

Journal of the House

FORTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 17, 2008, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.
The roll was called with 123 members present.
Reps. Masterson and Merrick were excused on excused absence by the Speaker.
Present later: Rep. Masterson.

Prayer by guest chaplain, Father Richard E. Storey, pastor, St. Patrick Catholic Church
Osage City; St. Patrick Catholic Church, Scranton; St. Francis of Assisi, Overbrook and
guest of Rep. Humerickhouse:

Good and gracious Father we thank you for the gift of our lives. We thank
you for the gift of freedom. Be with these State Representatives as they enact
laws that are fair and just to all they serve. Let us pray on this St. Patrick's
Day the prayer St. Patrick himself gives us:

*I arise today
Through the strength of heaven;
Light of the Sun,
Splendor of the fire,
Speed of lightening,
Swiftmess of the wind,
Depth of the sea,
Stability of the earth,
Firmness of the rock.*

*I arise today
Through God's strength to pilot me;
God's Might to uphold me,
God's wisdom to guide me,
God's eyes to look before me,
God's ears to hear me,
God's word to speak for me,
God's hand to guard me,
God's way to lie before me,
God's shield to protect me,
God's hosts to save me*

*Afar and anear,
Alone and in a multitude.*

*Christ shield me today
Against wounding.
Christ with me, Christ before me, Christ behind me,
Christ on my right, Christ on my left,
Christ when I lie down, Christ when I sit down,
Christ in the heart of everyone who thinks of me,*

*Christ in the eye that sees me,
Christ in the ear that hears me.*

*I arise today
Through the mighty strength
Of the Lord of creation. Amen.*

We recall the Celtic Bishop, patron saint of the Emerald Isle. Today we're all a little Irish, a lighter step and a joyful smile. Having joined here together in the Chamber as we pray. Offering the music of St. Patrick seems appropriate for the day. Let's give our thanks to God for good days and those a falling. For each and everyone of us, the pipes — the pipes are calling.

Danny Boy and *Amazing Grace* were played on the bagpipes by former State Senator Richard Gannon, Topeka.

Amazing Grace
*Amazing grace, how sweet the sound,
That sav'd a wretch like me!
I once was lost, but now am found,
Was blind, but now I see.*
*'Twas grace that taught my heart to fear,
And grace my fears reliev'd;
How precious did that grace appear,
The hour I first believ'd!*
*Thro' many dangers, toils and snares,
I have already come'
'Tis grace has brought me safe thus far,
And grace will lead me home.*
*The earth shall soon dissolve like snow,
The sun forbear to shine;
But God, who call'd me here below,
Will be forever mine.*

—John Newton

The Pledge of Allegiance was led by Rep. Grange.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2972, An act concerning child care facilities and family day care homes; inspections and assessments; amending K.S.A. 65-501, 65-508, 65-512, 65-520, 65-522 and 72-8236 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to committees as indicated:

Appropriations: **HB 2971**; **SB 524**, **SB 651**.

Commerce and Labor: **Sub. SB 577**.

Economic Development and Tourism: **SB 554**.

Education: **SB 669**.

Federal and State Affairs: **HB 2970**.

Select Committee on Energy and Environment for the Future: **HCR 5038**.

CONSENT CALENDAR

No objection was made to **SB 419**, **SB 462**, **SB 467**, **SB 475**, **SB 509**, **SB 514** appearing on the Consent Calendar for the first day.

No objection was made to **SB 526**, **SB 614** appearing on the Consent Calendar for the second day.

No objection was made to **SB 579** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Speaker pro tem Dahl announced that order of business, Final Action on Bills and Concurrent Resolutions, would be taken following General Orders.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Faber, the House nonconcurred in Senate amendments to **HB 2660** and asked for a conference.

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

On motion of Rep. C. Holmes, the House nonconcurred in Senate amendments to **HB 2692** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. C. Holmes, Olson and Kuether as conferees on the part of the House.

On motion of Rep. Vickrey, the House resolved into Committee of the Whole, with Rep. Carlson in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **SB 410** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 389** be adopted; also, roll call was demanded on motion of Rep. Kinzer to amend on page 11, in line 23, following "or", where it appears the first time, by inserting "by"; in line 24, by striking all following "for"; in line 25, by striking all preceding the period and inserting "any county where acts or effects constituting or requisite to the consummation of the offense occurred";

On roll call, the vote was: Yeas 73; Nays 49; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Crum, Dahl, Donohoe, Faber, Feuerborn, Fund, Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Long, Lukert, Mast, McKinney, McLeland, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Powers, Rhoades, Ruff, Schroeder, Schwartz, Shultz, Siegfried, Svaty, Swenson, Tafanelli, Vickrey, Watkins, Wetta, Wilk, Williams, B. Wolf, Yoder.

Nays: Ballard, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Flaharty, Flora, Frownfelter, Garcia, Gordon, Goyle, Hawk, Henderson, Hill, Holland, Huntington, Johnson, Kuether, Lane, Loganbill, Mah, McCray-Miller, McLachlan, Menghini, Moxley, Neighbor, Owens, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Sloan, Spalding, Storm, Swanson, Tietze, Treaster, Trimmer, Ward, Whitham, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Masterson, Merrick, Peterson.

The motion of Rep. Kinzer prevailed.

Also, roll call was demanded on motion of Rep. Kuether to refer **H. Sub. for SB 389** to Committee on Judiciary.

On roll call, the vote was: Yeas 43; Nays 79; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Carlin, Colloton, Craft, Davis, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gordon, Goyle, Hawk, Henderson, Hill, Holland, Huntington, Johnson, Kuether, Lane, Loganbill, Mah, McCray-Miller, McLachlan, Menghini, Neighbor, Owens, Quigley, Rardin, Roth, Ruiz, Sawyer, Sloan, Spalding, Storm, Tietze, Treaster, Trimmer, Ward, Winn, K. Wolf, Worley.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlson, Colyer, Crum, Dahl, Dillmore, Donohoe, Faber, Fund, Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse,

Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Long, Lukert, Mast, Masterson, McKinney, McLeland, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Rhoades, Ruff, Schroeder, Schwartz, Shultz, Siegfried, Svaty, Swanson, Swenson, Tafanelli, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Crow, Merrick, Peterson.

The motion of Rep. Kuether did not prevail.

Also, on motion of Rep. Mah to amend **H. Sub. for SB 389**, Rep. Kinzer requested the question be divided. The question was divided.

On Part A, the motion of Rep. Mah did not prevail.

Also, roll call was demanded on Part B of the motion of Rep. Mah to amend on page 19, by inserting the following:

“Section 1. K.S.A. 65-445 is hereby amended to read as follows: 65-445. (a) Every medical care facility shall keep written records of all pregnancies which are lawfully terminated within such medical care facility and shall annually submit a written report thereon to the secretary of health and environment in the manner and form prescribed by the secretary. Every person licensed to practice medicine and surgery shall keep a record of all pregnancies which are lawfully terminated by such person in a location other than a medical care facility and shall annually submit a written report thereon to the secretary of health and environment in the manner and form prescribed by the secretary.

(b) Each report required by this section shall include the number of pregnancies terminated during the period of time covered by the report, the type of medical facility in which the pregnancy was terminated, information required to be reported under K.S.A. 65-6703 and amendments thereto if applicable to the pregnancy terminated, and such other information as may be required by the secretary of health and environment, but the report shall not include the names of the persons whose pregnancies were so terminated.

(c) Information obtained by the secretary of health and environment under this section shall be confidential and shall not be disclosed in a manner that would reveal the identity of any person licensed to practice medicine and surgery who submits a report to the secretary under this section or the identity of any medical care facility which submits a report to the secretary under this section, except that such information, including information identifying such persons and facilities may be disclosed to the state board of healing arts upon request of the board for disciplinary action conducted by the board and may be disclosed to the attorney general upon a showing that a reasonable cause exists to believe that a violation of this act has occurred. Any information disclosed to the state board of healing arts or the attorney general pursuant to this subsection shall be used solely for the purposes of a disciplinary action or criminal proceeding. Except as otherwise provided in this subsection, information obtained by the secretary under this section may be used only for statistical purposes and such information shall not be released in a manner which would identify any county or other area of this state in which the termination of the pregnancy occurred. A violation of this subsection (c) is a class A nonperson misdemeanor.

