26, by striking “, 2008” and inserting “of the applicable year”; in line 27, after “effective” by inserting “for any rate year”; in line 28, after “1.2” by inserting “as of the computation date of that year’s rates”;

On page 33, by striking all in line 43;

By striking all on pages 34 through 37;

On page 38, by striking all in lines 1 through 12; in line 13, by striking “5.” and inserting “4.”; in line 15, by striking “6.” and inserting “5.”; also in line 15, by striking “and 44-757”;

in line 16, by striking “are” and inserting “is”; in line 17, by striking “7.” and inserting “6.”;

On page 1, in the title, in line 14, by striking “, 44-710a and 44-757” and inserting “and 44-710a”;

And your committee on conference recommends the adoption of this report.

STEVEN R. BRUNK

MIKE KIEGERL

LOUIS E. RUIZ

Conferees on part of House

KARIN BROWNLEE

NICK JORDAN

JIM BARONE

Conferees on part of Senate

On motion of Rep. Brunk, the conference committee report on **SB 83** was adopted.

Call of the House was demanded.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Peterson, Rardin.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Siegfried in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **HB 2542**; also, on motion of Rep. Peck to amend, Rep. Feuerborn requested the question be divided. Rep. Feuerborn subsequently withdrew his request. The question reverted back to the amendment of Rep. Peck, which did not prevail.

Also, roll call was demanded on motion of Rep. Faust-Goudeau to amend **HB 2542** on page 29, by striking all in lines 38 through 42;

On page 30, in line 2, by striking all after "match"; by striking all in lines 3 through 6; in line 7, by striking all before the period;

On page 31, after line 13, by inserting the following:

"(e) Notwithstanding the provisions of K.S.A. 2006 Supp. 25-4501, and amendments thereto, on and after the effective date of this act, during the fiscal years ending June 30, 2007, and June 30, 2008, no expenditures shall be made from any moneys appropriated for the secretary of state or any other state agency from the state general fund or any special revenue fund for fiscal years 2007 and 2008 by chapter 142 or 216 of the 2006 Session Laws of Kansas, or by this or other appropriation act of the 2007 regular session of the legislature to hold a presidential preference primary.";

On page 111, in line 24, by adding \$2,003,640 to the dollar amount and by adjusting the dollar amount in line 24 accordingly;

On roll call, the vote was: Yeas 48; Nays 69; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Otto, Palmer, Pauls, Phelps, Ruff, Ruiz, Sawyer, Sharp, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, George, Gordon, Grange, Hayzlett, Hill, Hodge, C.

Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Owens, Patton, Peck, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Schroeder, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Colloton, Goico, Huntington, Landwehr, Peterson, Rardin, Schwartz, Wilk.

The motion of Rep. Faust-Goudeau did not prevail.

Also, on motion of Rep. Ballard, **HB 2542** be amended on page 88, following line 2, by inserting the following to read as follows:

“Domestic violence and sexual assault outreach services \$2,000,000”;

Also, roll call was demanded on motion of Rep. Menghini to amend **HB 2542**, on page 66, by striking all in lines 38 through 43;

On page 67, by striking all in lines 1 through 9;

On page 71, by striking all in lines 1 through 17;

On roll call, the vote was: Yeas 51; Nays 65; Present but not voting: 0; Absent or not voting: 9.

Yeas: Ballard, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Phelps, Ruff, Ruiz, Sawyer, Sloan, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn, Worley.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Humerickhouse, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Schroeder, Schwartz, Sharp, Siegfried, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Colloton, Faust-Goudeau, Horst, Huntington, Peterson, Rardin, Shultz, Wilk, B. Wolf.

The motion of Rep. Menghini did not prevail.

Also, on motion of Rep. Storm to amend **HB 2542**, the motion did not prevail.

Also, on motion of Rep. Garcia to amend **HB 2542**, Rep. Sharp requested the question be divided. Rep. Garcia subsequently withdrew her amendment.

