

Journal of the House

SIXTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Saturday, April 28, 2007, 9:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair. The roll was called with 124 members present. Rep. Hill was excused on excused absence by the Speaker.

Prayer by Rep. Svaty:

Almighty God,

We pause before you this morning with many different thoughts — thoughts for the day; thoughts for yesterday; thoughts for the remainder of the veto session. Help us to remember that we are a temporal body, yet remind us that even today we can be positive instruments in each other's lives and the lives of all Kansans. As we seek your wisdom, guide us toward humility, as we gain your humility, direct us toward measured action. We thank you for the bountiful gifts you have freely showered upon the great state of Kansas, and especially for your providence, pressed down, shaken, and running over. At the end of the day, Lord, grant us your rest and your peace.

And, Lord, please be with anyone in this chamber getting married two weeks from today.

In your most holy and precious name we pray, Amen.

The Pledge of Allegiance was led by Rep. Trimmer.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Insurance and Financial Institutions: **HB 2601**.

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits certificate of action by the Senate on **House Bill 2528**, An act concerning firearms; amending K.S.A. 59-2979 and 59-29b79 and K.S.A. 2006 Supp. 12-16,124, 75-7c04, 75-7c10, 75-7c11, 75-7c17 and 75-7c25 and repealing the existing sections.

The veto message from the Governor having been received, a motion was made that notwithstanding the Governor's objections to **House Bill 2528**, the bill be passed. By a vote of 30 yeas and 10 Nays, the motion having received the required two-thirds majority of the elected members of the Senate, voting in the affirmative, the motion prevailed and the bill passed.

CERTIFICATE

In accordance with K.S.A. 45-304, it is certified that, **House Bill 2528**, An act concerning firearms; amending K.S.A. 59-2979 and 59-29b79 and K.S.A. 2006 Supp. 12-16,124, 75-7c04, 75-7c10, 75-7c11, 75-7c17 and 75-7c25 and repealing the existing sections, was not approved by the Governor on April 13, 2007; was returned by her with her objections and approved on April 26, 2007 by two-thirds of the members elected to the House of Representatives notwithstanding the objections of the governor; was reconsidered by the Senate

and was approved on April 27, 2007, by two-thirds of the members elected to the Senate, notwithstanding the objections, the bill did pass and shall become law.

This certificate is made this 27th day of April 2007 by the Secretary of the Senate and the President of the Senate and the Chief Clerk and Speaker of the House of Representatives.

PAT SAVILLE
Secretary of the Senate
 STEPHEN MORRIS
President of the Senate
 JANET E. JONES
Chief Clerk of the House of Representatives
 MELVIN NEUFELD
Speaker of the House of Representatives

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2360** and has appointed Senators Vratil, Bruce and Goodwin as second conferees on the part of the Senate.

Also, announcing passage of **HB 2597**.

Announcing passage of **Sub. HB 2451**, as amended by **S. Sub. for Sub. HB 2451**.

The Senate adopts conference committee report on **SB 30**.

The Senate adopts conference committee report on **H. Sub. for SB 35**.

The Senate adopts conference committee report on **SB 68**.

The Senate adopts conference committee report on **SB 138**.

The Senate adopts conference committee report on **SB 166**.

The Senate adopts conference committee report on **SB 204**.

The Senate adopts conference committee report on **SB 351**.

The Senate adopts conference committee report on **HB 2005**.

The Senate adopts conference committee report on **HB 2113**.

The Senate adopts conference committee report on **HB 2128**.

The Senate adopts conference committee report on **Sub. HB 2310**.

The Senate adopts conference committee report on **HB 2360**.

The Senate concurs in House amendments to **H. Sub. for Sub. SB 215**.

The Senate nonconcur in House amendments to **H. Sub. for SB 14**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as third conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **SB 23** and has appointed Senators Schodorf, Vratil and Lee as third 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 **H. Sub. for SB 14**.

Speaker pro tem Dahl thereupon appointed Reps. O'Neal, Kinzer and Pauls as third conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S. Sub. for Sub. HB 2451**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. O'Neal to concur in Senate amendments to **S. Sub. for Sub. HB 2451**, the motion was withdrawn (see further action).

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2005**, submits the following report:

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

On page 5, following line 12 by inserting the following:

“(p) “Museum facility” means a separate newly-constructed museum building and facilities directly related and necessary to the operation thereof, including gift shops and restaurant facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility. The museum facility shall be owned by the state, a city, county, other political subdivision of the state or a non-profit corporation, shall be managed by the state, a city, county, other political subdivision of the state or a non-profit corporation and may not be leased to any developer and shall not be located within any retail or commercial building.”;

And by redesignating the remaining subsections accordingly;

Also on page 5, in line 21, by striking “13” and inserting “14”; following line 41 by inserting “(17) museum facility;

(18) major motorsports complex.”;

And by redesignating the remaining paragraphs accordingly;

On page 6, in line 8, by striking “9” and inserting “10”; in line 12, by striking “17” and inserting “19”;

On page 7, in line 11, by striking the period and inserting “; or

(4) is a major motorsports complex, as defined in subsection (k), and amendments thereto.”;

Also on page 7, in line 18, after the period by inserting “A STAR bond project district includes a redevelopment district, as defined in K.S.A. 12-1770a, and amendments thereto, created prior to the effective date of this act for the Wichita Waterwalk project in Wichita, Kansas, provided, the city creating such redevelopment district submits an application for approval for STAR bond financing to the secretary on or before July 31, 2007, and receives a final letter of determination from the secretary approving or disapproving the request for STAR bond financing on or before November 1, 2007.”;

On page 8, in line 35, by striking “9” and inserting “10”;

On page 9, in line 3, by striking “9” and inserting “10”; in line 23, by striking “9” and inserting “10”; in line 26, by striking all after “(h)”;

by striking all in lines 27 through 33 and inserting “The secretary shall not approve any application for STAR bond project financing which is submitted by a city or county more than one year after the STAR bond project district in which the STAR bond project is located has been established.”;

On page 10, in line 11, by striking “(b)” and inserting “(f)(2) of section 7, and amendments thereto”;

by striking all in lines 12 through 18;

And by redesignating the remaining subsections accordingly;

On page 12, in line 34, by striking “9” and inserting “10”; in line 38, by striking “9” and inserting “10”;

On page 17, in line 7, by striking “9” and inserting “10”; following line 15, by inserting the following:

“New Sec. 9. (a) Any city or county which has received approval for a STAR bond project may request STAR bond issuance authority to issue additional STAR bonds in an amount in excess of the amount previously approved by the secretary. Any city or county requesting such additional STAR bond issuance authority shall make application for approval to the secretary. Such application shall include all information required to be submitted to the secretary for initial approval of a STAR bond project, including, but not limited to, a feasibility study as required by section 7, and amendments thereto.

(b) The secretary shall review all of the information submitted by the city or county in the request for additional STAR bond issuance authority and determine whether to approve a request, and, if approved, issue an approval letter for additional STAR bond issuance authority based upon the requirements within this act and rules and regulations developed by the secretary.

(c) The secretary may approve such additional STAR bond issuance authority in an amount not to exceed 50% of the total costs of the addition or expansion to the STAR bond project for which the additional STAR bond issuance authority is sought, including all project

costs and any other costs related to the project addition or expansion. The proceeds of such additional STAR bond financing may only be used to pay for incurred project costs of such addition or expansion.”;

And by renumbering the remaining sections accordingly;

On page 19, following line 20 by inserting the following:

“(b) (1) Subject to the provisions of paragraph (2) of this subsection, any city shall have the power to issue full faith and credit tax increment bonds to finance the undertaking, establishment or redevelopment of any major motorsports complex, as defined in subsection (k) of section 3, and amendments thereto. Such full faith and credit tax increment bonds shall be made payable, both as to principal and interest: (A) From the revenue sources identified in paragraph (1) of subsection (a) or by any combination of these sources; and (B) subject to the provisions of paragraph (2) of this subsection, from a pledge of the city’s full faith and credit to use its ad valorem taxing authority for repayment thereof in the event all other authorized sources of revenue are not sufficient.

(2) Except as provided in paragraph (3) of this subsection, before the governing body of any city proposes to issue full faith and credit tax increment bonds as authorized by this subsection, the feasibility study required by subsection (b) of section 7, and amendments thereto, shall demonstrate that the benefits derived from the project will exceed the cost and that the income therefrom will be sufficient to pay the costs of the project. No full faith and credit tax increment bonds shall be issued unless the governing body states in the resolution required by subsection (e) of section 7, and amendments thereto, that it may issue such bonds to finance the proposed STAR bond project. The governing body may issue the bonds unless within 60 days following the conclusion of the public hearing on the proposed STAR bond project plan a protest petition signed by 3% of the qualified voters of the city is filed with the city clerk in accordance with the provisions of K.S.A. 25-3601, et seq., and amendments thereto. If a sufficient petition is filed, no full faith and credit tax increment bonds shall be issued until the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law. The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the city from issuing special obligation bonds in accordance with this section. No such election shall be held in the event the board of county commissioners or the board of education determines, as provided in section 6, and amendments thereto, that the proposed STAR bond project district will have an adverse effect on the county or school district.