(d) In addition to such criminal penalty under subsection (c), any person licensed to practice medicine and surgery or medical care facility whose identity is revealed in violation of this section may bring a civil action against the responsible person or persons for any damages to the person licensed to practice medicine and surgery or medical care facility caused by such violation.

(e) For the purpose of maintaining confidentiality as provided by subsections (c) and (d), reports of terminations of pregnancies required by this section shall identify the person or facility submitting such reports only by confidential code number assigned by the secretary of health and environment to such person or facility and the department of health and environment shall maintain such reports only by such number.

(f) *The secretary of health and environment shall adopt rules and regulations to implement this section. Such rules and regulations shall prescribe, in detail, the information required to be kept by the physicians and hospitals and the information required in the reports which must be submitted to the secretary.*

Sec. 2. K.S.A. 65-6703 is hereby amended to read as follows: 65-6703. (a) No person shall perform or induce an abortion when the fetus is viable unless such person is a physician and has a documented referral from another *Kansas* physician not legally or financially affiliated with the physician performing or inducing the abortion and both physicians determine that: (1) The abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman.

(b) (1) Except in the case of a medical emergency, prior to performing an abortion upon a woman, the physician shall determine the gestational age of the fetus according to accepted obstetrical and neonatal practice and standards applied by physicians in the same or similar circumstances. If the physician determines the gestational age is less than 22 weeks, the physician shall document as part of the medical records of the woman the basis for the determination. *The medical reasons for the determination of the gestational age of the fetus also shall be reported by the physician as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto.*

(2) If the physician determines the gestational age of the fetus is 22 or more weeks, prior to performing an abortion upon the woman the physician shall determine if the fetus is viable by using and exercising that degree of care, skill and proficiency commonly exercised by the ordinary skillful, careful and prudent physician in the same or similar circumstances. In making this determination of viability, the physician shall perform or cause to be performed such medical examinations and tests as are necessary to make a finding of the gestational age of the fetus and shall enter such findings and determinations of viability in the medical record of the woman. *The medical reasons for the determination of the gestational age of the fetus also shall be reported by the physician as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto.*

(3) If the physician determines the gestational age of a fetus is 22 or more weeks, and determines that the fetus is not viable and performs an abortion on the woman, the physician shall report such determinations and the *medical basis and* reasons for such determinations *that the fetus is not viable* in writing to the medical care facility in which the abortion is performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto or if the abortion is not performed in a medical care facility, the physician shall report such determinations and the *medical basis and* reasons for such determinations in writing to the secretary of health and environment as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445 and amendments thereto.

(4) If the physician who is to perform the abortion determines the gestational age of a fetus is 22 or more weeks, and determines that the fetus is viable, both physicians under subsection (a) determine in accordance with the provisions of subsection (a) that an abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman and the physician performs an abortion on the woman, the physician who performs the abortion shall report such determinations, ~~the reasons~~ *and shall report the specific medical or clinical diagnosis* for such determinations and the basis for the determination that an abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the medical care facility in which the abortion is performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445 and amendments thereto or if the abortion is not performed in a medical care facility, the physician who performs the abortion shall report such determinations, ~~the reasons~~ *and shall report the specific medical basis and clinical diagnosis* for such determinations and the basis for the determination that an abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman in writing to the secretary of health and environment as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445 and amendments thereto.

(5) The physician shall retain the medical records required to be kept under paragraphs (1) and (2) of this subsection (b) for not less than five years and shall retain a copy of the written reports required under paragraphs (3) and (4) of this subsection (b) for not less than five years.

(6) *The secretary of health and environment shall adopt rules and regulations listing, in detail, the specific types of information that must be kept by a physician under paragraphs (1) and (2) of this subsection (b). In addition, such rules and regulations shall specify, in detail, the contents of the written reports required under paragraphs (3) and (4) of this subsection (b) to insure the specific medical basis and clinical diagnosis regarding the woman and the viability or lack of viability of the fetus is reported.*

(c) A woman upon whom an abortion is performed shall not be prosecuted under this section for a conspiracy to violate this section pursuant to K.S.A. 21-3302, and amendments thereto.

(d) Nothing in this section shall be construed to create a right to an abortion. Notwithstanding any provision of this section, a person shall not perform an abortion that is prohibited by law.

(e) As used in this section, "viable" means that stage of fetal development when it is the physician's judgment according to accepted obstetrical or neonatal standards of care and practice applied by physicians in the same or similar circumstances that there is a reasonable probability that the life of the child can be continued indefinitely outside the mother's womb with natural or artificial life-supportive measures.

(f) If any provision of this section is held to be invalid or unconstitutional, it shall be conclusively presumed that the legislature would have enacted the remainder of this section without such invalid or unconstitutional provision.

(g) Upon a first conviction of a violation of this section, a person shall be guilty of a class A nonperson misdemeanor. Upon a second or subsequent conviction of a violation of this section, a person shall be guilty of a severity level 10, nonperson felony.

Sec. 3. K.S.A. 65-445 and 65-6703 are hereby repealed.":

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking all after the semicolon; by striking all in lines 10 and 11; in line 12, by striking all before the period and inserting "amending K.S.A. 65-445 and 65-6703 and repealing the existing sections";

On roll call, the vote was: Yeas 48; Nays 74; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flora, Frownfelter, Garcia, Gordon, Goyle, Hawk, Henderson, Hill, Holland, Huntington, Johnson, Kuether, Lane, Loganbill, Mah, McCray-Miller, McKimney, McLachlan, Menghini, Neighbor, Owens, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Sloan, Spalding, Storm, Tietze, Treaster, Trimmer, Ward, Wetta, Winn, K. Wolf, Worley.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Flaharty, Fund, Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Long, Lukert, Mast, Masterson, McLeland, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Powers, Rhoades, Ruff, Schroeder, Schwartz, Shultz, Siegfried, Svaty, Swanson, Swenson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, Williams, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Crow, Merrick, Peterson.

Part B of the motion of Rep. Mah did not prevail; and **H. Sub. for SB 389** be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 579, An act concerning the rules and regulations filing act; requiring agencies to consider the effects of proposed rules and regulations on small employers; amending K.S.A.

77-415 and K.S.A. 2007 Supp. 77-416 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Crow, Merrick, Peterson.

The bill passed.

Sub. HB 2762. An act concerning taxation; relating to income tax, apportionment of net income, business income, corporation surtax, credits for members of unitary group and credits and refunds for capital investments in businesses located in certain cities damaged by a disaster; sales tax, exemptions and refunds; amending K.S.A. 79-3285 and 79-32,141 and K.S.A. 2007 Supp. 79-3271, 79-32,110, 79-32,154 and 79-3606 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Burroughs, Flaharty, Flora, Frownfelter, Henderson, Kuether, Loganbill, Long, Menghini, Powers, Ruiz, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Crow, Merrick, Peterson.

The substitute bill passed, as amended.

HB 2893. An act concerning all-inclusive care for the elderly (PACE) program; amending K.S.A. 65-5112 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Crow, Merrick, Peterson.

The bill passed.

HB 2938, An act concerning sales taxation; relating to certain exemptions; amending K.S.A. 2007 Supp. 79-3603, 79-3606 and 79-3692 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 26; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Bethell, Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Humerickhouse, Huntington, Johnson, Kelsey, King, Knox, Landwehr, Light, Loganbill, Long, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Schroeder, Schwartz, Shultz, Sloan, Spalding, Svaty, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Bowers, Carlin, Flora, Frownfelter, Grant, Hawk, Hodge, Horst, Huebert, Kelley, Kiegerl, Kinzer, Kuether, Lane, Lukert, Mah, Mast, Menghini, Olson, Powers, Ruiz, Sawyer, Siegfried, Storm, Swanson.

Present but not voting: None.

Absent or not voting: Crow, Merrick, Peterson.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: **HB 2938** has a negative fiscal note of some \$15 million. It didn't have to be so. Not only did we grandfather in all existing exempt organizations, we are going to let them operate under different exemption rules by allowing some unlimited sales of goods and services to the general public to be exempt. Does anyone truly believe we can deny any of the 17,000 groups who will expect the same treatment once they hear about our action. Mr. Speaker, I vote no on **HB 2938**.—JULIE MENGhini, BOB GRANT, DEENA HORST

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2936** be amended on page 2, by striking all in lines 1 through 3;

Also on page 2, in line 5, by striking “— ELARF”; in line 6, by striking “— ELARF”; by striking all in lines 7 through 9; in line 10, by striking the dash, where it appears for the second time; in line 11, by striking “ELARF”;

And by relettering the remaining subsections accordingly;

On page 5, by striking all in lines 3 through 43;

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

On page 9, by striking all in lines 30 through 41;

And by renumbering the remaining sections accordingly;

On page 10, by striking all in lines 21 through 24;

And by relettering the remaining subsection accordingly;

On page 12, following line 27, by inserting the following:

“(e) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2009, as author-

ized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2009 to raze wing “A” of Wiest hall.

