

Journal of the House

SIXTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, May 1, 2008, 10:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.
The roll was called with 124 members present.
Rep. Kelley was excused on excused absence by the Speaker.
Present later: Rep. Kelley.

Prayer by guest chaplain, the Rev. Richard E. Guilfoil, Sr., pastor, Lakeview Church of the Nazarene, Topeka:

O God, I acknowledge you and lift this prayer to you this day. We thank you for the privilege that each representative has to serve the people of this state. We thank you for the opportunity that this session provides for this elected body to exercise their solemn duty not only to present and debate, but to influence correct decisions. We pray that you will bestow upon us a special blessing. Bless this chamber with wisdom and fruitful discussion. We seek your continued leadership in all activities performed and issues discussed on this day. I lift to you my continued praise, for you are truly worthy of our praise. In Jesus' name I lift this prayer today. Amen.

The Pledge of Allegiance was led by Rep. Crow.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Ward are spread upon the journal:

Ladies and Gentlemen of the Kansas House of Representatives, I present to you the 2008 Kansas 6-A State Basketball Champions — Wichita Southeast Golden Buffaloes.

The Buffaloes had an overall record of 23 wins and just two losses; 14 wins and two losses in the Wichita City League. The Buffaloes are the 2008 Wichita City League Champions. They won the Valley Center Tournament. In addition, they are the 2008 Sub-State Champions, the 2008 Kansas 6-A State Basketball Champions; and this is the fourth State Championship in the 50 year history of the Wichita Southeast High School.

The Golden Buffaloes are led by Head Coach, Carl Taylor. Coach Taylor is the all time winningest coach in Wichita City League history with 263 wins. His teams have won four state championships — he has won three state championships at Southeast High School. He is the 2007-2008 Wichita City League Coach of the Year. He has served 16 years at Southeast High School and we are expecting at least 15 more.

Two of the senior athletes have signed Division I scholarships, one will attend the University of Kansas. Two other senior athletes have signed to attend junior college on scholarships.

We know student athletes typically have better grades, fewer discipline problems, better attendance. They are excellent representatives of our schools.

I would like to introduce team members Cortez Barnes, Jordan Cyphers, DeAnte Dubose, Nathan Duff, Adonis Gantt, Michael Hammond, Devin Hayes, Phillip Llbiri, Joe Mitchell, Joe Randle, Taylor Salome, Cecil Shaw, Jonathan Thomas, D'Andre Tomlin; and Head

Coach Carl Taylor, Assistant Coaches Marvin Coleman, Riccardo Harris, Jeff Lantz and Alan Hobson; Robin Priest, team trainer; Devin Hayes, Phillip Llbiro and Jonathan Thomas, team managers; and Leroy Parks, Principal.

Please join me in recognizing the 2008 6-A State Basketball Champions — Wichita Southeast High School.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Reps. Peterson and Long are spread upon the journal:

Joel Heider is the athletic director at Ward High School but is no stranger to athletics. Joel was a member of two state championship basketball teams at Wyandotte High School in the late 60's and he attended Arkansas University on a basketball scholarship where he played for four years. After graduation, he entered the teaching profession and became the head boy's basketball coach at Bishop Ward High School in Kansas City, Kansas. He had an extremely remarkable career as a coach and then, as all coaches seem to do, moved into administration into the present position he holds now as Athletic Director.

Dennis Dorr is the principal of Bishop Ward High School and Dennis is no stranger to athletics either. He was a member of the 1972 Ward High School State Championship Football Team. He was also recognized for his abilities by being chosen all state, all city, and for those in the Kansas City area, who will understand, he was chosen first team offense and defense on the All Metro Football Team. Dennis attended St. Benedict's College, now called Benedictine, in Atchison, KS, where he played football on a football scholarship and obtained his degree. Dennis went on to coach, became the head football coach at Bishop Ward High School, and again, as all good football coaches seem to do, moved into administration into his present job as principal of Bishop Ward High School. Dennis was recently inducted into the Benedictine Athletic Hall of Fame.

Our "honoree," Dennis Hurla, has been actively involved in baseball as a player, and as a coach, for the last 40 years. After his playing career was over, he began managing American Legion baseball, and took his American Legion baseball team to the National Finals on several occasions. These other two gentlemen, Mr. Dorr and Mr. Heider, chose him in the late 90's to become the baseball coach at Bishop Ward High School, and he has enjoyed unparalleled success as stated in the certificate. Baseball being the sport that it is begins while we are in session, and it does not end until after we have adjourned. Therefore, we cannot honor State Champions like we do in football, basketball, volleyball, speech, and other activities because by the time we are back in session, the seniors on the previous team have gone their separate ways furthering their education with many of them playing baseball on baseball scholarships. The only time we had the opportunity to do this was in 2005 when we had a certificate congratulating Ward on that state baseball championship, and we were in a special session on education at that time.

Clearly, this certificate is long overdue for a man who, in the first eleven years of his coaching career at Bishop Ward, has accomplished the following:

- won 11 Regional Championships — 11 out of 11
- entered and placed in the State baseball tournament 11 times, placing third once, second three times, and the other seven times his team was State Champions; in fact, he has won the last five Class 4A State Championships consecutively which is unprecedented and is a Kansas record.

On March 30 of this year, his team broke the 30 (some) year-old streak of 42 games by winning his 43rd game in a row, and he has added to that streak. The current state record stands at 45 consecutive victories.

In 2007, Dennis was chosen the Class 4A Coach of the Year, the overall High School Coach of the Year for the State of Kansas, and the association that chooses these honors chose Dennis the National Coach of the Year for schools in his class. Through hard work and his particular method of coaching, Dennis has brought much recognition and honor to Bishop Ward High School all because of his achievements.

Therefore, it is with great pleasure that I hand to Coach Hurla this certificate honoring his achievements and our hope for his continued success.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was referred to committee as indicated:

Appropriations: **HCR 5041**.

