

Journal of the Senate

FIFTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 20, 2007—2:30 p.m.

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

Heavenly Father,

You are God. You can help us with the problems we face from time to time:

Help us overcome temptation.

Help us keep going when we are tired.

Help us know when to vote "Aye" or "No"

Help us know when we are right and when we are wrong.

Help us forgive those who hurt us.

Help us know what is best for our constituents.

Please remind us how to ask You for this help as revealed in I John 5:14-15:
"This is the confidence we have in approaching God: that if we ask anything
according to His will, He hears us. And if we know that He hears us—whatever
we ask—we know that we have what we asked of Him."

Thank You in the Name of Jesus Christ,

AMEN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 384**.

Federal and State Affairs: **HB 2561**.

Ways and Means: **SB 385; HB 2422, HB 2540, HB 2541, HB 2542**.

MESSAGE FROM THE GOVERNOR

SB 62, SB 63, SB 240 approved on March 20, 2007.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2556**.

Adoption of **SCR 1609**.

Passage of **SB 121**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2556 was thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Teichman moved the Senate concur in house amendments to **SB 219**.

SB 219, An act concerning insurance; relating to acquisition of subsidiaries by domestic insurance companies; amending K.S.A. 40-3303 and repealing the existing section.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.
The Senate concurred.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation, were considered.

Senator D. Schmidt moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Department of Commerce, Secretary:

David D. Kerr, serves at the pleasure of the Governor.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.
The appointment was confirmed.

On the appointment to the:

Kansas Air National Guard, Chief of Staff:

Deborah S. Rose, effective upon the date of confirmation by the Senate.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The appointment was confirmed.

On the appointment to the:

Public Employee Relations Board:

Sally O'Grady, term expires March 15, 2010.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.
The appointment was confirmed.

On the appointment to the:

State Long-Term Care Ombudsman:

Gilbert Cruz, effective upon the date of confirmation by the Senate.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.
The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

HB 2294, HB 2306, HB 2425 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2294, An act concerning the Kansas propane safety and licensing act; relating to licensure and training; amending K.S.A. 55-1812 and repealing the existing section.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2306, An act concerning the Kansas electric transmission authority; relating to the duties and powers of the authority; amending K.S.A. 2006 Supp. 74-99d07 and repealing the existing section.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2425, An act concerning state educational institutions; relating to fees and tuition; amending K.S.A. 2006 Supp. 76-729 and repealing the existing section; also repealing K.S.A. 2006 Supp. 76-729a.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

Sub SB 325, An act concerning natural gas; relating to gas gathering activities; amending K.S.A. 55-1,101 and K.S.A. 2006 Supp. 66-105a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Emler.

The substitute bill passed.

SB 368, An act concerning professional corporations; relating to audiologists; amending K.S.A. 2006 Supp. 17-2707 and 17-2710 and repealing the existing sections, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SCR 1611, A concurrent resolution urging the United States Secretary of Agriculture to permit the use of land in the conservation reserve enhancement program for agricultural purposes, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The resolution was adopted.

HB 2048, An act concerning conservation districts; relating to funding therefor; amending K.S.A. 2-1907c and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

Sub HB 2067, An act relating to the Kansas commission on veterans affairs; relating to employees thereof; amending K.S.A. 73-1210a and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The substitute bill passed.

HB 2068, An act concerning security officers appointed by the adjutant general; relating to powers as law enforcement officers; amending K.S.A. 48-204 and K.S.A. 2006 Supp. 22-2401a and 74-5602 and repealing the existing sections, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

HB 2114, An act concerning credit unions; pertaining to investment in a credit union services organization; amending K.S.A. 2006 Supp. 17-2204a and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2115, An act concerning the workers compensation group-funded pool; relating to the collection of the premium tax; amending K.S.A. 2006 Supp. 44-588 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee,

Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2140, An act designating English as the official language of the state of Kansas and concerning its use by state agencies and political or taxing subdivisions, was considered on final action.

On roll call, the vote was: Yeas 32, Nays 8, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Donovan, Emler, Gilstrap, Haley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Wagle, Wilson, Wysong.

Nays: Betts, Brungardt, Francisco, Goodwin, Hensley, Reitz, Steineger, Vratil.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: It has been a long time in coming. Eleven years ago as a freshman senator, together with 23 of my colleagues, I introduced my first bill - **SB 219**. It is gratifying today to see the same concept pass the Senate in designating English as the official language of our state. As the father of two immigrant children, I know that English is the language of opportunity in America.—TIM HUELSKAMP

HB 2169, An act concerning the Kansas development finance authority; relating to energy conservation improvements and energy conservation measures; amending K.S.A. 75-37,114 and K.S.A. 2006 Supp. 74-8902 and 75-37,125 and repealing the existing sections, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

HB 2202, An act concerning alcoholic liquors; relating to farm wineries; amending K.S.A. 41-312 and K.S.A. 2006 Supp. 41-104, 41-308a and 41-2623 and repealing the existing sections, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

HB 2214, An act concerning the Kansas dental board; relating to sedation permits; amending K.S.A. 65-1436 and K.S.A. 2006 Supp. 65-1444 and 65-1447 and repealing the existing sections, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

HB 2217, An act concerning certain municipalities; relating to the adoption of certain codes by cities and counties; amending K.S.A. 12-3010 and 12-3304 and repealing the existing sections, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

HB 2270, An act designating the official state firefighters museum, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2280, An act concerning cities; relating to the financing of certain public improvements; amending K.S.A. 12-6a02, 12-6a14 and 12-6a19 and K.S.A. 2006 Supp. 12-6a01 and repealing the existing sections, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

S Sub for HB 2295, An act concerning real estate brokers and salespersons; relating to the effect of criminal convictions on the issuance, renewal or revocation of licenses; amending K.S.A. 58-3043 and 58-3050 and K.S.A. 2006 Supp. 58-3039 and 58-3063 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Haley.

The substitute bill passed, as amended.

Sub HB 2310, An act concerning school districts; relating to bullying, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Donovan, Wilson.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: After some major discussion, and reflection, with a respected colleague last evening, I vote "Aye" on **Sub HB 2310**; with the expectation of each school district developing a plan on addressing "bullying".

At first, of course, I was opposed to state intervention of playground fracas; the extension of a "nanny-state"... But, David Haley's consistent record in the Legislature is one that attempts to root out latent, societal predators... and to punish, or to provide treatment, for these control freaks accordingly. Even many of you who supported what is now known as "Scruffy's Law" (although some of you want to call it by *another* name...everybody knows whose issue it really is!)...*still* believe it is just a law to protect dogs and cats. The bigger

picture, Mr. President, is to take bullies who enjoy seeing a live animal tortured or “dominated” and interrupt that abhorrent, social disorder *before* they (these same bullies) become domestic abusers or road ragers or even serial killers or...even, leadership in some legislative bodies. To curb, productively, this warped dominionism...this “bully-factor” is what “Scruffy’s Law” is all about. I also believe, Mr. President, that this too is what **Sub HB 2310** is all about. I vote “Aye”.—DAVID HALEY

S Sub for HB 2485, An act relating to oil and gas; concerning fees for application of intent to drill a well; relating to the Kansas petroleum education and marketing act; amending K.S.A. 55-151 and K.S.A. 2006 Supp. 55-1626, 55-1631 and 55-1632 and repealing the existing sections, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The substitute bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators V. Schmidt, Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, D. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson and Wysong introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1846—

A RESOLUTION congratulating and commending Larry Welch upon his retirement from the position of Director of the Kansas Bureau of Investigation.