(f) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2009, as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2009 to raze residential property at 610 Park Street, Hays, Kansas.

(g) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2009, as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2009 to raze residential property at 507 W. 6th Street, Hays, Kansas.”;

On page 20, following line 24, by inserting the following:

“(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

Armory/classroom/recreation center debt service	\$326,999
---	-----------

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, for the capital improvement project or projects specified as follows:

Rehabilitation and repair	\$148,532”;
---------------------------------	-------------

And by relettering the remaining subsections accordingly;

Also on page 20, following line 35, by inserting the following:

“Student health center — private gifts fund.....	No limit”;
--	------------

On page 21, in line 22, by striking “the expanded lottery act revenues fund” and inserting “any special revenue fund”; by striking all in lines 23 through 27;

And by relettering the remaining subsections accordingly;

On page 22, following line 14, by inserting the following:

“(h) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from any special revenue fund for Pittsburg state university for fiscal year 2009 by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from any special revenue fund for Pittsburg state university for fiscal year 2009 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for parking improvements: *Provided*, That such capital improvement project is hereby approved for Pittsburg state university 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 Pittsburg state university 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 \$4,000,000, 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 any appropriate special revenue fund or funds.

(i) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from any special revenue fund for Pittsburg

state university for fiscal year 2009 by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from any special revenue fund for Pittsburg state university for fiscal year 2009 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for student housing improvements and construction: *Provided*, That such capital improvement project is hereby approved for Pittsburg state university 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 Pittsburg state university 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 \$22,000,000, 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 any appropriate special revenue fund or funds.”;

Also on page 22, following line 16, by inserting the following:

“(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, for the capital improvement project or projects specified as follows:

Rehabilitation and repair \$728,120”;

And by relettering the remaining subsections accordingly;

On page 23, in line 9, following “moneys” by inserting “for fiscal year 2009”; following line 26, by inserting the following:

“West campus architecture classroom/shop fund No limit
 Swissman hall renovation fund No limit

Provided, That the university of Kansas may transfer moneys for fiscal year 2009 from the restricted fees fund and general fees fund to the Swissman hall renovation fund for the renovation project for Swissman hall: *Provided further*, That upon completion of the renovation project, the university of Kansas may transfer unused moneys received from the restricted fees fund in the Swissman hall renovation fund to the restricted fees fund: *And provided further*, That upon completion of the renovation project, the university of Kansas may transfer unused moneys received from the general fees fund in the Swissman hall renovation fund to the general fees fund.”;

On page 24, by striking all in lines 22 through 43;

On page 25, by striking all in lines 1 through 7;

And by relettering the remaining subsections accordingly;

On page 26, by striking all in lines 2 through 5 and inserting the following:

“(j) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from any special revenue fund for the university of Kansas for fiscal year 2009 by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from any special revenue fund for the university of Kansas for fiscal year 2009 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for the renovation of Gertrude Sellards Pearson hall: *Provided*, That such capital improvement project is hereby approved for the university of Kansas 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 university of Kansas 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 \$13,075,000, 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 any appropriate special revenue fund or funds.”;

Also on page 26, following line 7, by inserting the following:

“(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, for the capital improvement project or projects specified as follows:

Energy conservation debt service \$908,000”;

And by relettering the remaining subsections accordingly;

On page 27, in line 31, by striking “(d)” and inserting “(e)”; in line 33, by striking “(c)” and inserting “(d)”; in line 42, by striking “(d)” and inserting “(e)”;;

On page 28, in line 1, by striking “(c)” and inserting “(d)”; in line 9, by striking “(d)” and inserting “(e)”; in line 21, by striking “(d)” and inserting “(e)”; in line 24, by striking “(c)” and inserting “(d)”; in line 25, by striking “(d)” and inserting “(e)”;;

On page 30, by striking all in lines 6 through 9; in line 15, by striking “expanded”; in line 16, by striking “lottery act revenues” and inserting “state general”; in line 18, by striking “— ELARF”;

On page 31, in line 31, by striking “\$30,000,000” and inserting “\$15,000,000”;

On page 33, by striking all in lines 14 through 16; in line 19, by striking “expanded”; in line 20, by striking “lottery act revenues” and inserting “state general”; in line 23, by striking “— ELARF”; in line 25, by striking “— ELARF”; in line 27, by striking “— ELARF”; in line 29, by striking “— ELARF”; in line 36, by striking “\$4,921,000” and inserting “\$3,231,303”;

On page 34, by striking all in lines 19 through 22;

On page 35, by striking all in lines 37 through 39; in line 40, by striking “— ELARF”; in line 41, by striking “— ELARF”; also in line 41, by striking “\$250,000” and inserting “\$50,000”; in line 43, by striking “— ELARF”; also in line 43, by striking “(1)”;;

On page 36, in line 4, by striking all following “state”; in line 5, by striking all preceding the period;

On page 37, following line 15, by inserting the following:

“Debt service — rehabilitation and repair of the statewide armories \$2,226,807”;

Also on page 37, by striking all in lines 20 through 25; by striking all in line 43;

On page 38, by striking all in lines 1 through 5;

And by relettering the remaining subsections accordingly;

On page 44, following line 17, by inserting the following:

“(y) In addition to the other purposes for which expenditures may be made by the above agency from the department road access fund for fiscal year 2009, expenditures shall be made by the above agency from the following capital improvement account or accounts of the department road access fund during fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Low water crossing at Crawford state park \$255,000

(z) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2009, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Bison herd compound fencing in southeast Kansas \$47,000”;

And the bill be passed as amended.

Committee on **Appropriations** recommends **HB 2946** be amended on page 1, in line 37, by striking “\$600,017” and inserting “\$365,068”; in line 41, by striking “\$3,630,864” and inserting “\$3,459,491”;

On page 2, in line 2, by striking “\$3,299,062” and inserting “\$3,144,843”; in line 16, by striking “\$19,969,767” and inserting “\$17,556,087”;

On page 3, in line 19, by striking “: *And*”; by striking all in lines 20 through 23; in line 24, by striking all preceding the period and inserting “if out-of-state travel arrangements for which reimbursement is requested, including airline reservations, hotel reservations and meeting registrations, have been made 30 days or more prior to the meeting: *And provided further*, That expenditures for reimbursement of any out-of-state travel from the operations (including official hospitality) account shall not exceed a maximum of \$800 per trip for reimbursement of out-of-state travel expenses for airfare, meals, lodging, taxi, tips, and car rental if airline reservations, hotel reservations and meeting registrations are made less than 30 days prior to the meeting: *And provided further*, That such maximum limitation on reimbursement for such out-of-state travel expense reimbursement shall not be waived except upon specific authorization by the speaker of the house of representatives or the president of the senate based upon a determination that a thirty-day period was not available to make such out-of-state travel arrangements after receiving notice of the meeting: *And provided further*, That any member of the legislature who receives approval to attend more than one out-of-state meeting at the beginning of a twelve-month period may attend one of such out-of-state meetings, selected by such member, without further authorization to attend such meeting, however, such member may attend other such out-of-state meetings during such twelve-month period, selected by such member, only after receiving specific approval by the speaker of the house of representatives or the president of the senate to attend other such out-of-state meetings during such twelve-month period”;

On page 5, in line 1, by striking all following “employees”; by striking all in lines 2 through 5; in line 6, by striking all preceding the period and inserting “if out-of-state travel arrangements for which reimbursement is requested, including airline reservations, hotel reservations and meeting registrations, have been made 30 days or more prior to the meeting: *And provided further*, That expenditures for reimbursement of any out-of-state travel from the legislative special revenue fund shall not exceed a maximum of \$800 per trip for reimbursement of out-of-state travel expenses for airfare, meals, lodging, taxi, tips, and car rental if airline reservations, hotel reservations and meeting registrations are made less than 30 days prior to the meeting: *And provided further*, That such maximum limitation on reimbursement for such out-of-state travel expense reimbursement shall not be waived except upon specific authorization by the speaker of the house of representatives or the president of the senate based upon a determination that a thirty-day period was not available to make such out-of-state travel arrangements after receiving notice of the meeting: *And provided further*, That any member of the legislature who receives approval to attend more than one out-of-state meeting at the beginning of a twelve-month period may attend one of such out-of-state meetings, selected by such member, without further authorization to attend such meeting, however, such member may attend other such out-of-state meetings during such twelve-month period, selected by such member, only after receiving specific approval by the speaker of the house of representatives or the president of the senate to attend other such out-of-state meetings during such twelve-month period”;