Also, roll call was demanded on motion of Rep. Sawyer to amend **HB 2542** on page 152, in line 31, by adding \$2,000,000 to the dollar amount and by adjusting the dollar amount in line 29 accordingly;

On roll call, the vote was: Yeas 51; Nays 66; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Kuether, Lane, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Phelps, Ruff, Ruiz, Sawyer, Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Masterson, McLeland, Merrick, Metsker, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Schroeder, Schwartz, Siegfried, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Beamer, Craft, Flora, Horst, Light, Jim Morrison, Peterson, Rardin. The motion of Rep. Sawyer did not prevail.

Also, on motion of Rep. Mah to amend **HB 2542**, the motion did not prevail.

Also, roll call was demanded on further motion of Rep. Mah to amend **HB 2542** on page 234, in line 37, by striking “No” and inserting “The”; in line 41 by striking the word “not”;

On page 235, in line 43, by adding \$1,895,600 to the dollar amount and by adjusting the dollar amount in line 43 accordingly;

On page 237, in line 22, by subtracting \$98,822 from the dollar amount and by adjusting the dollar amount in line 22 accordingly; in line 23, by adding \$3,730 to the dollar amount and by adjusting the dollar amount in line 23 accordingly; in line 24, by adding \$2,896 to the dollar amount and by adjusting the dollar amount in line 24 accordingly; in line 30, by adding \$3,436 to the dollar amount and by adjusting the dollar amount in line 30 accordingly; in line 37, by adding \$2,552 to the dollar amount and by adjusting the dollar amount in line 37 accordingly; in line 43, by adding \$154,737 to the dollar amount and by adjusting the dollar amount in line 43 accordingly;

On roll call, the vote was: Yeas 56; Nays 66; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Burgess, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Gordon, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Patton, Pauls, Phelps, Ruff, Ruiz, Sawyer, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Carlson, Colloton, Colyer, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Peck, Pottorff, Powell, Proehl, Rhoades, Roth, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Peterson, Powers, Rardin.

The motion of Rep. Mah did not prevail.

Also, on motion of Rep. Kelley to amend **HB 2542**, the motion was withdrawn.

Also, on motion of Rep. Ward, **HB 2542** be amended on page 125, after line 39, by inserting the following:

“(c) In addition to the other purposes for which expenditures may be made by the Kansas arts commission from the moneys appropriated from the state general fund or from any special revenue fund for the Kansas arts commission for fiscal year 2008, as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or any other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the Kansas arts commission from moneys appropriated from the state general fund or from any special revenue fund for the Kansas arts commission for fiscal year 2008 to establish a plan to create the celebrate Kansas art program: *Provided*, That the Kansas arts commission shall establish a plan whereby the Kansas arts commission, through cooperation and consultation with the state board of education and the statehouse architect, shall select artwork created by Kansas high school students from each of the 165 legislative districts to be displayed in the public areas of the ground floor of the state capitol building; *Provided further*, That such plan shall include the conducting of a biennial competition for determining the artwork from each legislative district to be displayed in the public areas of the ground floor of the state capitol building; *And provided further*, That such competition shall be open to all students enrolled in accredited high schools of the state and one winner shall be selected from each of the 165 legislative districts; *And provided further*, That such plan shall include provisions for the displaying of all the winning submissions in the public areas of the ground floor of the state capitol building until the winning submissions from the succeeding competition are selected; *And provided further*, That the plan shall be submitted on or before January 1, 2008 to the president of the senate, the speaker of the house of

representatives, the minority leader of the house of representatives and the minority leader of the senate.”;

Also, roll call was demanded on motion of Rep. Goyle to amend **HB 2542** on page 50, in line 5, by adding \$151,969 to the dollar amount and by adjusting the dollar amount in line 5 accordingly;

On page 206, in line 8, by adding 3.0 to the number in the line and adjusting the number in line 8 accordingly;

On roll call, the vote was: Yeas 58; Nays 59; Present but not voting: 0; Absent or not voting: 8.

