

Journal of the House

FORTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 23, 2009, 10:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 123 members present.
Reps. Olson and Swenson were excused on excused absence by the Speaker.
Present later: Rep. Olson.

Prayer by guest chaplain, the Rev. Barry Nelson, pastor, Living Cornerstone Fellowship Church, Delphos, and guest of Rep. Bowers:

Rev. Nelson read an address by Benjamin Franklin to the Constitutional Congress of 1787.

"I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth, that God governs the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, sir, in the sacred writings, that 'except the Lord build the house, they labor in vain that build it.' I firmly believe that, without His concurring aid, we shall succeed in this political building no better than the builders of Babel; we shall be divided by our little, partial, local interests, our projects will be confounded and we ourselves shall become a reproach and a byword down to future ages. And, what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing government by human wisdom and leave it to chance, war and conquest. . . ." (Benjamin Franklin, "Motion for Prayers in the Convention," *The Works of Benjamin Franklin*, Federal edition, Vol. II. ed. John Bigelow, pp 377-378)

Heavenly Father, I come to you today to pray for this session of the Kansas Legislature, according to Paul's writing to Timothy in 1 Timothy 2:1-2.

I urge, then, first of all, that requests, prayers, intercession and thanksgiving be made for everyone—for kings and all those in authority, that we may live peaceful and quiet lives in all godliness and holiness. (NIV)

These men and women have been placed in authority over the great State of Kansas not only by the citizens of Kansas but by you Lord, as your Word tells us in Romans 13:1.

Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. (NIV)

The founders of this great country had a holy awe of this responsibility that you placed in their hands and did everything in their power to govern, not only from the authority of the people but under your direction which was their sacred duty.

Today Father, I pray for this body to come together not as Republicans, Democrats or Independents but as men and women under the direction of the Almighty God, by taking their place, as it should be, under your mighty and powerful hand.

I also pray that you would teach each member of this body the way to proceed and to light the path so they can see clearly the direction you would desire this state to go.

This great State of Kansas has been created in the heart of the United States geographically but by this body listening and obeying your leading and guiding, it will also become the heart of this great nation spiritually.

Let it be said of this governing body like it was said of Queen Esther, "You have come into the Kingdom for such a time as this."

As these men and women submit themselves to your glorious plan for the State of Kansas, give them the assurance and confident expectation that this state will walk in the blessings of God, they are not leaning on their own understanding but listening and obeying your will for the state because your blessings always follow obedience to your plan.

God bless the State of Kansas and God bless this United States of America.
In Jesus' name—Amen.

The Pledge of Allegiance was led by Rep. Bowers.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5018—

By Representatives O'Neal and Davis

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for periods during the 2009 regular session of the legislature.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the house of representatives shall adjourn at the close of business of the daily session convened on March 24, 2009, or at the close of business of the daily session convened on March 25, 2009, and the senate shall adjourn at the close of business of the daily session convened on March 24, 2009, or at the close of business of the daily session convened on March 25, 2009, and both houses of the legislature shall reconvene on March 30, 2009, the house of representatives at 9:00 a. m. and the senate at 10:00a.m.; and

Be it further resolved: That the legislature shall adjourn at the close of business of the daily session convened on April 3, 2009, or at the close of business of the daily session convened on April 4, 2009, and shall reconvene at 10:00 a.m. on April 29, 2009; and

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

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

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 22**, **SB 313**.

Elections: **SB 297**.

Federal and State Affairs: **HB 2391; SB 247, SB 306.**
 Judiciary: **HB 2392, HB 2393; SB 93.**
 Transportation: **SB 293.**

MESSAGE FROM THE SENATE

Announcing passage of **SB 75, SB 205, SB 255, SB 269, SB 274, SB 285, SB 299, SB 302, SB 307, SB 310.**

Announcing passage of **HB 2236, HB 2297, HB 2311.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 75, SB 205, SB 255, SB 269, SB 274, SB 285, SB 299, SB 302, SB 307, SB 310.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Rhoades, **HR 6021**, by Reps. Rhoades and Flaharty, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6021—

A RESOLUTION recognizing March 24 as American Diabetes Association Alert Day in Kansas and endorsing the State Diabetes Plan for Kansas.

WHEREAS, The state of Kansas recognizes that healthy citizens are essential for strong communities to thrive; and

WHEREAS, Diabetes is a major public health problem with increasing prevalence, poor outcome and high costs; and

WHEREAS, More than 150,000 Kansans have been diagnosed with diabetes and over 90% of those have Type II diabetes which can be delayed; and

WHEREAS, Early detection and disease management can help prevent complications of diabetes, including cardiovascular disease, blindness, nervous system damage and kidney failure; and

WHEREAS, The Kansas health community has come together to form the Kansas Diabetes Advisory Council to develop and implement a Kansas Diabetes Plan to reduce the negative clinical and economic impact on individuals and on the state of Kansas; and

WHEREAS, The goals of the Kansas Diabetes Plan are to increase awareness of the prevention and control of diabetes, improve the capacity to address the prevention and control of diabetes, increase Kansas' health care workforce competency in diabetes standards of care, improve awareness of and access to diabetes self-management information, programs and services and to influence public policy to support improving diabetes prevention, detection and care throughout Kansas: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize that March 24 is American Diabetes Association Alert Day in Kansas and that we endorse the State Diabetes Plan for Kansas; and

Be it further resolved: That we direct the Diabetes Advisory Council to submit a status report to the Kansas Legislature in 2010 on the progression of the Kansas Diabetes Plan; and

Be it further resolved: That the Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to the Diabetes Advisory Council.

CONSENT CALENDAR

Objection was made to **SB 183** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 1** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2310, HB 2366** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2310. An act concerning the long-term care partnership program; allowing the exchange of certain long-term care policies or certificates; amending K.S.A. 2008 Supp. 40-2136 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: Landwehr.

Absent or not voting: Olson, Swenson.

The bill passed.

HB 2366. 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 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

The bill passed.

SB 72. An act concerning credit unions; pertaining to membership of a credit union; amending K.S.A. 2008 Supp. 17-2205 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld,

O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

The bill passed, as amended.

SB 163, An act amending the consumer protection act; amending K.S.A. 50-624 and 50-626 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

The bill passed, as amended.

SB 178, An act concerning amusement rides; amending K.S.A. 2008 Supp. 44-1601 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 24; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Fund, Furtado, Garcia, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Maloney, Mast, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rardin, Rhoades, Roth, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: T. Brown, Burroughs, Carlin, Colloton, Crow, Dillmore, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Henderson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Neighbor, Peterson, Quigley, Ruiz, Slattery, Sloan, Ward, Winn.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

The bill passed, as amended.

SB 228, An act concerning property tax; relating to exemptions; pertaining to motor vehicles leased for a period of at least one year and used for certain exempt purposes; amending K.S.A. 2008 Supp. 79-201 and 79-201a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 15; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Navinsky, Neighbor, Neufeld, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Brookens, Burroughs, Colloton, DeGraaf, Hayzlett, Huebert, Huntington, Kelley, Landwehr, Myers, O'Brien, Schroeder, Schwartz, Whitham.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

The bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Landwehr, the House nonconcurred in Senate amendments to **HB 2010** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Landwehr, Crum and Flaharty as conferees on the part of the House.

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **HB 2060** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Patton and McCray-Miller as conferees on the part of the House.

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **S. Sub. for HB 2096** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Patton and McCray-Miller as conferees on the part of the House.

On motion of Rep. Colloton, the House concurred in Senate amendments to **HB 2098**, An act concerning crimes, punishment and criminal procedure; relating to sexual offenses; electronic solicitation; evidence in certain prosecutions; aggravated habitual sex offenders; amending K.S.A. 21-3523, 21-3525 and 21-4642 and repealing the existing sections.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

On motion of Rep. Hayzlett, the House nonconcurrred in Senate amendments to **HB 2131** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Vickrey and Long as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurrred in Senate amendments to **HB 2134** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Vickrey and Long as conferees on the part of the House.

On motion of Rep. A. Brown, the House concurred in Senate amendments to **HB 2185**. An act relating to public moneys; concerning reciprocal deposit programs; amending K.S.A. 9-1407 and K.S.A. 2008 Supp. 12-1675 and 75-4237 and repealing the existing sections.

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

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

On motion of Rep. Colloton, the House concurred in Senate amendments to **HB 2233**. An act concerning criminal procedure; relating to withdrawal of guilty pleas; jury selection; alternate or additional jurors; appeals; release or discharge of defendant; amending K.S.A. 22-3210, 22- 3412 and 22-3604 and repealing the existing sections.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

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

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 1704 be suspended for the purpose of allowing Reps. Yoder, Watkins and Feuerborn to speak more than once on **HB 2369**. The motion prevailed.

Committee report to **HB 2369** be adopted; and the bill be passed as amended.

On motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 1704 be suspended for the purpose of allowing Reps. Yoder, Watkins and Feuerborn to speak more than once on **HB 2373**. The motion prevailed.

Committee report to **HB 2373** be adopted; also, on motion of Rep. Yoder to amend, the motion was withdrawn.

Also, roll call was demanded on motion of Rep. Quigley to amend **HB 2373** on page 119, in line 34, by adding \$1,200,000 to the dollar amount and adjusting the dollar amount in line 34 accordingly;

On roll call, the vote was: Yeas 75; Nays 48; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, Bethell, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, Horst, Huntington, Jack, Johnson, King, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, O'Brien, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Swanson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, Bowers, A. Brown, Brunk, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Neal, Patton, Peck, Powell, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Olson, Swenson.

The motion of Rep. Quigley prevailed.

Also, on motion of Rep. Hayzlett to amend **HB 2373**, the motion did not prevail.

Rose and reported progress.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SCR 1610** be adopted.

Committee on **Corrections and Juvenile Justice** recommends **HB 2235** be amended on page 1, in line 14, after "(a)" by inserting "(1)"; in line 15, by striking all after "stop"; in line 16, by striking "to elude" and inserting "for"; after line 22, by inserting the following: "(2) Any driver of a motor vehicle who willfully otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or (3).

(3) It shall be an affirmative defense to any prosecution under paragraph (1) of this subsection that the driver's conduct in violation of such paragraph was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.";

Also on page 1, in line 23, by striking "who violates the provisions of subsection (a)" and inserting "of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop,";

On page 2, after line 23, by inserting the following:

"Sec. 2. K.S.A. 21-3419 is hereby amended to read as follows: 21-3419. (a) A criminal threat is any threat to:

(1) Commit violence communicated with intent to terrorize another, or to cause the evacuation, *lock down or disruption in regular, ongoing activities* of any building, place of assembly or facility of transportation, or in reckless disregard of the risk of causing such terror or evacuation, *lock down or disruption in regular, ongoing activities*;

(2) adulterate or contaminate any food, raw agricultural commodity, beverage, drug, animal feed, plant or public water supply; or

(3) expose any animal in this state to any contagious or infectious disease.

(b) A criminal threat is a severity level 9, person felony.

(c) As used in this section, "threat" includes any statement that one has committed any action described by subsection (a)(1) or (2).

Sec. 3. K.S.A. 2008 Supp. 21-3419a is hereby amended to read as follows: 21-3419a. (a) Aggravated criminal threat is the commission of one or more crimes of criminal threat, as defined in K.S.A. 21-3419 and amendments thereto, when a public, commercial or industrial building, place of assembly or facility of transportation is evacuated *locked down or disrupted as to regular, ongoing activities* as a result of the threat or threats.

(b) Aggravated criminal threat is a severity level 5, person felony.

Sec. 4. K.S.A. 2008 Supp. 21-4714 is hereby amended to read as follows: 21-4714. (a) The court shall order the preparation of the presentence investigation report by the court services officer as soon as possible after conviction of the defendant.

(b) Each presentence report prepared for an offender to be sentenced for one or more felonies committed on or after July 1, 1993, shall be limited to the following information:

(1) A summary of the factual circumstances of the crime or crimes of conviction.

(2) If the defendant desires to do so, a summary of the defendant's version of the crime.

(3) When there is an identifiable victim, a victim report. The person preparing the victim report shall submit the report to the victim and request that the information be returned to be submitted as a part of the presentence investigation. To the extent possible, the report shall include a complete listing of restitution for damages suffered by the victim.

(4) An appropriate classification of each crime of conviction on the crime severity scale.

(5) A listing of prior adult convictions or juvenile adjudications for felony or misdemeanor crimes or violations of county resolutions or city ordinances comparable to any misdemeanor defined by state law. Such listing shall include an assessment of the appropriate classification of the criminal history on the criminal history scale and the source of information regarding each listed prior conviction and any available source of journal entries or other documents through which the listed convictions may be verified. If any such journal entries or other documents are obtained by the court services officer, they shall be attached to the presentence investigation report. Any prior criminal history worksheets of the defendant shall also be attached.

(6) A proposed grid block classification for each crime, or crimes of conviction and the presumptive sentence for each crime, or crimes of conviction.

(7) If the proposed grid block classification is a grid block which presumes imprisonment, the presumptive prison term range and the presumptive duration of postprison supervision as it relates to the crime severity scale.

(8) If the proposed grid block classification does not presume prison, the presumptive prison term range and the presumptive duration of the nonprison sanction as it relates to the crime severity scale and the court services officer's professional assessment as to recommendations for conditions to be mandated as part of the nonprison sanction.

(9) For defendants who are being sentenced for a conviction of a felony violation of K.S.A. 65-4160 or 65-4162, and amendments thereto, and meet the requirements of K.S.A. 21-4729, and amendments thereto, the drug abuse assessment as provided in K.S.A. 21-4729, and amendments thereto.

(10) For defendants who are being sentenced for a third or subsequent felony conviction of a violation of K.S.A. 65-4160 or 65-4162, and amendments thereto, the drug abuse assessment as provided in K.S.A. 21-4729, and amendments thereto.

(c) The presentence report will become part of the court record and shall be accessible to the public, except that the official version, defendant's version and the victim's statement, any psychological reports, risk and needs assessments and drug and alcohol reports and assessments shall be accessible only to the parties, the sentencing judge, the department of

corrections, and if requested, the Kansas sentencing commission. If the offender is committed to the custody of the secretary of corrections, the report shall be sent to the secretary and, in accordance with K.S.A. 75-5220 and amendments thereto to the warden of the state correctional institution to which the defendant is conveyed.

(d) The criminal history worksheet will not substitute as a presentence report.

(e) The presentence report will not include optional report components, which would be subject to the discretion of the sentencing court in each district except for psychological reports and drug and alcohol reports.

(f) *Except as provided in K.S.A. 21-4715, and amendments thereto*, the court can take judicial notice in a subsequent felony proceeding of an earlier presentence report criminal history worksheet prepared for a prior sentencing of the defendant for a felony committed on or after July 1, 1993.

(g) All presentence reports in any case in which the defendant has been convicted of a felony shall be on a form approved by the Kansas sentencing commission.

Sec. 5. K.S.A. 21-4715 is hereby amended to read as follows: 21-4715. (a) The offender's criminal history shall be admitted in open court by the offender or determined by a preponderance of the evidence at the sentencing hearing by the sentencing judge.

(b) Except to the extent disputed in accordance with subsection (c), the summary of the offender's criminal history prepared for the court by the state shall satisfy the state's burden of proof regarding an offender's criminal history.

(c) Upon receipt of the criminal history worksheet prepared for the court, the offender shall immediately notify the district attorney and the court with written notice of any error in the proposed criminal history worksheet. Such notice shall specify the exact nature of the alleged error. The state shall have the burden of producing further evidence to satisfy its burden of proof regarding any disputed part, or parts, of the criminal history and the sentencing judge shall allow the state reasonable time to produce such evidence to establish the disputed portion of the criminal history by a preponderance of the evidence. *If the offender later challenges such offender's criminal history, which has been previously established, the burden of proof shall shift to the offender to prove such offender's criminal history by a preponderance of the evidence.*”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 24, by striking “is” and inserting “, 21-3419 and 21-4715 and K.S.A. 2008 Supp. 21-3419a and 21-4714 are”;

In the title, in line 9, by striking all after “concerning”; in line 10, by striking all before the period and inserting “crimes, punishment and criminal procedure; relating to fleeing or eluding a police officer; criminal threat; aggravated criminal threat; presentence investigation report; criminal history; amending K.S.A. 8-1568, 21-3419 and 21-4715 and K.S.A. 2008 Supp. 21-3419a and 21-4714 and repealing the existing sections”; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2340** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2340,” as follows:

“Substitute for HOUSE BILL No. 2340

By Committee on Corrections and Juvenile Justice

“AN ACT concerning the parole board; relating to factors and rationale used to determine parole; amending K.S.A. 2008 Supp. 22-3717 and 75-4319 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2340** was thereupon introduced and read by title.)

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2394, An act concerning income taxation; relating to credits; expenditures to make facilities accessible to individuals with a disability; amending K.S.A. 79-32,176, 79-32,177 and 79-32,180 and repealing the existing sections, by Committee on Appropriations.

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **SB 34**.
 The Senate concurs in House amendments to **SB 70**.
 The Senate concurs in House amendments to **SB 132**.

On motion of Rep. Merrick, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker O'Neal in the chair.