COMMUNICATIONS FROM STATE OFFICERS

From Ellen Mellard, Chair, and Doug Bowman, Coordinator, Kansas Interagency Coordinating Council on Early Childhood Development Services, Annual Report, July 1, 2006 — June 30, 2007.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor, together with the enrolled copy of **H Substitute for SB 148**, An act concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 65-3008b, 65-3012 and 66-104d and K.S.A. 2007 Supp. 65-3005, 65-3008a, 66-1,184 and 74-616 and repealing the existing sections, which was received on April 17, 2008, and was read before the Senate on April 30, 2008.

Message from the Governor

Legislators who promote the expansion of coal-fired plants in Kansas made a strategic decision with **SB 148**. Rather than working toward a compromise solution or having any conversation about energy policy, this bill was drafted behind closed doors. It contains the same onerous elements of the previous bill that I vetoed; and again, these are elements I cannot accept and will not support.

I am still hopeful we can have meaningful discussions about a true compromise; rather than being sent the same bill in disguise yet again.

This maneuver has done nothing to address the issues at hand — developing comprehensive energy policy, providing base-load energy power for Western Kansas, implementing carbon mitigation strategies and capitalizing on our incredible assets for additional wind power. Furthermore, putting the regulatory permitting process into the hands of a Legislature whose membership changes every two years would set a dangerous precedent and result in real regulatory uncertainty.

President Bush has announced a new goal for stopping the growth of greenhouse gas emissions, and recognized that the power sector must make significant efforts to achieve that goal. Since the most likely way to achieve this goal is through a cap and trade system, which would, in effect, tax carbon, it would be unfair to Kansans, for our utilities to build coal fired plants for other states until we can evaluate the costs of those plants for Kansas tax payers and rate payers.

We must remember the decisions we make today have a huge impact on Kansans for generations to come. The challenges before us can and should be met through a common sense solution.

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **H. Sub. for SB 148**.

KATHLEEN SEBELIUS

Governor

Dated: April 17, 2008

A motion was made that, notwithstanding the Governor's objection to **H. Sub. for SB 148**, the bill be passed. by a vote of 32 Yeas and 7 Nays, the motion having received the required two-thirds majority of the elected members of the Senate, voting in the affirmative to approve the bill, the bill did pass.

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on **H. Substitute for SB 389**, An act concerning abortion; providing civil remedies, including

injunctive relief; amending K.S.A. 65-445, 65-2836, 65-6703, 65-6704, 65-6705 and 65-6709 and K.S.A. 2007 Supp. 38-2223 and repealing the existing sections; also repealing K.S.A. 65-6713, which was received on April 21, 2008, and was read before the Senate on April 30, 2008.

Message from the Governor

Over the last several years, we have worked on lowering abortion rates in Kansas by focusing on adoption incentives, extended health services for pregnant women, providing sex education and offering a variety of support services for families.

Those efforts are having a positive impact; recently we learned that the abortion rate in Kansas continues to go down.

For years, the people of Kansas have asked their elected officials to move beyond legislative debates on issues like abortion and focus their attention on issues that can be solved in the Statehouse - stronger schools, affordable health care and economic growth.

Kansans are proud of the progress we've made lowering the abortion rate and lifting our economy. It's time for legislators to recognize that progress and focus on the things that continue to move us forward.

I am concerned about a number of provisions in **SB 389**. The United States Supreme Court decisions make clear that any law regulating abortion must contain exceptions for pregnancies which endanger the woman's life or health. However, **SB 389** allows a variety of individuals to seek a court order preventing a woman from obtaining an abortion, even where it may be necessary to save her life. I am concerned that the bill is likely unconstitutional or even worse, endangers the lives of women.

The bill contains unprecedented expansions of legal proceedings which would likely encourage extensive litigation and also unnecessarily jeopardizes the privacy of Kansas women's confidential medical records.

As Governor, nothing is more important to me than the safety, health and privacy rights of our citizens. I am vetoing **SB 389** because it endangers the health of women and is likely to be found in violation the United States Constitution and the Constitution of the State of Kansas.

Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **H. Sub. for SB 389**.

KATHLEEN SEBELIUS
Governor

Dated: April 21, 2008

A motion was made that **H. Sub. for SB 389** be passed notwithstanding the Governor's veto. By a vote of 25 Yeas and 14 Nays, the motion did not receive the required two-thirds majority of the elected members of the Senate, voting in the affirmative, the motion failed and the veto was sustained.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2802**, as amended by **S. Sub. for HB 2802**.

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

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 3905, requiring the printing and distribution of appropriation bills 48 hours before consideration, be suspended. The motion prevailed.

Committee report recommending a substitute bill to **H. Sub. for SB 658** be adopted; also, on motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 1704 be suspended allowing Reps. Tafanelli and Feuerborn to speak more than twice. The motion prevailed.

Also, on motion of Rep. Schwartz be amended on page 15, following line 17, by inserting the following material to read as follows:

“(b) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 or fiscal year 2009 as authorized by 2008 Senate Bill No. 534 or by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 or fiscal year 2009 to raze a cottage at the Kansas soldiers’ home at 437 Custer.”;

Also, on motion of Rep. Fund to amend **H. Sub. for SB 658**, the motion did not prevail. Also, on further motion of Rep. Fund to amend, the motion did not prevail.

Also, on motion of Rep. King, **H. Sub. for SB 658** be amended on page 22, of the typed version of the bill, following line 23, by inserting the following material to read as follows:

“(c) (1) During the fiscal years ending June 30, 2008, and June 30, 2009, in addition to other purposes for which expenditures may be made by the department on aging from the moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2008 or fiscal year 2009 as authorized by chapter 167 or chapter 201 of the 2007 Session Laws of Kansas, by 2008 Senate Bill No. 534, or by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the department on aging from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2008 and fiscal year 2009 to make payments under the state medicaid program to each nursing facility, upon re-opening, as a new nursing facility provider with a nursing facility provider medicaid rate determined under the provisions of K.A.R. 30-10-17(b) and K.A.R. 30-10- 18(e)(1)(A).

