

Journal of the Senate

SIXTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 2, 2007—10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Wilson was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
The President's tired of presiding
And the Houses of legislating.
The Doormen are tired of watching doors,
And the Aides are tired of aiding.
The Chairmen are tired of chairing
And the Clerks are tired of clerking.
The Leaders are tired of leading
And everyone's tired of working.
The Speaker is tired of speaking
And the Reader is tired of reading.
The Secretaries are tired of all they do
And the Committees are tired of meeting.
The Researchers are tired of researching
And the Lobbyists of counting votes.
The Revisers are tired of revising
And the Reporters of taking notes.
I'd like to suggest a signal, Lord,
From under the old green dome:
If ever the Chaplain gets tired of praying,
We'll know it's time to go home!
I pray in the Name of Christ,
AMEN

MESSAGE FROM THE HOUSE

Announcing passage of **House Substitute for SB 357**.

ORIGINAL MOTION

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **S Sub for HB 2531**.

The President appointed Senators Umbarger, V. Schmidt and Kelly as conferees on the part of the Senate.

ORIGINAL MOTION

Senator D. Schmidt moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and dispense with distribution of copies of the conference committee report on **H Sub for SB 357**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 357**, submits the following report:

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

On page 2, by striking all in lines 40 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 and 2; in line 3, by striking “(d)” and inserting “(b)”; in line 17, by striking “fo computing” and inserting “of computer services”; in line 30, by striking “that” and inserting “than”; after line 42, by inserting the following:

“(c) During the fiscal years ending June 30, 2007, and June 30, 2008, in addition to the other purposes for which expenditures may be made by the legislature from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2007 or fiscal year 2008 for the legislature, as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas, by 2007 House Bill No. 2368, or by this or other appropriation act of the 2007 regular session of the legislature, the legislature shall make expenditures from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2007 or fiscal year 2008 to provide for the capitol restoration commission to meet at least quarterly to monitor the status and progress of the statehouse restoration and renovation project: *Provided*, That such quarterly meetings shall also include a status report on the current projected and actual expenditures for the project and the construction timeline for the project: *Provided further*, That the legislative coordinating council shall expand the capitol restoration commission by at least three members to provide for the addition of one or more expert members who have a professional background in industry, building trades and technical professions.

(d) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2007 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by 2007 House Bill No. 2368, or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the legislative coordinating council from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2007 to create email addresses for legislators which are identified by the first initial of such legislator’s first name followed by such legislator’s last name: *Provided*, That such addresses shall be created and in use on or before June 30, 2007: *Provided further*, That an individual legislator may select to use the first two initials of such legislator’s first name or the first initial of such legislator’s first name and the first initial of such legislator’s middle name for such email address: *And provided further*, That if there are two legislators with the identical name or initials, the director of legislative administrative services, in consultation with such legislators, shall determine the email identification for such legislators: *And provided further*, That the director of legislative administrative services shall ensure that email addressed to legislators using the current email address consisting of using the last name only of a legislator shall be delivered to the new addresses through January 11, 2009: *And provided further*, That on and after January 12, 2009, the email addresses using the last name only of a legislator shall cease to exist.”;

On page 10, after line 7, by inserting the following:

“(j) (1) To pay the proportionate share of the cost to the Kansas highway patrol for the salary increases and bonus payments specified in section 160(r)(1) of 2007 House Bill No. 2368, including associated employer contributions, for officers and employees of the Kansas highway patrol, upon recommendation of the director of the budget, 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, except paragraph (3) of such subsection (c), is hereby authorized to approve an amount or amounts to be transferred on one or more dates during fiscal year 2008 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund of the Kansas highway patrol for the purpose of financing the cost of such salary increases and bonus payments, including associated employer contributions, for the Kansas highway patrol: *Provided*, That upon such approval, the director of the budget shall certify the amount or amounts approved to be transferred for such purpose and the date or dates specified therefor: *Provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts certified from the state highway fund of the department of transportation to the Kansas highway patrol operations fund of the Kansas highway patrol in accordance with such certification.

(2) To pay the proportionate share of the cost to the department of revenue for the salary increases and bonus payments specified in section 160(r)(1) of 2007 House Bill No. 2368, including associated employer contributions, for officers and employees of the department of revenue, upon recommendation of the director of the budget, 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, except paragraph (3) of such subsection (c), is hereby authorized to approve an amount or amounts to be transferred on one or more dates during fiscal year 2008 from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue for the purpose of financing the cost of such salary increases and bonus payments, including associated employer contributions, for the department of revenue: *Provided*, That upon such approval, the director of the budget shall certify the amount or amounts approved to be transferred for such purpose and the date or dates specified therefor: *Provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts certified from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue in accordance with such certification.

(3) To pay the proportionate share of the cost to the state fire marshal for the salary increases and bonus payments specified in section 160(r)(1) of 2007 House Bill No. 2368, including associated employer contributions, for officers and employees of the hazardous materials program of the state fire marshal, upon recommendation of the director of the budget, 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, except paragraph (3) of such subsection (c), is hereby authorized to approve an amount or amounts to be transferred on one or more dates during fiscal year 2008 from the fire marshal fee fund of the state fire marshal to the hazardous materials program fund of the state fire marshal for the purpose of financing the cost of such salary increases and bonus payments, including associated employer contributions, for the state fire marshal: *Provided*, That upon such approval, the director of the budget shall certify the amount or amounts approved to be transferred for such purpose and the date or dates specified therefor: *Provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts certified from the fire marshal fee fund of the state fire marshal to the hazardous materials program fund of the state fire marshal in accordance with such certification.”;

Also on page 10, by striking all in lines 17 through 43;

On page 11, by striking all in lines 1 through 21; in line 22, by striking “(d)” and inserting “(c)”; in line 43, by striking “\$1650,000” and inserting “\$50,000”;

On page 12, by striking all in lines 1 through 12; after line 38, by inserting the following:

“(c) On the effective date of this act, the amount of \$43,651,166 authorized for transfer by section 28 (a) of 2007 House Bill No. 2368 to be transferred by the director of accounts and reports from the Kansas endowment for youth fund to the children’s initiatives fund is hereby increased to \$47,361,933.

(d) All moneys received by the state of Kansas pursuant to the tobacco litigation settlement agreements entered into by the attorney general on behalf of the state of Kansas that are

amounts allocated to Kansas from the strategic contribution fund established under the master settlement agreement during the fiscal year ending June 30, 2008, shall be deposited in the state treasury and credited to the Kansas endowment for youth fund: *Provided*, That all such moneys received from the strategic contribution fund shall be deposited in a separate account of the Kansas endowment for youth fund: *Provided further*, That, except as specifically authorized by act of the legislature during the 2008 regular session, the amount transferred or expended from the Kansas endowment for youth fund during fiscal year 2008 shall not include any amount attributable to revenues from the strategic contribution fund.”;

On page 13, by striking all in lines 2 and 3 and inserting the following:

“Public broadcasting council grants

For the fiscal year ending June 30, 2008..... \$250,000

Provided, That, as a condition precedent to receipt of any grant from the public broadcasting council grants account for the fiscal year ending June 30, 2008, Washburn university of Topeka, broadcasting as Channel 11 (KTWU) from facilities in Topeka, Kansas, shall allow the use of the studio and other broadcast facilities of KTWU located on the campus to be utilized by Kansas Public Telecommunications Service, Inc., (KPTS) for the production and broadcasting of the “Ask your Legislator” television program.”;