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

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **HB 2373**. Also, on motion of Rep. Peck to amend, Rep. Feuerborn requested the question be divided. The request was subsequently withdrawn. The question reverted back to the motion of Rep. Peck to amend on page 262, following line 3, by inserting the following:

"Sec. 117. On July 1, 2009, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,129,390 from the public broadcasting council grants account of the state general fund of the department of administration to the community based services account of the state general fund of the department of social and rehabilitation services.";

And by renumbering the remaining sections accordingly;

Roll call was demanded.

On roll call, the vote was: Yeas 42; Nays 74; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Otto, Patton, Peck, Powell, Rhoades, Siegfried, Vickrey, Watkins, Whitham, Yoder.

Nays: Ballard, Benlon, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Huntington, Johnson, Kleeb, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Palmer, Pauls, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Schroeder, Schwab, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Tapanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Crow, Kelley, Lane, Neufeld, Olson, Peterson, Schwartz, Swenson.

The motion of Rep. Peck did not prevail.

Also, on motion of Rep. K. Wolf to amend **HB 2373**, the motion did not prevail. Also, on motion of Rep. Colloton to amend, the motion did not prevail.

Also, on motion of Rep. Otto, **HB 2373** be amended on page 260, following line 42, by inserting the following:

"Sec. 114. K.S.A. 2008 Supp. 46-137a is hereby amended to read as follows: 46-137a. In addition to the compensation provided for by K.S.A. 46-137b, 46-137e and 75-3212, and amendments thereto, each member of the legislature shall receive the following amounts:

(a) The sum of \$88.66 per calendar day for service at any regular or special session, except as otherwise provided in ~~subsection~~ *subsections (e) and (g)*;

(b) the sum of \$109 per calendar day for subsistence allowance for any regular or special session of the legislature, except that if the amounts allowable for the capital city of Kansas under applicable federal law and regulations to employees of the executive branch of the federal government for per diem expenses, while away from home but serving in the United States, are amounts which total greater than \$109, then each member of the legislature shall receive such greater total amount per calendar day for subsistence allowance for any regular or special session of the legislature;

(c) an allowance of \$354.15 for the two-week period which coincides with the biweekly payroll period which includes April 1st and for each of the 19 ensuing two-week periods thereafter, to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, except as otherwise provided in subsection (f);

(d) an allowance for mileage in an amount equal to the rate per mile prescribed under the provisions of K.S.A. 75-3203a, and amendments thereto, multiplied by the number of miles traveled by the usual route in going to and returning from the member's place of residence for any regular or special session of the legislature. Such mileage allowances shall be paid for not to exceed the equivalent of one trip for each full week occurring between convening and adjournment sine die in any regular or special session. The mileage allowance provided under the provisions of this subsection shall not be subject to the restrictions relating to the use of vehicles prescribed by K.S.A. 75-3203 and 75-3203a, and amendments thereto, but shall only be allowed for trips actually made. Compensation and subsistence allowance shall not be allowed under the provisions of subsections (a) and (b) of this section during any period in which the legislature is adjourned for more than two days, Sundays excepted; ~~and~~

(e) whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 2009, the rate of compensation per calendar day for members of the legislature for service at any regular or special session of the legislature shall be increased on the effective date of any such pay plan increase by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the rate of compensation per calendar day which is authorized by this section for service at any regular or special session of the legislature for the day upon which such increase is computed;

(f) whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 2009, the allowance provided for each member of the legislature by subsection (c) to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses for each of the two-week periods specified by subsection (c) shall be increased on the effective date of any such pay plan increase by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the allowance provided to defray such expenses for each such two-week period as provided by this section; *and*

(g) notwithstanding the provisions of subsections (a) and (e), the sum of \$79.80 per calendar day for service at any regular or special session between the effective date of this act and June 30, 2010.;

And by renumbering sections accordingly;

Also on page 260, in line 43, after "12-5256," by inserting "46-137a,";

In the title, in line 17, after "12-5256," by inserting "46-137a,";

Also, roll call was demanded on further motion of Rep. Otto to amend **HB 2373** on page 265, following line 11, by inserting the following:

"Sec. 127. (a) In order to address the shortage of funds for state government, the compensation of employees in the executive branch of state government shall be reduced for fiscal year 2010 as follows:

(1) For employees with annual compensation of \$100,000 or more, compensation shall be reduced by 10%;

(2) for employees with annual compensation of \$90,000 or more but less than \$100,000, compensation shall be reduced by 8%;

(3) for employees with annual compensation of \$80,000 or more but less than \$90,000 compensation shall be reduced by 6%;

(4) for employees with annual compensation of \$60,000 or more but less than \$80,000, compensation shall be reduced by 4%;

(5) for employees with annual compensation of \$50,000 or more but less than \$60,000, compensation shall be reduced by 2%.

(b) Group health care benefits and costs, sick and vacation leave and Kansas public employee retirement plans shall not be affected by the reduction of compensation provided by this section. The employing state agency shall pay the employee contributions for the Kansas public employee retirement payments attributable to the reduction in compensation provided by this section.

(c) The reduction in compensation provided by this section shall not be subject to the provisions of K.S.A. 75-4321 et seq. or 72-5413 et seq., and amendments thereto, to such sections.

(d) For fiscal year 2010, the provisions of this section shall be controlling over any statute affecting the compensation of executive branch employees. No state agency in the executive branch shall expend appropriations for fiscal year 2010 for compensation contrary to the provisions of this section.

(e) The provisions of this section shall not apply to any individual who has a contract right that would be impaired by application of this section, as determined by the attorney general.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 8; Nays 105; Present but not voting: 0; Absent or not voting: 12.

Yeas: A. Brown, Brunk, DeGraaf, Donohoe, Kiegerl, Otto, Peck, Worley.

Nays: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Crum, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kerschen, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, Olson, Palmer, Patton, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Colloton, Hill, Hineman, Kelley, Lane, Merrick, Neufeld, O'Neal, Peterson, Rhoades, Schwartz, Swenson.

The motion of Rep. Otto did not prevail.

Also, on further motion of Rep. Otto to amend **HB 2373**, the motion did not prevail. Also, on further motion of Rep. Otto to amend, the motion did not prevail. Also, on further motion of Rep. Otto to amend, the motion did not prevail. Also, on further motion of Rep. Otto to amend, the motion did not prevail. Also, on further motion of Rep. Otto to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Feuerborn to amend **HB 2373** on page 132, in line 43, by adding \$4,464,507 to the dollar amount and adjusting the dollar amount in line 43 accordingly;

On page 133, in line 16, by adding \$20,880,532 to the dollar amount and adjusting the dollar amount in line 16 accordingly;

On roll call, the vote was: Yeas 58; Nays 62; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Benlon, Bowers, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Huntington, Johnson, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor,

Olson, Palmer, Pauls, Phelps, Pottorff, Quigley, Rardin, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, K. Wolf.

Nays: Aurand, Bethell, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Swanson, Tafanelli, Watkins, Whitham, B. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Lane, Neufeld, Peterson, Schwartz, Swenson.

The motion of Rep. Feuerborn did not prevail.

Also, roll call was demanded on motion of Rep. Hawk to amend **HB 2373** on page 145, by striking all in lines 37 through 39 and inserting the following:

“Provided, That all expenditures from the federal higher education fiscal stabilization fund —Fort Hays state university shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 146, by striking all in lines 8 through 10 and inserting the following:

“Provided, That all expenditures from the federal higher education fiscal stabilization fund —Fort Hays state university shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 149, by striking all in lines 3 through 5 and inserting the following:

“Provided, That all expenditures from the federal higher education fiscal stabilization fund —Kansas state university shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 149, by striking all in lines 17 through 19 and inserting the following:

“Provided, That all expenditures from the federal higher education fiscal stabilization fund —Kansas state university shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 151, by striking all in lines 4 through 7 and inserting the following:

“Provided, That all expenditures from the federal higher education fiscal stabilization fund —Kansas state university extension systems and agriculture research programs shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 151, by striking all in lines 33 through 36 and inserting the following:

“Provided, That all expenditures from the federal higher education fiscal stabilization fund —Kansas state university extension systems and agriculture research programs shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility

costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 153, by striking all in lines 7 through 9 and inserting the following:
 “*Provided*, That all expenditures from the federal higher education fiscal stabilization fund—Kansas state university veterinary medical center shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 153, by striking all in lines 21 through 23 and inserting the following:
 “*Provided*, That all expenditures from the federal higher education fiscal stabilization fund—Kansas state university veterinary medical center shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 155, by striking all in lines 27 through 29 and inserting the following:
 “*Provided*, That all expenditures from the federal higher education fiscal stabilization fund—Emporia state university shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 155, by striking all in lines 41 through 43 and inserting the following:
 “*Provided*, That all expenditures from the federal higher education fiscal stabilization fund—Emporia state university shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 158, following line 2, by inserting the following:
 “*Provided*, That all expenditures from the federal higher education fiscal stabilization fund—Pittsburg state university shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 158, by striking all in lines 15 through 17 and inserting the following:
 “*Provided*, That all expenditures from the federal higher education fiscal stabilization fund—Pittsburg state university shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 160, by striking all in lines 38 through 40 and inserting the following:
 “*Provided*, That all expenditures from the federal higher education fiscal stabilization fund—university of Kansas shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 161, by striking all in lines 25 through 27 and inserting the following:
“*Provided*, That all expenditures from the federal higher education fiscal stabilization fund—university of Kansas shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 164, by striking all in lines 7 through 9 and inserting the following:
“*Provided*, That all expenditures from the federal higher education fiscal stabilization fund—university of Kansas medical center shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 164, by striking all in lines 33 through 35 and inserting the following:
“*Provided*, That all expenditures from the federal higher education fiscal stabilization fund—university of Kansas medical center shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 166, by striking all in lines 31 through 33 and inserting the following:
“*Provided*, That all expenditures from the federal higher education fiscal stabilization fund—Wichita state university shall be used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 167, by striking all in lines 6 through 8 and inserting the following:
“*Provided*, That all expenditures from the federal higher education fiscal stabilization fund—Wichita state university shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 171, in line 4, by adding \$6,592,555 to the dollar amount and by adjusting the dollar amount in line 4 accordingly;

On page 173, by striking all in lines 29 through 31 and inserting the following:
“*Provided*, That, at least \$10,700,000 of the moneys credited to and available in the federal higher education fiscal stabilization fund shall be allocated and used to mitigate the impact of the one-year state university Kansas resident tuition freeze and shall be used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 173, by striking all in lines 34 through 36 and inserting the following:
“*Provided*, That the moneys credited to and available in the federal higher education fiscal stabilization fund—community colleges shall be allocated and used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased community college costs, such as employer health insurance premiums and utility costs, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 173, by striking all in lines 39 through 41 and inserting the following:
“*Provided*, That the moneys credited to and available in the federal higher education fiscal stabilization fund—municipal university shall be allocated and used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased

municipal university costs, such as employer health insurance premiums and utility costs, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 174, by striking all in lines 1 through 3 and inserting the following:
 “*Provided*, That the moneys credited to and available in the federal higher education fiscal stabilization fund—postsecondary technical education shall be allocated and used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased postsecondary technical education costs, such as employer health insurance premiums and utility costs, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

On page 178, by striking all in lines 18 through 20 and inserting the following:
 “*Provided*, That the moneys credited to and available in the federal higher education fiscal stabilization fund shall be allocated and used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased university costs, such as employer health insurance premiums, utility costs, and the mandatory increased costs associated with implementation of various aspects of the state pay plan, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 178, by striking all in lines 23 through 25 and inserting the following:
 “*Provided*, That the moneys credited to and available in the federal higher education fiscal stabilization fund—community colleges shall be allocated and used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased community college costs, such as employer health insurance premiums and utility costs, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 178, by striking all in lines 28 through 30 and inserting the following:
 “*Provided*, That the moneys credited to and available in the federal higher education fiscal stabilization fund—municipal university shall be allocated and used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased municipal university costs, such as employer health insurance premiums and utility costs, or (3) to address one-time costs, such as facilities maintenance or equipment.”;

Also on page 178, by striking all in lines 33 through 35 and inserting the following:
 “*Provided*, That the moneys credited to and available in the federal higher education fiscal stabilization fund—postsecondary technical education shall be allocated and used (1) to protect jobs that otherwise would be lost as a result of state funding reductions; (2) to address increased postsecondary technical education costs, such as employer health insurance premiums and utility costs, or (3) to address one-time costs, such as facilities maintenance or equipment.”

On roll call, the vote was: Yeas 56; Nays 64; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Benlon, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, M. Holmes, Huntington, Johnson, Kelley, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, Olson, Palmer, Pauls, Phelps, Pottorff, Quigley, Rardin, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, O’Brien, O’Neal, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Lane, Neufeld, Peterson, Schwartz, Swenson.

The motion of Rep. Hawk did not prevail.

Also, roll call was demanded on motion of Rep. Mast to amend **HB 2373** on page 132, following line 7, by inserting the following:

“(v) On July 1, 2009, the director of accounts and reports shall transfer \$1,200,000 from the children’s health insurance program account of the state general fund of the Kansas

health policy authority to the following accounts in the state general fund of the department of social and rehabilitation services in the amounts specified as follows: \$434,613 to the mental health and retardation services aid and assistance account; and \$765,387 to the community based services account of the state general fund of the department of social and rehabilitation services.”

On roll call, the vote was: Yeas 48; Nays 70; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Frownfelter, Fund, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Maloney, Mast, McLeland, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Sloan, Vickrey, Watkins, Yoder.

Nays: Ballard, Benlon, Bethell, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colleton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Hineman, Huntington, Johnson, King, Kleeb, Kuether, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Palmer, Pauls, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: George, Lane, Merrick, Neufeld, Peterson, Schwartz, Swenson.

The motion of Rep. Mast did not prevail.

Also, on further motion of Rep. Mast to amend **HB 2373**, the motion did not prevail.

Also, on motion of Rep. Kleeb, **HB 2373** be amended on page 74, after line 13, by inserting the following:

“(t) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 for the department of administration, as authorized by this or other appropriation act of the 2009 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2010 to make certain reports regarding awards on contracts made during fiscal year 2010 as prescribed by this subsection: *Provided*, That, in the event a contract is not awarded to a vendor that submitted the lowest bid, the director of purchases shall prepare a written explanation detailing the reasons why such vendor was not awarded the contract and why the deficiencies in such vendor's bid could not be remedied to the satisfaction of the director: *Provided, further*, That, in the event a multi-vendor contract is not awarded to a vendor that submitted the lowest bid, the state agency making such award shall prepare a written explanation detailing the reasons why such vendor was not awarded the contract and why the deficiencies in such vendor's bid could not be remedied to the satisfaction of the head of such state agency, and submit such written explanation to the director of purchases: *Provided, further*, That, on or before January 12, 2010, the director of purchases shall transmit to the committee on appropriations of the house of representatives and to the committee on ways and means of the senate a report that shall include all written explanations prepared in accordance with this subsection during the immediately preceding year.”;

Also, on further motion of Rep. Kleeb to amend **HB 2373**, Rep. Huntington requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Kleeb and the bill be amended on page 74, following line 13 by inserting the following:

“(t) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2010 for the department of administration, as authorized by this or other appropriation act of the 2009 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2010 to make certain reports regarding awards on contracts made during fiscal year 2010 as prescribed by this subsection: *Provided*, That, in the event a contract is not awarded to a vendor that: (1) Is domiciled in this state; (2) proposes to have the work which is the subject matter of the contract performed by employees subject to Kansas income withholding taxes; and (3) is subject to

Kansas income taxes, the director of purchases shall prepare a written explanation detailing the reasons why such vendor was not awarded the contract and why the deficiencies in such vendor's bid could not be remedied to the satisfaction of the director: *Provided, further*, That, in the event a multi-vendor contract is not awarded to a vendor that: (1) Is domiciled in this state; (2) proposes to have the work which is the subject matter of the contract performed by employees subject to Kansas income withholding taxes; and (3) is subject to Kansas income taxes, the state agency making such award shall prepare a written explanation detailing the reasons why such vendor was not awarded the contract and why the deficiencies in such vendor's bid could not be remedied to the satisfaction of the head of such state agency, and submit such written explanation to the director of purchases: *Provided, further*, That, on or before January 12, 2010, the director of purchases shall transmit to the committee on appropriations of the house of representatives and to the committee on ways and means of the senate a report that shall include all written explanations prepared in accordance with this subsection during the immediately preceding year.”;

Also, on motion of Rep. George to amend **HB 2373**, the motion did not prevail.

Also, on motion of Rep. Seiwert, **HB 2373** be amended on page 223, after line 37, by inserting the following:

“(d) On July 1, 2009, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the state agricultural production fund to the feed the hungry fund.”;

Also, on motion of Rep. Feuerborn, **HB 2373** be amended on page 25, in line 34, before the period, by inserting “: *And provided further*, That roll shall be taken on any day when the legislature is in session: *And provided further*, That such roll shall be published in the journal of such house”;

On page 27, in line 9, before the period, by inserting “: *And provided further*, That roll shall be taken on any day when the legislature is in session: *And provided further*, That such roll shall be published in the journal of such house”

Also, on motion of Rep. Flaharty, **HB 2373** be amended on page 138, in line 16, by adding \$29,000 to the dollar amount and by adjusting the dollar amount in line 16 accordingly;

Also, on motion of Rep. Mah, **HB 2373** be amended on page 191, in line 12, by striking “\$0” and inserting “No limit”;

Also, on motion of Rep. Huntington to amend **HB 2373**, the motion was withdrawn.