(3) As an alternative to paragraph (2) of this subsection, any city which adopts a STAR bond project plan for a major motorsports complex, but does not state its intent to issue full faith and credit tax increment bonds in the resolution required by subsection (e) of section 7, and amendments thereto, and has not acquired property in the STAR bond project area may issue full faith and credit tax increment bonds if the governing body of the city adopts a resolution stating its intent to issue the bonds and the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law. The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the city from issuing special obligation bonds pursuant to paragraph (1) of subsection (a). Any project plan adopted by a city prior to the effective date of this act in accordance with K.S.A. 12-1772, and amendments thereto, shall not be invalidated by any requirements of this act.

(4) During the progress of any major motorsports complex project in which the project costs will be financed, in whole or in part, with the proceeds of full faith and credit tax increment bonds, the city may issue temporary notes in the manner provided in K.S.A. 10-123, and amendments thereto, to pay the project costs for the major motorsports complex project. Such temporary notes shall not be issued and the city shall not acquire property in the STAR bond project area until the requirements of paragraph (2) or (3) of this subsection, whichever is applicable, have been met.

(5) Full faith and credit tax increment bonds issued under this subsection shall be general obligations of the city and are declared to be negotiable instruments. Such bonds shall be issued in accordance with the general bond law. All such bonds and all income or interest therefrom shall be exempt from all state taxes except inheritance taxes. The amount of the

full faith and credit tax increment bonds issued and outstanding which exceeds 3% of the assessed valuation of the city shall be within the bonded debt limit applicable to such city.

(6) Any city issuing full faith and credit tax increment bonds under the provisions of this subsection may refund all or part of such issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.”;

And by redesignating the remaining subsections accordingly;

On page 20, in line 7, by striking “9” and inserting “10”;

On page 21, in line 8, by striking “(b)” and inserting “(f)”;

in line 17, by striking “or bioscience development project plan”;

in line 24, before the period by inserting “; however, eminent domain may be used only as authorized by K.S.A. 26-501b, and amendments thereto”;

also in line 24, by striking all after the period; by striking all in lines 25 through 40;

On page 22, in line 3, by striking “13” and inserting “14”;

in line 5, by striking “this act” and inserting “K.S.A. 26-501, et seq., and amendments thereto,”;

in line 8, after “property” by inserting “acquired pursuant to this section that is”;

in line 12, after “property” by inserting “acquired pursuant to this section that is”;

in line 13, after “leased” by inserting “in accordance with the STAR bond project plan”;

On page 23, in line 39, by striking “9” and inserting “10”;

On page 24, in line 8, by striking “9” and inserting “10”;

in line 10, by striking “9” and inserting “10”;

On page 25, in line 2, by striking “9” and inserting “10”;

on page 27, in line 2, by striking “9” and inserting “10”;

in line 11, by striking “9” and inserting “10”;

On page 28, by striking all in lines 9 through 14;

And by renumbering the remaining sections accordingly;

On page 31, in line 11, by striking “jobs and”;

in line 13, by striking “state and region” and inserting “jurisdiction in which the project is located”;

On page 33, after line 12, by inserting the following:

“(M) major multi-sport athletic complex;

(N) museum facility.”;

And by redesignating the remaining subparagraphs accordingly;

Also on page 33, in line 15, by striking “and” as it appears the second time; in line 31, after “include” by inserting a colon; also in line 31, by striking the second colon; in line 42, after “to” by inserting “developers,”;

in line 43, after “the” by inserting “developers or any other”;

On page 34, in line 1, after “in” by inserting “or located in”;

in line 7, by striking “and”;

in line 9, by striking the period and inserting a semicolon; also following line 9, by inserting the following:

(vii) any personal property, as defined in K.S.A. 79-102, and amendments thereto; and

(viii) travel, entertainment and hospitality.”;

On page 35, in line 13, by striking “major”;

in line 14, by striking all before “and” as it appears the second time and inserting “redevelopment district”;

in line 26, by striking all after “means”;

by striking all in lines 27 through 30 and inserting “an athletic complex that is utilized for the training of athletes, the practice of athletic teams, the playing of athletic games or the hosting of events. Such project may include playing fields, parking lots and other developments including grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor centers, signage and temporary hospitality facilities, but excluding hotels, motels, restaurants and retail facilities, not directly related to or necessary to the operation of such facility.”;

On page 37, following line 19 by inserting the following:

“(pp) “Museum facility” means a separate newly-constructed museum building and facilities directly related and necessary to the operation thereof, including gift shops and restaurant facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility. The museum facility shall be owned by the state, a city, county, other political subdivision of the state or a non-profit corporation, shall be managed by the state, a city, county, other political subdivision of the state or a

non-profit corporation and may not be leased to any developer and shall not be located within any retail or commercial building.”;

Also on page 37, in line 42, by striking “(b)” and inserting “(c)”;

On page 44, by striking all in lines 19 through 32;

On page 49, in line 37, after “bonds” by inserting “or full faith and credit tax increment bonds”;

On page 51, following line 21, by inserting the following:

“New Sec. 29. Any city that created a redevelopment district or a bioscience development district prior to the effective date of this act may by ordinance elect to have the provisions of this act applicable to such redevelopment district or bioscience development district.”;

By striking all in lines 22 through 43;

By striking all on pages 52 through 102;

On page 103, by striking all in lines 1 and 2;

And by renumbering the remaining sections accordingly;

On page 104, by striking all in lines 16 through 43;

By striking all on pages 105 through 109;

On page 110, by striking all in lines 1 through 22;

And by renumbering the remaining sections accordingly;

Also on page 110, by striking all in lines 23 through 39 and inserting the following:

“Sec. 33. K.S.A. 12-1770 and 12-1776 and K.S.A. 2006 Supp. 12-1770a, 12-1771, 12-1771b, 12-1771d, 12-1773, 12-1773, as amended by section 3 of chapter 192 of the 2006 Session Laws of Kansas, 12-1774, 12-1774a, 12-1780b, 12-1780c, 12-1780d, 12-1780e, 12-1780f, 74-99c04, 74-99c08 and 74-99c10 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 14, by striking all after the semicolon; in line 15, by striking all before “establishing”; also in line 15, by striking all after the second semicolon; by striking all in lines 16 through 38, and inserting “amending K.S.A. 12-1770 and 12-1776 and K.S.A. 2006 Supp. 12-1770a, 12-1771, 12-1771b, 12-1773, 12-1774, 12-1774a, 74-99c04, 74-99c08 and 74-99c10 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 12-1773, as amended by section 3 of chapter 192 of the 2006 Session Laws of Kansas, 12-1771d, 12-1780b, 12-1780c, 12-1780d, 12-1780e and 12-1780f.”;

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

NICK JORDAN

JIM BARONE

Conferees on part of Senate

LANA GORDON

TERRIE HUNTINGTON

VALDENIA C. WINN

Conferees on part of House

On motion of Rep. Gordon, the conference committee report on **HB 2005** was adopted.

On roll call, the vote was: Yeas 104; Nays 19; Present but not voting: 0; Absent or not voting: 2.

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

Present but not voting: None.
Absent or not voting: Flora, Hill.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2113**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2113**, submits the following report:

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

On page 2, by striking all in lines 15 through 43;
By striking all on pages 3 and 4;
On page 5, by striking all in lines 1 through 40;
And by renumbering the remaining sections accordingly;
Also on page 5, in line 41, by striking "and K.S.A. 2006 Supp. 75-37,121 are" and inserting "is";
On page 1, in the title, in line 13, by striking "and K.S.A. 2006 Supp. 75-37,121"; in line 14, by striking "sections" and inserting "section";

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

RUTH TEICHMAN
DAVID WYSONG
CHRIS STEINEGER
Conferees on part of Senate

CLARK SHULTZ
ANTHONY BROWN
NILE DILLMORE
Conferees on part of House

On motion of Rep. Shultz, the conference committee report on **HB 2113** was adopted.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, 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, Peterson, 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, 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: Hill.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2128**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2128**, submits the following report:

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

On page 1, by striking all in lines 15 through 43;

By striking all on pages 2 through 4 and inserting:

“Section 1. K.S.A. 2006 Supp. 25-213 is hereby amended to read as follows: 25-213. At all national and state primary elections, the national and state offices as specified for each in this section shall be printed upon the official primary election ballot for national and state offices and the county and township offices as specified for each in this section shall be printed upon the official primary election ballot for county and township offices. The official primary election ballots shall have the following heading:

OFFICIAL PRIMARY ELECTION BALLOT

_____ Party

To vote for a person whose name is printed on the ballot make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space, if any is provided, and make a cross or check mark in the square to the left.