Also on page 5, following line 7, by inserting the following:

“(c) During the fiscal year ending June 30, 2009, notwithstanding the provisions of any other statute, 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 2009 for the legislature, as authorized by this or other appropriation act of the 2008 regular session of the legislature, the legislature is hereby authorized to make expenditures from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 for the sale of the computer equipment leased from Dell that is scheduled for replacement in the fall of 2008 for the fair market value of such computer equipment as fixed by the director of legislative administrative services after consultation with the legislative chief information technology officer and legislative director of computer services: *Provided*, That, in accordance with procedures determined by the director of legislative administrative services, each such item that is not to be returned to Dell shall be offered first and may be sold to the member of the legislature who is assigned to use such computer equipment, and who is hereby authorized to purchase such computer equipment: *Provided further*, That, as used in this subsection, “member of the legislature” means a member of the legislature who is a member of the house of representatives or the

senate as of December 31, 2008: *Provided, however,* That, if any such member of the legislature declines the offer to purchase the computer equipment assigned to such member of the legislature, then such computer equipment shall be offered and may be sold to other members of the legislature on a drawing basis, and who are hereby authorized to purchase such computer equipment, except that, in the event of any members of the legislature who would want to purchase additional computer equipment, no more than two additional purchases shall be authorized for any such member of the legislature by the director of legislative administrative services who is authorized to determine the order of priority for such purchases among such members of the legislature by a drawing of names which shall be conducted by the director of legislative administrative services: *And provided further,* That the authority to sell and purchase such computer equipment that is granted under this subsection shall not be subject to the provisions of any other law: *And provided further,* That all moneys received from such sales and purchases of such computer equipment shall be deposited in the state treasury and credited to the legislative special revenue fund in order to make a final settlement with Dell regarding the disposition of the computer equipment for which the lease expires in the fall of 2008.”;

Also on page 5, in line 12, by striking “\$2,408,368” and inserting “\$2,285,370”; in line 37, by striking “\$2,669,272” and inserting “\$2,558,096”; in line 43, by striking “\$1,626,881” and inserting “\$1,625,243”;

On page 6, in line 7, by striking “\$2,000,000” and inserting “\$1,000,000”; by striking all in lines 13 through 16;

On page 8, in line 5, by striking “\$217,386” and inserting “\$213,795”; in line 43, by striking “\$6,366,384” and inserting “\$4,872,744”;

On page 9, in line 13, by striking “\$222,648” and inserting “\$98,690”;

On page 12, in line 35, by striking “\$1,603,538” and inserting “\$1,577,817”;

On page 18, in line 20, by striking “\$1,335,343” and inserting “\$1,295,720”; in line 34, by striking “\$151,210” and inserting “\$150,000”;

On page 19, in line 42, by striking “\$11,430,308” and inserting “\$10,771,077”;

On page 21, in line 19, by striking “\$111,936,288” and inserting “\$109,097,061”;

On page 22, in line 35, by striking “expanded”; in line 36, by striking “lottery act revenues” and inserting “state general”;

On page 23, following line 5, by inserting the following:

“Kansas public employees deferred compensation fees fund..... No limit”;

Also on page 23, in line 40, by striking “\$8,772,571” and inserting “\$8,653,209”;

On page 24, in line 5, by striking “\$84,311” and inserting “\$81,520”; by striking all in lines 13 through 21; in line 26, by striking “\$1,774,298” and inserting “\$1,710,065”;

On page 27, in line 12, by striking “\$16,656,689” and inserting “\$16,122,496”;

On page 28, in line 19, by striking “\$803,448” and inserting “\$792,881”;

On page 29, in line 29, by striking “\$1,150,605” and inserting “\$1,129,504”; by striking all in lines 38 through 41;

On page 30, in line 5, by striking “\$2,106,979” and inserting “\$1,954,455”; in line 9, by striking “\$567,740” and inserting “\$512,136”; in line 13, by striking “\$1,419,632” and inserting “\$1,385,833”; in line 26, by striking “\$2,155,088” and inserting “\$1,977,022”; in line 30, by striking “\$2,749,447” and inserting “\$2,249,447”;

On page 31, in line 9, by striking “\$428,517” and inserting “\$365,161”; following line 13, by inserting the following:

“Any unencumbered balance in excess of \$100 as of June 30, 2008, in each of the following accounts is hereby reappropriated for fiscal year 2009: Financial management system.”;

On page 47, following line 23, by inserting the following:

“(s) On July 1, 2008, the director of accounts and reports shall transfer \$5,700,000 from the state highway fund to the financial management system development fund for the purpose of developing a financial management system to assist the department of transportation.

(t) During fiscal year 2008 and fiscal year 2009, notwithstanding the provisions of any other statute, whenever any amount of moneys are credited to the expanded lottery act revenues fund, the director of accounts and reports shall transfer one-third of such amount of moneys from the expanded lottery act revenues fund to the state property tax relief reserve

fund, which is hereby established in the state treasury: *Provided*, That all moneys transferred from the extended lottery act revenues fund to the state property tax relief reserve fund pursuant to this subsection shall be reserved for purposes to be prescribed by law: *Provided further*, That the state finance council shall have no authority to authorize or approve any expenditure of moneys from the state property tax relief reserve fund, or to increase any expenditure limitation on the state property tax relief reserve fund: *And provided further*, That no expenditures shall be authorized or made from the state property tax relief reserve fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature: *Provided, however*, That, upon approval of the state finance council acting on this matter which is hereby designated as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session, the director of accounts and reports shall transfer the amount or amounts specified in such approval from the state property tax relief reserve fund to the fund or funds specified in such approval.

(u) During fiscal year 2008 and fiscal year 2009, notwithstanding the provisions of any other statute, whenever any amount of moneys are credited to the expanded lottery act revenues fund, the director of accounts and reports shall transfer one-third of such amount of moneys from the expanded lottery act revenues fund to the state infrastructure reserve fund, which is hereby established in the state treasury: *Provided*, That all moneys transferred from the extended lottery act revenues fund to the state infrastructure reserve fund pursuant to this subsection shall be reserved for purposes to be prescribed by law: *Provided further*, That the state finance council shall have no authority to authorize or approve any expenditure of moneys from the state infrastructure reserve fund, or to increase any expenditure limitation on the state infrastructure reserve fund: *And provided further*, That no expenditures shall be authorized or made from the state infrastructure reserve fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature: *Provided, however*, That, upon approval of the state finance council acting on this matter which is hereby designated as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session, the director of accounts and reports shall transfer the amount or amounts specified in such approval from the state infrastructure reserve fund to the fund or funds specified in such approval.

(v) During fiscal year 2008 and fiscal year 2009, notwithstanding the provisions of any other statute, whenever any amount of moneys are credited to the expanded lottery act revenues fund, the director of accounts and reports shall transfer one-third of such amount of moneys from the expanded lottery act revenues fund to the state debt reduction reserve fund, which is hereby established in the state treasury: *Provided*, That all moneys transferred from the extended lottery act revenues fund to the state debt reduction reserve fund pursuant to this subsection shall be reserved for purposes to be prescribed by law: *Provided further*, That the state finance council shall have no authority to authorize or approve any expenditure of moneys from the state debt reduction reserve fund, or to increase any expenditure limitation on the state debt reduction reserve fund: *And provided further*, That no expenditures shall be authorized or made from the state debt reduction reserve fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature: *Provided, however*, That, upon approval of the state finance council acting on this matter which is hereby designated as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session, the director of accounts and reports shall transfer the amount or amounts specified in such approval from the state debt reduction reserve fund to the fund or funds specified in such approval.