Also, on motion of Rep. Rhoades to amend **HB 2373**, Rep. Dillmore requested a ruling on the amendment being germane to the bill. The Rules Vice-Chair ruled the amendment germane. The question reverted back to the motion of Rep. Rhoades to amend, which did not prevail.

Also, on motion of Rep. Henry, **HB 2373** be amended on page 123, in line 41, by adding \$8,000,000 to the dollar amount and by adjusting the dollar amount in line 41 accordingly;

Also, roll call was demanded on motion of Rep. Colloton to amend **HB 2373** on page 179, in line 3, by adding \$465,000 to the dollar amount and by adjusting the dollar amount in line 3 accordingly; in line 22, by adding \$827,500 to the dollar amount and by adjusting the dollar amount in line 22 accordingly;

On roll call, the vote was: Yeas 86; Nays 35; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Goyle, Grant, Hawk, Henderson, Henry, Hermanson, Hineman, M. Holmes, Horst, Huntington, Jack, Johnson, Kiegerl, King, Kleebe, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Neufeld, O'Brien, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Prescott, Quigley, Rardin, Ruiz, Sawyer, Schroeder, Schwartz, Seiwert, Slattery, Sloan, Spalding, Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, A. Brown, Carlson, Crum, DeGraaf, Donohoe, Fund, George, Gordon, Grange, Hayzlett, Hill, C. Holmes, Huebert, Kelley, Kerschen, Kinzer, Knox, Light, Mast,

McLeland, Merrick, Morrison, Myers, O'Neal, Powell, Proehl, Rhoades, Roth, Schwab, Shultz, Siegfried, Watkins, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Landwehr, Lane, Peterson, Swenson.

The motion of Rep. Colloton prevailed.

Also, roll call was demanded on motion of Rep. Ballard to amend **HB 2373** on page 121, in line 27, by adding \$2,500,000 to the dollar amount and by adjusting the dollar amount in line 27 accordingly;

On roll call, the vote was: Yeas 66; Nays 54; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Benlon, Bethell, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hermanson, Hineman, Johnson, Kiegerl, Kleeb, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Myers, Navinsky, Neighbor, O'Brien, Olson, Otto, Palmer, Pauls, Phelps, Pottorff, Quigley, Rardin, Ruiz, Sawyer, Seiwert, Slattery, Sloan, Spalding, Svaty, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Gordon, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Kelley, Kerschen, King, Kinzer, Knox, Light, Mast, McLeland, Merrick, Morrison, Moxley, Neufeld, O'Neal, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Goico, Landwehr, Lane, Peterson, Swenson.

The motion of Rep. Ballard prevailed.

Also, on motion of Rep. Powell (see further action, this session), **HB 2373** be amended on page 85, following line 26, by inserting the following:

“(f) During the fiscal year ending June 30, 2010, notwithstanding the provisions of K.S.A. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer all moneys, that are received for privilege fees and that are credited to the expanded lottery act revenues fund, from the expanded lottery act revenues fund to the state general fund within 10 days after such moneys are credited to the expanded lottery act revenues fund: *Provided, however*, That the aggregate of all moneys transferred under this subsection shall not exceed \$45,300,000.”;

On page 133, in line 16, by subtracting \$45,300,000 from the dollar amount and by adjusting the dollar amount in line 16 accordingly;

On page 254, in line 21, following “(d)” by inserting “and subsection (g)”;

On page 255, by striking all in lines 33 and 34; in line 35, by striking all before the period and inserting “that the aggregate amount of moneys transferred from the state general fund to the business machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2010, pursuant to this section shall not exceed the maximum amount determined pursuant to subsection (g)”;

On page 256, following line 24 by inserting the following:

“(g) (1) The maximum amount that may be transferred during the fiscal year ending June 30, 2010, from the state general fund to the business machinery and equipment tax reduction assistance fund pursuant to this section shall be equal to \$45,300,000 multiplied by the result obtained by dividing (A) the aggregate amount determined under subsection (b)(3) by (B) the aggregate of (i) the aggregate amount determined under subsection (b)(3) plus (ii) the aggregate amount determined under subsection (b)(3) of K.S.A. 2008 Supp. 79-2979, and amendments thereto.

(2) If a maximum amount is imposed under this subsection and the aggregate amount transferred from the state general fund to the business machinery and equipment tax reduction assistance fund during state fiscal year 2010 pursuant to this section is reduced, then the amount allocated to each county by the state treasurer under subsection (b)(2) shall be reduced proportionately with respect to aggregate reduction in the amount of such

transfer from the state general fund to the business machinery and equipment tax reduction assistance fund during state fiscal year 2009.”;

On page 257, in line 32, following “(c)” by inserting “and subsection (f)”;

On page 258, in line 36, by striking all after the comma; by striking all in lines 37 and 38; in line 39 by striking all before the period and inserting “except that the aggregate amount of moneys transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2010, pursuant to this section shall not exceed the maximum amount determined pursuant to subsection (f)”;

On page 259, following line 29, by inserting the following:

“(f) (1) The maximum amount that may be transferred during the fiscal year ending June 30, 2010, from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund pursuant to this section shall be equal to \$45,300,000 multiplied by the result obtained by dividing (A) the aggregate amount determined under subsection (b)(3) by (B) the aggregate of (i) the aggregate amount determined under subsection (b)(3) plus (ii) the aggregate amount determined under subsection (b)(3) of K.S.A. 2008 Supp. 79-2978, and amendments thereto.

(2) If a maximum amount is imposed under this subsection and the aggregate amount transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during state fiscal year 2010 pursuant to this section is reduced, then the amount allocated to each county by the state treasurer under subsection (b)(2) shall be reduced proportionately with respect to aggregate reduction in the amount of such transfer from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during state fiscal year 2009.”;

Also, on motion of Rep. Burgess, **HB 2373** be amended on page 74, after line 13, by inserting the following:

“(t) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2009 or fiscal year 2010 for the department of administration by chapter 131 or chapter 184 of the 2008 Session Laws of Kansas, 2009 House Substitute for Substitute for Senate Bill No. 23, or by this act or any other appropriation act of the 2009 regular session of the legislature, expenditures shall be made by the department of administration for fiscal year 2009 or fiscal year 2010 to provide for issuance of a request for proposals for a new vehicle rental service agreement to be entered into by the secretary of administration during fiscal year 2010: *Provided, however,* That no expenditures shall be made by the department of administration for fiscal year 2009 or fiscal year 2010 to provide for or otherwise to exercise the option to renew the existing vehicle rental service agreement.”;

And by relettering subsections accordingly;

Also, roll call was demanded on motion of Rep. A. Brown to amend **HB 2373** on page 75, in line 12, by subtracting “\$114,535 from the dollar amount and by adjusting the dollar amount in line 12 accordingly; in line 23, by subtracting \$114,535 from the dollar amount and by adjusting the dollar amount in line 23 accordingly;

On page 229, in line 5, by subtracting 5.00 from the number in the line and by adjusting the number in line 5 accordingly;

On roll call, the vote was: Yeas 55; Nays 65; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bowers, A. Brown, Brunk, Carlson, Colloton, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Huntington, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O’Brien, O’Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Swanson, Vickrey, Watkins, Yoder.

Nays: Ballard, Benlon, Bethell, Brookens, T. Brown, Burgess, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, John-

son, King, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Palmer, Pauls, Phelps, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Lane, Light, Peterson, Pottorff, Swenson.

The motion of Rep. A. Brown did not prevail.