The words national and state or the words county and township shall appear on the line preceding the part of the form shown above.

The form shown shall be followed by the names of the persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections, and for the national and state offices in the following order: United States senator, United States representative from _____ district, governor and lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of insurance, senator _____ district, representative _____ district, district judge _____ district, district magistrate judge _____ district, district attorney _____ judicial district, and member state board of education _____ district. For county and township offices the form shall be followed by the names of persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections in the following order: commissioner _____ district, county clerk, treasurer, register of deeds, county attorney, sheriff, township trustee, township treasurer, township clerk. When any office is not to be elected, it shall be omitted from the ballot. Other offices to be elected but not listed, shall be inserted in the proper places. For each office there shall be a statement of the number to vote for.

To the left of each name there shall be printed a square. Official primary election ballots may be printed in one or more columns. The names certified by the secretary of state or county election officer shall be printed on official primary election ballots and no others. In case there are no nomination petitions or declarations on file for any particular office, the title to the office shall be printed on the ballot followed by a blank line with a square, and such title, followed by a blank line, may be printed in the list of candidates published in the official paper. No blank line shall be printed following any office where there are nomination petitions or declarations on file for the office except following the offices of precinct committeeman and precinct committeewoman. Except as otherwise provided in this section, no person's name shall be printed more than once on either the official primary election ballot for national and state offices or the official primary election ballot for county and township offices. No name that is printed on the official primary election ballot as a candidate of a political party shall be printed or written in as a candidate for any office on the official primary election ballot of any other political party. If a person is a candidate for the unexpired term for an office, the person's name may be printed on the same ballot as a candidate for the next regular term for such office. The name of any candidate on the ballot may be printed on the same ballot as such candidate and also as a candidate for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for national and state offices shall be printed or written in elsewhere on such ballot or on the official primary election ballot for county and township offices except for precinct com-

mitteeman or committeewoman. No name that is printed on the official primary election ballot for county and township offices shall be printed or written in on the official primary election ballot for national and state offices or elsewhere on such county and township ballot except for precinct committeeman or committeewoman.

No person shall be elected to the office of precinct committeeman or precinct committeewoman where no nomination petitions or declarations have been filed, unless the person receives at least five write-in votes. As a result of a primary election, no person shall receive the nomination and no person's name shall be printed on the official general election ballot when no nomination petitions or declarations were filed, unless the person receives votes equal in number to not less than ~~10%~~ 5% of the ~~electors who voted for the office of secretary of state at the last preceding general election for such office~~ total of the current voter registration designated in the state, county or district in which the office is sought, as compiled by the office of the secretary of state, except that a candidate for township office may receive the nomination and have such person's name printed on the ballot where no nomination petitions or declarations have been filed if such candidate receives three or more write-in votes. No such person shall be required to obtain more than 5,000 votes.

Sec. 2. K.S.A. 25-3005a is hereby amended to read as follows: 25-3005a. (a) As used in this act "authorized poll agent" means any one of the following persons:

- (1) Chairperson of county party committee;
- (2) chairpersons of committees concerned with question submitted elections;
- (3) chairperson of state party committee;
- (4) any candidate;
- (5) any precinct committeeman or precinct committeewoman;
- (6) any write-in candidate who has filed an affidavit of write-in pursuant to K.S.A. 25-305, and amendments thereto;
- (7) any person appointed as provided in this section by any of the persons specified in this subsection.

(b) Every person appointed to be an authorized poll agent under authority of this act shall be so appointed in writing by the person making such appointment. Such written appointment shall be filed with the county election office by hand delivery, express delivery service, facsimile transmission or any electronic method authorized by the secretary of state and a copy of such appointment shall be carried by the authorized poll agent at all times such person is acting as such agent and shall be displayed upon demand of any member of any election board or any other election officer. Each authorized poll agent shall wear a badge clearly identifying the wearer as an authorized poll agent. The badge shall contain the word "observer" in 32-point or larger type. The badge shall be issued by the county election officer. Every appointment of an authorized poll agent shall be made in such form as is approved by the secretary of state. The number of authorized poll agents in each voting place at any one time appointed by any of the following shall be limited to the number indicated:

- (1) State and county chairpersons, one;
- (2) candidates, not to exceed one each;
- (3) precinct committeemen and committeewomen, one each;
- (4) the chairperson of each committee or organization concerned with any election on a question submitted, one each;
- (5) write-in candidates who have filed an affidavit or write-in pursuant to K.S.A. 25-305, and amendments thereto, one each.

(c) When any candidate or any precinct committeeman or precinct committeewoman is acting as an authorized poll agent, such person shall carry identification which shall be supplied by the county election officer. Such identification shall indicate the authority by which such person is an authorized poll agent, and the same shall be in such form as is approved by the secretary of state. Whenever an authorized poll agent is required to carry identification under the provisions of this subsection such agent shall display the same upon demand of any member of any election board or any other election officer.

(d) Each person appointed to be an authorized poll agent shall:

- (1) Be a registered Kansas voter;
- (2) a member of any candidate's immediate family; or

(3) *be a person under 18 years of age but at least 14 years of age who meets all other requirements for qualification of an elector except that of age.*

~~(d)~~ (e) The provisions of this section shall apply to all elections.

(f) *Violations of this section shall be a class C nonperson misdemeanor.*

Sec. 3. K.S.A. 25-2407 is hereby amended to read as follows: 25-2407. Corrupt political advertising is:

(a) (1) Publishing or causing to be published in a newspaper or other periodical any paid matter which ~~is designed or tends to aid, injure or defeat any candidate for nomination or election to public office~~ *expressly advocates the nomination, election or defeat of any candidate*, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairman of the political or other organization inserting the same or the name of the person who is responsible therefor; or

~~(b)~~ (2) broadcasting or causing to be broadcast by any radio or television station any paid matter which ~~is designed or tends to aid, injure or defeat any candidate for nomination or election to public office~~ *expressly advocates the nomination, election or defeat of any candidate*, unless such matter is followed by a statement ~~that the preceding was an advertisement together with the name of the chairman of the~~ *which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the* political or other organization sponsoring the same or the name of the person who is responsible therefor; or

~~(c)~~ (3) publishing or causing to be published in a newspaper or other periodical any paid matter which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairman of the political or other organization inserting the same or the name of the person who is responsible therefor; ~~or~~

~~(d)~~ (4) broadcasting or causing to be broadcast by any radio or television station any paid matter which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by ~~the a statement that the preceding was an advertisement together with the name of the chairman of the~~ *a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the* political or other organization sponsoring the same or the name of the person who is responsible therefor; ~~or~~

(5) *publishing or causing to be published any brochure, flier or other political fact sheet which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.*

(b) Corrupt political advertising is a class C misdemeanor.

(c) *For the purposes of this section, the term "expressly advocate the nomination, election or defeat of a candidate" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.*

Sec. 4. K.S.A. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b) (1) Corrupt political advertising of a state or local office is:

(A) Publishing or causing to be published in a newspaper or other periodical any paid matter which expressly advocates the nomination, election or defeat of a clearly identified

candidate for a state or local office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(B) broadcasting or causing to be broadcast by any radio or television station any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor; or

(C) publishing or causing to be published any brochure, flier or other political fact sheet which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a *statement which states: "Paid for" or "Sponsored by" followed* by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subsection (C) requiring the disclosure of the name of an individual shall not apply to individuals making expenditures in an aggregate amount of less than \$2,500 within a calendar year.

(2) Corrupt political advertising of a state or local office is a class C misdemeanor.

(c) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this section which can be given effect without the invalid application or provision, and to this end the provisions of this section are declared to be severable.

New Sec. 5. Advance voting suppression is knowingly, with intent to impede, obstruct or exert undue influence on the election process: (a) Destroying or altering another person's advance voting ballot applied for, or completed, by a registered voter, unless such registered voter consents in writing to such destruction or alteration;

(b) obstructing the delivery of an advance voting ballot to a voter or a completed advance voting ballot to the county election officer;

(c) failing to deliver any such advance voting ballot to the appropriate county election officer within two business days or before the close of polls on election day, whichever first occurs;

(d) exercising undue influence upon an advance voter in applying for, delivering or marking an advance voting ballot; or

(e) opening an advance voting ballot envelope sealed by the voter or examining or disclosing the contents of such voter's advance voting ballot except as required to fulfill official duties as otherwise prescribed by law.