Yeas: Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Phelps, Pottorff, Proehl, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Kelley, Kelsey, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Otto, Patton, Peck, Powell, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Wilk, B. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Hill, Kiegerl, Masterson, Olson, Peterson, Powers, Rardin. The motion of Rep. Goyle did not prevail.

Also, on motion of Rep. Aurand to amend **HB 2542**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Wetta to amend **HB 2542** on page 78, following line 38, by inserting the following:

“Small business association assistance plan fund No limit
Provided, That expenditures may be made from the small business association assistance plan fund for interest-free loans which are hereby authorized to be entered into by the secretary of commerce for the purpose of financing the initial costs associated with the forming and organizing of small business associations to assist small business members of the association to obtain access to quality and affordable health care plans: *Provided further*, That such loans shall be made upon such terms and conditions as the secretary of commerce may deem appropriate: *And provided further*, That for the purposes of this proviso, “small business” means any business that employs 50 or less employees.”;

On page 79, following line 36, by inserting the following:

“(g) (1) On July 1, 2007, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the small business association assistance plan fund.

(2) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the small business association assistance plan fund interest earnings based on:

(A) The average daily balance of moneys in the small business association assistance plan fund for the preceding month; and

(B) The net earnings rate for the pooled money investment portfolio for the preceding month.”;

On roll call, the vote was: Yeas 49; Nays 67; Present but not voting: 0; Absent or not voting: 9.

Yeas: Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Palmer, Pauls, Phelps, Ruff, Ruiz, Sawyer, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Williams, Winn, Yoder.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hill, Hodge, C. Holmes, M. Holmes, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, King, Kinzer,

Knox, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Proehl, Rhoades, Roth, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Wilk, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Ballard, Colloton, Horst, Huebert, Peterson, Pottorff, Powers, Rardin, Storm.

The motion of Rep. Wetta did not prevail.

Also, on motion of Rep. Loganbill, **HB 2542** be amended on page 115, after line 25 by inserting the following:

Early headstart \$1,600,000;

Also, on motion of Rep. Kelley to amend **HB 2542**, the motion did not prevail.

Also, on motion of Rep. Garcia to amend **HB 2542**, Rep. Sharp requested the question be divided. The question was divided.

Roll call was demanded on Part A of the motion of Rep. Garcia to amend on page 86, in line 33, by adding \$584,000 to the dollar amount and by adjusting the dollar amount in line 33 accordingly;

On roll call, the vote was: Yeas 56; Nays 63; Present but not voting: 0; Absent or not voting: 6.

Yeas: Burroughs, Carlin, Colloton, Craft, Crow, Davis, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goico, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Huntington, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Phelps, Pottorff, Proehl, Ruff, Ruiz, Sawyer, Sharp, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Winn, Worley.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, George, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Dillmore, Landwehr, Peterson, Powers, Rardin.

Part A of the motion of Rep. Garcia did not prevail.

Roll call was demanded on Part B of the motion of Rep. Garcia to amend **HB 2542** on page 87, in line 29, by adding \$250,000 to the dollar amount and by adjusting the dollar amount in line 29 accordingly;

On roll call, the vote was: Yeas 45; Nays 75; Present but not voting: 0; Absent or not voting: 5.

Yeas: Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Palmer, Pauls, Phelps, Ruff, Ruiz, Sawyer, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hill, Hodge, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Peck, Pottorff, Powell, Proehl, Rhoades, Roth, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Huebert, Peterson, Powers, Rardin.

Part B of the motion of Rep. Garcia did not prevail; also Part C of the motion was withdrawn.

Also, on motion of Rep. Feuerborn to amend **HB 2542**, the motion did not prevail.