(2) As used in this subsection, “nursing facility” means a nursing facility which is located within a county designated by the United States federal emergency management agency under major disaster declaration FEMA-1711-DR and which was closed for a period of nine months or more as a result of such 2007 disaster caused by the flooding and other severe weather in Southeast Kansas.”;

Also, on motion of Rep. Frownfelter to amend **H. Sub. for SB 658**, the motion was withdrawn.

Also, roll call was demanded on motion of Rep. Colyer to amend **H. Sub. for SB 658** on page 1, in line 19, by striking “and”, where it appears for the first time; also in line 19, preceding “appropriations” by inserting “and June 30, 2011.”;

On page 22, following line 42, by inserting the following material to read as follows:
“Sec. 38.

LEGISLATIVE COORDINATING COUNCIL

(a) During the fiscal year ending June 30, 2009, in addition to the other purposes for which expenditures may be made by the director of legislative research from moneys appropriated in the legislative research department — operations account of the state general fund for fiscal years 2009, 2010 and 2011 as authorized by this or any other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the director of legislative research from moneys appropriated in the legislative research department — operations account of the state general fund to prepare an economic impact statement in accordance with this subsection for a bill or other matter under consideration by the legislature upon request of: (1) The president of the senate; (2) the majority leader of the senate; (3) the minority leader of the senate; (4) the chairperson of the committee on ways and means of the senate or the successor committee; (5) the ranking minority member of the ways and means committee of the senate or the successor committee; (6) the chairperson of the assessment and taxation committee of the senate or the successor committee; (7) the ranking minority member of the assessment and taxation committee of the senate or the successor committee; (8) the speaker of the house of representatives; (9) the majority leader of the house of representatives; (10) the minority leader of the house of representatives; (11) the chairperson of the committee on appropriations of the house of representatives or the successor committee; (12) the ranking minority member of the committee on appropriations of the house of representatives or the successor committee; (13) the chairperson of the committee on taxation of the house of representatives or the successor committee;

or (14) the ranking minority member of the committee on assessment and taxation of the house of representatives: *Provided*, That the director of legislative research shall prepare a statement of the economic impact of the bill or other matter specified in the request upon the Kansas economy: *Provided further*, That the economic impact statement shall include: (1) A brief description of the bill or other matter; (2) whether the bill or other matter is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the bill or other matter meets or exceeds the requirements of applicable federal law; (3) a description of the cost estimate of the bill or other matter, the state agencies that will bear the costs; and (4) economic analyses of the effects of the bill or other matter under consideration on significant economic indicators, which may include, but which are not limited to, projected growth or decline in the number and kinds of jobs, general economic growth and inflation factors in the short-term and long-term, in conjunction with the characteristics of current economic factors that are significant in the Kansas economy, and the impact of selected economic indicators that are specified in the request: *And provided further*, That the director of legislative research shall exercise informed, independent professional judgment and may have the assistance of qualified professional staff in the legislative research department and assistance from Kansas, Inc., or other state agencies, as determined appropriate, to prepare economic impact statements: *And provided further*, That the director of legislative research may use widely accepted econometric techniques, including dynamic scoring, to assist in the preparation of economic impact statements and may consult with other state agencies, cities, counties, school districts or other local governmental entities, as appropriate, when preparing the economic impact statement of a bill or other matter which increases or decreases revenues of state government, cities, counties, school districts or other local governmental entities or which imposes functions or responsibilities on state government, cities, counties, school districts or other local governmental entities which may increase expenditures or fiscal liability: *And provided further*, That a copy of the current economic impact statement on a bill or other matter shall be available from the Kansas legislative research department upon request: *And provided further*, That upon request of the director of legislative research, the director of the budget, the secretary of revenue and each other state agency shall provide assistance in the preparation of an economic impact statement for a bill, including any supplemental or revised statement: *And provided further*, That the economic impact statement and each supplement thereto or revision thereof shall include a reliable estimate of the anticipated changes in the Kansas economy and the revenues and expenditures of the state and include a statement, if determinable or reasonably foreseeable, of the immediate and long-range economic impact of the bill or other matter upon persons subject thereto and the general public: *And provided however*, That if, after careful investigation and analysis, it is determined that a reliable monetary cost estimate is not possible, the statement shall set forth the reasons why no monetary cost estimate can be prepared: *And provided further*, That every state agency shall cooperate with the director of legislative research in the preparation of any statement pursuant to this section when, and to the extent, requested by the director of legislative research: *And provided further*, That in accordance with this subsection, the director of legislative research may review and may prepare an update for each fiscal note prepared by the division of the budget under K.S.A. 75-3715a, and amendments thereto, for a bill or other matter under consideration by the legislature, which has changes recommended or adopted by a committee or by the senate or the house of representatives, upon request of the leaders aforementioned: *And provided further*, That the director of legislative research shall prepare each such updated fiscal note in accordance with the provisions and procedures and subject to the guidelines prescribed by K.S.A. 75-3715a, and amendments thereto: *And provided further*, That the director of legislative research shall exercise informed, independent professional judgment and shall have the assistance of qualified professional staff in the legislative research department to prepare the updates to fiscal notes in accordance with this section and may use widely accepted econometric techniques, including dynamic scoring to assist in the preparation of updates to fiscal notes: *And provided further*, That the director of legislative research may consult with other state agencies, cities, counties, school districts or other local governmental entities, as appropriate, in preparing updates to fiscal notes: *And provided further*, That a copy of the current updated

fiscal note on a bill or other matter shall be available from the Kansas legislative research department upon request: *And provided further*, That upon request of the director of legislative research, the director of the budget, the secretary of revenue and each other state agency shall provide assistance in preparing updates to fiscal notes under this section: *And provided further*, That every state agency shall cooperate with the director of legislative research in the preparation of any statement pursuant to this subsection when, and to the extent, requested by the director of legislative research.