(f) Delivering an advance voting ballot to the United States mail, with first-class postage attached, at least five calendar days prior to election day for delivery to the county election officer shall not be a violation of this section.

(g) As used in this section:

(1) "Undue influence" means coercion, compulsion or restraint as to diminish the voter's free agency, and by overcoming the power of resistance, obliges or causes such voter to adopt the will of another; and

(2) "deliver" means hand-deliver, mail or otherwise transmit an advance voting ballot.

Advance voting suppression is a severity level 9, nonperson felony.

Sec. 6. K.S.A. 25-2407, 25-3005a and 25-4156 and K.S.A. 2006 Supp. 25-213 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.;

In the title, by striking all in lines 10 through 12 and inserting:

"AN ACT concerning elections; amending K.S.A. 25-2407, 25-3005a and 25-4156 and K.S.A. 2006 Supp. 25-213 and repealing the existing sections.;"

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

TIM HUELSKAMP
 ROGER P. REITZ
 MARCI FRANCISCO
Conferees on part of Senate

MICHAEL B. BURGESS
 TED POWERS
 TOM SAWYER
Conferees on part of House

On motion of Rep. Burgess, the conference committee report on **HB 2128** was adopted. On roll call, the vote was: Yeas 80; Nays 44; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Ballard, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flora, Frownfelter, Garcia, Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Owens, Palmer, Pauls, Peterson, Phelps, Rardin, Ruff, Ruiz, Schroeder, Storm, Svaty, Swenson, Tietze, Trimmer, Ward, Wilk, Williams, Winn.

Present but not voting: None.

Absent or not voting: Hill.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **Sub. HB 2310**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and Mr. Speaker: Your committee on conference on Senate amendments to **HB 2310**, submits the following report:

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

On page 1, by striking all in lines 19 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 14; preceding line 15, by inserting the following:

“New Section 1. (a) The legislative educational planning committee in collaboration with the 2010 commission shall study and make recommendations relating to early childhood education. The committee and commission shall:

(1) Develop a coordinated, comprehensive system for the delivery of early childhood education services;

(2) identify priorities for early childhood education services;

(3) identify barriers to service and gaps in service due to strict definition of boundaries between departments and agencies;

(4) facilitate interagency and interdepartmental cooperation toward the common goal of serving children;

(5) investigate and identify methodologies for the combining of funds across departmental boundaries to better serve children;

(6) propose actions needed to achieve coordination of funding and services across departmental lines;

(7) encourage and facilitate joint planning and coordination between the public and private sectors to better serve the needs of children;

(8) determine whether a centralized internet-based reporting system would provide a more efficient and effective system to comply with reporting requirements imposed by law;

(9) make recommendations relating to the design of a universal application form and single point of access for families in need of early childhood education services;

(10) evaluate and report on the performance and cost effectiveness of early childhood education services and make recommendations necessary to ensure that private entities and public agencies are accountable for the progress of children and that such services produce high quality opportunities for children;

(11) make recommendations to improve communication with local agencies which provide early childhood education services in order to keep such local agencies informed of the availability of state and federal moneys for early childhood education services and make recommendations to assist such local agencies in obtaining such state and federal moneys and the utilization of such moneys so as to avoid waste and abuse;

(12) conduct hearings to receive a wide variety of input from individuals and groups affected by and concerned with the quality, efficiency and cost of early childhood education services; and

(13) prepare a plan which recommends the establishment by January 1, 2009, of the office of early childhood education and the manner in which such office should be structured.

(b) For the purposes of conducting the study required by subsection (a), the commissioner of education, the secretary of the Kansas department of health and environment, the secretary of the state department of social and rehabilitation services and the executive director of the Kansas children's cabinet shall be ex officio members of the legislative educational planning committee and the 2010 commission.

(c) On or before December 31, 2007, the legislative educational planning committee shall submit a report of its activities to the governor and the legislature. Such report shall include the recommendations adopted by the committee and the 2010 commission and a copy of the plan adopted pursuant to paragraph (13) of subsection (a). The report shall include recommendations for changes in the law which are necessary to implement such recommendations and plan.

New Sec. 2. (a) On and after July 1, 2007, each person employed by the Kansas state school for the blind as a teacher or licensed personnel during a school year shall be paid compensation for such employment at a rate that is not less than the rate of compensation that is paid to a teacher or licensed personnel employed by unified school district no. 233, Olathe, Kansas, as of September 1 of the preceding school year, who has comparable or substantially the same levels of education and experience as the person employed by the Kansas state school for the blind or, if no such teacher or licensed personnel is employed by such school district for the preceding school year, then such person employed by the Kansas state school for the blind shall be paid compensation at a rate that is not less than the rate of compensation that would be paid to such a teacher or licensed personnel employed by unified school district no. 233, Olathe, Kansas, as of September 1 of the preceding school year.

(b) As used in this section:

(1) "Teacher" means a teacher as defined by K.S.A. 76-11a04, and amendments thereto.

(2) "Licensed personnel" means a person who is required to hold a license and who is paid on the teacher salary schedule including, but not limited to, librarians, counselors and nurses.

New Sec. 3. (a) On and after July 1, 2007, each person employed by the Kansas state school for the deaf as a teacher or licensed personnel during a school year, shall be paid compensation for such employment at a rate that is not less than the rate of compensation that is paid to a teacher or licensed personnel employed by unified school district no. 233, Olathe, Kansas, as of September 1 of the preceding school year, who has comparable or substantially the same levels of education and experience as the person employed by the Kansas state school for the deaf or, if no such teacher or licensed personnel is employed by

such school district for the preceding school year, then such person employed by the Kansas state school for the deaf shall be paid compensation at a rate that is not less than the rate of compensation that would be paid to such a teacher or licensed personnel employed by unified school district no. 233, Olathe, Kansas, as of September 1 of the preceding school year.

(b) As used in this section:

(1) "Teacher" means a teacher as defined by K.S.A. 76-11a04, and amendments thereto.

(2) "Licensed personnel" means a person who is required to hold a license and who is paid on the teacher salary schedule including, but not limited to, librarians, counselors and nurses.

Sec. 4. K.S.A. 2006 Supp. 72-6449 is hereby amended to read as follows: 72-6449. (a) As used in this section, "school district" or "district" means a school district authorized to make a levy under this section.

(b) The board of education of any district may levy a tax on the taxable tangible property within the district for the purpose of financing the costs incurred by the state that are attributable directly to assignment of the cost of living weighting to the enrollment of the district. There is hereby established in every school district a fund which shall be called the cost of living fund, which fund shall consist of all moneys deposited therein or transferred thereto in accordance with law. All moneys derived from a tax imposed pursuant to this section shall be credited to the cost of living fund. The proceeds from the tax levied by a district credited to the cost of living fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(c) The state board of education shall determine whether a district may levy a tax under this section as follows:

(1) Determine the statewide average appraised value of single family residences for the calendar year preceding the current school year;

(2) multiply the amount determined under (1) by 1.25;

(3) determine the average appraised value of single family residences in each school district for the calendar year preceding the current school year; and

(4) (A) subtract the amount determined under (2) from the amount determined under

(3). If the amount determined for the district under ~~(4)~~ this paragraph is a positive number and the district is authorized to adopt and has adopted a local option budget in an amount equal to the state prescribed percentage in the current school year at least 31% of the state financial aid for the school district, the district qualifies for assignment of cost of living weighting and may levy a tax on the taxable tangible property of the district for the purpose of financing the costs that are attributable directly to assignment of the cost of living weighting to enrollment of the district; or

(B) As an alternative to the authority provided in paragraph (4)(A), 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 a rate necessary to generate revenue in the same amount generated in school year 2006-2007 if: (i) The amount determined under paragraph (4)(A) is a positive number; and (ii) 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.

(d) ~~Except as provided by subsection (e);~~ No tax may be levied under this section unless the board of education adopts a resolution authorizing such a tax levy and publishes the resolution at least once in a newspaper having general circulation in the district. Except as provided by subsection (e), the resolution shall be published in substantial compliance with the following form:

Unified School District No. _____,

_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to levy an ad valorem tax in an amount not to exceed the amount necessary to finance the costs

attributable directly to the assignment of cost of living weighting to the enrollment of the district. The ad valorem tax authorized by this resolution may be levied unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after the publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether the levy of such a tax shall be authorized in accordance with the provisions of this resolution to the electors of the school district at the next general election of the school district, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the _____ day of _____, (year):_____.

Clerk of the board of education.