Also on page 13, in line 7, by striking “\$12,900” and inserting “\$63,200”; by striking all in lines 10 and 11; after line 18, by inserting the following:

“Landon state office building repair expense fund

For the fiscal year ending June 30, 2007..... \$2,530,000

For the fiscal year ending June 30, 2008..... No limit

MacVicar avenue assessment expense fund

For the fiscal year ending June 30, 2008..... \$1,285,749”;

Also on page 13, in line 26, by striking all after “administration”; by striking all in lines 27 through 30; in line 31, by striking all before the period; after line 35, by inserting the following:

“(e) No expenditures shall be made from the state general fund or any other fund of the department of administration for the printing of the governor’s budget report in the fiscal year ending June 30, 2008, except that a limited number of paper copies may be produced for those individuals who request paper copies and copies which would be needed for historical and archival purposes.”;

Also on page 13, in line 36, by striking “(e)” and inserting “(f)”;

On page 14, after line 8, by inserting the following:

“(g) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2007 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by 2007 House Bill No. 2368, or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2007 for the purpose of printing a state employee telephone directory once every two years, beginning in the fiscal year ending June 30, 2009, and commencing after the November 2008 election.”;

Also on page 14, in line 9, by striking “(f)” and inserting “(h)”;

in line 35, by striking “(g)” and inserting “(i)”;

after line 40, by inserting the following:
“(j) (1) On the effective date of this act, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$11,000,000 from the state general fund to the statewide maintenance and disaster relief fund of the department of administration.
(2) On July 1, 2007, the amount of \$40,000,000 authorized by section 162(b) of 2007 House Bill No. 2368 to be transferred by the director of accounts and reports from the state general fund to the statewide maintenance and disaster relief fund of the department of administration on July 1, 2007, or as soon after such date as moneys are available therefor, is hereby increased to \$47,489,095.

(3) On July 1, 2007, the amount of \$40,000,000 authorized by section 162(b) of 2007 House Bill No. 2368 to be transferred by the director of accounts and reports from the state general fund to the statewide maintenance and disaster relief fund of the department of administration on January 1, 2008, or as soon after such date as moneys are available therefor, is hereby decreased to \$21,623,665.

(4) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,530,000 from the statewide maintenance and disaster relief fund of the department of administration to the Landon state office building repair expense fund of the department of administration.

(5) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,285,749 from the statewide maintenance and disaster relief fund of the department of administration to the MacVicar avenue assessment expense fund of the department of administration.

(6) On June 30, 2008, the director of accounts and reports shall transfer \$8,623,665 from the statewide maintenance and disaster relief fund of the department of administration to the state general fund.

(k) On the effective date of this act, in addition to the other purposes for which expenditures may be made by the department of administration from the operating expenditures account of the state general fund for fiscal year 2007 and 2008 as authorized by section 107 of 2007 House Bill No. 2368 or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the above agency from the operating expenditures account of the state general fund for fiscal year 2007 and 2008 for the Kansas advisory council on intergovernmental relations established by K.S.A. 12-4001, and amendments thereto: *Provided, however*, That during the fiscal year ending June 30, 2008, no expenditures shall be made from any moneys appropriated for any other state agency from the state general fund or any special revenue fund for fiscal year 2008 by chapter 142 or 216 of the 2006 Session Laws of Kansas, or by 2007 House Bill No. 2368, or by this or other appropriation act of the 2007 regular session of the legislature for this purpose.

(l) On July 1, 2007, the position limitation established for the fiscal year ending June 30, 2008, by section 157(a) of 2007 House Bill No. 2368 for the department of administration is hereby increased from 759.55 to 760.55.

Sec. 9. 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 2008 by chapter 142 or 216 of the 2006 Session Laws of Kansas, by 2007 House Bill No. 2368, or by this or other appropriation act of the 2007 regular session of the legislature for any state agency to print annual reports, except that a limited number of paper copies may be produced for those individuals who request paper copies and copies which would be needed for historical and archival purposes.”;

And by renumbering sections accordingly;

On page 15, after line 26, by inserting the following:

“(d) During the fiscal year ending June 30, 2008, upon request of the executive director of the Kansas racing and gaming commission, the pooled money investment board is authorized and directed to loan to the Kansas racing and gaming commission an amount or amounts of moneys during fiscal year 2008 as needed for the operating expenses of the Kansas racing and gaming commission for the expanded lottery operations under 2007 Senate Bill No. 66 at such time or times as requested by the executive director of the Kansas racing and gaming commission: *Provided*, That such loan shall not be made unless the terms thereof have been approved by the director of the budget: *Provided, however*, That the aggregate of all such loan amounts provided to the Kansas racing and gaming commission by the pooled money investment board shall not exceed \$3,000,000: *Provided further*, That each such loan amount shall be credited to the expanded lottery act regulation fund: *And provided further*, That, upon such approval, the director of the budget shall deliver a copy of the terms of such loan to the director of the legislative research department: *And provided further*, That the pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for such loan: *And provided further*, That such loan shall be

repaid on or before June 30, 2009, with interest at a rate equal to the total of the net earnings rate for the pooled money investment portfolio at the time of the entering into the loan agreement, plus 3%: *And provided further*, That such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas.

(e) 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:

Expanded lottery act regulation fund	
For the fiscal year ending June 30, 2008.....	No limit
Live horse racing purse supplement fund	
For the fiscal year ending June 30, 2008.....	No limit
Live greyhound racing purse supplement fund	
For the fiscal year ending June 30, 2008.....	No limit
Greyhound promotion and development fund	
For the fiscal year ending June 30, 2008.....	No limit

(f) The number of full-time and regular part-time positions equated to full-time, paid from appropriations for the fiscal year or years specified, made in this or other appropriation act of the 2007 regular session of the legislature for the agency or agencies specified, shall not exceed the following, except upon approval of the state finance council:

Kansas racing and gaming commission — expanded lottery act regulation division	
For the fiscal year ending June 30, 2008.....	25.00

Sec. 11.

KANSAS LOTTERY

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

Expanded lottery act revenues fund	
For the fiscal year ending June 30, 2007.....	No limit
For the fiscal year ending June 30, 2008.....	No limit
Expanded lottery act receipts fund	
For the fiscal year ending June 30, 2007.....	No limit
For the fiscal year ending June 30, 2008.....	No limit
Lottery gaming facility manager fund	
For the fiscal year ending June 30, 2007.....	No limit
For the fiscal year ending June 30, 2008.....	No limit

(b) In addition to the purposes for which expenditures of moneys in the lottery operating fund may be made, as authorized by provisions of K.S.A. 2006 Supp. 74-8711 and amendments thereto, as amended by section 45 of 2007 Senate Bill No. 66, moneys in the lottery operating fund may be used for payment of all costs incurred in the operation and administration of the Kansas lottery, the Kansas lottery act, and the Kansas expanded lottery act.”;

And by renumbering sections accordingly;

On page 17, in line 3, by striking “\$1,402,073” and inserting “\$1,602,073”; in line 12, by striking “\$3,000,000” and inserting “\$5,000,000”; in line 14, by striking “\$349,673” and inserting “\$175,000”; in line 17, by striking “\$349,673” and inserting “\$175,000”; by striking all in lines 21 through 43;