Sec. 39. On July 1, 2008, K.S.A. 75-3722 is hereby amended to read as follows: 75-3722. An allotment system will be applicable to the expenditure of the resources of any state agency, under rules and regulations established as provided in K.S.A. 75-3706, only if in the opinion of the secretary of administration on the advice of the director of the budget, the use of an allotment plan is necessary or beneficial to the state. In making this determination the secretary of administration shall take into consideration all pertinent factors including (1) available resources, (2) current spending rates, (3) work loads, (4) new activities, especially any proposed activities not covered in the agency's request to the governor and the legislature for appropriations, (5) the minimum current needs of each agency, (6) requests for deficiency appropriations in prior fiscal years, (7) unexpended and unencumbered balances, and (8) revenue collection rates and prospects.

Whenever for any fiscal year it appears that the resources of the general fund or any special revenue fund are likely to be insufficient to cover the appropriations made against such general fund or special revenue fund, the secretary of administration, on the advice of the director of the budget, shall, in such manner as he or she may determine, inaugurate the allotment system so as to assure that expenditures for any particular fiscal year will not exceed the available resources of the general fund or any special revenue fund for that fiscal year. The allotment system shall not apply to the legislature or to the courts or their officers and employees. Agencies affected by decisions of the secretary of administration under this section shall be notified in writing at least thirty (30) days before such decisions may become effective and any affected agency may, by written request addressed to the governor within ten (10) days after such notice, ask for a review of the decision by the finance council. The finance council shall hear appeals and render a decision within twenty (20) days after the governor receives requests for such hearings.

During the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011, the allotment system under this section shall not apply to the state general fund.

Sec. 40. On July 1, 2008, K.S.A. 75-6704 is hereby amended to read as follows: 75-6704. (a) The director of the budget shall continuously monitor the status of the state general fund with regard to estimated and actual revenues and approved and actual expenditures and demand transfers. Periodically, the director of the budget shall estimate the amount of the unencumbered ending balance of moneys in the state general fund for the current fiscal year and the total amount of anticipated expenditures, demand transfers and encumbrances of moneys in the state general fund for the current fiscal year. *Except as provided for the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011*, if the amount of such unencumbered ending balance in the state general fund is less than \$100,000,000, the director of the budget shall certify to the governor the difference between \$100,000,000 and the amount of such unencumbered ending balance in the state general fund, after adjusting the estimates of the amounts of such demand transfers with regard to new estimates of revenues to the state general fund, where appropriate.

(b) Upon receipt of any such certification and subject to approval of the state finance council acting on this matter which is hereby declared to be a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c and amendments thereto, the governor may issue an executive order reducing, by applying a percentage reduction determined by the governor in accordance with this section, (1) the amount authorized to be expended from each appropriation from the state general fund for the current fiscal year, other than any item of appropriation for debt service for payments pursuant to contractual bond obligations or any item of appropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931 and amendments thereto under the Kansas public employees retirement system pursuant to K.S.A. 74-4939 and amendments thereto, and (2) the amount of each

demand transfer from the state general fund for the current fiscal year, other than any demand transfer to the school district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319 and amendments thereto.

(c) The reduction imposed by an executive order issued under this section shall be determined by the governor and may be equal to or less than the amount certified under subsection (a). Except as otherwise specifically provided by this section, the percentage reduction applied under subsection (b) shall be the same for each item of appropriation and each demand transfer and shall be imposed equally on all such items of appropriation and demand transfers without exception. No such percentage reduction and no provisions of any such executive order under this section shall apply or be construed to reduce any item of appropriation for debt service for payments pursuant to contractual bond obligations or any item of appropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931 and amendments thereto under the Kansas public employees retirement system pursuant to K.S.A. 74-4939 and amendments thereto or any demand transfer to the school district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319 and amendments thereto. The provisions of such executive order shall be effective for all state agencies of the executive, legislative and judicial branches of state government.

(d) If the governor issues an executive order under this section, the director of accounts and reports shall not issue any warrant for the payment of moneys in the state general fund or make any demand transfer of moneys in the state general fund for any state agency unless such warrant or demand transfer is in accordance with such executive order and such warrant or demand transfer does not exceed the amount of money permitted to be expended or transferred from the state general fund.

(e) Nothing in this section shall be construed to (1) require the governor to issue an executive order under this section upon receipt of any such certification by the director of the budget; or (2) restrict the number of times that the director of the budget may make a certification under this section or that the governor may issue an executive order under this section.

(f) *The provisions of subsections (b) and (c) shall not apply to fiscal years ending June 30, 2009, June 30, 2010, or June 30, 2011.*

(g) (1) *If the amount of the unencumbered ending balance in the state general fund (A) for the fiscal year ending June 30, 2009, is less than the amount equal to 2% or less of the total amount authorized to be expended or transferred by demand transfer from the state general fund for fiscal year 2009, (B) for the fiscal year ending June 30, 2010, is less than the amount equal to 3% or less of the total amount authorized to be expended or transferred by demand transfer from the state general fund for fiscal year 2010, or (C) for the fiscal year ending June 30, 2011, is less than the amount equal to 3.5% or less of the total amount authorized to be expended or transferred by demand transfer from the state general fund in fiscal year 2011, as jointly estimated by the director of the budget and the director of legislative research under K.S.A. 75-6702, and amendments thereto, then the director of the budget shall certify to the governor the difference between the amount equal to the applicable percentage, as specified for such fiscal year, or less of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year, as jointly estimated by the director of the budget and the director of legislative research under K.S.A. 75-6702, and amendments thereto, and the amount of such unencumbered ending balance in the state general fund for such fiscal year, after adjusting the estimates of the amounts of such demand transfers with regard to new estimates of revenues to the state general fund, where appropriate.*

(2) *During the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011, upon receipt of any such certification and subject to approval of the state finance council acting on this matter which is hereby declared to be a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c, and amendments thereto, the governor may issue an executive order reducing, by applying a percentage reduction determined by the governor in accordance with this section, (A) the amount authorized to be expended from each appropriation from the state general fund for the current fiscal year, other than any item of appropriation for debt service for payments pursuant to contractual*

bond obligations or any item of appropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto, and (B) the amount of each demand transfer from the state general fund for the current fiscal year, other than any demand transfer to the school district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto. The executive order issued by the governor under this subsection (g)(2) shall specify a specific percentage reduction for each item of appropriation or demand transfer from the state general fund, as determined by the governor, which is not required to be the same percentage reduction for all such items of appropriation or demand transfers.