WHEREAS, On June 1, 2007, Larry Welch will retire after serving thirteen years as Director of the Kansas Bureau of Investigation. Director Welch, the KBI’s tenth director, is the second-longest serving director of the KBI; and

WHEREAS, After graduating from the University of Kansas in 1958 and the University of Kansas Law School in 1961, Welch began a distinguished career with the Federal Bureau of Investigation. Welch retired from the FBI in 1986 to become the associate director of police training at the Kansas Law Enforcement Training Center in Hutchinson, Kansas. In 1989, Welch was appointed Director of the KLETC and served in that capacity until 1994. Former Attorney General Robert Stephan asked Director Welch to serve as director of the KBI beginning in July 1994. Director Welch was asked to retain his position as director of the KBI by three subsequent attorneys general, including current Attorney General, Paul Morrison; and

WHEREAS, Director Welch has received statewide and national recognition and awards for his excellence and dedication to law enforcement; and

WHEREAS, Under Welch’s direction, the KBI has focused exclusively on making Kansas safer for law-abiding citizens by capturing those who violate the law, rather than attempting to capture headlines and public attention. Director Welch, through his professionalism and personal integrity, has contributed greatly to the stature and respect of the KBI; and

WHEREAS, Director Welch, a native of St. John, Kansas, has maintained an appreciation for everyday life in Kansas. When asked for directions to any small town in Kansas, he can not only tell you how to get there, but he can also tell you the best place for chocolate pie and fried chicken.

WHEREAS, Director Welch will continue his long-time association with law enforcement through his various professional memberships, but “bottom line” Director Welch’s leadership and humor will be greatly missed: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Director Larry Welch for his long and distinguished career in law enforcement, thank him

for his efficient and effective operation of the Kansas Bureau of Investigation, and wish him luck and fulfillment in all his pursuits during a well-deserved retirement; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Larry Welch, Director, Kansas Bureau of Investigation, 1620 S.W. Tyler, Topeka, Kansas 66612-1837.

On emergency motion of Senator V. Schmidt **SR 1846** was adopted unanimously.

Larry Welch and his wife, Shirley, were introduced and Mr. Welch was congratulated and commended for his long and distinguished career in law enforcement.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2145**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2145," as follows:

"SENATE Substitute for HOUSE BILL No. 2145

By Committee on Agriculture

"AN ACT relating to energy; relating to petroleum products; concerning electric generation facilities; relating to contracts for parallel generation services, providing for the issuance of bonds; authorizing a wind generation education pilot project and providing funding therefor; amending K.S.A. 55-422, 55-426, 55-427, 66-1,184, 83-221 and 83-401 and repealing the existing sections.";

and the substitute bill be passed.

Committee on **Assessment and Taxation** recommends **HB 2405**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2405," as follows:

"SENATE Substitute for HOUSE BILL No. 2405

By Committee on Assessment and Taxation

"AN ACT concerning historic preservation; providing for income tax credits; authority for development of historic partnership sites; amending K.S.A. 2006 Supp. 79-32,211 and repealing the existing section.";

and the substitute bill be passed.

Also, **SB 382** be amended on page 2, in line 16, by striking "contracted" the first time it appears and inserting "constructed";

On page 3, in line 10, by striking all after "rections"; by striking all in line 11; in line 12, by striking "ship"; in line 30, by striking "privately con-"; in line 31, by striking "structed correctional institution" and inserting "contractor contracting with the department of corrections for a correctional institution";

On page 16, in line 27, by striking "and" the second time it appears; after line 30, by inserting the following:

"(17) the Dream Factory, Inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki Strings, Inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the International Association of Lions Clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American Cancer Society, Inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service; and

(22) the community center of shawnee, inc., for the purpose of providing food and clothing to those in need.";

On page 27, in line 14, by striking "and";

On page 28, in line 17, after "thereto" by inserting ";

(vv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, by Jazz in the Woods, Inc., a Kansas corporation which is exempt from federal income taxation pursuant to section 501 (c)(3) of the federal internal revenue code, for the purpose of providing Jazz in the Woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac Education Foundation, which is exempt from federal income taxation pursuant to section 501 (c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(yyy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto; and

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation which is exempt from federal income taxation pursuant to section 501 (c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships”;

Also on page 28, in line 20, by striking “statute book” and inserting “Kansas register”;

In the title, in line 9, by striking “state correc-”; by striking all in line 10; in line 11, by striking all before “amending”; and the bill be passed as amended.

HB 2240, as amended by House Committee, be amended on page 6, in line 4, by striking “and”; in line 5, by striking “appurtenances”; in line 13, by striking “and appurtenances”; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 342** be amended on page 2, in line 31, by striking “shall be” and inserting “means a zone”; in line 32, by striking all after “regulations”; by striking all in line 33; in line 34, by striking all before “comprised” and inserting “which shall: (1) Be”; in line 35, by striking “shall” where it appears the first time; also in line 35, by striking “and”; also in line 35, by striking “shall” where it appears the second time; in line 37, after the semicolon by inserting “and (4) meet any other criteria established by the secretary through rules and regulations.”;

On page 4, in line 11, by striking all after the third comma and inserting “923, 924, 927 or 928.”; in line 17, by striking “\$100,000” and inserting “\$50,000”; in line 18, by striking “\$1,000,000” and inserting “\$150,000”;

On page 5, by striking all in line 12; in line 22, by striking the period and inserting “; and (5) for taxpayers not covered by the Kansas employment security law pursuant to K.S.A. 44-703(i)(4)(B), the wage data required to compute the average wage calculated for the taxpayer’s Kansas business facility will be based upon the taxpayer’s wage level documentation approved by the secretary of commerce.”;

Also on page 5, in line 30, by striking “2006” and inserting “2007”; in line 41, after “return” by inserting “or on an amended return”; in line 42, before the period by inserting “as long as the amended return filed is within the statute of limitations”;

On page 6, in line 9, by striking “\$1,000,000” and inserting “\$150,000”; in line 12, by striking “\$100,000” and inserting “\$50,000”; in line 36, by striking “2009” and inserting “2010”; in line 41, by striking “2006” and inserting “2007”;

On page 7, in line 2, by striking “2006” and inserting “2007”; in line 6, by striking “2006” and inserting “2007”; in line 10, by striking “2006” and inserting “2007”; in line 14, by striking “2006” and inserting “2007”; in line 18, by striking “2007” and inserting “2008”; in line 19, by striking the third comma and inserting “and”; in line 20, by striking “and K.S.A. 74-50,132”; in line 21, by striking “2007 and 2008” and inserting “2008 and 2009”; in line 24, by striking “2007” and inserting “2008”; in line 28, by striking “2006” and inserting “2007”; in line 29, by striking “2012” and inserting “2013”;

On page 8, in line 8, by striking “812-813, or 922-928,” and inserting “923, 924, 927 or 928.”; in line 32, by striking “shall be” and inserting “means a zone”; in line 33, by striking all after “regulations”; by striking all in line 34; in line 35, by striking all before “comprised” and inserting “which shall: (1) Be”; in line 36, by striking “shall”; also in line 36, by striking “and”; in line 37, by striking “shall”; in line 38, after the semicolon by inserting “and

(4) meet any other criteria established by the secretary of commerce through rules and regulations.”;

On page 9, in line 5, by striking “and”; in line 18, by striking the period and inserting “; and

(h) “secretary” means the secretary of the department of commerce.”;

Also on page 9, in line 20, by striking “2006” and inserting “2007”; in line 21, by striking “five” and inserting “two”; in line 30, after the period by inserting “(b)”; in line 31, after “taxpayer” by inserting “, as defined in subsection (c)(1) of section 10, and amendments thereto.”; in line 32, by striking “20” and inserting “five”; after line 39, by inserting the following:

“(c) Any Kansas job credit taxpayer, as defined in subsection (c)(2) of section 10, and amendments thereto, located in the state of Kansas who engages in new employment at least 20 new employees in the taxpayer’s business operating in Kansas shall be allowed a credit of \$1,500 per new employee, 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 the new income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated for the taxable year during which the employees were hired.”;

And by relettering the remaining subsections accordingly;

Also on page 9, in line 41, after “return” by inserting “or an amended return”; also in line 41, before the period by inserting “as long as the amended return filed is within the statute of limitations”;

On page 10, in line 30, by striking “2009” and inserting “2010”; in line 34, by striking “2006” and inserting “2007”; in line 35, by striking “2012” and inserting “2013”; after line 35, by inserting the following:

“Sec. 15. K.S.A. 2006 Supp. 74-50,131 is hereby amended to read as follows: 74-50,132. Commencing after December 31, 1999: (a) As used in ~~this act~~ K.S.A. 74-50,132 and 74-50,133, and amendments thereto: (1) “Qualified firm” means a for-profit business establishment, subject to state income, sales or property taxes, identified under the standard industrial classification (SIC) codes as in effect July 1, 1993, major groups 20 through 39, major groups 40 through 51, and major groups 60 through 89; identified under the North American industry classification system (NAICS) as in effect on October 1, 2000, or is identified as a corporate or regional headquarters or back-office operation of a national or multi-national corporation regardless of SIC code or NAICS designation. The secretary of

commerce shall determine eligibility when a difference exists between a firm's SIC code and NAICS designation. A business establishment may be assigned a standard industrial classification code or NAICS designation according to the primary business activity at a single physical location in the state.