Also, on motion of Rep. Burroughs to amend **HB 2373**, Rep. Kinzer requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Burroughs to amend on page 145, in line 39, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 146, in line 10, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 149, in line 5, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”; in line 19, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 151, in line 7, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas

entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso"; in line 36, preceding the period by inserting ": *Provided, however,* That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further,* That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso";

On page 153, in line 9, preceding the period by inserting ": *Provided, however,* That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further,* That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso"; in line 23, preceding the period by inserting ": *Provided, however,* That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further,* That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso";

On page 155, in line 29, preceding the period by inserting ": *Provided, however,* That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further,* That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso"; in line 43, preceding the period by inserting ": *Provided, however,* That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further,* That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso";

On page 158, following line 2, by inserting the following:
"*Provided,* That expenditures made from the federal higher education fiscal stabilization fund—Pittsburg state university shall be expended only for deferred maintenance : *Provided, however,* That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-

Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso.”;

Also on page 158, in line 17, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 160, in line 40, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 161, in line 27, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 164, in line 9, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”; in line 35, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 166, in line 33, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor

shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 167, in line 8, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 173, in line 31, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects, at educational institutions under the supervision and control of the state board of regents, that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency, or by any educational institution receiving such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso”; in line 36, preceding the period by inserting “: *Provided, however*, That all contracts entered into by community colleges for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the community colleges, for such projects that are financed in whole or in part from such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso”; in line 41, preceding the period by inserting “: *Provided, however*, That all contracts entered into by a municipal university for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts entered into by a municipal university, for such projects that are financed in whole or in part from such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On page 174, in line 3, preceding the period by inserting “: *Provided, however*, That all contracts entered into for deferred maintenance capital improvement projects for postsecondary technical education entities that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts entered into by postsecondary technical education entities, for such projects that

are financed in whole or in part from such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso;

On page 178, in line 20, preceding the period by inserting “: *Provided, however*, That all contracts entered into by the above agency for deferred maintenance capital improvement projects, at educational institutions under the supervision and control of the state board of regents, that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the state of Kansas entered into by the above agency, or by any educational institution receiving such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso”; in line 25, preceding the period by inserting “: *Provided, however*, That all contracts entered into by community colleges for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts with the community colleges, for such projects that are financed in whole or in part from such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso”; in line 30, preceding the period by inserting “: *Provided, however*, That all contracts entered into by a municipal university for deferred maintenance capital improvement projects that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts entered into by a municipal university, for such projects that are financed in whole or in part from such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso”; in line 35, preceding the period by inserting “: *Provided, however*, That all contracts entered into for deferred maintenance capital improvement projects for postsecondary technical education entities that are financed in whole or in part from moneys credited to this fund shall be based on bid specifications prescribing that employees of any contractor or subcontractor shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act: *Provided further*, That all employees employed by contractors or subcontractors in the execution of such deferred maintenance capital improvement project contracts entered into by postsecondary technical education entities, for such projects that are financed in whole or in part from such moneys from this fund, shall be paid at least the prevailing wage as determined in accordance with this proviso”;

On roll call, the vote was: Yeas 50; Nays 71; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, T. Brown, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Horst, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, Otto, Palmer, Pauls, Phelps, Rardin, Ruiz, Sawyer, Slattery, Svaty, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn.

Nays: Aurand, Benlon, Bethell, Bowers, Brookens, A. Brown, Brunk, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Huebert, Huntington, Jack, Johnson, Kelley, Kersch, Kiegerl, King, Kinzer, Kleeb, Knox, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz,

Siegfreid, Sloan, Spalding, Swanson, Tafanelli, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Landwehr, Lane, Peterson, Swenson.

The motion of Rep. Burroughs did not prevail.

Having voted on the prevailing side, Rep. Powell offered a motion to reconsider the action in the adoption of his previous amendment (see previous action, this session). The motion prevailed. Rep. Powell then withdrew his amendment.

Also, on motion of Rep. Powell, **HB 2373** be amended on page 85, following line 26, by inserting the following:

“(f) During the fiscal year ending June 30, 2010, notwithstanding the provisions of K.S.A. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer all moneys, that are received for privilege fees and that are credited to the expanded lottery act revenues fund, from the expanded lottery act revenues fund to the state general fund within 10 days after such moneys are credited to the expanded lottery act revenues fund: *Provided, however*, That the aggregate of all moneys transferred under this subsection shall not exceed \$45,300,000.”;

On page 254, in line 21, following “(d)” by inserting “and subsection (g)”;

On page 255, by striking all in lines 33 and 34; in line 35, by striking all before the period and inserting “that the aggregate amount of moneys transferred from the state general fund to the business machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2010, pursuant to this section shall not exceed the maximum amount determined pursuant to subsection (g)”;

On page 256, following line 24 by inserting the following:

“(g) (1) The maximum amount that may be transferred during the fiscal year ending June 30, 2010, from the state general fund to the business machinery and equipment tax reduction assistance fund pursuant to this section shall be equal to \$45,300,000 multiplied by the result obtained by dividing (A) the aggregate amount determined under subsection (b)(3) by (B) the aggregate of (i) the aggregate amount determined under subsection (b)(3) plus (ii) the aggregate amount determined under subsection (b)(3) of K.S.A. 2008 Supp. 79-2979, and amendments thereto.

(2) If a maximum amount is imposed under this subsection and the aggregate amount transferred from the state general fund to the business machinery and equipment tax reduction assistance fund during state fiscal year 2010 pursuant to this section is reduced, then the amount allocated to each county by the state treasurer under subsection (b)(2) shall be reduced proportionately with respect to aggregate reduction in the amount of such transfer from the state general fund to the business machinery and equipment tax reduction assistance fund during state fiscal year 2009.”;

On page 257, in line 32, following “(c)” by inserting “and subsection (f)”;

On page 258, in line 36, by striking all after the comma; by striking all in lines 37 and 38; in line 39 by striking all before the period and inserting “except that the aggregate amount of moneys transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2010, pursuant to this section shall not exceed the maximum amount determined pursuant to subsection (f)”;

On page 259, following line 29, by inserting the following:

“(f) (1) The maximum amount that may be transferred during the fiscal year ending June 30, 2010, from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund pursuant to this section shall be equal to \$45,300,000 multiplied by the result obtained by dividing (A) the aggregate amount determined under subsection (b)(3) by (B) the aggregate of (i) the aggregate amount determined under subsection (b)(3) plus (ii) the aggregate amount determined under subsection (b)(3) of K.S.A. 2008 Supp. 79-2978, and amendments thereto.

(2) If a maximum amount is imposed under this subsection and the aggregate amount transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during state fiscal year 2010 pursuant to this section is reduced, then the amount allocated to each county by the state treasurer under

subsection (b)(2) shall be reduced proportionately with respect to aggregate reduction in the amount of such transfer from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during state fiscal year 2009.”;

Also, on motion of Rep. Landwehr, **HB 2373** be amended on page 121, after line 8, by inserting:

“(f) During fiscal year 2009 or fiscal year 2010, as soon as funds are available from the federal American recovery and reinvestment act of 2009 which are allowed to be expended for the purpose of increasing funding for graduate medical education, the Kansas health policy authority shall transfer an amount of not to exceed \$4,000,000 from the appropriate fund or funds of the Kansas health policy authority to the Wichita center for graduate medical education federal fiscal stabilization fund of the university of Kansas medical center for the fiscal year ending June 30, 2010, for the purpose of providing funding of \$4,000,000 to the Wichita center for graduate medical education for the fiscal year ending June 30, 2010.”;

On page 164, after line 9, by inserting:

“Wichita center for graduate medical education federal fiscal stabilization fund..... No limit”

Also, on motion of Rep. Yoder, **HB 2373** be amended on page 14, in line 15, by adding \$108,150 to the dollar amount and by adjusting the dollar amount in line 15 accordingly; in line 18, by subtracting \$91,850 from the dollar amount and by adjusting the dollar amount in line 18 accordingly;

On page 31, in line 5, by subtracting \$2,727 from the dollar amount and by adjusting the dollar amount in line 5 accordingly; in line 18, by adding \$2,727 to the dollar amount and by adjusting the dollar amount in line 18 accordingly;

On page 35, in line 24, by adding \$25,567 to the dollar amount and by adjusting the dollar amount in line 24 accordingly; in line 30, by adding \$25,567 to the dollar amount and by adjusting the dollar amount in line 30 accordingly;

On page 41, by striking all in lines 11 through 24;

On page 88, in line 22, by subtracting \$32,378 from the dollar amount and by adjusting the dollar amount in line 22 accordingly; in line 26, by subtracting \$205,640 from the dollar amount and by adjusting the dollar amount in line 26 accordingly; in line 30, by subtracting \$423 from the dollar amount and by adjusting the dollar amount in line 30 accordingly; in line 31, by subtracting \$22,913 from the dollar amount and by adjusting the dollar amount in line 31 accordingly; in line 32, by subtracting \$36,746 from the dollar amount and by adjusting the dollar amount in line 32 accordingly; in line 35, by adding \$298,099 to the dollar amount and by adjusting the dollar amount in line 35 accordingly;

On page 132, in line 21, by adding \$19,970 to the dollar amount and by adjusting the dollar amount in line 31 accordingly;

On page 134, in line 5, by subtracting \$19,970 from the dollar amount and by adjusting the dollar amount in line 5 accordingly;

On page 161, in line 33, by adding \$1,000,000 to the dollar amount and by adjusting the dollar amount in line 33 accordingly;

On page 162, following line 2, by inserting the following:

“Wichita center for graduate medical education \$2,500,000”;

On page 171, by striking all in lines 36 through 38;

On page 178, by striking all in lines 1 through 11;

And by relettering the subsections accordingly; and **HB 2373** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2374** be amended on page 21, by striking all in lines 20 through 43;

By striking all on pages 22 through 32;

On page 33, by striking all in lines 1 through 4;

And by renumbering the remaining sections accordingly;

Also on page 33, in line 5, by striking “and 44-706 are” and inserting “is”;

On page 1, in the title, in line 12, by striking “and 44-706”; also in line 12, by striking “sections” and inserting “section”; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2365** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2365,” as follows:

“Substitute for HOUSE BILL No. 2365
By Committee on Taxation

“AN ACT creating the promoting employment across Kansas act.”; and the substitute bill be passed.