On page 18, by striking all in lines 1, 2 and 3; in line 4, by striking “(c)” and inserting “(b)”; following line 32, by inserting:

“(c) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from the moneys appropriated from the state general fund or from any special revenue fund for the Kansas health policy authority for fiscal year 2008, as authorized by this or any other appropriation act of the 2007 regular session of the

legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or from any special revenue fund for the Kansas health policy authority for fiscal year 2008 to work with the department of social and rehabilitation services to consider an increase in rates for case managers and in-home nursing care providers in the attendant care for independent living program, so that the program can efficiently and effectively move technology-dependent children from high cost hospital to lower cost in-home settings and improve patient outcomes: *Provided further*, That the discussion should include shifting funding as deemed appropriate from projected medicaid inpatient case load saving to fund the rate increases: *And provided further*, That the Kansas health policy authority shall prepare and present a report of the findings to the legislature on January 15, 2008.”;

Also on page 18, in line 38, by striking “\$651,000” and inserting “\$1,751,000”; in line 40, by striking “\$1,200,000” and inserting “\$887,330”;

On page 19, in line 6, by striking “\$8,310,298” and inserting “\$5,444,943”; in line 9, by striking “\$43,032,254” and inserting “\$45,367,441”; following line 9, by inserting the following:

“*Provided*, That all developmental disability community service providers are hereby required to provide information in the biennial independent rate study conducted by the department of social and rehabilitation services as required by the developmental disability reform act: *Provided further*, That the information required will provide the department of social and rehabilitation services with sufficient data to perform a benefit and wage analysis for the developmental disability system: *And provided further*, That the department of social and rehabilitation services and the Kansas health policy authority will mandate participation in the biennial rate study as a condition of participation in the medicaid program: *And provided further*, That the results of the study shall be made available to the legislature upon completion.”;

Also on page 19, by striking all in lines 24 through 28; by striking all in line 30 and inserting the following:

“For the fiscal year ending June 30, 2008 \$3,000,000”;

Also on page 19, following line 33, by inserting the following:

“Early headstart

For the fiscal year ending June 30, 2008..... \$500,000

Provided, That any unencumbered balance in the early headstart account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.”;

On page 20, following line 2, by inserting the following:

“(e) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or from any special revenue fund for the department of social and rehabilitation services for fiscal year 2008, as authorized by this or any other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or from any special revenue fund for the department of social and rehabilitation services for fiscal year 2008 to work with the Kansas health policy authority to consider an increase in rates for case managers and in-home nursing care providers in the attendant care for independent living program, so that the program can efficiently and effectively move technology-dependent children from high cost hospital to lower cost in-home settings and improve patient outcomes: *Provided*, That the discussion should include shifting funding as deemed appropriate from projected medicaid inpatient case load saving to fund the rate increases: *Provided further*, That the department of social and rehabilitation services shall prepare and present a report of the findings to the legislature on January 15, 2008.”;

Also on page 20, by striking all in lines 12 through 23 and inserting:

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

Recodification commission

For the fiscal year ending June 30, 2008..... \$150,000

Provided, That all expenditures from the recodification commission account shall be made for the expenses of the recodification commission created by 2007 House Substitute for Senate Bill No. 14: *Provided, however*, That during the fiscal year ending June 30, 2008, no expenditures shall be made from the recodification commission account to reimburse any employee, agent or contractor for mileage and other travel expenses out-of-state or mileage and other travel expenses for traveling from or returning to a location outside the state of Kansas.

(b) 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:

Recodification commission gifts and grants fund

For the fiscal year ending June 30, 2008..... No limit

Provided, That all moneys received by the recodification commission created by 2007 House Substitute for Senate Bill No. 14, for gifts and grants from any source shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the recodification commission gifts and grants fund: *Provided, however*, That during the fiscal year ending June 30, 2008, no expenditures shall be made from the recodification commission gifts and grants fund to reimburse any employee, agent or contractor for mileage and other travel expenses out-of-state or mileage and other travel expenses for traveling from or returning to a location outside the state of Kansas.”;

On page 21, by striking all in lines 37 through 43;

On page 22, by striking all in lines 1 through 9 and inserting in lieu thereof the following:

“(d) Prior to August 1, 2007, the judicial branch shall prepare and submit a report to the joint committee on state building construction detailing the long-term plans of the judicial branch for (1) the office locations of the offices and facilities for the supreme court, the court of appeals, the clerk of the appellate courts, the judicial administrator and the other officers and employees of the judicial branch that are located in the judicial center, and (2) the proposed location of such judicial branch offices and facilities after the judicial branch expands the court of appeals to 14 judges, and the future location of the judicial council’s office space.”;

Also on page 22, by striking all in lines 12 through 43;

On page 23, by striking all in lines 1 through 18 and inserting the following:

“(a) In addition to the other purposes for which expenditures may be made by the state corporation commission from moneys appropriated from the state general fund or from any special revenue fund for the state corporation commission for fiscal year 2008, as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas, by 2007 House Bill No. 2368, or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the state corporation commission from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2008 to review the rules and regulations concerning the definition of commercial motor vehicles that is consistent with, and not more stringent than the definition of commercial motor vehicles as defined by federal regulations: *Provided*, That the state corporation commission shall review the rules and regulations establishing exemptions from the commercial motor vehicle definition for off-road construction equipment including specific language establishing which equipment qualifies for the exemption: *Provided however*, That the state corporation commission shall report back such findings to the house of representatives committee on appropriations, the senate committee on ways and means and the joint committee on administrative rules and regulations on or before the first day of the 2008 regular session of the legislature.”;

Also on page 23, in line 19, by striking “(c)” and inserting “(b)”;

“On July 1, 2007, the position limitation established for the fiscal year ending June 30, 2008, by section 157(a) of 2007 House Bill No. 2368 for the Kansas department of agriculture is hereby increased from 308.49 to 314.49”;

“On page 24, after line 17, by inserting the following:
“(a) There is appropriated for the above agency from the state general fund for the year or years specified, the following:

Alternative energy projects
For the fiscal year ending June 30, 2008..... \$25,000”;

Also on page 24, in line 18, by striking “(a)” and inserting “(b)”;

“Any unencumbered balance in the conservation reserve enhancement program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) On July 1, 2007, notwithstanding the provisions of section 152(g) of 2007 House Bill No. 2368, the criteria and limitations on the number of acres which may be enrolled in Kansas in the conservation reserve enhancement program (CREP) for the fiscal years ending June 30, 2007, and June 30, 2008, established by subsections (g)(1), (g)(2) and (g)(3) of section 152 of 2007 House Bill No. 2368 are hereby modified from 20,000 acres during fiscal year 2007 and 20,000 acres during fiscal year 2008 as follows: (1) The total number of acres enrolled in Kansas in CREP for fiscal year 2007 may be enrolled during the period from the effective date of this act through December 31, 2007, and shall not exceed 20,000 acres for such period; (2) the total number of acres enrolled in Kansas in CREP for fiscal year 2008 may be enrolled during the period from July 1, 2007, through June 30, 2008, and shall not exceed 20,000 acres for such period; and (3) the total number of acres enrolled in Kansas in CREP for the two fiscal years 2007 and 2008 during period specified in clause (1) and the period specified in clause (2) shall not exceed 40,000 acres: *Provided*, That, the state conservation commission shall determine which acres that are enrolled during the period from July 1, 2007, through December 31, 2007, shall be allocated to and accounted for as having been enrolled for fiscal year 2007 and which acres enrolled during such period shall be allocated to and accounted for as having been enrolled for fiscal year 2008 for all purposes under this subsection and section 152(g) of 2007 House Bill No. 2368: *Provided further*, That, on the effective date of this act, the provisions of subsections (g)(1), (g)(2) and (g)(3) of section 152 of 2007 House Bill No. 2368 are hereby declared to be null and void and shall have no force and effect: *And provided further*, That the remaining criteria and provisions of section 152(g) of 2007 House Bill No. 2368 shall remain in force and effect.”;