(2) "Metropolitan county" means the county of Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte.

(b) ~~In the case of firms in major groups 40 through 51, and major groups 60 through 69 or the appropriate NAICS designation the business establishment must also demonstrate the following:~~

~~— (1) More than ½ of its gross revenues are a result of sales to commercial or governmental customers outside the state of Kansas; or~~

~~— (2) more than ½ of its gross revenues are a result of sales to Kansas manufacturing firms within major groups 20 through 39 or the appropriate NAICS designation; or~~

~~— (3) more than ½ of its gross revenues are a result of a combination of sales described in (1) and (2);~~

~~— (c) For purposes of determining whether one of the average wage options described in subsection (d) (c) below is satisfied, business establishments located within a metropolitan county, as defined in K.S.A. 74-50,114, and amendments thereto; will be compared only to other businesses within that metropolitan county, and business establishments located outside of a metropolitan county will be compared to businesses within an aggregation of counties representing the business establishment's region of the state, which regional aggregation will exclude metropolitan counties. Such aggregation shall be determined by the department of commerce.~~

~~(d) (c) Additionally, a business establishment having met the criteria as established in subsection (a) or (b), and using the comparison method described in subsection (c) (b), must meet one of the following criteria:~~

~~(1) The establishment with 500 or fewer full-time equivalent employees will provide an average wage that is above the average wage paid by all firms with 500 or fewer full-time equivalent employees which share the same two-digit standard industrial classification code or appropriate NAICS designation.~~

~~(2) The establishment with 500 or fewer full-time equivalent employees is the sole firm within its two-digit standard industrial classification code or appropriate NAICS designation which has 500 or fewer full-time equivalent employees.~~

~~(3) The establishment with more than 500 full-time equivalent employees will provide an average wage that is above the average wage paid by firms with more than 500 full-time equivalent employees which share the same two-digit standard industrial classification code or appropriate NAICS designation.~~

~~(4) The establishment with more than 500 full-time equivalent employees is the sole firm within its two-digit standard industrial classification code or appropriate NAICS designation which has 500 or more full-time equivalent employees, in which event it shall either provide an average wage that is above the average wage paid by all firms with 500 or fewer full-time equivalent employees which share the same two-digit standard industrial classification code or appropriate NAICS designation, or be the sole firm within its two-digit standard industrial classification code or appropriate NAICS designation.~~

~~(c) (d) As an alternative to the requirements of subsections (c) and (d) (b) and (c), a firm having met the requirements of subsections (a) or (b) subsection (a), may qualify, if excluding taxable disbursements to company owners, the business establishment's annual average wage must be greater than or equal to 1.5 times the aggregate average wage paid by industries covered by the employment security law based on data maintained by the secretary of labor.~~

~~(d) (e) For the purposes of this section, the number of full-time equivalent employees shall be determined by dividing the number of hours worked by part-time employees during the pertinent measurement interval by an amount equal to the corresponding multiple of a 40-hour work week and adding the quotient to the number of full-time employees.~~

~~(e) (f) The secretary of commerce shall certify annually to the secretary of revenue that a firm meets the criteria for a qualified firm and that the firm is eligible for the benefits and assistance provided under this act K.S.A. 74-50,132 and 74-50,133, and amendments thereto. The secretary of commerce is hereby authorized to obtain any and all information~~

necessary to determine such eligibility. Information obtained under this section shall not be subject to disclosure pursuant to K.S.A. 45-215 et seq., and amendments thereto, but shall upon request be made available to the legislative post audit division. The secretary of commerce shall publish rules and regulations for the implementation of this act. Such rules and regulations shall include, but not be limited to:

(1) A definition of "training and education" for purposes of K.S.A. 74-50,132 and amendments thereto.

(2) Establishment of eligibility requirements and application procedures for expenditures from the high performance incentive fund created in K.S.A. 74-50,133 and amendments thereto.

(3) Establishment of approval guidelines for private consultants authorized pursuant to K.S.A. 74-50,133 and amendments thereto.

(4) Establishment of guidelines for prioritizing business assistance programs pursuant to K.S.A. 74-50,133 and amendments thereto.

(5) A definition of "commercial customer" for the purpose of K.S.A. 74-50,133 and amendments thereto.

(6) A definition of "headquarters" for the purpose of K.S.A. 74-50,133 and amendments thereto.

(7) Establishment of guidelines concerning the use and disclosure of any information obtained to determine the eligibility of a firm for the assistance and benefits provided for by ~~this act~~ K.S.A. 74-50,132 and 74-50,133, and amendments thereto.

Sec. 16. K.S.A. 2006 Supp. 74-50,132 is hereby amended to read as follows: 74-50,132.

(a) For taxable years commencing after December 31, 1997, a qualified firm shall be entitled to a credit against the tax imposed by the Kansas income tax act, the premium tax or privilege fee 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 chapter 79, article 11 of the Kansas Statutes Annotated in an amount equal to the portion of the qualified business facility cash investment in the training and education of the firm's employees that exceeds 2% of the firm's total payroll costs. The maximum amount of the credit that may be claimed by a single corporate taxpayer in any single tax year under this section shall not exceed \$50,000. Tax credits earned by a qualified business under this section must be claimed in their entirety in the tax year eligible.

(b) For tax years commencing after December 31, 2005, any taxpayer claiming credits pursuant to this section, as a condition for claiming and qualifying for such credits, shall provide information pursuant to K.S.A. 2006 Supp. 79-32,243, and amendments thereto, as part of the tax return in which such credits are claimed. Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to K.S.A. 2006 Supp. 79-32,243, and amendments thereto.

(c) *For purposes of this section, training and education shall include verifiable computer-based training.*;

And by renumbering the remaining sections accordingly;

Also on page 10, in line 40, before "and" where it appears the first time by inserting "74-50,132";

On page 40, in line 8, by striking "74-50,133,";

On page 1, in the title, in line 12, after "Supp." by inserting "74-50,131, 74-50,132,"; in line 18, by striking "74-50,131, 74-50,132, 74-50,133,"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2123** be amended on page 1, by striking all in lines 13 through 43;

On page 2, by striking all in lines 1 through 14 and inserting the following:

"Section 1. K.S.A. 2006 Supp. 72-6448 is hereby amended to read as follows: 72-6448.

(a) ~~As used in this section, "pupil" means a person who is a dependent of a full-time active duty member of the military service or a dependent of a member of any of the United States military reserve forces who has been ordered to active duty under section 12301, 12302 or 12304 of Title 10 of the United States Code, or ordered to full-time active duty for a period of more than 30 consecutive days under section 502(f) or 512 of Title 32 of the United States Code for the purposes of mobilizing for war, international peacekeeping missions, national emergency or homeland defense activities. The provisions of this section shall be~~

subject to the appropriation of moneys for general state aid which are in addition to the amount of moneys appropriated for general state aid for fiscal year 2007.