(**Sub. HB 2365** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **SB 98** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 98,” as follows:

“HOUSE Substitute for SENATE BILL No. 98
By Committee on Taxation

“AN ACT concerning estate taxation; relating to valuation of land devoted to agricultural use; amending K.S.A. 2008 Supp. 79-15,253 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 98** was thereupon introduced and read by title.)

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were thereupon introduced and read by title:

HB 2395, An act concerning income taxation; relating to refunds; amending K.S.A. 2008 Supp. 79-32,105 and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5019—

By Committee on Federal and State Affairs

A PROPOSITION to amend the constitution of the state of Kansas by adding a new article thereto, prescribing certain limits upon taxes, revenues and expenditures by the state.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: The constitution of the state of Kansas is amended by adding a new article thereto to read as follows:

“Article 16. — REVENUE, ASSESSMENT AND EXPENDITURE LIMITATIONS.

“§ 1. *Definitions.* As used within this article:

(a) “State” means the state government including all branches, state offices, authorities, agencies, boards, commissions, institutions, instrumentalities and any division or unit of state government which are directly supported with tax funds, except that “state” does not include any enterprise;

(b) “local government” means any county, township, city, education district, other special district and any other taxing district or political subdivision of Kansas which is directly supported by tax funds, except that “local government” does not include any enterprise;

(c) “enterprise” means a state-owned or local government-owned business authorized to issue its own revenue bonds and receiving less than 10% of annual revenue in grants or other direct cash benefit from the state and local governments combined;

(d) “bond” means any bond, note, debenture, interim certificate, grant and revenue anticipation note, lease-purchase agreement, lease certificate of participation or other evidence of indebtedness which, in any such case, is entered into or estab-

lishes a debt obligation for longer than one fiscal year, whether or not the interest on which is subject to federal income taxation;

(e) “fiscal year” means the twelve-month fiscal period prescribed by law for the state;

(f) “fiscal year spending” means all expenditures and reserve increases except, as to both, (1) expenditures for refunds of any kind, (2) expenditures of moneys received from the federal government, moneys received as grants, gifts or donations which are to be expended for purposes specified by the donor, moneys that are collections for another government, moneys received for pension contributions by employees and pension fund earnings, or (3) budget stabilization reserve fund transfers, emergency reserve fund transfers, or expenditures in accordance with this article;

(g) “base revenue year” means the fiscal year ending June 30, 2007, or the succeeding fiscal year having the greatest total state revenue of any succeeding fiscal year that exceeds the total state revenue for the fiscal year ending June 30, 2007, if any;

(h) “inflation” means the change expressed as a percentage in the consumer price index for the Kansas City metropolitan area, all goods, all urban consumers, as officially reported by the bureau of labor statistics of the United States department of labor, or the successor index to such consumer price index;

(i) “population” means the more recent of either the periodic census conducted by the United States department of commerce or its successor agency or the annual update of such census as prescribed by the legislature by law, which shall be adjusted every decade to match the federal decennial census;

(j) “education district” means each school district, vocational or technical school, community college, technical college, municipal university, and any other public educational entity established as provided by law, except that “education district” does not include any state educational institution under the control and supervision of the state board of regents; and

(k) “total state revenue” means all moneys received by the state from any source except any of the following:

(1) Moneys received as grants, gifts or donations which are to be expended for purposes specified by the donor;

(2) moneys received from the federal government; and

(3) moneys which are income earned on moneys in permanent endowment funds, trust funds, deferred compensation funds or pension funds and which are credited to such funds.

§ 2. *Supermajority for passage of certain bills for new or increased taxes.* On and after July 1, 2011, a supermajority of two-thirds (⅔) of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill enacting or amending any law creating any new state tax or increasing the rate of any existing state income tax, sales tax, compensating use tax or other excise tax or a tax in the nature of an excise tax, property tax, or tax in the nature of a property tax, or estate or inheritance tax, or a tax in the nature of an estate or inheritance tax, or any combination thereof.

§ 3. *Spending and Revenue Limits.* (a) Except as provided by this section, for any fiscal year that commences on or after July 1, 2011, fiscal year spending by the state shall not increase above the fiscal year spending for the preceding fiscal year by more than the maximum percentage increase determined pursuant to this section. The maximum percentage increase in fiscal year spending for a fiscal year shall be equal to the result obtained by adding the rate of inflation for the calendar year ending during the preceding fiscal year, plus the percentage change in state population during the calendar year ending during the preceding fiscal year if a positive number, adjusted for revenue changes resulting from acts enacted in accordance with section 2 of this article. The limitation imposed on fiscal year spending shall not apply to expenditures of moneys transferred to the state general fund from the state budget stabilization reserve fund pursuant to section 6 of this article. The lim-

itation imposed on fiscal year spending for a fiscal year may be authorized to be exceeded by act of the legislature that is passed by a supermajority of two-thirds ($\frac{2}{3}$) of the members then elected (or appointed) and qualified of each house, voting in the affirmative, and that authorizes fiscal year spending for such fiscal year in excess of such limitation.

(b) For any fiscal year commencing on or after July 1, 2011, the total state revenue limitation shall be determined in accordance with this section. If the amount of the total state revenue for the preceding fiscal year exceeds the amount of total state revenue for the second preceding fiscal year, the total state revenue limitation for a fiscal year shall be the result obtained by adding (1) the lesser of (A) the amount of total state revenue for the preceding fiscal year or (B) the amount of the total state revenue limitation for the preceding fiscal year, and (2) the product of (A) the amount determined under clause (1) of this subsection, and (B) the sum of (i) the rate of inflation for the calendar year ending during the preceding fiscal year, plus (ii) the percentage change in state population during the calendar year ending during the preceding fiscal year if a positive number.

(c) If the amount of the total state revenue for the preceding fiscal year is less than the amount of total state revenue for the second preceding fiscal year, the amount of the total state revenue limitation for a fiscal year shall be the lesser of (1) the amount of total state revenue for the second preceding fiscal year, or (2) the amount of the total state revenue limitation for the base revenue year.

(d) The legislature, by law, shall provide a mechanism to adjust the amount of a limitation under this section to reflect any subsequent transfer of all or any part of the cost of providing a governmental function. The mechanism shall adjust the amount of a limitation so that total costs are not increased as a result of the transfer. The adjustment mechanism provided for in this subsection shall be used in determining a limitation under this section beginning with the fiscal year immediately following the transfer.

(e) For the purposes of determining total revenue limitations under this section for the state, the total authorized fiscal year expenditures for the fiscal year ending on June 30, 2010, shall be construed to be the total state revenue and the total revenue limitation for that preceding fiscal year and the total authorized fiscal year expenditures for the fiscal year ending on June 30, 2011, shall be construed to be the total state revenue and the total revenue limitation for that preceding fiscal year.

§ 4. *Budget Stabilization Reserve Fund.* (a) For any fiscal year that commences on or after July 1, 2011, if total state revenue exceeds the total state revenue limitation for that fiscal year, as determined in accordance with section 3 of this article, then a portion of the excess amount of state revenue shall be reserved as prescribed by this section or refunded as prescribed by section 6 of this article. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available for transfer to the budget stabilization reserve fund by this section.

(b) An amount of any excess amount of total state revenue shall be transferred in the amount and in the manner prescribed by the legislature by law to the budget stabilization reserve fund, which fund is hereby created in the state treasury. The amount transferred to the budget stabilization reserve fund in accordance with this subsection shall be equal to the lesser of (1) the amount necessary to ensure that the balance in the budget stabilization reserve fund at the end of the fiscal year is an amount equal to 7% of the total state revenue limitation for the ensuing fiscal year, or (2) the amount equal to 50% of any such remaining excess amount of total state revenue. Income earned on the moneys credited to the budget stabilization reserve fund shall accrue to the budget stabilization reserve fund. In no case shall additional moneys be transferred into the budget stabilization reserve fund if the balance in the fund is equal to or more than 7% of the total state revenue limitation for the ensuing fiscal year. Each transfer to the budget stabilization reserve fund prescribed by this section shall be made before any transfer to the emergency reserve

fund as provided in section 5 of this article or any refunds as required by section 6 of this article.

(c) For any fiscal year that commences on or after July 1, 2011, if the amount of the total state revenue is less than the amount of total state revenue for the prior fiscal year, the legislature may provide by law for the transfer of moneys from the budget stabilization reserve fund to the state general fund in an amount equal to not more than the difference between the amount of total state revenue for the prior fiscal year and the amount of total state revenue for the current fiscal year. Under no other circumstances shall moneys be transferred or expended from the budget stabilization reserve fund of the state.