(w) 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:

State property tax relief reserve fund
 For the fiscal year ending June 30, 2008..... \$0
 For the fiscal year ending June 30, 2009..... \$0

State infrastructure reserve fund
 For the fiscal year ending June 30, 2008..... \$0
 For the fiscal year ending June 30, 2009..... \$0

State debt reduction reserve fund
 For the fiscal year ending June 30, 2008..... \$0
 For the fiscal year ending June 30, 2009..... \$0”;
 Also on page 47, in line 28, by striking “\$1,665,165” and inserting “\$1,608,780”; in line 43, by striking “\$21,367,861” and inserting “\$20,547,871”;
 On page 48, in line 11, by striking “\$45,873,268” and inserting “\$43,427,439”;
 On page 52, following line 27, by inserting the following:
 “Expanded lottery act revenues fund \$0”;
 On page 54, in line 3, by striking “\$2,058,244” and inserting “\$2,008,823”;
 On page 57, in line 2, by striking “\$238,895” and inserting “\$233,078”; by striking all in line 18; in line 19, by striking “\$16,170,250” and inserting “\$15,917,018”;
 On page 58, by striking all in lines 23 through 26;
 And by relettering the remaining subsections accordingly;
 On page 59, in line 34, preceding the period, by inserting “: *And provided further*. That expenditures shall be made from the market development fund for the custom wheat harvest program”;
 On page 61, in line 43, by striking “\$409,831” and inserting “\$409,876”;
 On page 62, in line 14, by striking “\$12,537,652” and inserting “\$12,506,811”;
 On page 63, following line 16, by inserting the following:
 “(e) In addition to the other purposes for which expenditures may be made by the Kansas technology enterprise corporation from moneys appropriated from any special revenue fund for fiscal year 2009 for the Kansas technology enterprise corporation as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by the Kansas technology enterprise corporation from moneys appropriated from any special revenue fund for fiscal year 2009 for the stimulation and expansion of broadband internet investment, including the public’s awareness of the value of broadband internet, especially in rural areas of the state.”;
 Also on page 63, in line 21, by striking “\$699,301” and inserting “\$463,944”; in line 36, by striking “\$13,300,985” and inserting “\$12,874,695”;
 On page 64, in line 7, by striking “\$218,448” and inserting “\$203,195”;
 By striking all on page 65;
 On page 66, by striking all in lines 1 through 27;
 And by renumbering the remaining sections accordingly;
 Also on page 66, in line 33, by striking “\$4,500,321” and inserting “\$4,387,916”; in line 39, by striking “\$4,700,762” and inserting “\$4,578,103”;
 On page 67, in line 4, by striking “\$3,772,032” and inserting “\$3,771,305”;
 On page 68, in line 25, by striking “\$351,579” and inserting “\$350,000”;
 On page 69, in line 2, by striking “\$251,955” and inserting “\$246,616”;
 On page 76, following line 37, by inserting the following:
 “(dd) In addition to the other purposes for which expenditures may be made by the department of health and environment — division of health from the moneys appropriated from the state general fund or from any special revenue fund for the department of health and environment — division of health for fiscal year 2009, as authorized by chapter 167 or chapter 201 of the 2007 Session Laws of Kansas or by this or any other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the department of health and environment — division of health from moneys appropriated from the state general fund or from any special revenue fund for the department of health and environment — division of health for fiscal year 2009 to review and inspect all hospitals as defined by K.S.A. 65-425, and amendments thereto, and adult care homes and assisted living facilities as defined by K.S.A. 39-923, and amendments thereto, and identify any buildings that need to make adjustments or improvements for tornado safety.”;

Also on page 76, in line 43, by striking "\$5,107,407" and inserting "\$4,924,193";

On page 77, in line 6, by striking "\$4,100,655" and inserting "\$3,962,899"; in line 10, by striking "\$279,870" and inserting "\$274,827";

On page 81, in line 3, by striking "\$979,383" and inserting "\$976,151"; in line 7, by striking "\$301,793" and inserting "\$299,880"; in line 19, by striking "\$299,743" and inserting "\$291,708";

On page 84, in line 16, by striking "\$970,986" and inserting "\$946,781"; in line 25, by striking "\$152,193" and inserting "\$148,204"; in line 37, by striking "\$1,692,058" and inserting "\$1,643,427"; in line 41, by striking "\$190,832" and inserting "\$185,799";

On page 85, in line 20, by striking "\$4,077,075" and inserting "\$3,069,403";

On page 86, in line 6, by striking "\$28,569,593" and inserting "\$27,569,593"; in line 23, by striking "\$3,279,868" and inserting "\$2,818,146"; in line 33, by striking "\$2,026,573" and inserting "\$1,698,550"; in line 37, by striking "\$1,137,638" and inserting "\$1,035,440";

On page 87, in line 42, by striking "\$720,409" and inserting "\$500,000";

On page 90, in line 20, by striking "\$28,192,447" and inserting "\$22,864,018"; in line 24, by striking "\$77,546" and inserting "\$75,803"; in line 29, by striking "\$464,479,000" and inserting "\$460,479,000";

On page 91, in line 3, by striking "\$2,309,730" and inserting "\$2,244,548"; in line 7, by striking "\$3,852,879" and inserting "\$3,788,047"; in line 11, by striking "\$59,284" and inserting "\$56,773"; in line 15, by striking "\$190,229" and inserting "\$186,130";

On page 92, in line 10, by striking "\$131,811,601" and inserting "\$114,453,082"; in line 24, by striking "\$174,200,804" and inserting "\$169,700,804"; in line 28, by striking "\$11,115,403" and inserting "\$10,129,678"; in line 40, by striking "\$31,013,714" and inserting "\$28,783,932";

On page 93, in line 11, by striking "\$12,599,218" and inserting "\$12,542,718"; in line 15, by striking "\$16,183,138" and inserting "\$15,155,585"; in line 23, by striking "\$10,407,220" and inserting "\$9,428,269"; in line 43, by striking "\$5,399,407" and inserting "\$5,107,986";

On page 94, in line 17, by striking "\$6,972,256" and inserting "\$6,097,256"; in line 33, by striking "\$57,636,323" and inserting "\$56,083,871";

On page 95, in line 2, by striking "\$45,306,787" and inserting "\$45,196,237"; in line 22, by striking "\$1,181,184" and inserting "\$1,142,179";

On page 96, in line 10, by striking "\$4,843,196" and inserting "\$4,842,397";

On page 97, in line 16, by striking "\$1,055,558" and inserting "\$999,708"; in line 21, by striking "\$20,691,127" and inserting "\$19,697,016";

On page 98, in line 26, by striking "\$8,443,965" and inserting "\$8,443,279"; by striking all in lines 39 through 43;

On page 99, by striking all in lines 1 through 10;

On page 101, by striking all in lines 16 through 38;

And by relettering the remaining subsections accordingly;

On page 102, in line 32, by striking "\$1,311,606" and inserting "\$1,297,557"; in line 40, by striking "\$11,848,050" and inserting "\$11,238,741";

On page 103, in line 21, by striking "\$3,150,000" and inserting "\$1,650,000"; in line 42, by striking "\$40,000" and inserting "\$35,000";

On page 104, in line 7, by striking "\$915,000" and inserting "\$505,000"; by striking all in lines 8 through 21;

On page 105, by striking all in lines 8 through 16;

And by relettering remaining subsections accordingly;

On page 107, in line 43, by striking "\$300,000" and inserting "\$200,000";

On page 108, by striking all in lines 8 through 13, and inserting the following:

"General state aid....."	\$100,000";
--------------------------	-------------

And by relettering the remaining subsections accordingly;

Also on page 108, following line 40, by inserting the following:

"(h) During the fiscal year ending June 30, 2009, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made by the department of education from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 for the department of education, as authorized by this or other appropriation act of the 2008 regular session of the legislature, the depart-

ment of education shall make expenditures from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 to require each school district, as a condition precedent to the receipt of any moneys appropriated for the department of education from the state general fund or any special revenue fund, to: (1) Adopt rules for determination of valid excuses for absence under K.S.A. 72-1113, and amendments thereto, that include attendance at any special reading study or other dyslexia remediation program or activity as a valid excuse for absence from school; (2) to not expend any such moneys received from the department of education to investigate as truancy, under K.S.A. 72-1113, and amendments thereto, or any other statute, any absence from school for attendance at any special reading study or other dyslexia remediation program or activity; and (3) to not expend any such moneys received from the department of education to report to any public official under K.S.A. 72-1113, and amendments thereto, or any other statute, any child as truant for any absence from school for attendance at any special reading study or other dyslexia remediation program or activity.