On page 25, by striking all in lines 40 through 43;
On page 26, by striking all in line 1; in line 25, by striking “\$4,000,000” and inserting “\$2,000,000”; in line 43, by striking “\$8,000,000” and inserting “\$4,000,000”;

On page 27, in line 2, by striking “\$1” where it appears for the first time and inserting “\$2”; in line 9, by striking “\$8,000,000” and inserting “\$4,000,000”; following line 14, by inserting the following:

“Postsecondary aid for vocational education
For the fiscal year ending June 30, 2008..... \$6,957,162
Military service scholarships
For the fiscal year ending June 30, 2008..... \$250,000”;

Also on page 27, by striking all in lines 15 through 34 and inserting the following:
“(c) (1) The state board of regents is authorized to expend moneys appropriated by this section in the military service scholarships account of the state general fund for the payment of tuition and fees for persons described in paragraph (2) at Kansas educational institutions as defined by K.S.A. 75-4364, and amendments thereto: *Provided*, That the state board of

regents is authorized to determine the terms and conditions relating to such educational assistance.

(2) The educational assistance provided by this subsection shall be for any person: (A) Who graduated from high school in Kansas or who, as a resident of Kansas for at least two years, has received a general educational development (G.E.D.) credential; and (B) who either (i) has served in military service in Iraq or Afghanistan at least 90 days after September 11, 2001, or served less than such 90 days because of injuries received in Iraq or Afghanistan or (ii) has served in military service in international waters or on foreign soil in support of military operations in Iraq or Afghanistan for at least 90 days after September 11, 2001, or has served less than such 90 days because of injuries received during such service; and (C) the person has received an honorable discharge from military service or is still in military service; and (D) the person has a DD-214 form or active duty orders that indicate the person has served after September 11, 2001, in one or more of the following military operations: (i) Enduring Freedom; (ii) Nobel Eagle; or (iii) Iraqi Freedom.”;

On page 28, by striking all in lines 26 through 43;

On page 29, by striking all in lines 1 through 16;

And by renumbering sections accordingly;

Also on page 29, following line 22, by inserting the following:

“*Provided*, That future expenditures for the information assurance program shall be made from moneys authorized for the university operating budget.

Kansas wetlands education center at Cheyenne bottoms

For the fiscal year ending June 30, 2008.....	\$100,000
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(b) Notwithstanding the provisions of the first proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 29(a) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made during fiscal year 2008 from the deferred maintenance support fund of the above agency for any project for rehabilitation, maintenance or repair of any building or facility of the above agency that does not constitute a infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency: *Provided*, That no expenditures shall be made for an infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency unless the above agency has first advised and consulted with the joint committee on state building construction regarding such project: *Provided further*, That, notwithstanding the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 29(a) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made from the deferred maintenance support fund of the above agency for operating expenditures for the above agency during fiscal year 2008: *And provided further*, That, on July 1, 2007, the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 29(a) of chapter 216 of the 2006 session laws of Kansas are hereby declared to be null and void and shall have no force and effect.”;

Also on page 29, by striking all in lines 37 through 43;

On page 30, by striking all in lines 1, 2 and 3; following line 3, by inserting the following:

“(b) 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, by 2007 House Bill No. 2368, 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 enter into a new operating agreement with the university of Kansas hospital authority for the operations of the university of Kansas hospital: *Provided*, That, on and after the effective date of this act, no expenditures shall be made by the university of Kansas medical center from any moneys appropriated from the state general fund or any

special revenue fund for fiscal year 2007 or fiscal year 2008 to enter into any affiliation agreement with any other entity unless and until after the date upon which the university of Kansas medical center has entered into a new operating agreement with the university of Kansas hospital authority for the operation of the university of Kansas hospital: *Provided further*, That the university of Kansas medical center shall exercise all due diligence and shall undertake discussions and negotiations with the university of Kansas hospital authority in the most expeditious manner practicable in order to enter into a new operating agreement with the university of Kansas hospital authority for the operation of the university of Kansas hospital: *And provided further*, That the university of Kansas hospital authority shall exercise all due diligence and shall undertake discussions and negotiations with the university of Kansas medical center in the most expeditious manner practicable in order to enter into a new operating agreement with the university of Kansas medical center for the operation of the university of Kansas hospital: *And provided further*, That the university of Kansas medical center shall not enter into any affiliation agreement with any entity unless and until the university of Kansas medical center has entered into a new operating agreement with the university of Kansas hospital authority for the operation of the university of Kansas hospital.

(c) 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, by 2007 House Bill No. 2368, 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 the study to the legislature prior to December 1, 2007.

(d) Notwithstanding the provisions of the first proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 25(a) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made during fiscal year 2008 from the deferred maintenance support fund of the above agency for any project for rehabilitation, maintenance or repair of any building or facility of the above agency that does not constitute a infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency: *Provided*, That no expenditures shall be made for an infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency unless the above agency has first advised and consulted with the joint committee on state building construction regarding such project: *Provided further*, That, notwithstanding the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 25(a) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made from the deferred maintenance support fund of the above agency for operating expenditures for the above agency during fiscal year 2008: *And provided further*, That, on July 1, 2007, the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 25(a) of chapter 216 of the 2006 session laws of Kansas are hereby declared to be null and void and shall have no force and effect.”;

Also on page 30, in line 10, by striking “\$2,500,000” and inserting “\$2,250,000”; following line 10, by inserting the following:

“(b) Notwithstanding the provisions of the first proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 27(a) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made during fiscal year 2008 from the deferred maintenance support fund of the above agency for any project for rehabilitation, maintenance or repair of any building or

facility of the above agency that does not constitute a infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency: *Provided*, That no expenditures shall be made for an infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency unless the above agency has first advised and consulted with the joint committee on state building construction regarding such project: *Provided further*, That, notwithstanding the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 27(a) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made from the deferred maintenance support fund of the above agency for operating expenditures for the above agency during fiscal year 2008: *And provided further*, That, on July 1, 2007, the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 27(a) of chapter 216 of the 2006 session laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 28.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) Notwithstanding the provisions of the first proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 23(b) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made during fiscal year 2008 from the deferred maintenance support fund of the above agency for any project for rehabilitation, maintenance or repair of any building or facility of the above agency that does not constitute a infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency: *Provided*, That no expenditures shall be made for an infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency unless the above agency has first advised and consulted with the joint committee on state building construction regarding such project: *Provided further*, That, notwithstanding the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 23(b) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made from the deferred maintenance support fund of the above agency for operating expenditures for the above agency during fiscal year 2008: *And provided further*, That, on July 1, 2007, the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 23(b) of chapter 216 of the 2006 session laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 29.