(3) The reduction imposed by an executive order issued under this subsection (g) shall be determined by the governor and may be equal to or less than the amount certified under this subsection (g). Except as otherwise specifically provided by this section, a percentage reduction applied under this subsection (g) shall be imposed on each item of appropriation and each demand transfer at a percentage rate specifically prescribed for the specific item of appropriation or demand transfer from the state general fund.

(4) The provisions of this subsection (g) shall not apply if the amount of the unencumbered ending balance in the state general fund for the fiscal years ending June 30, 2009, June 30, 2010, or June 30, 2011, is determined to be insufficient to cover the remaining amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year, as jointly estimated by the director of the budget and the director of legislative research under K.S.A. 75-6702, and amendments thereto. In any such case, the provisions of subsections (b) and (c) shall apply, notwithstanding any provisions of this section to the contrary and the percentage reduction shall be the same for each item of appropriation on all such items of appropriation and demand transfers without exception and each demand transfer shall be imposed equally.

(5) (A) During the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011, if there is projected to be a loss of tax revenues caused by temporary, one-time federal tax changes, the effect of such federal tax changes shall be estimated by the director of the budget and the director of the legislative research department who shall prepare a joint estimate of such loss of revenue to the state general fund for the current fiscal year in the same manner as provided by K.S.A. 75-6701, and amendments thereto. The amount of any such loss of revenue to the state general fund estimated pursuant to this subsection shall be excluded from any determination of whether the ending balance in the state general fund is equal to the percentage specified for such fiscal year by subsection (g)(1), or less, of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year, shall not reduce the estimated unencumbered ending balance in the state general fund for such determination, and shall not be the basis for any certification to the governor by the director of the budget under this subsection (g) or any percentage reduction in any appropriation or demand transfer from the state general fund under this subsection (g), notwithstanding any provisions of this section to the contrary.

(B) During the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011, any expenditures from the state general fund for disasters or emergencies that receive a federal disaster declaration designation shall be excluded from any determination of whether the ending balance in the state general fund is equal to the percentage specified for such fiscal year by subsection (g)(1), or less, of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year, shall not reduce the estimated unencumbered ending balance in the state general fund for such determination, and shall not be the basis for any certification to the governor by the director of the budget under this subsection (g) or any percentage reduction in any appropriation or demand transfer from the state general fund under this subsection (g), notwithstanding any provisions of this section to the contrary.

(6) During the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011, no such percentage reduction and no provisions of any such executive order under this subsection (g), notwithstanding any provisions of this section to the contrary shall apply or be construed to reduce: (A) Any item of appropriation for debt service for payments pursuant

to contractual bond obligations, (B) any item of appropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto, or (C) any demand transfer to the school district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto. The provisions of such executive order shall be effective for all state agencies of the executive, legislative and judicial branches of state government.

Sec. 41. On July 1, 2008, K.S.A. 75-3722 and 75-6704 are hereby repealed.”;

In the title, in line 10, by striking “and”; also in line 10, preceding “for” by inserting “and June 30, 2011.”; in line 14, before “K.S.A.” by inserting “K.S.A. 75-3722 and 75-6704 and”;

On roll call, the vote was: Yeas 52; Nays 64; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Beamer, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Craft, Crum, Dahl, Donohoe, Fund, George, Goico, Gordon, Grange, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Kiegerl, King, Kinzer, Knox, Mast, Masterson, McLeland, Judy Morrison, Myers, Neufeld, Olson, Owens, Patton, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Siegfried, Sloan, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Bethell, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Faber, Feuerborn, Flaharty, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Huntington, Johnson, Kelsey, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Metsker, Jim Morrison, Moxley, Neighbor, O’Neal, Otto, Palmer, Pauls, Peterson, Phelps, Powers, Proehl, Quigley, Roth, Ruff, Ruiz, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Faust-Goudeau, Flora, Hayzlett, Kelley, Landwehr, Merrick, Rardin, Sawyer, Shultz.

The motion of Rep. Colyer did not prevail.

Also, roll call was demanded on motion of Rep. McCray-Miller to amend **H. Sub. for SB 658** on page 5, in line 27, by adding \$3,500,000 to the dollar amount and by adjusting the dollar amount in line 27 accordingly;

On page 6, following line 6, by inserting the following material to read as follows:

“(f) On July 1, 2008, of the \$3,771,305 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 95(a) of 2008 Senate Bill No. 534 from the state general fund in the infant and toddler program account, the sum of \$3,500,000 is hereby lapsed.”;

On page 18, by striking all in line 31;

On page 19, following line 27, by inserting the following material to read as follows:

“Early childhood block grant

For the fiscal year ending June 30, 2009..... \$11,100,000
Early head start

For the fiscal year ending June 30, 2009..... \$1,852,779”;

On page 21, following line 32, by inserting the following material to read as follows:

“(m) On July 1, 2007, of the \$68,326,730 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 99(a) of 2008 Senate Bill No. 534 from the state general fund in the cash assistance account, the sum of \$1,048,779 is hereby lapsed.”;

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

Yeas: Ballard, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goico, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huntington, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Metsker, Moxley, Neighbor, Otto, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Quigley, Rardin, Roth, Ruff, Ruiz, Sawyer, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn, Worley.

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

Present but not voting: None.

Absent or not voting: Colyer, Kelley, Watkins.

The motion of Rep. McCray-Miller prevailed.

Also, on motion of Rep. Frownfelter to amend **H. Sub. for SB 658**, the motion did not prevail. Also, on motion of Rep. Gordon to amend, the motion did not prevail. Also, on motion of Rep. Feuerborn to amend, the motion did not prevail.