(i) In addition to the other purposes for which expenditures may be made by the department of education from the moneys appropriated from the state general fund or from any special revenue fund for the department of education for fiscal year 2009, as authorized by chapter 167 or chapter 201 of the 2007 Session Laws of Kansas or by this or any other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the department of education from moneys appropriated from the state general fund or from any special revenue fund for the department of education for fiscal year 2009 to require that local school boards review and inspect all school buildings and identify any school buildings that need to make adjustments or improvements for tornado safety.”;

On page 109, in line 2, by striking “\$2,346,835” and inserting “\$1,974,827”; in line 30, by striking “\$370,065” and inserting “\$354,601”; in line 40, by striking “\$1,399,196” and inserting “\$1,299,196”;

On page 110, in line 27, by striking “\$5,583,065” and inserting “\$5,658,707”;

On page 111 in line 25, by striking “\$9,403,169” and inserting “\$9,112,020”;

On page 112, in line 13, by striking “\$6,269,641” and inserting “\$5,877,853”; in line 19, by striking “\$151,830” and inserting “\$81,830”;

On page 114, in line 14, by striking “\$35,830,665” and inserting “\$35,720,190”;

On page 116, in line 29, by striking “\$113,926,520” and inserting “\$113,487,252”;

On page 119, in line 20, by striking “\$842,878” and inserting “\$696,754”;

On page 121, in line 20, by striking “\$10,957,430” and inserting “\$10,927,680”;

On page 122, in line 38, by striking “\$33,998,211” and inserting “\$33,865,048”;

On page 124, in line 42, by striking “\$37,279,417” and inserting “\$37,048,834”;

On page 127, in line 2, by striking “\$142,852,221” and inserting “\$142,124,101”;

On page 130, in line 17, by striking “\$111,616,047” and inserting “\$111,465,815”;

On page 133, in line 31, by striking “\$72,028,991” and inserting “\$71,758,241”; following line 34, by inserting the following:

“Aviation infrastructure \$2,500,000”;

On page 135, in line 26, by striking “\$4,000,000” and inserting “\$5,000,000”; following line 29, by inserting the following:

“Aviation infrastructure \$2,500,000”;

Also on page 135, by striking all in lines 30 through 33; in line 38, by striking “\$3,469,410” and inserting “\$3,385,455”;

On page 136, in line 43, by striking “\$18,689,878” and inserting “\$15,689,878”;

On page 137, by striking all in lines 32 through 38;

On page 138, following line 13, by inserting the following:

“*Provided*, That no technical collage shall receive less state aid in the fiscal year ending June 30, 2009, than it received in the previous fiscal year.”;

Also on page 138, in line 24, by striking “\$35,000,000” and inserting “\$400,000”;

On page 139, by striking lines 33 and 34; in line 35, by striking “\$793,245” and inserting “\$779,687”;

On page 140, by striking all in lines 29 through 40;

On page 144, by striking all in lines 38 through 43;

On page 145, by striking all in lines 1 through 6;

And by relettering the remaining subsections accordingly;

Also on page 145, following line 26, by inserting the following:

“(i) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2010, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Kansas academy for math and science No limit

Provided, That the department of education shall transfer an amount equal to the statewide average per pupil to educate pupils during the fiscal year 2010 multiplied by the number of the pupils participating in the program of the Kansas academy for math and science to the Kansas academy for math and science account of the board of regents: *Provided further*, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *And provided further*, That expenditures shall be made from the Kansas academy for math and science account for the implementation of the program created under K.S.A. 72-9711 et seq., and amendments thereto.”;

Also on page 145, in line 31, by striking “\$21,580,575” and inserting “\$19,069,339”;

On page 146, in line 4, by striking “\$7,848,886” and inserting “\$7,531,429”; in line 24, by striking “\$54,735,573” and inserting “\$53,083,573”; in line 33, by striking “\$12,316,182” and inserting “\$11,914,660”; in line 39, by striking “\$28,041,643” and inserting “\$27,173,586”;

On page 147, in line 2, by striking “\$37,015,002” and inserting “\$35,891,511”; in line 8, by striking “\$12,147,449” and inserting “\$11,780,748”; in line 14, by striking “\$11,952,988” and inserting “\$11,593,884”; in line 20, by striking “\$14,111,327” and inserting “\$13,657,362”; in line 26, by striking “\$24,059,647” and inserting “\$23,410,329”; in line 33, by striking “\$9,444,624” and inserting “\$9,147,711”;

On page 150, in line 37, by striking “\$20,251,331” and inserting “\$20,188,218”; in line 43, by striking “\$1,545,614” and inserting “\$1,142,128”;

On page 151, in line 4, by striking “\$15,416,000” and inserting “\$14,999,886”; in line 15, by striking “\$5,754,391” and inserting “\$5,603,011”; in line 25, by striking “\$4,130,966” and inserting “\$4,003,018”; in line 35, by striking “\$8,534,790” and inserting “\$8,315,291”;

On page 152, by striking all in lines 2 through 8; in line 9, by striking “\$20,142,279” and inserting “\$16,721,809”; in line 12, by striking “new”; in line 15, by striking “new”; following line 22, by inserting the following:

“(b) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2009, the following:

Prevention program grant \$5,579,530

Provided, That any unencumbered balance in the prevention program grant account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, That all expenditures by the above agency from the prevention program grant account for fiscal year 2009 shall be for prevention program grants and evaluation of prevention programs: *Provided further*, That grantees may use prevention grant funds for graduated sanctions and intervention programs with written approval from the commissioner of juvenile justice: *And provided further*, That money awarded as grants from this account shall be distributed during fiscal year 2009 on the basis of the average amount of prevention grant awards received for the judicial district during fiscal year 2007 and fiscal year 2008: *And provided further*, That money awarded as grants from this account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Intervention and graduated sanctions community grants \$3,420,470

Provided, That any unencumbered balance in the intervention and graduated sanctions community grants account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.”;

And by relettering the remaining subsections accordingly;

On page 153, in line 42, by striking “\$5,443,413” and inserting “\$4,520,718”;

On page 154, in line 4, by striking “\$12,040,435” and inserting “\$38,974,435”;

On page 157, in line 29, by striking "\$3,694,355" and inserting "\$3,593,602";

On page 158, in line 3, by striking "\$384,976" and inserting "\$379,959"; in line 5, by striking "\$162,440" and inserting "\$158,711"; in line 22, by striking "\$192,488" and inserting "\$189,979.50";

On page 159, in line 18, by striking "\$511,503" and inserting "\$501,311"; in line 26, by striking "\$37,906,563" and inserting "\$37,320,650";

On page 161, in line 43, by striking "\$19,544,914" and inserting "\$19,215,248";

On page 162, in line 34, by striking "\$4,853,466.75" and inserting "\$4,771,050.25";

On page 163, in line 16, by striking "\$8,226,640.75" and inserting "\$8,080,162.50"; in line 28, by striking "\$18,133,280" and inserting "\$16,335,662";

On page 166, in line 22, by striking "\$1,286,879" and inserting "\$1,256,093";

On page 168, following line 29, by inserting the following:

"(f) During the fiscal year ending June 30, 2009, if an organization enters into a grant agreement with the emergency medical service board, such organization shall be required to submit pursuant to such grant agreement a written report detailing and accounting for all expenditures and receipts of such organization during such fiscal year. The emergency medical services board shall prepare a written report specifying and accounting for all moneys received by and expended by each individual organization that has reported to the emergency medical services board pursuant to such grant agreement and submit such report to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2009.";

Also on page 168, in line 34, by striking "\$774,344" and inserting "\$761,118";

On page 169, in line 16, by striking "\$726,251" and inserting "\$715,516"; in line 24, by striking "\$12,303,319" and inserting "\$11,614,531";

On page 170, in line 2, by striking "\$103,106" and inserting "\$99,112"; in line 6, by striking "\$789,404" and inserting "\$756,288";

On page 171, in line 1, by striking "\$172,754" and inserting "\$168,399";

On page 173, by striking all in line 14; in line 30, by striking "\$94,845" and inserting "\$98,289";

On page 174, in line 5, by striking "\$953,341" and inserting "\$911,876";

On page 175, in line 18, by striking "expanded"; in line 19, by striking all preceding "fund" and inserting "state general"; in line 21, by striking "\$1,840,821" and inserting "\$1,540,821"; in line 31, by striking "\$911,398" and inserting "\$887,594"; by striking all in lines 36 through 42;