~~(b) If the number of pupils enrolled in a district on February 20, 2006, has increased from the number of pupils enrolled in the district on September 20, 2005, by at least 25 pupils or by a number equal to 1% or more of the district's enrollment, the enrollment of the district for school year 2005-2006 shall be determined on February 20, 2006.~~

~~—(c) If the number of pupils enrolled in a district on February 20, 2007, has increased from the number of pupils enrolled in the district on September 20, 2006, by at least 25 pupils or by a number equal to 1% or more of the district's enrollment, the enrollment of the district for school year 2006-2007 shall be determined on February 20, 2007.~~

~~(c) If the number of pupils enrolled in a district on February 20, 2008, has increased from the number of pupils enrolled in the district on September 20, 2007, by at least 25 pupils or by a number equal to 1% or more of the district's enrollment, the enrollment of the district for school year 2007-2008 shall be determined on February 20, 2008.~~

~~(d) If the number of pupils enrolled in a district on February 20, 2009, has increased from the number of pupils enrolled in the district on September 20, 2008, by at least 25 pupils or by a number equal to 1% or more of the district's enrollment, the enrollment of the district for school year 2008-2009 shall be determined on February 20, 2009.~~

~~(e) Districts desiring to determine enrollment under this section shall submit any documentation or information required by the state board.~~

Sec. 2. K.S.A. 2006 Supp. 72-6448 is hereby repealed.”;

In the title, in line 9, by striking all following “to”; in line 10, by striking all preceding “and” and inserting “school finance; amending K.S.A. 2006 Supp. 72-6448”; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **HB 2058**, as amended by House Committee, be amended on page 1, by striking all in lines 37 through 43;

On page 2, by striking all in lines 1 through 4 and inserting the following:

“(b) (1) In addition to all other procedures authorized for the enforcement of county codes and resolutions, in Butler, Crawford, Douglas, Franklin, Harvey, Jefferson, Johnson, Leavenworth, McPherson, Miami, Riley, Saline, Sedgwick, Shawnee and Wyandotte counties, the prosecution for violation of codes and resolutions adopted by the board of county commissioners may be commenced in the district court in the name of the county and may be conducted, except as otherwise provided in this section, in the manner provided for and in accordance with the provisions of the code for the enforcement of county codes and resolutions.”; and the bill be passed as amended.

Also, **HB 2332**, as amended by House Committee, be amended on page 1, by striking all in lines 14 through 19 and inserting the following:

“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 committeeman 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 of the party 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. 2006 Supp. 25-213 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.”;

On page 1, in the title, in line 10, by striking all after the semicolon; in line 11, by striking all before the period and inserting “relating to primary elections; amending K.S.A. 2006 Supp. 25-213 and repealing the existing section”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2475** be passed.

Also, **HCR 5018** be amended on page 1, in line 33, by striking “Alfa” and inserting “Alpha”; in line 35, by striking “no or”; also in line 35, after “little” by inserting “or no”; and the concurrent resolution be adopted as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2113** be amended on page 2, in line 8, before "shall" by inserting "board of directors or individuals named in the administrative action"; after line 9, by inserting the following:

"Sec. 2. K.S.A. 2006 Supp. 75-37,121 is hereby amended to read as follows: 75-37,121.

(a) There is created the office of administrative hearings within the department of administration, to be headed by a director appointed by the secretary of administration. The director shall be in the unclassified service under the Kansas civil service act.

(b) The office may employ or contract with presiding officers, court reporters and other support personnel as necessary to conduct proceedings required by the Kansas administrative procedure act for adjudicative proceedings of the state agencies, boards and commissions specified in subsection (h). The office shall conduct adjudicative proceedings of any state agency which is specified in subsection (h) when requested by such agency. Only a person admitted to practice law in this state or a person directly supervised by a person admitted to practice law in this state may be employed as a presiding officer. The office may employ regular part-time personnel. Persons employed by the office shall be under the classified civil service.

(c) If the office cannot furnish one of its presiding officers in response to a requesting agency's request, the director shall designate in writing a full-time employee of an agency other than the requesting agency to serve as presiding officer for the proceeding, but only with the consent of the employing agency. The designee must possess the same qualifications required of presiding officers employed by the office.

(d) The director may furnish presiding officers on a contract basis to any governmental entity to conduct any proceeding other than a proceeding as provided in subsection (h).

(e) The secretary of administration may adopt rules and regulations:

(1) To establish procedures for agencies to request and for the director to assign presiding officers. An agency may neither select nor reject any individual presiding officer for any proceeding except in accordance with the Kansas administrative procedure act;

(2) to establish procedures and adopt forms, consistent with the Kansas administrative procedure act, the model rules of procedure, and other provisions of law, to govern presiding officers; and

(3) to facilitate the performance of the responsibilities conferred upon the office by the Kansas administrative procedure act.

(f) The director may implement the provisions of this section and rules and regulations adopted under its authority.

(g) The secretary of administration may adopt rules and regulations to establish fees to charge a state agency for the cost of using a presiding officer.

(h) The following state agencies, boards and commissions shall utilize the office of administrative hearings for conducting adjudicative hearings under the Kansas administrative procedures act in which the presiding officer is not the agency head or one or more members of the agency head:

(1) On and after July 1, 2005: Department of social and rehabilitation services, juvenile justice authority, department on aging, department of health and environment, Kansas public employees retirement system, Kansas water office, Kansas animal health department and Kansas insurance department.

(2) On and after July 1, 2006: Emergency medical services board, emergency medical services council, Kansas health policy authority and Kansas human rights commission.

(3) On and after July 1, 2007: Kansas lottery, Kansas racing and gaming commission, *state department of credit unions*, state treasurer, pooled money investment board, Kansas department of wildlife and parks and state board of tax appeals.

(4) On and after July 1, 2008: Department of human resources, state corporation commission, state conservation commission, agricultural labor relations board, department of administration, department of revenue, board of adult care home administrators, Kansas state grain inspection department, board of accountancy and Kansas wheat commission.

(5) On and after July 1, 2009: Except for administrative hearings conducted by the state board of pharmacy, Kansas dental board, state board of veterinary examiners, behavioral sciences regulatory board, state board of cosmetology, Kansas real estate commission, real estate appraisal board, state board of mortuary arts, Kansas board of barbering, board of

nursing, Kansas board of examiners in fitting and dispensing of hearing aids, board of examiners in optometry, state board of healing arts, Kansas state banking board, ~~state department of credit unions~~, office of the securities commissioner of Kansas and state board of technical professions, all other Kansas administrative procedure act hearings not mentioned in subsections (1), (2), (3) and (4).

(i) With respect to hearings before the secretary of agriculture in accordance with the Kansas administrative procedures act, the secretary of agriculture or a hearing officer from the office of administrative hearings shall be the presiding officer unless the party requests that the matter, for which a hearing has been scheduled or for which a right to a hearing exists, be heard by a hearing officer appointed by the secretary.

(j) (1) Effective July 1, 2005, any presiding officer in agencies specified in subsection (h)(1) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551 and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(2) Effective July 1, 2006, any presiding officer in agencies specified in subsection (h)(2) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551 and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(3) Effective July 1, 2007, any presiding officer in agencies specified in subsection (h)(3) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551 and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(4) Effective July 1, 2008, any full-time presiding officer in agencies specified in subsection (h)(4) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551 and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter

pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.”;

And by renumbering sections accordingly;

Also on page 2, in line 10, by striking “is” and inserting “and K.S.A. 2006 Supp. 75-37,121 are”;

In the title, in line 10, after “17-2242” by inserting “and K.S.A. 2006 Supp. 75-37,121”; also in line 10, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 366; HB 2087**, as amended by House Committee, be passed.

Also, **HB 2283** be amended on page 12, in line 30, after “interest” by inserting “and tender of the required fee”; in line 31, before the comma, by inserting “as prescribed by subsection (c)(5) of K.S.A. 8-135 and subsection (g) of 58-4204, and amendments thereto”; in line 32, by striking “for or”; in line 33, by striking “acceptance of the documents by” and inserting “to”; also in line 33, before “K.S.A.” by inserting “subsection (c)(6) of”; in line 34, after “and” where it appears for the first time, by inserting “subsection (i) of”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 338** be amended on page 1, in line 15, after the comma, by inserting “or as another professional service provider requiring professional licensure or certification.”; in line 17, after “teacher” by inserting “or professional service provider”; in line 21, after “teacher” by inserting “or professional service provider”; in line 24, after “teacher” by inserting “or professional service provider”; in line 28, before “during” by inserting “or as another professional service provider requiring professional licensure or certification.”; in line 30, after “teacher” by inserting “or professional service provider”; in line 34, after “teacher” by inserting “or professional service provider”; in line 37, after “teacher” by inserting “or professional service provider”;

In the title, in line 10, by striking “teachers” and inserting “certain employees”; and the bill be passed as amended.