KANSAS STATE UNIVERSITY

(a) Notwithstanding the provisions of the first proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 24(b) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made during fiscal year 2008 from the deferred maintenance support fund of the above agency for any project for rehabilitation, maintenance or repair of any building or facility of the above agency that does not constitute a infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency: *Provided*, That no expenditures shall be made for an infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency unless the above agency has first advised and consulted with the joint committee on state building construction regarding such project: *Provided further*, That, notwithstanding the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 24(b) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made from the deferred maintenance support fund of the above agency for operating expenditures for the

above agency during fiscal year 2008: *And provided further*, That, on July 1, 2007, the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 24(b) of chapter 216 of the 2006 session laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 30.

UNIVERSITY OF KANSAS

(a) Notwithstanding the provisions of the first proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 26(b) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made during fiscal year 2008 from the deferred maintenance support fund of the above agency for any project for rehabilitation, maintenance or repair of any building or facility of the above agency that does not constitute a infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency: *Provided*, That no expenditures shall be made for an infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency unless the above agency has first advised and consulted with the joint committee on state building construction regarding such project: *Provided further*, That, notwithstanding the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 26(b) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made from the deferred maintenance support fund of the above agency for operating expenditures for the above agency during fiscal year 2008: *And provided further*, That, on July 1, 2007, the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 26(b) of chapter 216 of the 2006 session laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 31.

EMPORIA STATE UNIVERSITY

(a) Notwithstanding the provisions of the first proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 28(a) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made during fiscal year 2008 from the deferred maintenance support fund of the above agency for any project for rehabilitation, maintenance or repair of any building or facility of the above agency that does not constitute a infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency: *Provided*, That no expenditures shall be made for an infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency unless the above agency has first advised and consulted with the joint committee on state building construction regarding such project: *Provided further*, That, notwithstanding the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 28(a) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made from the deferred maintenance support fund of the above agency for operating expenditures for the above agency during fiscal year 2008: *And provided further*, That, on July 1, 2007, the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 28(a) of chapter 216 of the 2006 session laws of Kansas are hereby declared to be null and void and shall have no force and effect.

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

Operating expenditures (including official hospitality)	
For the fiscal year ending June 30, 2008.....	\$29,411

Sec. 32.

PITTSBURG STATE UNIVERSITY

(a) Notwithstanding the provisions of the first proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 30(a) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made during fiscal year 2008 from the deferred maintenance support fund of the above agency for any project for rehabilitation, maintenance or repair of any building or facility of the above agency that does not constitute a infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency: *Provided*, That no expenditures shall be made for an infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency unless the above agency has first advised and consulted with the joint committee on state building construction regarding such project: *Provided further*, That, notwithstanding the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 30(a) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made from the deferred maintenance support fund of the above agency for operating expenditures for the above agency during fiscal year 2008: *And provided further*, That, on July 1, 2007, the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 30(a) of chapter 216 of the 2006 session laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 33.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND
AGRICULTURE RESEARCH PROGRAMS

(a) Notwithstanding the provisions of the first proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 31(a) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made during fiscal year 2008 from the deferred maintenance support fund of the above agency for any project for rehabilitation, maintenance or repair of any building or facility of the above agency that does not constitute a infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency: *Provided*, That no expenditures shall be made for an infrastructure improvement project, as defined by section 2 of 2007 Substitute for Senate Substitute for House Bill No. 2237, and amendments thereto, for the above agency unless the above agency has first advised and consulted with the joint committee on state building construction regarding such project: *Provided further*, That, notwithstanding the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 31(a) of chapter 216 of the 2006 session laws of Kansas, no expenditures shall be made from the deferred maintenance support fund of the above agency for operating expenditures for the above agency during fiscal year 2008: *And provided further*, That, on July 1, 2007, the provisions of the second proviso to the appropriation of all moneys lawfully credited to and available in the deferred maintenance support fund of the above agency in section 31(a) of chapter 216 of the 2006 session laws of Kansas are hereby declared to be null and void and shall have no force and effect.”;

And by renumbering sections accordingly;

Also on page 30, in line 16, by striking “\$40,558” and inserting “\$104,868”; in line 21, before the period by inserting “: *Provided further*, That, if 2007 House Bill No. 2123 is not passed by the legislature during the 2007 regular session and enacted into law, then, on July 1, 2007, the \$64,310 appropriated for the above agency for the fiscal year ending June 30, 2008, by this subsection from the state general fund in the operating expenditures account is hereby lapsed”;

Also on page 30, after line 35, by inserting the following:

“Mentor teacher program grants

For the fiscal year ending June 30, 2008..... \$500,000”;

On page 31, in line 32, by striking “\$271,754” and inserting “\$392,754”; in line 35, by striking “\$39,830,304” and inserting “\$39,913,122”; in line 40, by striking “\$39,830,304” and inserting “\$39,913,122”; also in line 40, by striking “\$39,689,504” and inserting “\$39,772,322”;

On page 32, in line 3, by striking “\$9,749,876.75” and inserting “\$9,770,580.75”; in line 6, by striking “\$9,749,876.75” and inserting “\$9,770,580.75”; in line 10, by striking “\$9,714,676.75” and inserting “\$9,735,380.75”; in line 26, after “(g)” by inserting “(1)”; following line 31, by inserting the following:

“(2) On July 1, 2007, the director of accounts and reports shall transfer \$400,000 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund: *Provided*, That, if sufficient moneys are not available in the state economic development initiatives fund for such transfer on July 1, 2007, then the director of accounts and reports shall transfer on July 1, 2007, the amount available in the state economic development initiatives fund in accordance with this section and shall transfer on July 1, 2007, or as soon thereafter as moneys are available therefor, the amount equal to the insufficiency from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund.”;

On page 33, after line 8, by inserting the following:

“Eisenhower foundation grant (one time)

For the fiscal year ending June 30, 2008..... \$200,000

Provided, That expenditures shall be made from the Eisenhower foundation grant (one time) account only if non-state funding sources are available to match such state grants on the basis of \$1 from the non-state sources to match \$1 from the Eisenhower foundation grant (one time) account.

Kansas sports hall of fame grant

For the fiscal year ending June 30, 2008..... \$250,000

Provided, That expenditures shall be made from the Kansas sports hall of fame grant account only if non-state funding sources are available to match such state grants on the basis of \$1 from non-state sources to match \$1 from the Kansas sports hall of fame grant account: *Provided further*, That, except as provided in this section, no moneys shall be appropriated from the state general fund or from any special revenue fund for the Kansas sports hall of fame or for payment to the Kansas sports hall of fame, until substantive legislation regarding funding for the Kansas sports hall of fame is passed by the legislature and enacted into law.”;

Also on page 33, in line 10, by striking “2367” and inserting “2368”; following line 43, by inserting the following:

“(e) 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:

Association assistance plan fund

For the fiscal year ending June 30, 2008..... \$500,000”;

On page 34, in line 21, by striking “\$105,301” and inserting “\$190,301”;

On page 35, following line 13, by inserting:

“(f) On July 1, 2007, the position limitation established for the fiscal year ending June 30, 2008, by section 157(a) of 2007 House Bill No. 2368 for the department on aging is hereby increased from 208.00 to 209.00.

Sec. 42. (a) The department of administration is hereby authorized and directed to pay the following amount from the canceled warrants payment fund as reimbursement for an expired warrant, to the following claimant:

Nelle E. Bunten Trust, Jane Hanisch Trustee
8319 Overbrook St.