Also, on motion of Rep. Palmer, **H. Sub. for SB 658** be amended on page 17, following line 40, by inserting the following:

“(c) In addition to the other purposes for which expenditures may be made by the above agency from the postsecondary operating grant account of the state general fund for fiscal year 2009, as authorized by section 116(a) of 2008 Senate Bill No. 534, expenditures shall be made by the above agency from the postsecondary operating grant account of the state general fund for fiscal year 2009 for a bioscience summer institute at Emporia state university in an aggregate amount of not less than \$200,581; a professional science masters degree program at Fort Hays state university in an aggregate amount of not less than \$330,000; and a school of construction at Pittsburg state university in an aggregate amount of not less than \$1,393,400: *Provided*, That expenditures shall be made from the postsecondary operating grant account for these three projects equally in a ratio of the allocated amounts before funding any other projects or purposes when funding is available by this act of the 2008 regular session of the legislature: *Provided, however*, That no moneys shall be allocated for any such project unless additional funding is appropriated by this act for postsecondary operating grant funding for fiscal year 2009.”;

Also, on motion of Rep. Tafanelli, **H. Sub. for SB 658** be amended on page 22, following line 42, by inserting the following material to read as follows:

“Sec. 38.

KANSAS PAROLE BOARD

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

Parole from adult correctional institutions

For the fiscal year ending June 30, 2009..... \$6,729”;

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Grant, **H. Sub. for SB 658** be amended on page 10, following line 21, by inserting the following material to read as follows:

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

Retiree 1.0 percent COLA payment

For the fiscal year ending June 30, 2009..... \$6,400,000

Retiree 1.0 percent COLA payment

For the fiscal year ending June 30, 2010..... \$13,100,000

Retiree 1.0 percent COLA payment

For the fiscal year ending June 30, 2011..... \$20,200,000”;

Also, on motion of Rep. Ballard, **H. Sub. for SB 658** be amended on page 4, in line 16, by adding \$1,181,000 to the dollar amount and by adjusting the dollar amount in line 16 accordingly;

Also, on motion of Rep. Powell **H. Sub. for SB 658** be amended on page 15, following line 41, by inserting the following:

“(c) On the effective date of this act, the \$750,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 13 (b) of 2008 SB No. 534 from the state economic development initiatives fund in the Parsons ammunition facility road grant account, is hereby lapsed.”;

Also, roll call was demanded on motion of Rep. Gatewood to amend **H. Sub. for SB 658** on page 8, by striking all in lines 25 through 35;

And by relettering the remaining subsection accordingly;

On page 17, by striking all in lines 22 through 26;

On roll call, the vote was: Yeas 48; Nays 68; Present but not voting: 0; Absent or not voting: 9.

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

Nays: Aurand, Beamer, Bowers, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, Garcia, George, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Powers, Proehl, Quigley, Rhoades, Roth, Ruff, Sawyer, Shultz, Siegfried, Sloan, Spalding, Swanson, Swenson, Vickrey, Watkins, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Brown, Huebert, Kelley, Landwehr, Judy Morrison, Potterff, Schwartz, Tafanelli.

The motion of Rep. Gatewood did not prevail.

Also, on motion of Rep. Schwartz, **H. Sub. for SB 658** be amended on page 22, after line 42, by inserting the following material to read as follows:

“Sec. 38.

LEGISLATURE

(a) In addition to the other purposes for which expenditures may be made by the legislature from the moneys appropriated from the state general fund or from any special revenue fund for the legislature for fiscal year 2009, as authorized by section 69(a) of 2008 Senate Bill No. 534, or by this or any other appropriation act of 2008 regular session of the legislature, expenditures shall be made by the legislature from moneys appropriated from the state general fund or from any special revenue fund for the legislature for fiscal year 2009 to create the physician work force and accreditation task force, hereinafter referred to in this section as the “task force”: *Provided*, That the task force shall be composed of 13 members appointed as follows: (1) Two members who are members of the medical faculty or administrators of the school of medicine of the university of Kansas medical center, of which one member shall be from the Kansas City campus and one member shall be from the Wichita campus, who shall be appointed by the dean of the school of medicine of the university of Kansas medical center; (2) two members who are practicing medicine in Kansas and are current or former participants in a Kansas graduate medical residency program who shall be appointed by the governor; (3) one member who shall be appointed by the state board of regents; (4) one member who is representative of the Via Christi Regional Medical Center who shall be appointed by the governing body of the Wichita Center for Graduate Medical Education; (5) one member who is representative of the Wesley Medical Center who shall be appointed by the governing body of the Wichita Center for Graduate Medical Education; (6) one member who shall be appointed by the Kansas health policy authority; (7) one member who is an administrator of a rural hospital who shall be appointed by the Kansas hospital association; (8) one member who is a legislator who shall be appointed by the president of the senate; (9) one member who is a legislator who shall be appointed by the speaker of the house of representatives; (10) one member who is a legislator who shall be appointed by the minority leader of the senate; and (11) one member who is a legislator who shall be appointed by the minority leader of the house of representatives: *Provided further*, That the speaker of the house of representatives shall designate one member to serve as chairperson and the president of the senate shall designate one member to serve as the vice-chairperson of the task force: *And provided further*, That the task force shall meet on call of the chairperson or on the request of seven members of the task force, subject to approval by the legislative coordinating council: *And provided further*, That seven mem-

bers of the task force shall constitute a quorum and all actions of the task force shall be taken by a majority of all members of the task force: *And provided further*, That the task force shall study and adopt recommendations regarding the physician work force and accreditation issues including (1) How best to maintain accreditation of graduate medical education programs sponsored by the university of Kansas school of medicine in Kansas City and Wichita, with special attention to maintaining the existing partnerships with Via Christi Regional Medical Center, Wesley Medical Center and the university of Kansas medical center — Wichita; (2) recommendations for the necessary and appropriate level of funding for graduate medical education sponsored by the university of Kansas; (3) alternative means of obtaining such funding; and (4) strategic plan to accomplish such matters; *And provided further*, That the task force shall report its findings and recommendations to the committee on ways and means of the senate and the committee on appropriations of the house of representatives prior to the beginning of the 2009 regular session of the legislature: *And provided further*, That the staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the task force and authorized by the legislative coordinating council.”;

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Flaharty, **H. Sub. for SB 658** be amended on page 22, following line 42, by inserting the following material to read as follows:

“Sec. 38.

