

Journal of the House

FIFTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, April 27, 2006, 10:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.

The roll was called with 123 members present.
Rep. Kiegerl was excused on verified illness.
Rep. Goico was on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Karen Lampe, associate pastor, United Methodist Church of the Resurrection, Leawood, and guest of Rep. S. Sharp:

Dear Holy and Infinite Source of love, grace and righteousness. We remember your prophet Jeremiah today who promised to all that You have a plan and a future for us; and that when we come to You a vision of hope will be given. So on this spring day we come to You thankful for Your promise of hope and vision. Thankful for the dedication of each person gathered to do their part in this legislative body for the state of Kansas.

We would ask that you would grant all those gathered here, the vision to make decisions that will glorify you.

Grant them the courage to stand up for the oppressed and poor. Allow them to see within themselves the power to make a difference as you guide them. Encourage them to not lose heart in the face of challenges. Shield them from anxiety and fear as they make decisions of righteousness and justice. And allow them the time to reflect and pray that your vision of hope and righteousness will not be lost in the hustle and bustle of everyday.

We pray all this, Oh Lord, as we dedicate our lives to Your vision and hope, for the great state of Kansas and the United States of America.

All this Dear God, we pray with thankfulness. Amen.

The Pledge of Allegiance was led by Rep. Kelley.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:
Committee of the Whole: **HB 3021**.

COMMUNICATIONS FROM STATE OFFICERS

From Stan R. Ahlerich, President, Kansas, Inc., in accordance with K.S.A. 74-8015, Grants and Loans Report for fiscal year 2005.

From Stan R. Ahlerich, President, Kansas, Inc., Agricultural Commodities Future: Assess Competitive Threats to the Kansas Economy, January 24, 2006.

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

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **SB 546**.
The Senate adopts conference committee report on **HB 2916**.

The Senate accedes to the request of the House for a conference on **HB 3005** and has appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Hayzlett, Committee of the Whole report, as follows, was adopted: Recommended that on motion of Rep. Neufeld, **HB 3021** be amended on page 25, in line 24, by subtracting \$21,999 from the dollar amount and by adjusting the dollar amount in line 24 accordingly; in line 43, by adding \$21,384 to the dollar amount and by adjusting the dollar amount in line 43 accordingly;

Also, on motion of Rep. Schwartz to amend **HB 3021**, the motion did not prevail.

Also, on motion of Rep. Sloan, **HB 3021** be amended on page 15, following line 34, by inserting the following material to read as follows:

“Midwest higher education commission

For the fiscal year ending June 30, 2007..... \$90,000”;

Also, roll call was demanded on motion of Rep. Gatewood to amend **HB 3021** on page 38, preceding line 10, by inserting:

“Sec. 57. In addition to the other purposes for which expenditures may be made from moneys appropriated from the cafeteria benefits fund of the department of administration for fiscal year 2007 as authorized by section 89(b) of 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made from such fund during the fiscal years ending June 30, 2007, and June 30, 2008, to establish as part of the state employee health benefits program a pilot program which would allow a qualified small business to provide health insurance to its employees by allowing eligible employees to participate in the state health care benefits program: *Provided*, That (a) The pilot program established by this section shall expire on January 1, 2008; (b) participation in the pilot program shall be limited to a total of 1,000 eligible employees regardless of the number of qualified small businesses involved; (c) notwithstanding the provisions of K.S.A. 75-6501, and amendments thereto, eligibility of eligible employees of a qualified small business in this pilot program shall not be required to be designated by rule and regulation; (d) each participating qualified small business shall agree to stay in the pilot program for at least two years; and (e) each participating qualified small business shall pay the required health insurance premium for each of its participating eligible employees; however, the employer shall be paid by the eligible employee for such employee’s portion of the premium as determined shall be subject to negotiation: *Provided further*, That as used in this section: (a) “Small business” means any business that has at most 30 employees; (b) “qualified small business” means a small business that does not provide health insurance to its employees; (c) “Eligible employee” means an employee who is not already covered under another health insurance policy or program: *And provided further*, That the Kansas state employees health care commission shall report its findings and any recommendations which the commission may have concerning the pilot program established under this section to the governor and to the legislature on or before January 10, 2008: *And provided further*, That the secretary of administration is hereby authorized to receive grants, gifts or donations from the United States government, or its agencies, the Sunflower Foundation: Healthcare for Kansas, or any other source whatsoever for the purposes of the pilot program established under this section and amendments thereto, and any moneys so received shall be deposited in the state treasury and credited to the cafeteria benefits fund established by K.S.A. 75-6513 and amendments thereto: *And provided further*, That all funds received pursuant to this section shall be placed in a separate account within the cafeteria benefits fund: *And provided further*, That all expenditures made from such fund for the purposes of this section shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued by the secretary of administration or a person designated by the secretary of administration.;