Wichita, KS 67206 \$10,975.00

(b) The director of accounts and reports is hereby authorized and directed to draw

warrants on the state treasurer in favor of the claimants specified in this section, upon vouchers duly executed by the state agency directed to pay the amounts specified in this section to the claimants or their legal representatives or duly authorized agents, as provided by law.

(c) The director of accounts and reports shall secure prior to the payment of any amount to any claimant listed in this section, a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding their respective claims.”;

And by renumbering sections accordingly;

Also on page 35, by striking all in lines 20 through 26; following line 32, by inserting the following:

“Kansas humanities council

For the fiscal year ending June 30, 2008..... \$50,000”;

On page 36, by striking all in lines 26 through 29;

On page 37, in line 2, by striking “\$725,012” and inserting “\$865,235: *Provided*, That if 2007 Substitute for Senate Bill No. 11 is not passed by the legislature during the 2007 regular session and enacted into law, then, on July 1, 2007, the expenditure limitation established for the fiscal year ending June 30, 2008, by this subsection on the state board of pharmacy fee fund is hereby decreased from \$865,235 to \$725,012.

(b) On July 1, 2007, the position limitation established for the fiscal year ending June 30, 2008, by section 88 of 2007 House Bill No. 2368 for the state board of pharmacy is hereby increased from 8.00 to 10.00: *Provided*, That if 2007 Substitute for Senate Bill No. 11 is not passed by the legislature during the 2007 regular session and enacted into law, then, on July 1, 2007, the position limitation established by this subsection for the fiscal year ending June 30, 2008, is hereby decreased from 10.00 to 8.00.”;

Also on page 37, after line 8, by inserting the following:

“(b) On July 1, 2007, the amount of \$1,250,000 authorized by section 84 (b) of 2007 House Bill No. 2368 to be transferred by the director of accounts and reports from the investor education fund of the office of the securities commissioner of Kansas to the state general fund is hereby decreased to \$1,000,000.”;

Also on page 37, in line 9, by striking “(b)” and inserting “(c)”; in line 38, by striking “\$18,800” and inserting “\$104,800”;

On page 38, in line 17, by striking “\$2,500,000” and inserting “\$2,000,000”; following line 17, by inserting the following:

“*Provided*, That expenditures shall be made by the above agency from the aid to local units — primary health projects account to expand access to primary health care services, development of new access points through a supplemental grant process and support of a health professional recruitment program for rural and underserved areas: *Provided further*, That the awards for dental hubs shall be targeted to maximize or leverage the commitment of the private investment from the united methodist health ministry fund and the sunflower foundation, health for Kansans, and other foundations to equip and strengthen the operations of dental hubs: *And provided further*, That funding and administration of awards for dental hubs shall be made collaboratively in a consolidated request for proposals and review process grant as determined by representatives from united methodist health ministry fund, sunflower foundation, the REACH foundation, delta dental foundation, and the department of health and environment: *And provided further*, That expenditures by the above agency from the \$2,000,000 appropriated by this subsection in the aid to local units — primary health projects account for fiscal year 2008 for such purposes shall not exceed \$500,000.”;

Also on page 38, in line 25, by striking “423.20” and inserting “424.20”; by striking all in lines 31 through 43;

On page 39, by striking all in lines 1 through 37;

On page 40, in line 11, by striking “\$99,190” and inserting “\$109,045”; after line 11, by inserting the following:

“Civil air patrol — operating expenditures	
For the fiscal year ending June 30, 2007.....	\$500
For the fiscal year ending June 30, 2008.....	\$2,060
Incident management team	
For the fiscal year ending June 30, 2008.....	\$18,000”;

Also on page 40, by striking all in lines 39 through 43;

On page 41, by striking all in lines 1 through 10; in line 11, by striking all before “On” and inserting:

“(d)”;

Also on page 41, in line 13, by striking “\$10,000,000” and inserting “\$8,357,240”; in line 17, by striking “\$17,400,000” and inserting “\$16,203,346”; following line 41, by inserting:

“(g) In addition to the other purposes for which expenditures may be made by the adjutant general from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or for fiscal year 2009 or any other fiscal year as authorized by 2007 House Bill No. 2368, or by this or other appropriation act of the 2007 regular session of the legislature or by any appropriation act of the 2008 regular session of the legislature or by any appropriation act of any other regular session of the legislature, expenditures shall be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or for fiscal year 2009 or for any other fiscal year to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto to provide financing for the capital improvement project to construct, equip, and purchase land for training centers: *Provided*, That such capital improvement project is hereby approved for the adjutant general for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the adjutant general may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$9,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.”;

On page 42, in line 6, by striking “\$3,552,694” and inserting “\$3,608,997”; in line 10, by striking “\$3,552,694 to \$3,409,921” and inserting “\$3,608,997 to \$3,466,224”; following line 18, by inserting the following:

“(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 56(a) of 2007 House Bill No. 2368 on the fire marshal fee fund is hereby increased from \$3,489,873 to \$3,507,345.”;

On page 43, in line 2, by striking “July 1” and inserting “June 30”; in line 22, by striking “\$60,000” and inserting “\$208,750”;

On page 45, by striking all in lines 12 through 43;

By striking all on page 46;

On page 47, by striking all in lines 1 through 41 and inserting the following:

“(c) Notwithstanding any provisions to the contrary in section 185 of 2007 House Bill No. 2368, the bonding authority of \$39,525,000 of proceeds of the bonds authorized by subsections (h) and (i) of section 185 of 2007 House Bill No. 2368 for the department of corrections shall be allocated in accordance with the provisions of this subsection: *Provided*,

That, upon determination by the secretary of corrections of the need to expand prison capacity, such capital improvement projects to expand prison capacity shall occur in the following order: Two cell houses or 256 beds at El Dorado correctional facility; 240 substance abuse treatment beds at Yates Center; 100 minimum security beds at Ellsworth correctional facility; and 72 beds at Stockton correctional facility.”;

Also on page 47, in line 42, by striking “(g)” and inserting “(d)”;

On page 49, by striking all in lines 15 through 42; in line 43, by striking “(d)” and inserting “(b)”;

also in line 43, by striking “proviso” and inserting “section”;

On page 50, in line 1, by striking “65-5701” and inserting “65-6701”; by striking all in lines 11 through 43;

By striking all on pages 51, 52 and 53;

On page 54, by striking all in lines 1 through 11 and by inserting the following:

“Sec. 67. On July 1, 2007, K.S.A. 2006 Supp. 75-6702 is hereby amended to read as follows: 75-6702. (a) The last appropriation bill passed in any regular session of the legislature shall be the omnibus reconciliation spending limit bill. Each bill which is passed during a regular session of the legislature and which appropriates or transfers money from the state general fund for the ensuing fiscal year shall contain a provision that such bill shall take effect and be in force from and after the effective date of the omnibus reconciliation spending limit bill for that regular session of the legislature or from and after such effective date and a subsequent date or an event occurring after such effective date.

(b) Except as provided in subsection (c), the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2004 regular session of the legislature and each regular session of the legislature thereafter, is hereby fixed so that there will be an ending balance in the state general fund for the ensuing fiscal year that is equal to ~~7.4%~~ 7.5% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year.