STATE LIBRARY

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

Operating expenditures
 For the fiscal year ending June 30, 2009..... \$29,000”;

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Kinzer to amend **H. Sub. for SB 658**, the motion did not prevail.

Also, on motion of Rep. Fund, **H. Sub. for SB 658** be amended on page 3, after line 10, by inserting the following:

“(c) 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:

Reservoir storage beneficial use fund
 For the fiscal year ending June 30, 2009..... No limit

Provided, That expenditures may be made by the above agency from the reservoir storage beneficial use fund to call water into service for beneficial uses, subject to the availability of moneys credited to the reservoir storage beneficial use fund.

(d) On July 1, 2008, the director of accounts and reports shall transfer from the state water plan fund to the reservoir storage beneficial use fund the amount equal to the unencumbered balance in the conservation reserve enhancement program account of the state water plan fund.”;

Also, on motion of Rep. Hodge to amend **H. Sub. for SB 658**, the motion did not prevail.

Also, on motion of Rep. Hill, **H. Sub. for SB 658** be amended on page 22, following line 42, by inserting the following material to read as follows:

“Sec. 38.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the expanded lottery act revenue fund for the capital improvement project or projects for the fiscal year or years specified, the following:

School of pharmacy expansion project — ELARF
 For the fiscal year ending June 30, 2010..... \$15,000,000
 For the fiscal year ending June 30, 2011..... \$15,000,000
 For the fiscal year ending June 30, 2012..... \$15,000,000

Provided, That expenditures shall be made from the school of pharmacy expansion project — ELARF account only if no funding is appropriated or otherwise available for the school

of pharmacy expansion project from the state infrastructure reserve fund for the fiscal years ending June 30, 2010, June 30, 2011, and June 30, 2012.”;

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. M. Holmes to amend **H. Sub. for SB 658**, the motion did not prevail.

Also, on motion of Rep. Schwartz, **H. Sub. for SB 658** be amended on page 18, following line 6, by inserting the following material to read as follows:

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

Wichita center for graduate medical education

For the fiscal year ending June 30, 2009..... \$1,500,000

Provided, That \$7,100,000 has been requested by the Wichita center for graduate medical education from the Kansas bioscience authority for research-oriented grant funding: *Provided further*, That expenditures shall be made from the Wichita center for graduate medical education account for purposes of funding non-research needs such as offsite or rural rotation for which medicare funding has been terminated or for purposes of attaining adequate standard for accreditation of the WCGME residency program.”; and **H. Sub. for SB 658** be passed amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick pursuant to House Rule 2311, **H. Sub. for SB 658** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for SB 658, An act making and concerning appropriations for the fiscal years ending June 30, 2008, June 30, 2009, and June 30, 2010, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2007 Supp. 74-99b16 and section 86 of 2008 Senate Bill No. 534, and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 64; Nays 60; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Bethell, Burgess, Carlin, Colloton, Craft, Crow, Davis, Faust-Goudeau, Feuerborn, Flaharty, Fund, Garcia, Gatewood, Gordon, Goyle, Grant, Hawk, Henderson, Hill, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Metsker, Moxley, Neighbor, Neufeld, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Proehl, Quigley, Rardin, Ruiz, Schwartz, Sloan, Spalding, Storm, Swanson, Swenson, Tietze, Trimmer, Vickrey, Ward, Wilk, Winn, Worley.

Nays: Aurand, Beamer, Bowers, Brown, Brunk, Burroughs, Carlson, Colyer, Crum, Dahl, Dillmore, Donohoe, Faber, Flora, Frownfelter, George, Goico, Grange, Hayzlett, Henry, Hodge, Holland, Huebert, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Mast, Masterson, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, O’Neal, Olson, Otto, Patton, Peck, Powers, Rhoades, Roth, Ruff, Sawyer, Schroeder, Shultz, Siegfried, Svaty, Tafanelli, Treaster, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Kelley.

The bill passed, as amended.

On motion of Rep. Merrick, the House recessed until 6:00 p.m.

EVENING SESSION

The House met pursuant to recess with Speaker pro tem Dahl in the chair.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **H. Sub. for SB 32**.
 The Senate adopts conference committee report on **SB 178**.
 The Senate adopts conference committee report on **H. Sub. for SB 379**.
 The Senate adopts conference committee report on **H. Sub. for Sub. SB 391**.
 The Senate adopts conference committee report on **Sub. SB 485**.
 The Senate adopts conference committee report on **SB 570**.
 The Senate adopts conference committee report on **SB 669**.
 The Senate adopts conference committee report on **S. Sub. for HB 2504**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S. Sub. for HB 2802**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. C. Holmes, the House concurred in Senate amendments to **S. Sub. for HB 2802**, An act concerning energy; relating to conservation and electric generation and efficiency and air emissions; imposing certain charges and providing for distribution thereof.

On roll call, the vote was: Yeas 78; Nays 46; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Feuerborn, Fund, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Hill, C. Holmes, M. Holmes, Huebert, Humerickhouse, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Lukert, Mast, Masterson, McKinney, McLeland, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peterson, Phelps, Powell, Powers, Proehl, Rhoades, Roth, Ruff, Schroeder, Schwartz, Siegfried, Sloan, Swanson, Swenson, Tafanelli, Trimmer, Vickrey, Watkins, Wetta, Whitham, Wilk, B. Wolf, Yoder.