All of the blanks in the resolution shall be filled. If no petition as specified above is filed in accordance with the provisions of the resolution, the resolution authorizing the ad valorem tax levy shall become effective. If a petition is filed as provided in the resolution, the board may notify the county election officer to submit the question of whether such tax levy shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and of no force and effect and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If a majority of the votes cast in an election conducted pursuant to this provision are in favor of the resolution, such resolution shall be effective on the date of such election. If a majority of the votes cast are not in favor of the resolution, the resolution shall be deemed of no effect and no like resolution shall be adopted by the board within the nine months following such election.

~~(c) Any resolution adopted pursuant to this section for school year 2005-2006 shall not be subject to the provisions of subsection (d) relating to publication, protest or election.~~

Sec. 5. K.S.A. 2006 Supp. 72-6451 is hereby amended to read as follows: 72-6451. (a) As used in this section:

(1) "School district" or "district" means a school district which: (A) Has a declining enrollment; and (B) for school year 2005-2006, has adopted a local option budget in an amount which equals at least 25%; or (C) for school year 2006-2007 and each school year thereafter, has adopted a local option budget in an amount which equals the state prescribed percentage at least 31% of the state financial aid for the school district at the time the district applies to the state board of tax appeals for authority to make a levy pursuant to this section.

(2) "Declining enrollment" means an enrollment which has declined in amount from that of the preceding school year.

(b) (1) (A) A school district may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state board of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of declining enrollment weighting to enrollment of the district. The state board of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the amount of revenues lost as a result of the declining enrollment of the district. Such amount shall not exceed 5% of the general fund budget of the district in the school year in which the district applies to the state board of tax appeals for authority to make a levy pursuant to this section.

(B) As an alternative to the authority provided in paragraph (1)(A), 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 a levy at a rate necessary to generate revenue in the same amount that was generated 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.

(2) The board of tax appeals shall certify to the state board the amount authorized to be produced by the levy of a tax under this section.

(3) The state board shall prescribe guidelines for the data that school districts shall include in cases before the state board of tax appeals pursuant to this section.

(c) A district may levy the tax authorized pursuant to this section for a period of time not to exceed two years unless authority to make such levy is renewed by the state board of tax appeals. The state board of tax appeals may renew the authority to make such levy for periods of time not to exceed two years.

(d) The state board shall provide to the state board of tax appeals such school data and information requested by the state board of tax appeals and any other information deemed necessary by the state board.

(e) There is hereby established in every district a fund which shall be called the declining enrollment fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The proceeds from the tax levied by a district under authority of this section shall be credited to the declining enrollment fund of the district. The proceeds from the tax levied by a district credited to the declining enrollment fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

Sec. 6. K.S.A. 2006 Supp. 72-6449 and 72-6451 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, by striking all in lines 14, 15 and 16; following line 16, by inserting the following:

“AN ACT concerning school districts; relating to early childhood education services; relating to the state schools for the deaf and the blind; relating to school finance; amending K.S.A. 2006 Supp. 72-6449 and 72-6451 and repealing the existing sections.”;

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

JEAN KURTIS SCHODORF

JOHN VRATIL

JANIS K. LEE

Conferees on part of Senate

CLAY AURAND

DEENA HORST

SUE STORM

Conferees on part of House

On motion of Rep. Aurand, the conference committee report on **Sub. HB 2310** was adopted.

On roll call, the vote was: Yeas 121; Nays 3; Present but not voting: 0; Absent or not voting: 1.

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, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, 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, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, 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: Kelley, Peck, Rhoades.

Present but not voting: None.

Absent or not voting: Hill.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2360**, submits the following report:

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

On page 1, by striking all in lines 15 through 43;

On page 2, by striking all in lines 1, 2 and 3 and inserting the following:

“Section 1. K.S.A. 2006 Supp. 20-3129 is hereby amended to read as follows: 20-3129.

(a) Subject to the limitations contained in this section, the clerks of the district courts shall tax a library fee in an amount determined by the trustees of the law library in each county for the benefit and account of the law library in each county. Such library fee shall be not less than \$2 nor more than \$10 in all cases commenced pursuant to chapter 60 of the Kansas Statutes Annotated and in all felony criminal cases and shall be not less than \$.50 nor more than \$7 in all other cases.

(b) *The clerks of the district courts in Sedgwick county and Johnson county may tax an additional fee in an amount determined by the trustees of the law library in each county for the benefit and account of the law library in each such county. Such additional library fee shall not be more than \$4 in all cases.*

(c) The trustee of the law library in each county may increase law library fees under this ~~subsection~~ section once per calendar year as of July 1. Changed law library fees shall be effective as of that date and when filed with the clerk of the supreme court. The trustees of the law library in each county shall file with the respective clerks the fees to be charged in that court.

~~(d)~~ (d) The fees provided for by subsection (a) shall be deducted from the docket fee. *The fees provided for by subsection (b) shall be in addition to the docket fees established by law.*

~~(e)~~ (e) In criminal cases where the case is dismissed by the state, the county shall be liable for the library fee. Where appeals from conviction in the municipal court are dismissed for want of prosecution, or by the defendant, the state or city shall collect the library fee. Upon failure of the state or city to do so within 90 days after the dismissal, the county from which the appeal is taken shall be liable therefor.

(f) *The additional library fee under subsection (b) shall be considered a docket fee for purposes of K.S.A. 60-2001 et seq., and amendments thereto.*

Sec. 2. K.S.A. 20-3127 is hereby amended to read as follows: 20-3127. (a) *Except as provided further*, all fees collected pursuant to K.S.A. 20-3126, and amendments thereto, shall be used to establish and maintain the county law library. A board of trustees, appointed as provided in this section, shall have the management and control of such library and shall use the fees paid for registration, and all other sums, books, or library materials or equipment donated or provided by law, for the purpose of establishing and maintaining such library in the county courthouse or other suitable place to be provided and maintained by the county commissioners of such county, *including acquiring and maintaining materials and technology that may, at the discretion of the board of trustees, be loaned to library users for use outside the premises of the library.* The district judge or district judges of the district court, members of the bar who have registered and paid the fee provided for in K.S.A. 20-3126, and amendments thereto, judges of all other courts in the county and county officials shall have the right to use the library in accordance with the rules and regulations established by the board of trustees. The board of trustees shall develop guidelines to provide members of the public reasonable access to the law library.

(b) The board of trustees of any law library established or governed under this act, and amendments thereto, in Johnson and Sedgwick counties shall consist of five members, two of which shall be judges of the district court, appointed by a consensus of all judges of the district court in those counties, and three of which shall be members of the Johnson or Sedgwick county bar association, appointed by selection of the county bar association pursuant to the Johnson or Sedgwick county bar association's bylaws for two-year terms. The board of trustees of the law library in all other counties shall consist of the district judge or

judges of the district court presiding in such county and not less than two attorneys who shall be elected for two-year terms by a majority of the attorneys residing in the county.

(c) The clerk of the district court of the county shall be treasurer of the library and shall safely keep the funds of such library and disburse them as the trustees shall direct. The clerk shall be liable on an official bond for any failure, refusal or neglect in performing such duties.

(d) The board of county commissioners of any county designated an urban area pursuant to K.S.A. 19-2654, and amendments thereto, wherein an election has been held to come under the provisions of this act is hereby authorized to appoint, by and with the advice and consent of the board of trustees of the law library of such county, a librarian, who shall act as custodian of the law library of such county and shall assist in the performance of the clerk's duties as treasurer thereof, and such assistants as are necessary to perform the duties of administering the law library. The librarian and any assistants so appointed shall be employees of the county under the supervision of the board of county commissioners, or the board's designated official, with the advice and recommendations of the board of trustees of the law library, and shall be subject to the personnel policies and procedures established by the board of county commissioners for all employees of the county. The librarian and any assistants shall receive as compensation such salaries and benefits as established by the law library board of trustees, subject to the approval of the board of county commissioners, which shall be payable from the general fund of the county, through the county payroll process, from funds budgeted and made available by the law library board of trustees for that purpose through the collection of fees or other funds authorized by this act.

(e) All attorneys registered under this act shall not be liable to pay any occupational tax or city license fees levied under the laws of this state by any municipality.

Sec. 3. K.S.A. 20-3127 and K.S.A. 2006 Supp. 20-3129 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 10, by striking all after “concerning”; by striking all in line 11; in line 12, by striking “2411” and inserting “county law libraries; relating to fees; amending K.S.A. 20-3127 and K.S.A. 2006 Supp. 20-3129”; also in line 12, by striking “section” and inserting “sections”;

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O'Neal, the conference committee report on **HB 2360** was adopted.