(c) The provisions of subsection (b) are hereby suspended for the fiscal year ending June 30, ~~2007~~ 2008, and shall not prescribe a maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the ~~2006~~ 2007 regular session of the legislature.”;

And by renumbering the remaining sections accordingly;

Also on page 54, in line 16, by striking all before “Savings.” and inserting “Sec. 211.”; by striking all in lines 38 through 41;

By striking all on page 55;

On page 56, by striking all in line 1;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 16, by striking all after “Supp.”; in line 17, by striking “Bill No. 2368,”;

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

SHARON SCHWARTZ
LEE TAFANELLI
BILL FEUERBORN
Conferees on part of House

DWAYNE UMBARGER
JAY SCOTT EMLER
LAURA KELLY
Conferees on part of Senate

Senator Umbarger moved the Senate adopt the Conference Committee Report on **H Sub for SB 357**.

Pursuant to Senate Rule 40, Senator D. Schmidt moved to allow upon unanimous consent Senator Barnett to cast his vote on **H Sub for SB 357** after the roll was closed and prior to adjournment for the day.

On roll call, the vote was: Yeas 23, Nays 15, Present and Passing 1, Absent or Not Voting 1.

Yeas: Allen, Apple, Barone, Betts, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Hensley, Kelly, Lee, McGinn, Morris, Ostmeyer, Pine, Reitz, Schmidt D, Schodorf, Taddiken, Teichman, Umbarger.

Nays: Barnett, Brownlee, Haley, Huelskamp, Jordan, Journey, Lynn, Palmer, Petersen, Pyle, Schmidt V, Steineger, Vratil, Wagle, Wysong.

Present and Passing: Francisco.

Absent or Not Voting: Wilson.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on Conference Committee Report **H Sub for SB 357** but express grave concerns about the spending contained in this bill. We cannot continue to spend more money than we receive and remain financially viable as a state. Sooner or later we must exercise the required discipline and become good stewards for the citizens of Kansas.—JIM BARONE

Senator Gilstrap requests the record to show he concurs with the “Explanation of Vote” offered by Senator Barone on **H Sub for SB 357**.

MR. PRESIDENT: I vote “no” on **H Sub for SB 357**. There are many things in this omnibus budget bill for each of us to love and hate. I personally support the provisos on abortion reporting and KU Medical Center. These are needed and I hope they become law.

I cannot support the overall spending that increases FY 08 8% above the FY 07 budget and spends more than \$526 million more than we expect to receive. Most normal Kansans could not sustain such spending habits for long without dire consequences.

An economic forecast by the Congressional Budget Office included several indicators that suggest we are headed for a recession. March home sales had the largest drop in 18 years. We may be facing tough times and we will have very little money in the bank to carry us through.

I was hoping we would have a budget I could support. This is not the case.—KARIN BROWNLEE

MR. PRESIDENT: I fully support the provisos in this budget regarding KU Hospital and abortion reporting and wish I could vote yes on those items separately. Unfortunately, I cannot. In addition we have an obligation to the taxpayers to be good stewards of their money. For the past few years, the trend in this regard has not been positive as the rate of growth in our state government has been unchecked and well beyond the rate of inflation. For the last three years, spending has increased over 18%. For twenty-one out of the past twenty-eight years, spending has gone above the rate of inflation. This “spend trend” continues to skyrocket under this budget by another half billion dollars. When will we stop? Our state is not big enough and is not growing enough to withstand this. It is our responsibility to keep spending sane and our state strong. This budget does neither, and I vote NO.—JULIA LYNN

MR. PRESIDENT: I vote No. The Governor and this legislature continue to SPEND more than the people pay in taxes each year. A profound statement from an authority on the State Budget provided insight when asked, what recommendation should be made if this type of spending occurred in a personal budget? And I quote “Get a Credit Counselor.”—PEGGY PALMER

MR. PRESIDENT: I vote no on **H Sub for SB 357** largely because of the 20 plus provisos that are included in the bill. Those provisos contain substantive law and have no proper place in an appropriations bill. Indeed, they make the bill unconstitutional because it contains two or more subjects in violation of Article 2, section 16 of the Kansas Constitution. Allowing substantive law provisos in this bill is an abdication of each legislator’s responsibility. We must correct the error of our ways.

More specifically, I oppose the proviso concerning affiliation agreements. That proviso holds the potential to destroy our efforts to build a life sciences center in Kansas. Over the past several years, the Legislature has invested millions of dollars and many hours of work to promote development of a life sciences center. All of that may go for naught as a result

of the affiliation proviso. I hope and pray that the principal proponent of a life sciences center in Kansas will be patient and understanding of the misdirected proviso and will await the Governor's veto.—JOHN VRATIL

Senators Francisco and Wysong request the record to show they concur with the "Explanation of Vote" offered by Senator Vratil on **H Sub for SB 357**.

MR. PRESIDENT: I appreciate the diligent efforts of our Appropriations Committee to try to balance the desire of the Kansas taxpayer to keep taxes low and the needs of state government and those who are less fortunate. I especially appreciate their efforts in the face of a Governor who started this session proposing exorbitant spending increases without the means to pay for her proposals.

While I'm thankful some common sense has prevailed, still this budget spends more than we are projected to bring in. This budget forces us into either drastic cuts or drastic tax increases in the future. For that reason, I vote NO.—SUSAN WAGLE

PROTEST

MR. PRESIDENT: In accordance with Section 10 of Article 2 of the Constitution of the State of Kansas, I submit the following protest:

I protest the action taken by the legislature in amending K.S.A. 72-6433 in an appropriation bill because it is a violation of Section 16 of Article 2 of the Constitution of the state of Kansas and if challenged in a court of law could be found to be invalid because it contains more than one subject. In filing this protest, I also note that the last action taken by the legislature effecting an amendment to K.S.A. 72-6433 was the adoption of the conference committee report on Senate Bill No. 68.

On April 3, 2007, the conference committee report on 2007 House Bill No. 2368 was adopted by the Senate and the House of Representatives of the state of Kansas. House Bill No. 2368 was a bill containing several items of appropriation of moneys. Included within House Bill No. 2368, was an amendment to K.S.A. 72-6433 which is a provision in the school district finance and quality performance act. K.S.A. 72-6433 authorizes school districts to adopt a local option budget and to levy a tax to fund such budget. The amendment would increase the maximum amount of a local option budget from 31% of the state financial aid of the school district to 32% of the state financial aid of the school district. The amendment to K.S.A. 72-6433 does not authorize the expenditure of moneys in the state treasury.

The Supreme Court held in *State ex rel. Stephan v. Carlin*, 230 Kan. 252 that appropriation bills may not include "subjects wholly foreign and unrelated to their primary purpose, [which is] authorizing the expenditure of specific sums of money for specific purposes." In the *Carlin* case, the court stated that the inclusion of a nonappropriation provision in an appropriation bill violates Section 16 of Article 2 of the Constitution of the state of Kansas which requires a bill to contain no more than one subject. More specifically, the court said that the amendment "does not appropriate state funds; it does not establish expenditure limitations on state funds; it does not authorize the transfer of state moneys from one fund to another. It does fix budget limitations for school districts. It bears no more relationship to the appropriation of state funds than do statutes fixing the budget limitations of cities, counties, or other taxing districts, or various other statutes which could be cited. Clearly, it adds a second subject to the bill."

In the *Carlin* case, the court struck the amendatory sections and the repealers of the existing statutes. The court could have found the entire act invalid as not in compliance with the Constitution.