Also, **SB 385** be amended on page 1, in line 22, after “movement” by inserting “of a single step pay increase on the pay plan”; in line 24, by striking “12-”; in line 25, by striking “month” and inserting “preceding twelve-month”; in line 26, by striking “such person’s pay increase date” and inserting “the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2008”; in line 30, by striking “above” and inserting “at step 16 or above of”; in line 32, by striking “12-month” and inserting “preceding twelve-month”;

On page 2, in line 20, by striking “2007” and inserting “2008”;

On page 5, in line 17, by striking “\$80” and inserting “\$99”; in line 22, by striking “\$80” and inserting “\$99”; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 368 reported correctly engrossed March 20, 2007.

COMMITTEE OF THE WHOLE

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

On motion of Senator Brungardt the following report was adopted:

Recommended **HB 2274, HB 2419** be passed.

The committee report on **SB 309** recommending a **Sub SB 309** be adopted, and the substitute bill be passed.

SB 189, SB 267 be amended by adoption of the committee amendments, and the bills be passed as amended.

HB 2081 as amended by adoption of the committee amendments, Tuesday, March 19, 2007 be passed as amended.

A motion by Senator Kelly to amend **HB 2081** failed and the following amendment was rejected: as amended by Senate Committee, on page 3, in line 25, by striking all after “or”; in line 26, by striking “ingly”; after line 29, by inserting the following:

“(c) Notwithstanding the provisions of subsection (b), no person described in paragraphs (3), (4) and (5) of subsection (a) shall accept or knowingly solicit any contribution as defined by K.S.A. 25-4143, and amendments thereto, from any registered lobbyist, political committee, person, other than an individual, during such period of time described in subsection (a).”

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

On roll call, the vote was: Yeas 17, Nays 21, Present and Passing 1, Absent or Not Voting 1.

Yeas: Allen, Barone, Betts, Brungardt, Francisco, Gilstrap, Goodwin, Haley, Hensley, Kelly, Lee, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Vratil.

Nays: Apple, Barnett, Brownlee, Bruce, Donovan, Emler, Huelskamp, Jordan, Journey, Lynn, McGinn, Ostmeier, Palmer, Petersen, Pine, Pyle, Schmidt D, Taddiken, Umbarger, Wagle, Wilson.

Present and Passing: Wysong.

Absent or Not Voting: Morris.

The motion failed and the amendment was rejected.

SB 347 be amended by adoption of the committee amendments, be further amended by motion of Senator Wagle as amended by Senate Committee, on page 1, in line 26, by striking “Except as otherwise provided, if” and inserting “If”; in line 28, by striking “51” and inserting “250”; by striking all in lines 39 through 41; in line 42, by striking “means.” and inserting “With regard to the filing of statements required to be filed pursuant to this section for such wages paid and amount of tax withheld during calendar year 2006, any employer, payer, person or organization that files statements which report such wages paid and withholding information for at least 51 employees or payees but less than 250 employees or payees with the division of taxation on or before February 28, 2007, by means other than electronic means, shall be deemed to be in compliance with the provisions of this section as it existed prior to the effective date of this act, and no penalties shall be imposed against such employer, payer, person or organization.” and **SB 347** be passed as further amended.

SB 357 be amended by adoption of the committee amendments, be further amended by motion of Senator Barnett as amended by Senate Committee, on page 90, in line 18, by striking “Newborn screening” and inserting “Alexis’ newborn screening initiative”

Senator Palmer further amended **SB 357** as amended by Senate Committee, on page 63, following line 31, by inserting the following:

“(s) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated in any special revenue fund or in any account of the state general fund for the above agency for fiscal year 2008 by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the above agency from any such special revenue fund or any such account of the state general fund for fiscal year 2008 to prepare and submit a report on the use of credit cards issued by the state of Kansas to state officers and employees for the following purposes, including, but not limited to, paying for certain job related expenses or making purchases for such state officers and employees state agency: *Provided*, That a summary of internal audit findings shall be included as a part of such report including any abuse or misuse of such credit cards reported in such internal audits: *Provided further*, That the secretary of administration shall make a full report on such issues to the legislature during the 2008 regular session of the legislature.”

Senator Palmer further amended **SB 357** as amended by Senate Committee, on page 215, after line 4, by inserting the following:

“Sec. 94. On and after the effective date of this act, during the fiscal year ending June 30, 2007, and during the fiscal year ending June 30, 2008, no expenditures shall be made from any moneys appropriated for any state agency from the state general fund or any special revenue fund for fiscal year 2007 and fiscal year 2008 by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas, or by this or other appropriation act of the 2007 regular

session of the legislature for purchase of any alcoholic liquor or cereal malt beverages for consumption by an employee or officer of the state of Kansas.”

Senator Teichman further amended **SB 357** as amended by Senate Committee, on page 111, following line 3, by inserting the following:

“Early headstart \$1,600,000”

Senator Betts further amended **SB 357** as amended by Senate Committee, on page 104, in line 19, by adding \$150,000 to the dollar amount and by adjusting the amount in line 19 accordingly

Senator Huelskamp further amended **SB 357** as amended by Senate Committee, on page 215, after line 4, by inserting the following:

“Sec. 94. During the fiscal year ending June 30, 2008, no expenditures shall be made from any moneys appropriated for any executive branch state agency from the state general fund or any special revenue fund for fiscal year 2008 by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature for any information technology project estimated to cost \$250,000 or more unless such project has been submitted to and approved by the executive chief information technology officer.”;

And by renumbering the remaining sections accordingly

Senator Huelskamp further amended **SB 357** as amended by Senate Committee, on page 63, following line 31, by inserting the following:

“(s) Notwithstanding any provision of law to the contrary, in addition to the other purposes for which expenditures may be made by the department of administration from the state general fund or any special revenue fund for fiscal year 2008 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the above agency to implement the provisions of the Kansas taxpayer transparency act.”;

On page 215, after line 4, by inserting the following:

Section 94. This act shall be known and may be cited as the Kansas taxpayer transparency act.

Sec. 95. (a) As used in the Kansas taxpayer transparency act:

(1) “Searchable website” means a website that allows the public to search and aggregate the information identified in subsection (b). Such term shall include requirements that the website offer the public the ability to efficiently search and display data, and ascertain the total amounts of revenues and expenditures of funds established within the state treasury in an aggregate or summary form in a manner determined by the secretary of administration; of compensation paid to public employees employed by state agencies; and of bond debt as specified in this act.

(2) “Agency” means any entity or instrumentality of the state of Kansas as defined in K.S.A. 75-3701, and amendments thereto, and any other entity or instrumentality delegated statutory authority by the legislature to issue bonds and to collect revenue for the purpose of repaying bonds issued under authority delegated by statute.