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

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, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, Kinzer, Knox, 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, Peterson, 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, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: King, Kuether.
 Present but not voting: None.
 Absent or not voting: Hill.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2019**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HB 2019**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

TIM HUELSKAMP
 ROGER P. REITZ
Conferees on part of Senate

MICHAEL B. BURGESS
 TED POWERS
Conferees on part of House

On motion of Rep. Burgess to adopt the conference committee report on **HB 2019** to agree to disagree, roll call was demanded.

On roll call, the vote was: Yeas 65; Nays 57; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Ballard, Burroughs, Carlin, Colloton, 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, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Rardin, Roth, Ruff, Ruiz, Sawyer, Sloan, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn.

Present but not voting: None.

Absent or not voting: Hill, Masterson, Shultz.

The motion prevailed.

Speaker pro tem Dahl thereupon appointed Reps. Burgess, Powers and Sawyer as second conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. O'Neal, the House concurred in Senate amendments to **S. Sub. for Sub. HB 2451**, An act concerning consumer protection; relating to health care providers; amending K.S.A. 50-635 and repealing the existing section.

On roll call, the vote was: Yeas 113; Nays 11; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bowers, Brown, Brunk, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McKinney, McLachlan,

McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, 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: Bethell, Burgess, Flora, Frownfelter, Henderson, Kuether, Lane, McCray-Miller, Menghini, Swenson, Winn.

Present but not voting: None.

Absent or not voting: Hill.

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

COMMITTEE OF THE WHOLE

On motion of Rep. O'Neal, Committee of the Whole report, as follows, was adopted.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2599**.

Recommended that **HB 2599** be passed.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **H. Sub. for SB 21**.

Committee report recommending a substitute bill to **H. Sub. for SB 21** be adopted; also, on motion of Rep. Wilk be amended on page 11, by striking all in lines 13 through 43;

On page 12, by striking all in lines 1 through 37, and inserting the following:

"Sec. 11. (a) For taxable years 2008, 2009, 2010, 2011 and 2012, any taxpayer who contributes in the manner prescribed by this section to a community college or a state educational institution located in Kansas for deferred maintenance or to a technical college for deferred maintenance or the purchase of technology or equipment shall be allowed a credit against the tax imposed by the Kansas income tax act, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated. The amount of the credit allowed by this section shall not exceed 60% of the total amount contributed during the taxable year by the taxpayer to a community college or a technical college located in Kansas for such purposes. The amount of the credit allowed by this section shall not exceed 50% of the total amount contributed during the taxable year by the taxpayer to a state educational institution located in Kansas for such purposes. If the amount of the credit allowed by this section for a taxpayer who contributes to a community college, a technical college or a state educational institution exceeds the taxpayer's tax liability, such excess amount shall be refunded to the taxpayer.

(b) (1) Upon receipt of any such contributions by a community college made pursuant to the provisions of this section, the treasurer of the community college shall deposit such contributions to the credit of a deferred maintenance fund established by such community college which received the contribution. Expenditures from such fund shall be made only for deferred maintenance purposes.

(2) Upon receipt of any such contributions by a technical college made pursuant to the provisions of this section, such contributions shall be deposited to the credit of a deferred maintenance fund or technology and equipment purchase fund established by the technical college which received the contribution. Expenditures from such fund shall be made only for the purpose as provided in this section.

(3) Upon receipt of any such contributions by a state educational institution made pursuant to the provisions of this section, such contributions shall be deposited to the credit of the appropriate deferred maintenance support fund of the state educational institution which received the contribution. Expenditures from such fund shall be made only for the purposes designated for such fund pursuant to law.

(c) (1) In no event shall the total amount of credits allowed under this section for taxpayers who contribute to community colleges or technical colleges exceed \$5,000,000 per taxable year. The secretary of revenue shall provide that the tax credits provided by this section are evenly allocated among the community colleges and technical colleges.

(2) In no event shall the total of credits allowed under this section for taxpayers who contribute to state educational institutions exceed \$15,000,000 per taxable year. Except as otherwise provided, the allocation of such tax credits for each individual state educational institution shall be determined by the secretary of revenue in consultation with the state board of regents and the university foundation or endowment association of each state educational institution.

(d) As used in this section: (1) "Community college" means a community college established under the provisions of the community college act;

(2) "deferred maintenance" means the maintenance, repair, reconstruction or rehabilitation of a building located at a community college, a technical college or a state educational institution, any utility systems relating to such building, any life-safety upgrades to such building and any improvements necessary to be made to such building in order to comply with the requirements of the Americans with disabilities act or other federal or state law;

(3) "state educational institution" means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university; and

(4) "technical college" means a technical college as designated pursuant to K.S.A. 72-4472, 72-4473, 72-4474, 72-4475 and 72-4477, and amendments thereto.

(e) Any taxpayer not subject to Kansas income, privilege or premiums tax who contributes to a community college, technical college or state educational institution, hereinafter designated the transferor, may sell, assign, convey or otherwise transfer tax credits allowed and earned pursuant to this section. The sale price of a tax credit shall be at least 50% of the full value of the credit. Such credit shall be deemed to be allowed and earned by any such taxpayer which is only disqualified therefrom by reason of not being subject to such Kansas taxes. The taxpayer acquiring earned credits, hereinafter designated the transferee, may use the amount of the acquired credits to offset up to 100% of the taxpayer's income, privilege or premiums tax liability for the taxable year in which such acquisition was made. Such credits may be sold or transferred only one time and, if sold or transferred, shall be transferred in the tax year such credit is earned or the two successive tax years. A transferred credit shall be claimed in the year purchased. The transferor shall enter into a written agreement with the transferee establishing the terms and conditions of the sale or transfer and shall perfect such transfer by notifying the secretary of revenue in writing within 30 calendar days following the effective date of the transfer, subject to the review and approval or denial of such transfer by the secretary of revenue. The transferor and transferee shall provide any information pertaining to the sale or transfer as may be required by the secretary of revenue to administer and carry out the provisions of this section. The amount received by the transferor of such tax credit shall be taxable as income of the transferor, and the excess of the value of such credit over the amount paid by the transferee for such credit shall be taxable as income of the transferee.

(f) The secretary of revenue shall submit an annual report to the legislature to assist the legislature in the evaluation of the utilization of any credits claimed pursuant to this act, including information specific as to each community college, technical college or state educational institution. Such report shall be due on or before the first day of the legislative session following the tax year in which the credits were claimed.

(g) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this section.";

Also, on motion of Rep. Humerickhouse, **H. Sub. for SB 21** be amended on page 1, in line 17, preceding "Section" by inserting "New"; in line 20, preceding "Sec." by inserting "New"; by striking all in lines 38 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 11; in line 12, by striking "(q)" and inserting "(f)"; in line 14, preceding "Sec." by inserting "New"; also in line 14, preceding "There" by inserting "(a) There is hereby established the state educational institution long-term infrastructure maintenance program. Subject to the limitations provided by this act, the program shall be administered by the state board. The state board shall establish standards and criteria for prioritizing, reviewing, evaluating and approving projects and the allocation of moneys available under the program. When allocating moneys to finance projects under the program, the state board shall take into consideration the square footage, age, condition and complexity of the buildings and infrastructure at each state university.

(b)";

Also on page 3, in line 24, preceding "Sec." by inserting "New"; in line 26, following "accounts", by inserting "of the state educational institution long-term infrastructure maintenance fund"; by striking all in lines 29 through 43;

By striking all on pages 4, 5, 6 and 7;

On page 8, by striking all in lines 1 through 19 and inserting the following:

"(b) Subject to the provisions of subsection (d), the state board shall advise and consult with the joint committee on state building construction as required by subsection (b) of K.S.A. 75-3717b, and amendments thereto, regarding each infrastructure improvement project that has been approved by the state board. The state board shall not approve a project financed by moneys from the state educational institution long-term infrastructure maintenance fund unless the state board first has advised and consulted with the joint committee on state building construction. A state educational institution shall advise and consult with the joint committee before expenditure of any moneys from the state educational institution long-term infrastructure maintenance fund, or any account or accounts of a state educational institution, for each project. No moneys received by a state educational institution as a contribution which qualifies as an income tax credit pursuant to law to finance any infrastructure improvement project may be expended unless the state educational institution first has advised and consulted with the joint committee on state building construction.";

Also on page 8, in line 20, by striking "(n)" and inserting "(c)"; following line 29, by inserting the following:

"(d) The joint committee on state building construction shall develop recommendations for a plan for the management and oversight of projects financed under the program. Such recommendations shall be submitted to the president of the senate and the speaker of the house of representatives on or before January 14, 2008.";

Also on page 8, in line 30, preceding "Sec." by inserting "New";

On page 9, by striking all in lines 38 through 43;

By striking all on page 10;

On page 11, by striking all in lines 1 through 12 and inserting the following:

"New Sec. 8. No moneys received by a community college or technical college as a contribution which qualifies as an income tax credit pursuant to law to finance any infrastructure improvement project may be expended unless the community college or technical college first has advised and consulted with the joint committee on state building construction.";

And by renumbering the remaining sections accordingly;

On page 12, preceding line 38, by inserting the following:

"Sec. 10. K.S.A. 76-719, as amended by section 11 of chapter 132 of the 2006 Session Laws of Kansas, is hereby amended to read as follows: 76-719. (a) Subject to K.S.A. 76-742 and amendments thereto, the board of regents shall fix tuition, fees and charges to be collected by each state educational institution. If a state educational institution collects a student-activity fee, the funds so collected shall be set apart and used for the purpose of supporting appropriate student activities.