Also, on motion of Rep. Lane, **HB 2542** be amended on page 81, following line 33, by inserting:

“Provided, That in addition to the other purposes for which expenditures may be made by the above agency from this fund for the fiscal year ending June 30, 2008, expenditures may be made by the above agency from this fund for the costs incurred to establish two full-time investigative auditors: *Provided further*, That expenditures from this fund for fiscal year 2008 for such auditors shall not exceed \$107,438.”;

On page 83, following line 15, by inserting:

“(f) In addition to the other purposes for which expenditures may be made by the above agency from the workmen’s compensation fee fund for fiscal year 2007, expenditures may be made by the above agency from the workmen’s compensation fee fund for fiscal year 2007 to establish two full-time investigative auditors: *Provided*, That expenditures from this fund for fiscal year 2007 for such auditors shall not exceed \$113,438: *Provided further*, That all expenditures from this fund for any such auditors shall be in addition to any expenditure limitation imposed on the workmen’s compensation fee fund for fiscal year 2007.”;

Also, on motion of Rep. Huebert to amend **HB 2542**, the motion did not prevail. Also, on motion of Rep. Hawk to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Williams to amend **HB 2542** on page 169, following line 15, by inserting the following to read as follows:

“Disaster relief \$2,000,000

Provided, That any unencumbered balance in the disaster relief account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.”;

On roll call, the vote was: Yeas 57; Nays 61; Present but not voting: 0; Absent or not voting: 7.

Yeas: Beamer, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Gatewood, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Holland, M. Holmes, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Otto, Owens, Palmer, Pauls, Phelps, Powell, Proehl, Ruff, Ruiz, Sawyer, Schwartz, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Williams, Winn.

Nays: Aurand, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hill, Hodge, Horst, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, Master-son, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O’Neal, Olson, Patton, Peck, Pottorff, Rhoades, Roth, Schroeder, Sharp, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Garcia, C. Holmes, Huebert, Peterson, Powers, Rardin.

The motion of Rep. Williams did not prevail.

Also, on motion of Rep. Hodge to amend **HB 2542**, the motion did not prevail.

Also, on motion of Rep. Tafanelli, **HB 2542** be amended on page 71, in line 17, before the period, by inserting “: *Provided*, That, during the fiscal year ending June 30, 2008, the director of the budget in consultation with the director of legislative research shall determine if an additional amount is required to be credited under this subsection for the payment of homestead property tax refunds under the homestead property tax refund act and upon making such determination, shall certify the additional amount required for such purpose to the director of accounts and reports: *Provided further*, That, upon receipt of any such certification during fiscal year 2008, the director of accounts and reports shall transfer the amount certified from the income tax refund fund to the homestead property tax refunds account of the state general fund: *And provided further*, That, during the fiscal year ending June 30, 2008, the director of the budget in consultation with the director of legislative

research shall determine if an additional amount is required to be credited under this subsection for the payment of refunds of sales tax paid on food in accordance with the procedures prescribed by K.S.A. 79-32,105, and amendments thereto, and upon making such determination, shall certify the additional amount required for such purpose to the director of accounts and reports: *And provided further*, That, upon receipt of any such certification during fiscal year 2008, the director of accounts and reports shall transfer the amount certified from the income tax refund fund to the food sales tax refunds account of the state general fund.

(g) On and after the effective date of this act during the fiscal year ending June 30, 2007, the director of the budget in consultation with the director of legislative research shall determine if an additional amount is required to be credited under this subsection for the payment of homestead property tax refunds under the homestead property tax refund act and upon making such determination, shall certify the additional amount required for such purpose to the director of accounts and reports: *Provided*, That, upon receipt of any such certification during fiscal year 2007, the director of accounts and reports shall transfer the amount certified from the income tax refund fund to the homestead property tax refunds account of the state general fund: *Provided further*, That, during the fiscal year ending June 30, 2007, the director of the budget in consultation with the director of legislative research shall determine if an additional amount is required to be credited under this subsection for the payment of refunds of sales tax paid on food in accordance with the procedures prescribed by K.S.A. 79-32,105, and amendments thereto, and upon making such determination, shall certify the additional amount required for such purpose to the director of accounts and reports: *And provided further*, That, upon receipt of any such certification during fiscal year 2007, the director of accounts and reports shall transfer the amount certified from the income tax refund fund to the food sales tax refunds account of the state general fund”