§ 5. *Emergency Reserve Fund.* (a) For any fiscal year that commences on or after July 1, 2011, if total state revenue exceeds the total state revenue limitation for that fiscal year, as determined in accordance with section 3 of this article, then, after making any transfer to the budget stabilization reserve fund as required by section 4 of this article, a portion of any remaining total state revenue in excess of the total state revenue limitation shall be transferred in the amount and in the manner prescribed by the legislature by law to the emergency reserve fund, which fund is hereby created in the state treasury, to the extent necessary to ensure that a balance of the emergency reserve fund at the end of the fiscal year is an amount equal to not more than 3% of the total state revenue limitation for the ensuing fiscal year. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available for transfer to the emergency reserve fund by this section. Each transfer to the emergency reserve fund prescribed by this section shall be made after making any transfer to the budget stabilization reserve fund as provided in section 4 of this article. The state shall not be required to transfer any moneys other than any amount of total state revenue in excess of the total state revenue limitation to the emergency reserve fund. The moneys in the emergency reserve fund shall be in addition to, and shall not be used to meet, any other reserve requirement under this constitution or any law. In no case shall additional moneys be transferred to the emergency reserve fund if the balance in the emergency reserve fund is more than 3% of the total state revenue limitation for the ensuing fiscal year.

(b) Moneys in the emergency reserve fund may be expended only for an emergency declared by the governor to exist within the state. Two-thirds (2/3) of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill making an appropriation of money or transferring any moneys from the emergency reserve fund. Income earned on moneys credited to the emergency reserve fund shall accrue to the emergency reserve fund.

(c) As used in this section "emergency" means an extraordinary event or occurrence that could not have been reasonably foreseen or prevented and that requires immediate expenditures to preserve the health, safety and general welfare of the people within the state and "emergency" does not mean a revenue shortfall or budget shortfall.

§ 6. *Disposition of Excess Revenues.* (a) Any excess amount of total state revenues for a fiscal year that remains after the transfers to the budget stabilization reserve fund and emergency reserve fund pursuant to section 4 or section 5 of this article, if any, shall be reserved in the current fiscal year and shall be refunded as provided by law during the next ensuing fiscal year to the taxpayers who paid the state ad valorem property taxes or state income taxes, or both, for the preceding fiscal year, in a manner that is proportional, on a pro rata basis, to the manner in which such taxes were collected from such taxpayers for such fiscal year. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available to be reserved and refunded by the state as prescribed by this section.

(b) In a case of any amount that is received pursuant to any tax and required to be reserved and refunded to taxpayers by the state pursuant to this section and that

is determined by the state in the manner prescribed by law to be insufficient for refunds to be made during the ensuing fiscal year, such amount shall be reserved for refunds to be made thereafter when the amount reserved is sufficient therefor.

§ 7. *Temporary Borrowing.* On or after July 1, 2011, during any fiscal year, transfers which are temporary and are to be repaid, or any other temporary borrowing, through certificates of indebtedness or any other device or manner, of any moneys in the state treasury to be credited to the state general fund, are prohibited unless the moneys so transferred or otherwise borrowed are restored or repaid to the original funds or accounts of the state treasury from the state general fund within the same fiscal year. The provisions of this section do not apply to transfers from the budget stabilization reserve fund or the emergency reserve fund to the state general fund in accordance with this article.

§ 8. *General Revenue Supplanting.* On or after July 1, 2011, any appropriation of moneys in the state treasury that either supplants any appropriation from the state general fund, or that, if not made, would require an appropriation from the state general fund is prohibited. For purposes of this section, any appropriation of moneys in the state treasury that is funded by user charges or fees imposed on goods or services that do not exceed the cost of the goods or services provided shall not be deemed to be an appropriation that supplants any appropriation from the state general fund.

§ 9. *State Mandates on Local Governments.* A local government may not be required to fulfill any mandate imposed by the state unless and until, and may be required to fulfill that mandate only to the extent that, funds are provided to the local government by the state for that purpose. The legislature is not required to appropriate funds for mandates if more than two years have passed since the effective date of the mandate and no claim for funding has been made by the local government during that period.

§ 10. *Construction.* (a) The provisions of this article shall be liberally construed for the purpose of effectuating the purposes thereof, except that nothing in this article shall be construed to authorize any new or increased tax of any kind other than as provided or authorized by law enacted by the legislature in accordance with and subject to the other provisions of this constitution.

(b) In any case of a conflict between any provision of this article and any other provision contained in the constitution, the provisions of this article shall control.

(c) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. The legislature shall repeal or amend all laws inconsistent with the provisions of this article to conform with the provisions of this article."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. Beginning July 1, 2011, this amendment (1) would require a supermajority of $\frac{2}{3}$ of all members of the House and of the Senate to pass certain bills related to the creation of a new tax or the increase in the rate of an existing tax, (2) would impose spending and revenue limits on the state based on increases in the consumer price index and population, with provisions to adjust for economic downturns or transferred functions, (3) would permit expenditures in excess of the limit imposed if authorized by a bill passed by a supermajority of $\frac{2}{3}$ of all members of the House and of the Senate, (4) would provide for a state budget stabilization reserve fund to be used when state revenue declines, (5) would provide for a state emergency reserve fund to be used only for emergencies that are declared by the governor and not to be used for any revenue shortfall, (6) would provide for excess state revenues, after transfers to the reserve funds, to be refunded to state property or income taxpayers, (7) would limit state temporary borrowing to that repaid within the same year and would prohibit the state from replacing general revenues with excessive fees and charges for goods and services, (8) would provide that local governments could not be required to

fulfill unfunded state mandates, and (9) would govern in case of conflicts with statutes or other state constitutional provisions.

“A vote for the proposition would limit state legislative authority and would require a supermajority of $\frac{2}{3}$ of each house of the legislature for state tax increases or extensions, would impose state spending and revenue limits, would permit a supermajority of $\frac{2}{3}$ of each house of the legislature to exceed the spending limit, would require excess state revenues to be reserved for economic downturns and emergencies, with limits, or to be refunded to taxpayers, would limit state temporary borrowing, would prohibit unfunded mandates on local governments.

“A vote against the proposition would continue the present constitutional and statutory authority for state government taxing and spending by law, for disposition of tax revenues and for other related matters in the exercise of the legislative power of this state.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election to be held on November 9, 2010, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6022—

By Representative Myers

A RESOLUTION supporting the Airborne Laser Program and urging the United States Congress to provide the necessary funding for the on-going development and operation of the program.

WHEREAS, The Airborne Laser Program has the potential to be one of the cornerstones of the nation's layered missile defense architecture against ballistic missile threats; and

WHEREAS, Significant program development accomplishments during 2008 included firing a high-energy laser through the Airborne Laser's beam control/fire control system, completing the first ground test of the entire weapon system integrated aboard the aircraft; and

WHEREAS, The Airborne Laser will demonstrate its capabilities against a boosting missile in 2009 and also offers multi-mission potential and capability to fill capability gaps in surface-to-air missile defense, cruise missile defense and air-to-air defense; and

WHEREAS, Now is the time for the United States to stay the course in supporting the Airborne Laser program system as one of the future cornerstones of the nation's missile defense shield against ballistic missile threats; and

WHEREAS, The Boeing Wichita facility, and its Kansas employees, have played a vital role in the development and modification of the first Airborne Laser system on a 747-400, and if the program continues after this year's shoot-down demonstration, Wichita will potentially receive many long-term benefits from the program: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we support the continued robust investment in development for the Airborne Laser program and that we respectfully urge the United States Congress to provide the necessary funding for the on-going development and operation of the Airborne Laser Program; and

Be it further resolved: That we respectfully urge the United States Congress to direct the United States Department of Defense to continue the development and operation of the Airborne Laser System; and

Be it further resolved: That the Clerk of the House of Representatives be directed to send an enrolled copy of this resolution to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the United States Senate; the Honorable Harry Reid, Majority Leader of the United

States Senate; the Honorable Mitch McConnell, Minority Leader of the United States Senate; the Honorable Nancy Pelosi, Speaker of the United States House of Representatives; the Honorable John Boehner, Minority Leader of the United States House of Representatives; the Honorable Robert M. Gates, United States Secretary of Defense and Members of the Kansas Congressional Delegation.

REPORT ON ENGROSSED BILLS

HB 2098, HB 2233, HB 2369 reported correctly engrossed March 23, 2009.

HB 2185 reported correctly re-engrossed March 23, 2009.

REPORT ON ENROLLED BILLS

HB 2054; Sub. HB 2143; HB 2197, HB 2270, HB 2321 reported correctly enrolled, properly signed and presented to the governor on March 23, 2009.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Tuesday, March 24, 2009.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