(b) No later than March 1, 2008, the secretary of administration shall develop and operate a single, searchable website accessible by the public at no cost to access, that includes:

(1) Annual expenditures, as determined by the secretary of administration and as available within the central accounting system and state payroll system, shall include, but not be limited to:

- (A) Disbursements by any state agency from funds established within the state treasury;
- (B) bond debt payments;
- (C) salaries and wages including, but not limited to, compensation paid to individual employees of state agencies;
- (D) contractual services including, but not limited to, amounts paid to individual vendors;
- (E) commodities including, but not limited to, amounts paid to individual vendors;
- (F) capital outlay including, but not limited to, amounts paid to individual vendors;
- (G) debt service including, but not limited to, amounts of bond interest paid and sources of funds paid for individual bond issues;
- (H) aid to local units including, but not limited to, amounts paid to individual units of government for individually identifiable aid programs;

- (I) other assistance and benefits; and
 - (J) capital improvements including, but not limited to, amounts of bond principal paid and sources of funds paid for individual bond issues.
- (2) Annual revenues, as determined by the secretary of administration and as available within the central accounting system, shall include, but not be limited to:
- (A) Receipts or deposits by any state agency into funds established within the state treasury;
 - (B) taxes including, but not limited to, compulsory contributions imposed by the state for the purpose of financing services;
 - (C) agency earnings including, but not limited to, amounts collected by each agency for merchandise sold, services performed, licenses and permits issued, or regulation;
 - (D) revenue for the use of money and property including, but not limited to, amounts received for compensation for the use of state-owned money and property;
 - (E) gifts, donations and federal grants including, but not limited to, amounts received from public and private entities to aid in support of a specific function or other governmental activity;
 - (F) other revenue including, but not limited to, receipts not classified elsewhere; and
 - (G) non-revenue receipts including, but not limited to, all receipts that do not constitute revenue.
- (3) Annual bonded indebtedness which shall include, but not be limited to, the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the source of funding for repayment of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, any refinancing of the obligation, and the cited statutory authority to issue such bonds.
- (4) Any other relevant information specified by the secretary of administration after consulting with and seeking the advice of the public finance transparency board as established in section 3, and amendments thereto.
- (c) The single website provided for in subsection (b) of this section shall include data for fiscal year 2002 and each fiscal year thereafter. Such data shall be retained on the single website for not less than 10 years and shall include data for the most recent fiscal years. Data that is available in the central accounting system and state payroll system shall be on the single website as soon as possible, but not later than 45 days after the last day of the preceding fiscal year. The secretary of administration shall develop policies and procedures to make data available from any other source. Nothing in this act shall require the secretary of administration to provide information on the website that is not available at the time of initial implementation of the website in the central accounting system, and the state payroll system. After implementation of the initial website, the public finance transparency board shall advise the secretary of administration on incorporating additional information described by this act from any other source of information available to the secretary of administration including information submitted by state agencies pursuant to subsection (d) of this section.
- (d) Any state agency shall provide, at the request of the secretary of administration, such information as is necessary to accomplish the purposes of this act.
- (e) Nothing in this act shall permit or require the disclosure of information which is considered confidential by state or federal law.
- Sec. 96. (a) There is hereby established the public finance transparency board for the purpose of advising and consulting with the secretary of administration on the content, format and reports to be produced on the website established in section 2, and amendments thereto.
- (b) The board shall consist of members as follows:
- (1) The secretary of administration or the secretary's designee, who shall serve as chairperson of the board;
 - (2) the director of accounts and reports or the director's designee;
 - (3) two members who are chief executive officers of agencies of the executive branch or such officer's designees, appointed by the governor, who shall serve at the pleasure of the governor;

(4) four members of the general public, two appointed by the governor, one appointed by the president of the senate and one appointed by the speaker of the house;

(5) four members of the legislature, one appointed by the president of the senate, one appointed by the minority leader of the senate, one appointed by the speaker of the house, and one appointed by the minority leader of the house, all of whom shall serve at the pleasure of the appointing official;

(6) the legislative post auditor or such auditor's designee;

(7) the state archivist or such archivist's designee; and

(8) the director of legislative research or such director's designee.

(c) The board shall annually elect one member from the board as vice-chairperson and another as secretary.

(d) Eight members of the board shall constitute a quorum and the affirmative vote of eight members shall be necessary for any action taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

(e) General public members and legislative members of the board attending meetings of the board, or attending subcommittee meetings thereof authorized by the board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(f) In order to achieve its purpose as provided in this act, the board shall:

(1) Advise the secretary of administration, after implementation of the initial website, on incorporating additional information described by this act from any other source of information available to the secretary of administration including information submitted by state agencies pursuant to subsection (d) of section 2, and amendments thereto;

(2) serve in an advisory capacity to the secretary of administration, who shall from time to time consult with and seek the advice of the board on matters related to the further development of the website, expansion of the content of information for the website, and new reports to be generated on the website to assist the public in accessing public information;

(3) seek advice from the general public, professional associations, academic groups and institutions and individuals with knowledge of and interest in areas of public information access, gateway services, add-on services and electronic information; and

(4) meet at least twice during each fiscal year on the call of the secretary of administration who shall set the agenda for such meetings, which shall include a report on the progress in implementing and developing the website, proposed enhancements to the website in terms of content, format, policies and procedures and reports, and other matters as deemed appropriate by the secretary of administration.

(g) All state agencies shall cooperate with the board in providing such assistance as may be requested for the achievement of its purpose.

Sec. 97. The secretary of administration shall implement the provisions of this act by policies and procedures."

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

Yeas: Apple, Barnett, Barone, Brownlee, Bruce, Donovan, Gilstrap, Haley, Huelskamp, Jordan, Journey, Lynn, McGinn, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Steineger, Taddiken, Wagle, Wilson.

Nays: Allen, Betts, Brungardt, Emler, Francisco, Goodwin, Hensley, Kelly, Lee, Morris, Reitz, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wysong.

The motion carried and the amendment was adopted.

Senator Barone further amended **SB 357** as amended by Senate Committee, on page 107, in line 2, by adding \$2,003,640 to the dollar amount and by adjusting the dollar amount in line 2 accordingly

Senator Emler further amended **SB 357** as amended by Senate Committee, on page 36, in line 1, by subtracting \$300,000 from the dollar amount and by adjusting the dollar amount in line 1 accordingly

Senator Barnett further amended **SB 357** as amended by Senate Committee, on page 144, following line 28, by inserting:

“(g) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 or fiscal year 2008 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 or fiscal year 2008 to provide that the university of Kansas medical center and the school of medicine maintain, to the extent permitted by the appropriate graduate medical education accreditation organization guidelines, the current number of KU resident physician positions at the university of Kansas hospital and at any affiliated Wichita, Kansas, residency programs: *Provided*, That the university of Kansas medical center shall conduct a study of physician workforce needs in Kansas which shall include specific information regarding the impact of any new hospital affiliations entered into by the university of Kansas or the university of Kansas medical center, or any of the schools thereof, on access to primary care physicians in Kansas and shall present the results of the study to the legislature prior to December 1, 2007: *Provided, however*, That, if the university of Kansas medical center or the university of Kansas school of medicine, or both, as part of the effort to build a stronger bioscience research capability, decide to extend an affiliation for research and teaching with Saint Luke’s health systems, then no such affiliation agreement between the university of Kansas medical center or the university of Kansas school of medicine, or both, and Saint Luke’s health system shall be implemented until such affiliation has been reviewed and approved by the affirmative vote of a majority of the members of the state board of regents and the members of the board of directors of the university of Kansas hospital authority.”

Senator Emler further amended **SB 357** as amended by Senate Committee, on page 144, following line 28, by inserting:

“(g) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 or fiscal year 2008 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 or fiscal year 2008 to provide that the university of Kansas medical center and the school of medicine maintain, to the extent permitted by the appropriate graduate medical education accreditation organization guidelines, the current number of KU resident physician positions at the university of Kansas hospital: *Provided*, That the University of Kansas medical center and the university of Kansas school of medicine-Wichita maintain, to the extent permitted by the appropriate graduate medical education accreditation guidelines, the current number of KU resident physician positions at KU affiliated hospitals in Wichita: *Provided further*, That affiliation agreements for a research and education affiliation of Saint Luke’s health system shall be implemented unless action is taken by a majority vote of the members of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, to disapprove such agreements on or before July 1, 2007.

(h) In addition to other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 or fiscal year 2008 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 or fiscal year 2008 to conduct a study of physician workforce needs in Kansas which shall include specific information regarding the impact of any new hospital affiliations entered into by the university of Kansas or the university of Kansas medical center, or any of the schools thereof, on access to primary care physicians in Kansas and shall present the results of that study to the legislature prior to December 1, 2007.”

Senator Umbarger further amended **SB 357** as amended by Senate Committee, on page 96, in line 2, by striking "Treese" and inserting "Treece"

Senator Kelly further amended **SB 357** as amended by Senate Committee, on page 106, in line 29, by adding \$955,952 to the dollar amount and by adjusting the dollar amount in line 29 accordingly and **SB 357** be passed as further amended.