On page 176, in line 19, by striking "\$3,326,594" and inserting "\$3,415,447"; in line 43, by striking "\$2,000,000" and inserting "\$3,623,754";

On page 177, in line 17, by striking "\$2,713,762" and inserting "\$998,466"; in line 42, by striking "\$1,000,228" and inserting "\$998,360";

On page 178, by striking all in lines 3 through 9; in line 31, by striking "\$2,350,593" and inserting "\$2,302,856";

On page 182, by striking all in lines 27 through 29 and inserting the following material to read as follows:

"(j) 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 shall not exceed the following:

Western water conservation projects fund

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

Provided, That, during the fiscal year ending June 30, 2008, or June 30, 2009, the above agency shall pay \$9,964,857 in one payment from the western water conservation projects fund as a grant pursuant to a grant agreement entered into by the Kansas water office, groundwater management district 3, Garden City ditch company, Kearney county farmers irrigation association, Finney county water users association, great eastern irrigation association, south side ditch association, and frontier ditch company, which grant agreement is hereby authorized to be entered into by such entities: *Provided further*, That, in accordance with the grant agreement, such moneys shall be used exclusively for the purposes of paying all or a portion of the costs of the following water management, conservation, administration

and delivery projects, and similar types of projects, in those areas of the state lying in the upper Arkansas river basin and directly impacted by the provisions of the Arkansas river compact between this state and the state of Colorado: (1) Efficiency improvements to canals or laterals owned by a ditch company or projects to improve the operational efficiency or management of such canals or laterals, (2) water use efficiency devices, tailwater systems or irrigation system efficiency upgrades, (3) water measurement flumes, meters, gauges, data collection platforms or related monitoring equipment, (4) artificial recharge or purchase of water rights for stream recovery or aquifer restoration, (5) maintenance of the Arkansas river channel, or (6) monitoring and enforcement of Colorado's compliance with the Arkansas river compact: *And provided further*, That, in accordance with the grant agreement, all expenditures of such moneys shall be subject to approval by a governing body composed of one representative designated by each of the following entities: (1) Groundwater management district 3, (2) Garden City ditch company, (3) Kearney county farmers irrigation association, (4) Finney county water users association, (5) great eastern irrigation association, (6) south side ditch association, and (7) frontier ditch company: *And provided further*, That, in reviewing and approving proposed projects, such governing body shall give priority, first, to projects that achieve the greatest water conservation efficiency for the general good; and, second, to projects that have been required by the division of water resources of the Kansas department of agriculture: *And provided further*, That, in accordance with the grant agreement, such moneys shall be administered by such governing body and any interest earned on such moneys shall be used for the purposes prescribed by this subsection: *And provided further*, That, in accordance with the grant agreement, all expenditures shall be regularly reported to the Kansas water office: *And provided further*, That, the grant agreement shall require such governing body to report annually to the committee on ways and means of the senate and the committee on appropriations of the house of representatives at the beginning of each regular session of the legislature, commencing with the regular session in 2009, on all expenditures of such moneys and the projects approved by such governing body.

For the fiscal year ending June 30, 2009..... No limit

(k) (1) On the effective date of this act, the director of accounts and reports shall transfer \$9,224,893 from the water conservation projects fund to the western water conservation projects fund.

(2) On the effective date of this act, the director of accounts and reports shall transfer \$739,964 from the state water plan fund to the western water conservation projects fund.”;

Also on page 182, in line 34, by striking “\$4,011,078” and inserting “\$3,919,709”; in line 39, by striking “\$3,868,400” and inserting “\$2,034,896”; in line 43, by striking “\$110,373” and inserting “\$107,111”;

On page 183, following line 17, by inserting the following material to read as follows:

“Reimbursement for annual park permits issued to national guard members..... \$103,000

Provided, That all moneys in the reimbursement for annual park permits issued to national guard members account shall be expended to pay the parks fee fund for the cost of fees for annual park vehicle permits issued for the calendar year 2009 to Kansas army or air national guard members, which annual park vehicle permits are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual park permits issued to national guard members account to pay the parks fee fund for such permits: *Provided, however*, That not more than one annual park vehicle permit per family shall be eligible to be paid from this account: *Provided further*, That any unencumbered balance in the reimbursement for annual park permits issued to national guard members account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.”;

Also on page 183, in line 23, by striking “\$20,532,729” and inserting “\$19,547,949”; in line 34, by striking “\$3,502,197” and inserting “\$4,842,737”;

On page 184, in line 1, by striking “\$1,177,428” and inserting “\$1,106,317”;

On page 185, by striking all in lines 27 through 29;

On page 186, in line 42, by striking “\$278,891,988” and inserting “\$269,078,434”;

On page 187, by striking all in line 42;

On page 190, in line 38 by striking "120.00" and inserting "102.00";

On page 191, in line 11, by striking "763.55" and inserting "760.55"; in line 13, by striking "1,146.00" and inserting "1,096.00"; in line 17, by striking "136.50" and inserting "85.00"; in line 21, by striking "536.75" and inserting "0.00"; in line 43, by striking "221.00" and inserting "219.00";

On page 192, in line 3, by striking "223.00" and inserting "220.00"; in line 13, by striking "419.50" and inserting "410.50";

On page 195, by striking all in lines 24 through 43;

By striking all on pages 196 through 206;

On page 207, by striking all in lines 1 through 42;

And by renumbering the remaining sections accordingly;

On page 209, by striking all in line 24 and 25; in line 26, by striking all preceding the period and inserting "all transfers made in accordance with the provisions of this section during the fiscal years ending June 30, 2009, and June 30, 2010, shall be considered to be revenue transfers from the state general fund";

On page 212, by striking all in lines 24 through 36 and inserting the following material to read as follows:

"Sec. 80. On July 1, 2008, K.S.A. 20-3002 is hereby amended to read as follows: 20-3002.

(a) ~~On and after January 1, 2003, through December 31, 2004, the court of appeals shall consist of 11 judges whose positions shall be numbered one to 11. On and after January 1, 2005, through December 31, 2007, the court of appeals shall consist of 12 judges whose positions shall be numbered one to 12. On and after January 1, 2008, through December 31, 2009, the court of appeals shall consist of 13 judges whose positions shall be numbered one to 13. On and after January 1, 2009 2010, the court of appeals shall consist of 14 judges whose positions shall be numbered one to 14. Judges of the court of appeals shall possess the qualifications prescribed by law for justices of the supreme court.~~

(b) Judges of the court of appeals shall be selected in the manner provided by K.S.A. 20-3003 through 20-3010, and amendments thereto. Each judge of the court of appeals shall receive an annual salary in the amount prescribed by law. No judge of the court of appeals may receive additional compensation for official services performed by the judge. Each such judge shall be reimbursed for expenses incurred in the performance of such judge's official duties in the same manner and to the same extent justices of the supreme court are reimbursed for such expenses.

(c) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.

(d) Any additional court of appeals judge position created by this section shall be considered a position created by the supreme court and not a civil appointment to a state office pursuant to K.S.A. 46-234, and amendments thereto.

Sec. 81. On July 1, 2008, K.S.A. 20-3002 is hereby repealed.;"

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 14, preceding "K.S.A." by inserting "K.S.A. 20-3002 and"; and the bill be passed as amended.