Nays: Ballard, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Faust-Goudeau, Flaherty, Flora, Frownfelter, Garcia, Goyle, Henderson, Henry, Hodge, Holland, Horst, Huntington, Kelley, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, McLachlan, Menghini, Judy Morrison, Neighbor, Peck, Pottorff, Quigley, Rardin, Ruiz, Sawyer, Spalding, Storm, Svaty, Tietze, Treaster, Ward, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Shultz.

INTRODUCTION OF ORIGINAL MOTIONS

The message from the Senate having been received April 30, 2008, announcing that the Senate has reconsidered the veto by the Governor of **H. Sub. for SB 148**, An act concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 65-3008b, 65-3012 and 66-104d and K.S.A. 2007 Supp. 65-3005, 65-3008a, 66-1,184 and 74-616 and repealing the existing sections, and determined that such bill pass notwithstanding the Governor's veto, Rep. C. Holmes moved that the House reconsider the veto of **H. Sub. for SB 148**.

H. Sub. for SB 148 having been read, the question being, shall the bill pass notwithstanding the Governor's veto?

Call of the House was demanded.

On roll call, the vote was: Yeas 80; Nays 45; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Feuerborn, Fund, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Lukert, Mast, Masterson, McKinney, McLeland, Merrick, Jim Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Powers, Proehl,

Rhoades, Roth, Ruff, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, Yoder.

Nays: Ballard, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Faust-Goudeau, Flaherty, Flora, Frownfelter, Garcia, Goyle, Henderson, Henry, Hodge, Holland, Huntington, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, McLachlan, Menghini, Metsker, Judy Morrison, Neighbor, Pottorff, Quigley, Rardin, Ruiz, Sawyer, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: None.

A two-thirds majority of the members elected to the House not having voted in favor of the bill over the Governor's veto, the motion did not prevail, and the bill did not pass.

EXPLANATIONS OF VOTE

MR. SPEAKER: With the trailer bill this bill moves closer to what I originally wanted. Today's news was that the Kansas City metro area is the 20th most polluted air in the nation. Kansas has some dirty plants that must soon be closed. We need newer, cleaner power for our citizens. Therefore, Mr. Speaker, I vote yes on **H. Sub. for SB 148**. I have three grandchildren in the Kansas City metro area.—BILL OTTO

MR. SPEAKER: **H. Sub. for SB 148** makes a number of first time changes in energy policy which are environmentally-friendly. It also clarifies that there must be clear rules and regulations to follow regarding clean air permits. The expense of radically changing the source of energy production in Kansas, as promoted by several organizations and individuals, has not been properly discussed, therefore raising my concern that an abrupt, rather than a transitional policy change will greatly increase the energy costs paid by my constituents. My preference would have been for a compromise position, however; since attempts at compromise have been rejected by the coal plant opponents, Mr. Speaker, I vote yes.—DEENA HORST

MESSAGE FROM THE SENATE

Announcing passage of **SB 679, SB 702, SB 703**.

Announcing passage of **S. Sub. for HB 2936**, as amended; **S. Sub. for HB 2947**, as amended.

The Senate adopts conference committee report on **H. Sub. for SB 113**.

The Senate adopts conference committee report on **H. Sub. for SB 414**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 679, SB 702, SB 703.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6032—

A RESOLUTION commending Brigadier General Jonathan P. Small for his tireless service to Kansas soldiers.

WHEREAS, In 1999, Jonathan P. Small was appointed to the position of Brigadier General. He also assumed the position of Assistant Adjutant General for the Kansas Army National Guard, as well as serving as the Commander of the Land Component for the Joint Forces Headquarters in Kansas; and

WHEREAS, While serving in these capacities, Brigadier General Small was instrumental in transforming the State Area Command into a Joint Forces Headquarters, and was the driving force behind the successful ratification of the Kansas Soldiers and Airmen Bill of Rights. In addition to these accomplishments for the benefit of Kansas soldiers, Brigadier General Small's coordination between multiple levels of military and state agencies lead to Kansas receiving millions of dollars from the federal and state government for facility renovations; and

WHEREAS, Brigadier General Small has dedicated most of his life to military service. In addition to degrees from Kansas State University and Washburn University School of Law, he was educated at the Field Artillery School Advance Course, Command and General Staff College, the Judge Advocate General School and the U.S. Army War College; and

WHEREAS, Brigadier General Small's military service is not limited to his education. He has also served as a soldier in the U.S. Army Reserve Control Group and an officer in the Kansas Army National Guard. Brigadier General Small was the staff judge advocate for the State Area Command (STARC) Headquarters for the Kansas Army National guard until he became the deputy commander of STARC in 1998. He was appointed by the governor to be the Kansas Judge Advocate General from 1984 to 1999; and

WHEREAS, A much decorated soldier, Brigadier General Small's military awards include the Meritorious Service Medal, Army Commendation Medal, Army Reserve Components Achievement Medal, National Defense Service Medal, Armed Forces Reserve Medal and the Army Service Ribbon; and

WHEREAS, Brigadier General Small has owned a private law practice in Topeka for over 25 years. He was Assistant Kansas Attorney General from 1973 to 1978 and Deputy Kansas Attorney General from 1978 to 1979. Brigadier General Small is a member of the American Legion, National Guard Association of Kansas and the United States and the Association of the United States Army. He and his wife, Georgia Ann, reside in Topeka: Now, Therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we do heartily commend Brigadier General Small for his dedicated and tireless service to improve the quality of life for Kansas soldiers.

REPORT ON ENGROSSED BILLS

HB 2123, HB 2643, HB 2689, HB 2700, HB 2858; S. Sub. for HB 2916; S. Sub. for HB 2923 reported correctly engrossed May 1, 2008.

HB 2186, HB 2343, HB 2642, HB 2727, HB 2926 reported correctly re-engrossed May 1, 2008.

REPORT ON ENROLLED RESOLUTIONS

HR 6023, HR 6028, HR 6030 reported correctly enrolled and properly signed on May 1, 2008.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Friday, May 2, 2008.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