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

Yeas: Ballard, Burroughs, Carlin, Cox, Crow, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Holland, Huff, Kirk, Kuether, Lane, Loganbill, Long, Lukert, Mah, McKinney, Menghini, M. Miller, Pauls, Peck, Peterson, Phelps, Powers, Ruff, Ruiz, Sawyer, B. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Craft, Dahl, DeCastro, Decker, Edmonds, Freeborn, George, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Loyd, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Weber, Wilk, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Goico, Gordon, Kiegerl.

The motion of Rep. Gatewood did not prevail.

Also, on motion of Rep. Neufeld, **HB 3021** be amended on page 7, in line 38, by adding \$513,679 to the dollar amount which reads \$430,089 and by adjusting the dollar amount in line 38 accordingly;

Also, on further motion of Rep. Neufeld, **HB 3021** be amended on page 28, following line 36, by inserting the following material to read as follows:

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

Operating expenditures	
For the fiscal year ending June 30, 2007.....	\$50,000

Provided, That, if 2006 Senate Bill No. 332 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the \$50,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by this subsection from the state general fund in the operating expenditures account is hereby lapsed.”;

Also, on further motion of Rep. Neufeld, **HB 3021** be amended on page 28, in line 6, by adding \$30,335 to the dollar amount and by adjusting the dollar amount in line 6 accordingly; following line 6, by inserting the following material to read as follows:

“*Provided*, That, if 2006 Senate Bill No. 337 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, of the \$40,344 appropriated for the above agency for the fiscal year ending June 30, 2007, by this section from the state general fund in the parole from adult correctional institutions account, the sum of \$30,335 is hereby lapsed.”;

Also, on motion of Rep. Dillmore to amend **HB 3021**, Rep. Hutchins requested the question be divided. The question was divided. Rep. Hutchins requested a ruling on the entire amendment being germane to the bill. The Rules Chair ruled the amendment germane.

The question then reverted back to Part A of the motion of Rep. Dillmore to amend **HB 3021** on page 16, by striking all in lines 2 through 16;

And by relettering subsections accordingly;

Roll call was demanded.

On roll call, the vote was: Yeas 65; Nays 58; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, George, Grant, Hawk, Henderson, Henry, Hill, C. Holmes, Horst, Huff, Huntington, D. Johnson, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, Jim Morrison, O'Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Wilk, Williams, Winn, Wolf, Yonally.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, Gordon, Grange, Hayzlett, Holland, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Powers, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Weber, Yoder.

Present but not voting: None.

Absent or not voting: Goico, Kiegerl.

Part A of the motion of Rep. Dillmore prevailed.

On Part B of the motion of Rep. Dillmore, **HB 3021** be amended on page 38, preceding line 10, by inserting:

"Sec. 57. No moneys appropriated from the state general fund or from any special revenue fund for the fiscal years ending June 30, 2007, or June 30, 2008, by this act or any other appropriations act of the 2006 or 2007 regular session of the legislature shall be expended for a public works or purchase contract to a bidder, contractor or employer, nor shall a bidder, contractor or employer be eligible to bid for or receive a public works contract, who has, in the preceding five years: (1) Been convicted of violating a law of this state or federal law respecting the employment of illegal aliens, or (2) been a party to a state agency proceeding in this state in which a penalty or sanction was ordered, either by hearing or final order, or through stipulation and agreement, for violation of a law of this state or federal law respecting the employment of illegal aliens: *Provided*, That Any employer found to be in violation of this section shall, in addition to all available administrative penalties and sanctions, forfeit and be liable for an amount equal to the total value of the state benefit such employer has received or been the beneficiary of for the period of five years leading up to the date of the finding of guilt, not to exceed the federally prescribed civil penalty in title 8 of the United States code, section 1324a: *Provided further*, That a person or entity is considered to have complied with a requirement of this section, notwithstanding a technical or procedural failure to meet such requirement, if there was a good faith attempt to comply with the federal requirements found in title 8 of the United States code, section 1324a: *And provided further*, That as used in this section: (a) "Employer" means any person, including any partnership, firm, subcontractor, vendor, corporation or association, or agent thereof, who engages or utilizes the personal services of one or more individuals for a salary or wage; (b) "illegal alien" means any person not a citizen of the United States who has entered the United States in violation of the federal immigration and naturalization act or regulations issued thereunder, who has legally entered but without the right to be employed in the country, or who has legally entered subject to a time limit but has remained illegally after the expiration of such time limit, except that the term "illegal alien" shall not mean any person who currently has the legal right to remain in the United States and to be employed in the United States even though such person originally entered the United States in violation of the federal immigration and naturalization act or regulations issued thereunder and is not a citizen of the United States; (c) "secretary" means the secretary of human resources; (d) "state agency" means any state office or officer, department, board, commission, institution, bureau or any agency, division or unit within any office, department, board, commission or other state authority of this state or any person requesting a state appropriation; and (e) "state benefit" means any state-administered or subsidized tax credit, tax abatement, tax exemption, loan or loan guarantee: *And provided further*, That the secretary of labor shall be responsible for administering the provisions of this section.";