Committee on **Appropriations** recommends **HB 2947** be amended on page 1, following line 35, by inserting the following:

"(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 8(l) of chapter 201 of the 2007 Session Laws of Kansas for the department of administration is hereby increased from 760.55 to 761.55.;"

On page 2, in line 16, by striking "\$1,354,893" and inserting "\$1,354,393"; following line 18, by inserting the following:

"(a) On the effective date of this act, of the \$7,000,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 18(a) of chapter 164 of the 2007 Session Laws of Kansas from the state general fund in the reimbursement for postretirement benefit payments account, the sum of \$621,700 is hereby lapsed.;"

And by relettering the remaining subsections accordingly;

On page 3, by striking all in lines 7 through 14;

And by renumbering the remaining sections accordingly;

Also on page 3, by striking all in lines 35 through 39;

And by relettering the remaining subsections accordingly;

On page 4, by striking all in lines 25 through 28 and inserting the following:

“(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 69(a) of chapter 167 of the 2007 Session Laws of Kansas on the board of accountancy fee fund is hereby increased from \$305,037 to \$310,150.”;

Also on page 4, in line 34, by striking “\$8,398,684” and inserting “\$8,082,011”;

On page 5, in line 1, by striking “\$155,863” and inserting “\$153,088”; in line 11, by striking “\$806,669” and inserting “\$778,849”; in line 21, by striking “\$894,213” and inserting “\$845,916”; following line 28, by inserting the following:

“(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

Operating expenditures \$5,616

(c) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 87(b) of chapter 167 of the 2007 Session Laws of Kansas on the governmental ethics commission fee fund is hereby increased from \$158,223 to \$161,223.”;

On page 6, following line 9, by inserting the following:

“(b) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 73(a) of chapter 167 of the 2007 Session Laws of Kansas on the healing arts fee fund is hereby increased from \$3,095,005 to \$3,126,800.”;

Also on page 6, in line 15, by striking “\$276,617” and inserting “\$269,279”; following line 21, by inserting the following:

“(b) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 80(a) of chapter 167 of the 2007 Session Laws of Kansas on the optometry fee fund is hereby increased from \$128,454 to \$129,406.”;

Also on page 6, in line 27, by striking “\$1,854,345” and inserting “\$1,787,833”; in line 33, by striking “\$1,105,979” and inserting “\$1,081,912”; in line 43, by striking “\$2,825,963” and inserting “\$2,734,148”;

On page 7, in line 6, by striking “\$577,455” and inserting “\$566,121”; in line 16, by striking “\$268,898” and inserting “\$265,080”;

On page 11, following line 17, by inserting the following:

“(m) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2008, the following:

Larned state hospital — planning for the expansion of the adult treatment center building \$400,000”;

On page 13, by striking all in lines 27 through 37 and inserting the following:

“(a) On the effective date of this act, the \$1,110,809 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 116(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures — veteran services account, is hereby lapsed.

(b) On the effective date of this act, the \$526,313 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 116(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures — state veterans cemeteries account, is hereby lapsed.

(c) On the effective date of this act, the \$2,379,588 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 116(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures — Kansas soldiers’ home account, is hereby lapsed.

(d) On the effective date of this act, the \$2,636,670 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 116(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures — Kansas veterans’ home account, is hereby lapsed.

(e) On the effective date of this act, the \$355,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 116(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures — veterans homes and cemeteries account, is hereby lapsed.

(f) On the effective date of this act, the \$444,730 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 116(a) of chapter 167 of the 2007 Session

Laws of Kansas from the state general fund in the operating expenditures — administration account, is hereby lapsed.

(g) On the effective date of this act, the \$4,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 116(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures — Persian Gulf War veterans health initiatives account, is hereby lapsed.

(h) On the effective date of this act, the \$500,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 116(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the veterans claim assistance program — service grants account, is hereby lapsed.

(i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the soldiers' home fee fund is hereby decreased from no limit to \$0.

(j) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the soldiers' home benefit fund is hereby decreased from no limit to \$0.

(k) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the soldiers' home work therapy fund is hereby decreased from no limit to \$0.

(l) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the veterans' home fee fund is hereby decreased from no limit to \$0.

(m) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the Persian Gulf War veterans health initiative fund is hereby decreased from no limit to \$0.

(n) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the veterans' home canteen fund is hereby decreased from no limit to \$0.

(o) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the veterans' home benefit fund is hereby decreased from no limit to \$0.

(p) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the soldiers' home outpatient clinic fund is hereby decreased from no limit to \$0.

(q) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the state veterans cemeteries fee fund is hereby decreased from no limit to \$0.

(r) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the state veterans cemeteries donations and contributions fund is hereby decreased from no limit to \$0.

(s) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the outpatient clinic patient federal reimbursement fund — federal is hereby decreased from no limit to \$0.

(t) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the VA burial reimbursement fund — federal is hereby decreased from no limit to \$0.

(u) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the veterans home federal fund is hereby decreased from no limit to \$0.

(v) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the soldiers home federal fund is hereby decreased from no limit to \$0.

(w) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the commission on veterans affairs federal fund is hereby decreased from no limit to \$0.

(x) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 116(b) of chapter 167 of the 2007 Session Laws of Kansas on the Kansas veterans memorials fund is hereby decreased from no limit to \$0.

(y) On the effective date of this act, the \$362,280 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 184(a) of chapter 167 of the 2007 Session Laws of Kansas from the state institutions building fund in the soldiers' home rehabilitation and repair projects account, is hereby lapsed.

(z) On the effective date of this act, the \$283,875 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 184(a) of chapter 167 of the 2007 Session Laws of Kansas from the state institutions building fund in the veterans' home rehabilitation and repair projects account, is hereby lapsed.

(aa) On the effective date of this act, the \$436,620 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 184(a) of chapter 167 of the 2007 Session Laws of Kansas from the state institutions building fund in the veterans' home capital improvement match account, is hereby lapsed.

(bb) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 184(b) of chapter 167 of the 2007 Session Laws of Kansas on the veterans' home federal construction grant is hereby decreased from no limit to \$0.

(cc) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 184(b) of chapter 167 of the 2007 Session Laws of Kansas on the veterans' cemeteries federal construction grant fund is hereby decreased from no limit to \$0.

(dd) On the effective date of this act, the \$104,800 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 51(a) of chapter 201 of the 2007 Session Laws of Kansas from the state general fund in the Kansas soldiers' home account, is hereby lapsed.

(ee) On the effective date of this act, the \$34,620 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 51(a) of chapter 201 of the 2007 Session Laws of Kansas from the state general fund in the Kansas veterans' home account, is hereby lapsed.”;

On page 14, in line 21, by striking “\$277,917” and inserting “\$394,415”;

On page 15, by striking all in lines 22 through 27;

And by renumbering the remaining sections accordingly;

On page 16, in line 32, by striking “\$768,683” and inserting “\$10,867,000”;

On page 19, following line 34, by inserting the following:

“(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures \$10,000”;

Also on page 19, by striking all in lines 37 through 43;

On page 20, by striking all in lines 1 and 2 and inserting the following:

“(a) On the effective date of this act, the amount reappropriated for the above agency for the fiscal year ending June 30, 2008, by section 22(a) of chapter 201 of the 2007 Session Laws of Kansas from the state water plan fund in the lake restoration account, is hereby lapsed.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$236,110 from the lake restoration account of the state water plan fund to the water resources cost share account of the state water plan fund.

(c) On the effective date of this act, of the \$311,500 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 152(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the conservation easements account, the sum of \$266,000 is hereby lapsed.”;

And by relettering the remaining subsection;

On page 21, following line 13, by inserting the following material to read as follows:
“Sec. 51.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures \$55,477
Sec. 52.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 78(a) of chapter 167 of the 2007 Session Laws of Kansas on the hearing instrument board fee fund is hereby increased from \$28,318 to \$28,843.

Sec. 53.

REAL ESTATE APPRAISAL BOARD

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 82(a) of chapter 167 of the 2007 Session Laws of Kansas on the appraiser fee fund is hereby increased from \$320,937 to \$322,420.

Sec. 54.

KANSAS DENTAL BOARD

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 76(a) of chapter 167 of the 2007 Session Laws of Kansas on the dental board fee fund is hereby increased from \$373,138 to \$375,782.

Sec. 55.

STATE BOARD OF PHARMACY

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 81(a) of chapter 167 of the 2007 Session Laws of Kansas on the state board of pharmacy fee fund is hereby increased from \$729,309 to \$749,513.

Sec. 56.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 72(a) of chapter 167 of the 2007 Session Laws of Kansas on the behavioral sciences regulatory board fee fund is hereby increased from \$605,134 to \$611,761.”;

And by renumbering the remaining sections accordingly;

And the bill be passed as amended.

Committee on **Commerce and Labor** recommends **SB 461** be passed.

REPORT ON ENGROSSED BILLS

Sub. HB 2762; HB 2938 reported correctly engrossed March 14, 2008.

REPORT ON ENROLLED BILLS

HB 2656, HB 2665, HB 2748 reported correctly enrolled, properly signed and presented to the governor on March 17, 2008.

REPORT ON ENROLLED RESOLUTIONS

HR 6020 reported correctly enrolled and properly signed on March 17, 2008.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 1571, under Committee Assignment Change, Committee on Education should be deleted and Committee on Taxation should be inserted.

On motion of Rep. Vickrey, the House adjourned until 10:30 a.m., Tuesday, March 18, 2008.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