Also, on motion of Rep. Schwartz, **HB 2542** be amended on page 23, in line 11, by adding \$700 to the dollar amount in line 11 and by adjusting the dollar amount in line 11 accordingly; in line 14, by striking all after “That”; by striking all in lines 15 through 19; in line 20, by striking all before “expenditures”;

On page 102, in line 10, by adding \$1,000 to the dollar amount and by adjusting the dollar amount in line 10 accordingly;

On page 108, in line 41, by subtracting \$4,403,073 from the dollar amount in line 41 and by adjusting the dollar amount in line 41 accordingly; line 36, by adding \$593,960 to the dollar amount in line 36 and by adjusting the dollar amount in line 36 accordingly;

On page 109, in line 41, by adding \$775,847 the dollar amount in line 41 and by adjusting the dollar amount in line 41 accordingly;

On page 111, in line 24, by subtracting \$178,960 from the dollar amount in line 24 and by adjusting the dollar amount in line 24 accordingly; in line 28, by adding \$3,988,073 to the dollar amount in line 28 and by adjusting the dollar amount in line 28 accordingly;

On page 124, in line 23, by adding \$123,270 to the dollar amount and by adjusting the dollar amount in line 23 accordingly; in line 29, by subtracting \$51,730 and by adjusting the dollar amount in line 29 accordingly; in line 34, by subtracting \$51,730 and by adjusting the dollar amount in line 34 accordingly;

On page 125, in line 6, by adding \$100,000 to the dollar amount and by adjusting the dollar amount in line 6 accordingly; in line 15, by subtracting \$100,000 and by adjusting the dollar amount in line 15 accordingly;

On page 127, in line 27, by adding \$50,000 to the dollar amount and by adjusting the dollar amount in line 27 accordingly; in line 33, by subtracting \$50,000 and by adjusting the dollar amount in line 33 accordingly;

On page 182, in line 31, by subtracting \$796 from the dollar amount in line 31 and by adjusting the dollar amount in line 31 accordingly; in line 35, by adding \$796 to the dollar amount in line 35 and by adjusting the dollar amount in line 35 accordingly;

On page 231, in line 21, by striking “2007” and inserting “2008”;

Also, on further motion of Rep. Schwartz, **HB 2542** be amended on page 196, in line 25, by subtracting \$200,000 from the dollar amount in line 25 and by adjusting the dollar amount in line 25 accordingly; in line 28, before the period, by inserting “: *Provided further*, That no expenditures shall be made from the state parks operating expenditures account

for operating expenditures for state park no. 24 until (1) an environmental impact statement has been completed for such park and (2) all cost issues involved with possible hazardous materials, ADA compliance and cultural compliance issues with state park no. 24 have been identified and have been rectified or otherwise resolved”;

On page 207, in line 7, by subtracting 1.00 from the number in line 7 and by adjusting the number in line 7 accordingly; and **HB 2542** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resource** recommends **SB 188** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Education** recommends **SB 69** be amended on page 2, in line 1, by striking “which equals at least 25%” and inserting “equal to the state prescribed percentage”; in line 5, following the period by inserting the following:

“(5) If a district was authorized to make a levy pursuant to this section in school year 2006-2007, such district shall remain authorized to levy such tax at the rate levied in school year 2006-2007 if: (A) The amount determined under (4) is a positive number; and (B) the district continues to adopt a local option budget in an amount equal to the state prescribed percentage in effect in school year 2006-2007.”;

On page 3, in line 11, by striking “has”; by striking all in line 12; in line 16, preceding the period by inserting “has adopted a local option budget in an amount which equals the state prescribed percentage in the school year in which the district first applies to the state board of tax appeals for authority to make a levy pursuant to this section”; following line 30, by inserting the following:

“If a district was authorized to make a levy pursuant to this section in school year 2006-2007, such district shall remain authorized to make such levy in school year 2007-2008 if the district adopts a local option budget in an amount equal to the state prescribed percentage in effect in school year 2006-2007.”;

On page 4, following line 10, by inserting the following:

“Sec. 3. K.S.A. 2006 Supp. 72-6450 is hereby amended to read as follows: 72-6450. The cost of living weighting of a district shall be determined by the state board in each school year in which such weighting may be assigned to enrollment of the district as follows:

(1) Divide the amount determined under subsection (c)(4) of K.S.A. 2006 Supp. 72-6449, and amendments thereto, by the amount determined under subsection (c)(2) of K.S.A. 2006 Supp. 72-6449, and amendments thereto;

(2) multiply the dividend determined under (1) by .095;

(3) (A) multiply the district’s state financial aid, excluding the amount determined under this provision, by the lesser of the product determined under (2) or ~~.05~~ .04 in school year 2007-2008;

(B) multiply the district’s state financial aid, excluding the amount determined under this provision, by the lesser of the product determined under (2) or .03 in school year 2008-2009;

(C) multiply the district’s state financial aid, excluding the amount determined under this provision, by the lesser of the product determined under (2) or .02 in school year 2009-2010; and

(4) divide the product determined under (3) by the base state aid per pupil for the current school year. The quotient is the cost of living weighting of the district.”;

And by renumbering the remaining sections accordingly;

Also on page 4, in line 11, preceding “and” by inserting “, 72-6450”;

In the title, in line 11, following “72-6449” by inserting “, 72-6450”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2451** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2451,” as follows:

“Substitute for HOUSE BILL No. 2451

By Committee on Federal and State Affairs

“AN ACT concerning child support enforcement; amending K.S.A. 23-4,119, 60-2403 and 74-147 and K.S.A. 2006 Supp. 23-495, 32-918, 32-930 and 39-756 and repealing the

existing sections; also repealing K.S.A. 2006 Supp. 39-756b.”; and the substitute bill be passed.

(**Sub. HB 2451** was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **SB 202** be passed.

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

Committee on **Insurance and Financial Institutions** recommends **SB 121** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **HB 2071** be amended by adoption of the amendments recommended by the House Committee on Transportation reported in the Journal of the House of Representatives on February 14, 2007, and the bill, as printed with amendments by House Committee, be further amended, on page 1, in line 13, preceding “Section” by inserting “New”; in lines 25 and 37, preceding “Sec.” by inserting “New”;

On page 2, in lines 6, 18 and 30, preceding “Sec.” by inserting “New”;

On page 3, following line 7, by inserting the following:

“Sec. 7. K.S.A. 68-115 is hereby amended to read as follows: 68-115. (a) Except as provided by subsection (b), it shall be the duty of each and every county engineer to open or cause to be opened all state and county roads and of each and every township trustee to open or cause to be opened all mail routes and township roads which have been or may hereafter be laid out or established through any part of the respective county or township. Notice of such action shall be given to the owner or owners, or their agent or agents, if residing in the county, or, if such owner is incapacitated, to the guardian of such person, if a resident of the county, through whose inclosed or cultivated lands such road is laid out or established. Such notice shall direct such property owners to open such road through their lands within 90 days after service of such notice. If the person or persons so notified do not open such road within the time stated in such notice, it shall be lawful and it is hereby made the duty of such county engineer on state and county roads and of such trustee on township roads and mail route roads to respectively enter upon such property and open such roads. ~~If such notice is given between the March 1, and October 1, the notice shall designate the next following January 1, as the time of opening such road.~~ And the county engineer or township trustee respectively shall keep the same in repair, and remove or cause to be removed all obstructions that may be found therein. The township trustee and the county engineer are hereby authorized to enter upon any land near or adjoining such public road, to dig and carry away any gravel, sand, stone, clay, gypsum or any other road-building material and to purchase any timber which may be necessary to improve or repair the road, and to enter upon any land adjoining or lying near such road, to make such drains or ditches through the same as the county engineer or township trustee deems necessary for the benefit of the roads, doing as little damage to the lands as the nature of the case and the public good will permit. The drains and ditches thus made shall be kept open if necessary by the township trustee or county engineer and shall not be obstructed by the owner or occupants of the land or by any other person, under the penalty of being fined not exceeding \$10 for each offense.