The following amendments to **SB 357** were rejected:

Senator Vratil moved to amend **SB 357** as amended by Senate Committee, on page 169, in line 15, by striking all after "law"; by striking all in lines 16 through 40; in line 41, by striking all preceding the period

Senator Palmer moved to amend **SB 357** as amended by Senate Committee, on page 215, following line 4, by inserting:

"Sec. 94. Notwithstanding any provision of law to the contrary, on and after the effective date of this act, during the fiscal year ending June 30, 2007, and during the fiscal year ending June 30, 2008, no expenditures shall be made from any moneys appropriated for any state agency from the state general fund or any special revenue fund for fiscal year 2007 and fiscal year 2008 by chapter 142 or 216 of the 2006 Session Laws of Kansas, or by this or other appropriation act of the 2007 regular session of the legislature for an officer or employee of the state of Kansas to upgrade a hotel, motel or lodging establishment room while such officer or employee is authorized to engage in official travel inside or outside of the state."

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

On roll call, the vote was: Yeas 11, Nays 25, Present and Passing 4, Absent or Not Voting 0.

Yeas: Barnett, Brownlee, Huelskamp, Jordan, Journey, Lynn, Ostmeyer, Palmer, Pyle, Steineger, Wagle.

Nays: Allen, Apple, Barone, Betts, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Haley, Kelly, McGinn, Morris, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Present and Passing: Francisco, Hensley, Lee, Schodorf.

The motion failed and the amendment was rejected.

EXPLANATION OF VOTE

MR. CHAIRMAN: I vote No on the room upgrade amendment. The intent is admirable, but the language of the amendment fails to adequately resolve the problem.—TERRY BRUCE

Senators Apple, Barone, Betts, Emler, Francisco, Goodwin, Haley, Kelly, Lee, McGinn, Petersen, Pine, D. Schmidt, V. Schmidt, Umbarger, Vratil, Wilson request the record to show they concur with the explanation offered by Senator Bruce on **SB 357**.

Senator Steineger moved to amend **SB 357** on page 90, line 19, by striking line 19

Senator Barnett moved to amend **SB 357** as amended by Senate Committee, on page 87, following line 13, by inserting:

"Tobacco use prevention and reduction fund No limit
Provided, That all of the moneys received by the state of Kansas during fiscal year 2008 when the state's tobacco settlement payment receipts as of June 30, 2007 for the prior twelve-month period are in excess of the total amount of settlement payments actually received by the state during fiscal year 2005 (\$53,453,764), an amount equal to the excess shall be deposited in the state treasury and credited to the tobacco use prevention and reduction fund: *Provided further*, That the department of health and environment shall expend such funds solely for the purpose of increasing state efforts to prevent and reduce tobacco use and its harms: *Provided, however*, That these funds shall not be used to replace existing funding allocated to state tobacco prevention efforts but solely to increase the total amount of expenditures to prevent and reduce tobacco use and its harms in the state: *Provided further*, That the funds shall be allocated by the above agency consistently with the center for disease control and prevention's, or its successor agency's, best practices and guidelines for state tobacco control programs and as determined by the above agency, in consultation with the oversight committee to be effective to prevent and reduce tobacco use, reduce the public's exposure to secondhand smoke and identify and eliminate disparities related to tobacco use and its effects among different population groups: *And provided*

further, That in addition to the other purposes for which expenditures may be made from the moneys appropriated to this fund, an oversight committee of nine members, which is hereby authorized to be established, shall assist the above agency in developing, implementing and maintaining a strategic plan for allocating the funds directed to the above agency in monitoring and evaluating the use of the funds and all other state expenditures to prevent and reduce tobacco use and its harms, and in assessing the efficacy of all such expenditures to prevent and reduce tobacco use and its harms: *And provided further*, That three members of the oversight committee shall be appointed by the governor, two by the majority leader of the senate, one by the minority leader of the senate, two by the majority leader of the house of representatives and one by the minority leader of the house of representatives: *And provided further*, That the members of the oversight committee shall be persons with experience and expertise regarding public health, tobacco control policies and programs, public education and counter-marketing and program oversight and evaluation: *And provided further*, That no member of the oversight committee shall, during the member's tenure on the committee or for three years before joining the committee, receive any salary, grants or other payments or support from any business that manufactures, distributes, markets or sells cigarettes or other tobacco products or serve as a director, employee or consultant of any organization that receives grants or contributions from any such business or that provides legal, lobbying, public relations, marketing or advertising services to any such business: *And provided further*, That each member of the oversight committee shall agree not to enter into any such financial or business relationships with the tobacco industry for a period of two years after that member's tenure on the oversight committee ends: *And provided further*, That the oversight committee shall annually provide a publicly available report on tobacco use and its related harms and costs in the state, the allocation of state funds to prevent and reduce tobacco use and its harms, the effectiveness of such funding allocations and related surveillance and evaluation findings to the governor and the legislature."

Senator Brownlee moved to amend **SB 357** as amended by Senate Committee, on page 16, in line 10, by adding \$59,000 to the dollar amount and by adjusting the dollar amount in line 10 accordingly; in line 13, preceding the period, by inserting ": *Provided further*, That in addition to the other purposes for which expenditures may be made by the legislative research department from the legislative research department — operations account for fiscal year 2008 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the above agency from the legislative research department — operations account for not less than one additional full-time position for the purpose of the preparation of fiscal notes on all bills which increase or decrease state revenues or the revenues of counties, cities and school districts, making state appropriations or increasing or decreasing existing appropriations or the fiscal liability of the state: *And provided further*, That the fiscal note shall include a valid and reliable estimate in dollars of the anticipated change in revenue, including anticipated economic growth caused by the provisions of the bill, and expenditures or fiscal liability under the provisions of the bill"

Senator Barone moved to amend **SB 357** as amended by Senate Committee, on page 26, by striking lines 42 and 43;

On page 27, by striking all in lines 1 through 6;

On page 28, after line 15, by inserting the following:

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

Senator Huelskamp moved to amend **SB 357** as amended by Senate Committee, On page 1, in line 20, after "ending" by inserting "June 30, 2007,";

On page 227, following line 23, by inserting the following:

"Sec. 117. (a) In addition to the other purposes for which expenditures may be made by the legislature from the moneys appropriated from the state general fund or from any special

revenue fund for the legislature for fiscal year 2007 or fiscal year 2008, as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or any other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the legislature from moneys appropriated from the state general fund or from any special revenue fund for the legislature for fiscal year 2007 or for fiscal year 2008 for legislation to enact tax relief on the basis of \$1 of tax relief for every \$1 authorized for expenditure for fiscal year 2008 by a state agency for any new or expanded program or activity: *Provided*, That the director of the budget shall consult with the director of legislative research and shall prepare a report to the legislature of the aggregate amount of money authorized in the approved state general fund budget for fiscal year 2008.”;

On page 1, in the title, in line 11, after “ing” by inserting “June 30, 2007,”

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

On roll call, the vote was: Yeas 15, Nays 24, Present and Passing 1, Absent or Not Voting 0.

Yeas: Barnett, Brownlee, Gilstrap, Haley, Huelskamp, Jordan, Journey, Lynn, Ostmeyer, Palmer, Petersen, Pyle, Steineger, Wagle, Wilson.

Nays: Allen, Apple, Betts, Bruce, Brungardt, Donovan, Emler, Francisco, Goodwin, Hensley, Kelly, Lee, McGinn, Morris, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wysong.

Present and Passing: Barone.

The motion failed and the amendment was rejected.

SB 358 be amended by adoption of the committee amendments, be further amended by motion of Senator Emler as amended by Senate Committee, on page 4, in line 8, by subtracting \$200,000 from the dollar amount and by adjusting the dollar amount in line 8 accordingly and **SB 358** be passed as further amended.