(b) All moneys received by a state educational institution for tuition fixed by the state board of regents shall be deposited in the state treasury and credited to the general fees

fund of the state educational institution. All moneys received for any student-activity fee or for any other fees or charges fixed by the state board of regents shall be deposited in the state treasury and credited to the appropriate account of the restricted fees fund of the state educational institution or to another appropriate special revenue fund of the state educational institution.

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the ~~general fees~~ *deferred maintenance support* fund of each state educational institution interest earnings based on:

(1) The average daily balance of moneys in the general fees fund of the state educational institution for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the ~~restricted fees~~ *deferred maintenance support* fund of each state educational institution interest earnings based on:

(1) The average daily balance of moneys in the restricted fees fund of the state educational institution for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 11. K.S.A. 76-753 is hereby amended to read as follows: 76-753. (a) There is hereby established in the state treasury a sponsored research overhead fund for each state educational institution.

(b) All moneys received by a state educational institution as overhead costs on sponsored research projects shall be deposited to the credit of the sponsored research overhead fund.

(c) *On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund of each state educational institution interest earnings based on:*

(1) *The average daily balance of moneys in the sponsored research overhead fund of the state educational institution for the preceding month; and*

(2) *the net earnings rate of the pooled money investment portfolio for the preceding month.*

~~(d)~~ (d) In accordance with the provisions of appropriations acts, expenditures may be made from the sponsored research overhead fund of a state educational institution for administration, operation and development of research and for matching federal funds available for capital improvements and equipment that qualify for research purposes.

(e) *As used in this section, "sponsored research overhead fund" includes the research and institutional overhead fund of Emporia state university.*

Sec. 12. K.S.A. 76-719, as amended by section 11 of chapter 132 of the 2006 Session Laws of Kansas, and 76-753 are hereby repealed.;

And by renumbering the remaining sections accordingly;

In the title, in line 14, preceding the period by inserting "; amending K.S.A. 76-719, as amended by section 11 of chapter 132 of the 2006 Session Laws of Kansas, and 76-753 and repealing the existing sections";

Also, on motion of Rep. Hawk, **H. Sub. for SB 21** be amended on page 9, in line 19, by striking "\$5,000,000" and inserting "\$15,000,000"; in line 25, by striking "\$10,000,000" and inserting "\$15,000,000";

On page 13, in line 3 by striking "\$10,000,000" and by inserting "\$20,000,000"; in line 4, by striking "\$10,000,000" and inserting "\$15,000,000"; in line 5, by striking "\$10,000,000" and inserting "\$15,000,000"; in line 6, by striking "\$10,000,000" and inserting "\$15,000,000"; in line 7, by striking "\$10,000,000" and inserting "\$15,000,000"; by striking all in lines 8 through 13 and inserting the following:

Provided, That, during the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012, the state board of regents is hereby authorized to transfer moneys from the state educational institution long-term infrastructure maintenance fund to an account or accounts of the state educational institution long-term infrastructure maintenance fund of any institution under the control and supervision of the state board of regents to be expended by the institution for infrastructure improvement projects, as defined by section 2, approved by the state board of regents after first having advised and consulted

with the joint committee on state building construction regarding approval of such projects: *Provided, however*, That no expenditures shall be made from any such account until the program statement and other detailed information about the proposed project has been reviewed by the joint committee on state building construction: *Provided further*, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the state educational institution long-term infrastructure maintenance fund: *And provided further*, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.”; and **H. Sub. for SB 21** be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick pursuant to House Rule 2311, **HB 2599**; **H. Sub. for SB 21** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2599, An act reconciling amendments to certain statutes; amending section 13 of 2007 Substitute for Senate Bill No. 354 and K.S.A. 8-234a, as amended by section 3 of 2007 Senate Bill No. 9, and 84-4-104, as amended by section 42 of 2007 Senate Bill No. 183, and K.S.A. 2006 Supp. 8-243, as amended by section 5 of 2007 Senate Bill No. 9, 8-247, as amended by section 3 of 2007 Substitute for House Bill No. 2042, 8-1325, as amended by section 11 of 2007 Senate Bill No. 9, 8-2117, 12-187, as amended by section 6 of 2007 Senate Bill No. 115, 12-189, as amended by section 7 of 2007 Senate Bill No. 115, 12-192, as amended by section 8 of 2007 Senate Bill No. 115, 12-1773, 16-1616, as amended by section 27 of 2007 Senate Bill No. 183, 19-101d, as amended by section 4 of 2007 House Bill No. 2058, 20-302b, 21-3413, 21-3612, 21-4714, 22-2401a, as amended by section 1 of 2007 Senate Bill No. 13, 28-170, 28-170a, 28-172a, 28-172b, 38-140, 39-709, 39-754, 39-756, 39-756a, 39-7,121d, 39-1305, 41-727, 44-703, as amended by section 1 of 2007 Senate Bill No. 83, 45-229, 59-104, 60-460, 60-2001, 61-2704, 61-4001, 65-1626, 72-6434, 72-8814, 74-2012, as amended by section 14 of 2007 Senate Bill No. 9, 74-4902, 74-5602, as amended by section 15 of 2007 Senate Bill No. 9, 74-7336, as amended by section 17 of 2007 Senate Bill No. 8, 75-2319, 75-5220, 75-7023, 75-7025, 75-7413, 75-7414, 79-32,117, as amended by section 21 of 2007 House Bill No. 2038, 79-32,120, as amended by section 22 of 2007 House Bill No. 2038, 79-32,138, as amended by section 23 of 2007 House Bill No. 2038, 79-3603, as amended by section 4 of 2007 House Bill No. 2171, 84-1-201, as amended by section 9 of 2007 Senate Bill No. 183, 84-2-103, as amended by section 33 of 2007 Senate Bill No. 183, 84-2a-103, as amended by section 35 of Senate Bill No. 183, and 84-9-102, as amended by section 48 of 2007 Senate Bill No. 183, and repealing the existing sections; also repealing section 11 of 2007 Substitute for Senate Bill No. 354 and K.S.A. 8-234a, as amended by section 2 of 2007 Substitute for House Bill No. 2042, 38-16,130, 59-104, as amended by section 18 of chapter 210 of the 2006 Session Laws of Kansas, and 84-4-104, as amended by section 62 of 2007 Senate Bill No. 308, and K.S.A. 2005 Supp. 12-1773, as amended by section 3 of chapter 192 of the 2006 Session Laws of Kansas, and K.S.A. 2006 Supp. 8-243, as amended by section 25 of House Bill No. 2010, 8-247, as amended by section 26 of 2007 House Bill No. 2010, 8-247, as amended by section 7 of 2007 Senate Bill No. 9, 8-1325, as amended by section 27 of 2007 House Bill No. 2010, 8-2117a, 12-187, as amended by section 1 of 2007 Senate Bill No. 112, 12-189, as amended by section 2 of 2007 Senate Bill No. 112, 12-192, as amended by section 3 of 2007 Senate Bill No. 112, 16-1616, as amended by section 44 of 2007 Senate Bill No. 308, 19-101d, as amended by section 1 of 2007 House Bill No. 2161, 20-302e, 21-3413a, 21-3612a, 21-4714a, 22-2401a, as amended by section 3 of 2007 House Bill No. 2068, 28-170c, 28-170d, 28-170e, 28-172e, 28-172f, 38-140a, 39-709d, 39-754a, 39-756b, 39-756c, 39-7,121f, 39-1305a, 41-727a, 44-703, as amended by section 1 of 2007 Senate Bill No. 235, 45-229a, 59-104a, 60-460a, 60-2001a, 60-4104a, 61-2704a, 61-4001a, 65-1626c, 72-6434a, 72-8814a, 74-2012, as amended by section 1 of 2007 House Bill No. 2374, 74-4902a, 74-5602, as amended by section 2 of 2007 House Bill No. 2068, 74-7336, as amended by section 16 of 2007 Substitute for Senate Bill No. 354, 75-2319a, 75-2319b, 75-5220a, 75-7023a, 75-7025a, 75-7413a, 75-7414a, 79-32,117, as amended by section 3 of 2007 House Bill No. 2031, 79-32,120, as amended by

section 9 of 2007 House Bill No. 2419, 79-32,138, as amended by section 10 of 2007 House Bill No. 2419, 79-3603, as amended by section 1 of 2007 House Bill No. 2240, 84-1-201, as amended by section 47 of 2007 Senate Bill No. 308, 84-2-103, as amended by section 48 of 2007 Senate Bill No. 308, 84-2a-103, as amended by section 59 of 2007 Senate Bill No. 308, and 84-9-102, as amended by section 65 of 2007 Senate Bill No. 308, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, 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, Peterson, 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, 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: Hill.