The owner of any gravel, sand, stone, clay, gypsum or any other road-building material taken, or the owner of the land through which ditches or drains may be made, as herein provided, or the owner of the crops thereon, shall be allowed a fair and reasonable compensation for the material so taken or for any injuries the lands or crops may sustain in consequence of the making of such drains or ditches. The amount of such compensation shall be determined, allowed and paid by the highway commissioners in event such material is used upon a mail route or a township road, and determined, allowed and paid by the board of county commissioners of the county when such material is used upon a county or state road. Such claims shall be allowed and paid in the same manner as other ordinary claims against the county or township and the claimant shall have the same right of appeal as is now provided by law in other cases.

(b) If the owner of any property adjacent to or abutting a township road which has been laid out but not opened prior to the effective date of this act desires to have such road

opened, it shall be the duty of such owner to open such road. Such property owner shall establish a maintainable road bed and drainage in accordance with the standards established by the township board pursuant to K.S.A. 68-115a, *and amendments thereto*. Thereafter, it shall be the duty of the township board to maintain such road as required by subsection (a).

If the owner of any property adjacent to or abutting a township road which has been opened prior to the effective date of this act, but such road has not been maintained by the township for at least 20 years or has not been regularly used by the general public and the owner desires to have the road maintained for general public use, it shall be the duty of such owner to establish a maintainable road bed and drainage in accordance with the standards established by the township board pursuant to K.S.A. 68-115a, *and amendments thereto*. Thereafter, it shall be the duty of the township board to maintain such road as required by subsection (a).

If there is a dispute between landowners regarding the location of a township road, the county engineer shall determine the location of the road.

Sec. 8. K.S.A. 68-115 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 10, preceding the period by inserting “; concerning the opening of certain roads; amending K.S.A. 68-115 and repealing the existing section”; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 211** be amended on page 1, following the enacting clause by inserting the following:

“Section 1. K.S.A. 8-2502 is hereby amended to read as follows: 8-2502. As used in this act, “passenger car” means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle, ~~a trailer or a vehicle constructed either on a truck chassis registered for a gross weight of more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds or a vehicle constructed with special features for occasional off-road operation or a motor-driven cycle.~~”;

And by renumbering the remaining sections accordingly;

On page 1, in line 17, by striking “Section” and inserting “Sec.”;

On page 2, in line 18, by striking all following “fined”; in line 19, by striking “court costs” and inserting “\$60”; in line 21, by striking “not”; in line 22, by striking all preceding the period and inserting “\$60”;

On page 5, in line 17, after the first “K.S.A.” by inserting “8-2502.”;

In the title, in line 12, after “K.S.A.” by inserting “8-2502.”; and the bill be passed as amended.

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 bill was thereupon introduced and read by title:

HB 2584, An act concerning retirement and pensions; relating to the Kansas police and firemen’s retirement system; affiliation by Kansas department of wildlife and parks; membership of certain officers and employees; employer and employee contributions, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **SB 203** from Committee on Judiciary and referral to Committee on Calendar and Printing.

Also, the withdrawal of **HB 2533** from Committee on Education Budget and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2578** from Committee on Health and Human Services and referral to Committee on Appropriations.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 83**.

The Senate nonconcurrs in House amendments to **SB 249**, requests a conference and has appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 249**.

Speaker pro tem Dahl thereupon appointed Reps. Faber, Knox and Svaty as conferees on the part of the House.

REPORT ON ENGROSSED BILLS

HB 2208, HB 2220, HB 2526, HB 2530, HB 2539 reported correctly engrossed March 14, 2007.

HB 2021 reported correctly re-engrossed March 14, 2007.

Also, **HB 2541** reported correctly engrossed March 15, 2007.

REPORT ON ENROLLED RESOLUTIONS

HR 6011, HR 6013 reported correctly enrolled and properly signed on March 15, 2007.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Friday, March 16, 2007.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