SB 359 be amended by adoption of the committee amendments, be further amended by motion of Senator Pyle as amended by Senate Committee, on page 38, after line 12, by inserting the following:

“Sec. 28. On and after the effective date of this act, during the fiscal year ending June 30, 2007, and during the fiscal year ending June 30, 2008, and each ensuing fiscal year thereafter, no expenditures shall be made from any moneys appropriated for the department of administration or any other state agency from the state general fund or any special revenue fund for fiscal year 2007 and fiscal year 2008 by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas, or by this or other appropriation act of the legislature for the department of administration or any other state agency to demolish or raze all or any part of the Docking state office building unless such demolition or razing is authorized by a specific act of the legislature enacted into law, except that such demolition or razing may not be approved by a provision in an appropriation bill.”;

And by renumbering the remaining sections accordingly and **SB 359** be passed as further amended.

The following amendments offered to **SB 359** were rejected:

Senator Palmer moved to amend **SB 359** as amended by Senate Committee, on page 1, in line 18, after “ending” by inserting “June 30, 2007.”;

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

“Sec. 28. (a) On and after the effective date of this act, during fiscal year 2007 or fiscal year 2008, no expenditures shall be made by the department of administration or any other state agency from any moneys appropriated from the state general fund or any special revenue fund for salaries and wages or any other operating expenditures to conduct any inspections, approve any work or other matters, authorize any payments to the general contractor or the firm of design architects for the statehouse renovation and restoration project, or in any manner otherwise approve or authorize the payment for, or the conduct of any work on, the statehouse renovation and restoration project by the general contractor or the firm of design architects for the statehouse renovation and restoration project, until (1) the secretary of administration has renegotiated the contract and the fee for architectural services provided by the firm of design architects for the statehouse renovation and restoration project and has renegotiated the contact with the general contractor for the statehouse renovation and restoration project to include a specific final total cost of the

completed statehouse renovation and restoration project and a firm completion date for the statehouse renovation and restoration project, and (2) both renegotiated contracts have been specifically approved by a separate act of the legislature enacted into law: *Provided*, That it is the intent of this section that actions be taken and approvals be withheld for the purposes of such renegotiations: *Provided further*, That the secretary of administration is hereby authorized and directed to act and to direct the actions of officers and employees of the department of administration in order to stop work on the statehouse renovation and restoration project to provide for the renegotiation of such contracts.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 10, by inserting “June 30, 2007,”

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

On roll call, the vote was: Yeas 18, Nays 21, Present and Passing 1, Absent or Not Voting 0.

Yeas: Barnett, Barone, Brownlee, Bruce, Gilstrap, Haley, Huelskamp, Jordan, Journey, Lynn, Ostmeyer, Palmer, Petersen, Pyle, Steineger, Taddiken, Wagle, Wilson.

Nays: Allen, Apple, Betts, Brungardt, Donovan, Emler, Goodwin, Hensley, Kelly, Lee, McGinn, Morris, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wysong.

Present and Passing: Francisco.

The motion failed and the amendment was rejected.

Senator Barnett moved to amend **SB 359** as amended by Senate Committee, on page 7, following line 19, by inserting the following:

“(c) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 11, following line 21, by inserting the following:

“(k) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency

shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 13, following line 36, by inserting the following:

“(g) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 14, following line 4, by inserting the following:

“(b) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency

shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

Also on page 14, following line 24, by inserting the following:

“(c) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 15, following line 34, by inserting the following:

“(e) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency

shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 18, following line 37, by inserting the following:

“(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 22, following line 15, by inserting the following:

“(g) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

Also on page 22, following line 42, by inserting the following:

“(d) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency

shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 23, by striking all in lines 6 through 8; in line 12, by adding \$15,000,000 to the dollar amount and by adjusting the amount in line 12 accordingly;

On page 24, following line 37, by inserting the following:

“(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Regents crumbling classrooms debt payment fund
For the fiscal year ending June 30, 2007 \$0

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

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

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

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

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

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

Provided, That, except as specifically authorized by act of the legislature, no moneys shall

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

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

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

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

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

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

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

(g) During the fiscal year ending June 30, 2008, the state board of regents shall certify to the director of accounts and reports the amount or amounts and the date or dates of payments to be made during fiscal year 2008 for payment of principal and interest on bonds issued pursuant to section 13 of chapter 259 of the 1996 Session Laws of Kansas, in accordance with applicable bond covenants. At the same time as such certification is transmitted to the director of accounts and reports, the state board of regents shall transmit a copy of such certification to the director of the budget and the director of the legislative research department. Upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts specified on the date or dates specified in such certification from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair of the buildings and related utility systems located at the above agency fund of the state board of regents: *Provided*, That the amount or

amounts transferred from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair of the buildings and related utility systems located at the above agency fund of the state board of regents during fiscal year 2008 under this subsection (g) shall not exceed \$15,000,000.

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

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

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

(k) During the fiscal year ending June 30, 2012, the state board of regents shall certify to the director of accounts and reports the amount or amounts and the date or dates of payments to be made during fiscal year 2012 for payment of principal and interest on bonds issued pursuant to section 13 of chapter 259 of the 1996 Session Laws of Kansas, in accordance with applicable bond covenants. At the same time as such certification is

transmitted to the director of accounts and reports, the state board of regents shall transmit a copy of such certification to the director of the budget and the director of the legislative research department. Upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts specified on the date or dates specified in such certification from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair of the buildings and related utility systems located at the above agency fund of the state board of regents: *Provided*, That the amount or amounts transferred from the regents crumbling classrooms debt payment fund to the comprehensive rehabilitation and repair of the buildings and related utility systems located at the above agency fund of the state board of regents during fiscal year 2012 under this subsection (k) shall not exceed \$15,000,000.”;

On page 1, in the title, in line 11, by striking “and”; also in line 11, preceding “for” by inserting “June 30, 2011, and June 30, 2012,”

Senator Barnett moved to amend **SB 359** as amended by Senate Committee, on page 7, following line 19, by inserting the following:

“(c) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 11, following line 21, by inserting the following:

“(k) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency

shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 13, following line 36, by inserting the following:

“(g) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 14, following line 4, by inserting the following:

“(b) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency

shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

Also on page 14, following line 24, by inserting the following:

“(c) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

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(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 15, following line 34, by inserting the following:

“(e) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

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(h) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 18, following line 37, by inserting the following:

“(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency

shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

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On page 22, following line 15, by inserting the following:

“(g) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

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(i) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

Also on page 22, following line 42, by inserting the following:

“(d) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency

shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

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On page 1, in the title, in line 11, by striking “and”; also in line 11, preceding “for” by inserting “June 30, 2011, and June 30, 2012.”

Senator Barnett moved to amend **SB 359** as amended by Senate Committee, on page 7, following line 19, by inserting the following:

“(c) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

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(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 11, following line 21, by inserting the following:

“(k) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue

fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 13, following line 36, by inserting the following:

“(g) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 14, following line 4, by inserting the following:

“(b) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of

the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

Also on page 14, following line 24, by inserting the following:

“(c) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 15, following line 34, by inserting the following:

“(e) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 18, following line 37, by inserting the following:

“(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of

the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

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(i) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 22, following line 15, by inserting the following:

“(g) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

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(j) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

Also on page 22, following line 42, by inserting the following:

“(d) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 2.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 3.5% of the total expenditures by the agency

shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2007 regular session of the legislature, expenditures of not less than 4.5% of the total expenditures by the agency shall be made for rehabilitation and repair of the buildings and related utility systems located at the above agency.”;

On page 1, in the title, in line 11, by striking “and”; also in line 11, preceding “for” by inserting “June 30, 2011, and June 30, 2012.”

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

On roll call, the vote was: Yeas 16, Nays 23, Present and Passing 1, Absent or Not Voting 0.

Yeas: Barnett, Brownlee, Donovan, Gilstrap, Haley, Huelskamp, Jordan, Journey, Lynn, Ostmeyer, Palmer, Petersen, Pyle, Steineger, Wagle, Wilson.

Nays: Allen, Apple, Barone, Betts, Bruce, Brungardt, Emler, Goodwin, Hensley, Kelly, Lee, McGinn, Morris, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wysong.

Present and Passing: Francisco.

The motion failed and the amendment was rejected.

HB 2033 be passed over and retain a place on the calendar.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Goodwin as a member of the Conference Committee on **S Sub for Sub HB 2035** to replace Senator Lee.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, March 21, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