I feel it must be clearly stated in the Journal of the Senate that the last action taken by the Legislature effecting an amendment to K.S.A. 72-6433 was the adoption of the conference committee report on Senate Bill No. 68 as shown by the following:

On April 27, 2007, the conference committee report on 2007 Senate Bill No. 68 was adopted by the Senate and the House of Representatives of the state of Kansas. Senate Bill No. 68 was a bill that concerned school districts. Included within Senate Bill No. 68, was an amendment to K.S.A. 72-6433 which authorizes school districts to adopt a local option budget and to levy a tax to fund such budget. The amendment re-wrote the current language

in K.S.A. 72-6433 in a much simpler form with relatively few substantive changes to the law. A key provision that was not changed by the amendment was the limitation on the maximum local option budget that may be adopted by school districts. The maximum budget would remain at 31% of the state financial aid of the school district.

When the conference committee met to discuss Senate Bill No. 68, staff from the office of the Revisor of Statutes noted that conflicting provisions were created by the amendments to K.S.A. 72-6433 in Senate Bill No. 68 and House Bill No. 2368. Staff was directed not to resolve the conflicts that would be created if both bills passed. The legislature took its first adjournment on April 3, 2007 without taking action on the conference committee report on Senate Bill No. 68.

A third bill, Senate Bill No. 23, also was in the education conference committee. The conference committee adopted to amend the bill by adding a provision to amend K.S.A. 72-6433. The amendment rewrote the section in the simplified version, eliminated the mandatory election requirement if a local option budget in excess of 30% was proposed to be adopted and raised the maximum amount of the local option budget to 32% of the state financial aid of the school district. The report was not signed before the legislature took its first adjournment on April 3, 2007.

The education conference committee met several times after the legislature reconvened on April 25, 2007. At the April 26th meeting, staff from the office of the Revisor of Statutes gave an overview of the bills remaining in conference and informed the committee that the governor had signed House Bill No. 2368 and that it would be effective on July 1, 2007. Staff also informed the conference committee that even though the conference committee report on Senate Bill No. 68 had been delivered to the House prior to the first adjournment of the legislature, the legislature had not taken any action on the report. When staff asked the committee if it was the desire of the committee to have that conference committee report redrafted to resolve the conflict that would be created if Senate Bill No. 68 was enacted in its current form, the committee declined to resolve the conflict.

At the April 27th meeting, the education conference committee reconsidered its action on Senate Bill No. 23 and adopted a new report to include a repealer of K.S.A. 72-6433, as amended by section 206 of House Bill No. 2368. After the last meeting of the conference committee held on April 26, the House adopted the conference committee report on Senate Bill No. 68. After approving the conference committee report on Senate Bill No. 68, the House of Representatives rejected the conference committee report on Senate Bill No. 23. Subsequent to the rejection of the conference committee report on Senate Bill No. 23, the Senate voted to adopt the conference committee report on Senate Bill No. 68.

As a result of the actions taken on the House Bill No. 2368, Senate Bill No. 23 and Senate Bill No. 68, a potential conflict exists between the amendments to K.S.A. 72-6433. It is well settled that where there is a conflict between two statutory provisions, the latest legislative expression controls. See *Farmers State Bank & Trust Co. of Hays v. City of Yates Center* 229 Kan. 330, 338.

It is my intent to request the attorney general to opine on the constitutionality of House Bill No. 2368. Notwithstanding the outcome of that request, as a result of the actions taken on the House Bill No. 2368, Senate Bill No. 23 and Senate Bill No. 68, the Legislature has expressed its clear intent to leave the maximum local option budget at 31% of state financial aid for the school district. Under Kansas law, the last expression of legislative intent controls. See *Farmers State Bank & Trust Co. of Hays v. City of Yates Center*, 229 Kan. 330.

After the unconstitutional inclusion of the amendment to 72-6433 increasing the maximum amount of a local option budget to 32% within the immense budget bill, House Bill No. 2368, the Legislature acted on two education-specific bills, Senate Bill No. 23 and Senate Bill No. 68. The Legislature rejected the conference committee report on Senate Bill No. 23, and adopted the conference committee report on Senate Bill No. 68, which contained the intentional reaffirmation of a maximum local option budget of 31% of state financial aid of the school district. These actions on Senate Bill No. 23 and Senate Bill No. 68, as specific and final actions of the Legislature on the maximum local option budget, show under Kansas law that the maximum local option budget remains at 31% of state financial aid for the school district.—TERRY BRUCE, RUTH TEICHMAN and JANIS K. LEE

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Brownlee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1886—

A RESOLUTION proclaiming and celebrating the 150th anniversary of the city of Gardner.

WHEREAS, Gardner was first settled on March 3, 1857, by Jacob Victor by a spring along the Santa Fe Trail on what is now the New Century Air Center, and started a hotel; and

WHEREAS, Edwin Turner, along with several others that followed shortly thereafter, including: John Pearce, Alexander R. Veatch, Arthur Larrick, Ellis Miner, W. J. Ott, George and Rufus Thorne, Amos Fuller, Dr. W. M. Shean and John W. Sponable, all arrived on March 15, 1857, settled among the Native Americans on land that would soon become Gardner Township; and

WHEREAS, In September 1857, the town company was established and the town was platted; and

WHEREAS, The first store, school and stone hotel would be constructed within the first few months of Gardner's existence; and

WHEREAS, At the outbreak of the Civil War, Gardner reported having 103 men of voting age, 83 of whom (80%) served in the U.S. Army and defended against slavery; and

WHEREAS, In 1863, William Quantrill and his band of raiders ran through the town, taking horses and provisions, leaving Gardner intact but proceeding on to "sack" the town of Lawrence, Kansas; and

WHEREAS, In the 1870's with the railroads taking over the use of the trails, the settlers came and stayed. The town continued to grow and by 1887, its 30th anniversary, Gardner was incorporated as a City of the 3rd Class. In 2002, Gardner became a City of the 2nd Class: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we hereby proclaim the year 2007 as the city of Gardner's sesquicentennial year; we celebrate its continued growth, rich legacy, progress and achievements of the city; and we recognize Gardner as a great place to live, work and play; and

Be it further resolved: That the Secretary of the Senate provide two enrolled copies of this resolution to Senator Brownlee.

On emergency motion of Senator Brownlee **SR 1886** was adopted unanimously.

REPORT ON ENGROSSED BILLS

H Sub for SB 14 reported correctly engrossed May 2, 2007.

CONSIDERATION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HOUSE CONCURRENT RESOLUTION No. 5024—

By Representatives Neufeld and McKinney

A CONCURRENT RESOLUTION relating to the 2007 regular session of the legislature and providing for an adjournment thereof.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on May 2, 2007, until the hour of 10:00 a.m. on May 22, 2007, at which time the legislature shall reconvene and shall continue in session until sine die adjournment at the close of business on May 22, 2007; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during such period of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A. 46-137a and amendments thereto for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law or by the President of the Senate, the Speaker of the House of Representatives or the Legislative Coordinating Council during the period of adjournment for which members are not authorized per diem compensation and subsistence allowances pursuant to K.S.A. 46-137a and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212 and amendments thereto.

On motion of Senator D. Schmidt **HCR 5024** was adopted by voice vote.

On motion of Senator D. Schmidt, and in compliance with **HCR 5024**, the Senate adjourned until Sine Die, 10:00 a.m., Tuesday, May 22, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