The bill passed.

H. Sub. for SB 21, An act concerning state educational institutions; relating to infrastructure improvement projects and technology upgrade projects; relating to the financing thereof; providing certain income tax credits; making and concerning appropriations for the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012; authorizing certain transfers; amending K.S.A. 76-719, as amended by section 11 of chapter 132 of the 2006 Session Laws of Kansas, and 76-753 and repealing the existing sections, was considered on final action.

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

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, 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, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Judy Morrison, Sloan.

Present but not voting: None.

Absent or not voting: Hill.

The substitute bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Grange moved, pursuant to House Rule 2303, that the House reconsider its adverse action in not passing **H. Sub. for SB 357** and that

the bill be returned to that order of business, Final Action on Bills and Concurrent Resolutions.

The motion prevailed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for SB 357, An act making and concerning appropriations for the fiscal years ending June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2006 Supp. 25-4501, as amended by section 204 of 2007 House Bill No. 2368, 75-6702 and section 211 of 2007 House Bill No. 2368 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 71; Nays 53; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Burgess, Burroughs, Colloton, Craft, Dahl, Davis, Feuerborn, Frownfelter, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, C. Holmes, M. Holmes, Horst, Humerickhouse, Kelsey, Kiegerl, Lane, Light, Lukert, Mah, McKinney, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Roth, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Spalding, Storm, Swanson, Tafanelli, Trimmer, Vickrey, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brown, Brunk, Carlin, Carlson, Colyer, Crow, Crum, Dillmore, Donohoe, Faber, Faust-Goudeau, Flaharty, Flora, Fund, Goyle, Henderson, Hodge, Holland, Huebert, Huntington, Johnson, Kelley, King, Kinzer, Knox, Kuether, Landwehr, Loganbill, Long, Mast, Masterson, McCray-Miller, McLachlan, Menghini, Neighbor, Otto, Owens, Palmer, Patton, Pauls, Peck, Rardin, Rhoades, Ruff, Sharp, Sloan, Svaty, Swenson, Tietze, Treaster, Ward, Watkins, Wetta.

Present but not voting: None.

Absent or not voting: Hill.

The substitute bill passed, as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 225, by Representative Schwartz, congratulating Bryan James Richardson on attaining the rank of Eagle Scout;

Request No. 226, by Representative Davis, congratulating Andrew Paul Sigler on attaining the rank of Eagle Scout;

Request No. 227, by Representative Schwartz, congratulating Wilfred and Edna Leseberg on their 60th wedding anniversary;

Request No. 228, by Representative Lukert, congratulating Jason Pyle on winning State Wrestling Champion for the third time;

Request No. 229, by Representative Lukert, congratulating Matt Pyle on winning National Champion, Division III Collegiate Wrestling;

Request No. 230, by Representative George, commending Muhammad A. Khan for his contributions to the medical community and the people of Dodge City;

Request No. 231, by Representative George, commending the 4th graders at Linn Elementary School in Dodge City on attaining AYP standards in reading and math;

Request No. 232, by Representative Kiegerl, commending students at Spring Hill High School for their volunteer work;

Request No. 233, by Representatives Powell and Neufeld, congratulating Nola Ochs on graduating from Ft. Hays State at 95 years of age;

Request No. 234, by Representative Mast, commending Rick Ginter on being an inspiration to his students;

Request No. 235, by Representative Johnson, congratulating Gloria Schwien on being named Kansas Small Business Person of the Year;

Request No. 236, by Representative Henderson, congratulating members of First Baptist Church of Quindaro on their graduation;

Request No. 237, by Representative Bowers, congratulating Sylvan Unified High School on receiving the Governor's Achievement Award;

Request No. 238, by Representative Bowers, congratulating Paige Reinhart on receiving a Gold Rating at the FCCLA State Leadership Showcase;

Request No. 239, by Representative Bowers, congratulating Mid-America Health Care on receiving the KSafe Award;

Request No. 240, by Representative Bowers, congratulating Roy and Mildred Behrens and Ray and Pat Rasmussen on their 50th wedding anniversaries;

Request No. 241, by Representative Bowers, congratulating Raymond and Eleanor Bachand and Eldon and Ellen Stolzenburg on their 60th wedding anniversaries;

Request No. 242, by Representative Bowers, congratulating Linda Sutton on being named Small Business Administration Women in Business Champion;

Request No. 243, by Representative Bowers, congratulating Stephen D. Myers on his retirement from the Kansas Highway Patrol;

Request No. 244, by Representative Bowers, congratulating Russ Black on receiving a Volunteer of the Year award;

Request No. 245, by Representative Schwartz, congratulating Jammie Layman on being named Kansas Junior Miss;

Request No. 246, by Representative Vickrey, congratulating Harold and Jo Ann Hamlin on their 50th wedding anniversary;

Request No. 247, by Representative Vickrey, congratulating Chuck Golladay on his retirement from Louisburg schools;

Request No. 248, by Representative Vickrey, congratulating the Louisburg High School Band on earning first division rating at the State Music Festival;

Request No. 249, by Representative Vickrey, congratulating the Louisburg High School Select Choir on earning first division rating at the State Music Festival;

Request No. 250, by Representative Proehl, congratulating Tyler S. Goodnight on attaining the rank of Eagle Scout;

Request No. 251, by Representative Pottorff, commending J. C. Combs on his retirement from Wichita State University;

Request No. 252, by Representative Palmer, congratulating Theresa Schafer on finishing third in the Kansas Spelling Bee;

Request No. 253, by Representative Palmer, congratulating Norm Conard on his induction to the National Teachers' Hall of Fame;

Request No. 254, by Representative Burgess, congratulating Ed Redmon and Dorothy Lindquist on their 80th birthdays;

Request No. 255, by Representative Vickrey, congratulating Fred Barnes on his 90th birthday;

Request No. 256, by Representative Proehl, congratulating Terry and Kae Phillips on their 50th wedding anniversary;

Request No. 257, by Representative Dahl, congratulating Arthur and Linda Jantz and Marvin and Thelma Warkentine on their 60th wedding anniversaries and John and Elda Mellot on their 70th wedding anniversary;

Request No. 258, by Representative Moxley, congratulating Eugene and Jean Ecklund on their 50th wedding anniversary and Eldon and Charmaine Oesterreich on their 60th wedding anniversary;

Request No. 259, by Representatives Sloan and Brown, congratulating Michael L. Whitten on attaining the rank of Eagle Scout;

Request No. 260, by Representative Metsker, congratulating the Shawnee Mission North squad on placing fifth in the National NJROTC Championship Competition;

Request No. 261, by Representative Bowers, congratulating the Lincoln Junior High 6th, 7th and 8th grades on placing first in the math relays;

Request No. 262, by Representative Bowers, congratulating Sgt. 1st Class Larry Eubanks on receiving the Meritorious Service Medal;

Request No. 263, by Representative Bowers, congratulating Ray and Devita Beals on their 50th wedding anniversary;

Request No. 264, by Representative Watkins, commending Dr. Craig Elliott for his service to the education system;

Request No. 265, by Representative Watkins, commending Jeff Longwell for his service to the Maize school district;

Request No. 266, by Representative Rhoades, congratulating the Newton High School Robotics team on winning the FIRST Regional Championship;

Request No. 267, by Representative Carlson, congratulating Jordan Carlson on his achievements in the Turkey Federation total points awards;

Request No. 268, by Representative Henderson, congratulating Charles Robinson on his 70th birthday;

Request No. 269, by Representative Vickrey, congratulating Paola High School Band, Choir and Boys' and Girls' Glee Clubs on their one rating at the Gardner-Edgerton Competition;

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

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

REPORT ON ENROLLED RESOLUTIONS

HR 6024 reported correctly enrolled and properly signed on April 28, 2007.

On motion of Rep. Merrick, the House adjourned until 1:30 p.m., Monday, April 30, 2007.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