And by renumbering sections accordingly;

Rose and reported progress.

REPORTS OF STANDING COMMITTEES

Committee on **Higher Education** recommends **SB 588** be amended on page 1, in line 33, following "funding" by inserting "performance"; in line 34, following the period by inserting "The commission shall review and consider recommendations of the board of regents."; in line 36, following "and" by inserting "legislative"; in line 37, following "funding" by inserting "performance"; in line 39, preceding the period by inserting "and legislative recommendations"; in line 43, by striking "legislature" and inserting "board of regents";

On page 2, in line 3, by striking “assistance shall” and inserting “resources of the state board of regents shall be provided to the commission and coordinated by the state board of regents. Other staff assistance may”; and the bill be passed as amended.

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **H. Sub. for SB 47**, and requests return of the bill.

The Senate concurs in House amendments to **H. Sub. for SB 243**, and requests return of the bill.

The Senate adopts conference committee report on **SB 261**.

The Senate adopts conference committee report on **SB 375**.

The Senate adopts conference committee report on **SB 481**.

The Senate adopts conference committee report on **SB 485**.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2928** and has appointed Senators Brownlee, Jordan and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 3004** and has appointed Senators Brownlee, Jordan and Kelly as conferees on the part of the Senate.

On motion of Rep. Aurand, the House recessed until 2:30 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Kuether, **HR 6032**, by Reps. Kuether, Burgess, Flora, Gordon, Hutchins, Kirk, Lane, Mah and Mays, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6032—

A RESOLUTION congratulating and commending the Washburn University Lady Blues basketball team for winning a National Collegiate Athletic Association Division II record 51 consecutive games during the 2004-05 and 2005-06 seasons.

WHEREAS, The Washburn University Lady Blues basketball team finished the 2006-06 season with a record of 32 wins and one loss, won their fourth consecutive Mid-America Intercollegiate Athletics Association regular season championship and set the NCAA Division II record for most consecutive wins with 51; and

WHEREAS, The Washburn University Lady Blues basketball team finished the 2006-06 season as the MIAA regular season champion with a perfect 16-0 record and the MIAA postseason tournament champion; and

WHEREAS, The Washburn University Lady Blues basketball team set numerous school records including the most consecutive wins to start a season (32), and the most wins in Washburn single-season history (32); and

WHEREAS, The 2005-06 team members include: Seniors Jennifer Harris, Dani McHenry, April Roadhouse and Bojana Samardziska; Juniors Jessica Aebi, Holly Henrichs, Cindy Keeley, Megan Sullivan and Brooke Ubelaker; Sophomore Amanda Holmes; and Freshmen Kaydi Hooker, Jessica Mainz and Stephanie Wittman; and

WHEREAS, The four-year senior class of Dani McHenry and April Roadhouse had 123 wins and 12 losses over the past four years with two Elite Eight appearances, four MIAA regular season championships, three MIAA tournament championships and the first NCAA championship in any sport in Washburn’s school history; and

WHEREAS, Individual player accomplishments were:

Jennifer Harris-Women’s Basketball Coaches Association/Kodak NCAA Division II National Player of the Year, Women’s Basketball Coaches Association/Kodak All-America Honors, Daktronics/College Sports Information Directors of America National Player of the Year, Daktronics/College Sports Information Directors of America South Central Regional

Player of the Year, All-South Central Regional Tournament Team, Most Valuable Player in the MIAA, First Team All-MIAA and MIAA Tournament Most Valuable Player;

April Roadhouse-MIAA Defensive Player of the Year and All-MIAA All-defensive Team, Second Team All-MIAA;

Brooke Ubelaker-First Team All-MIAA, First Team Daktronics/College Sports Information Directors of America All-South Central Region, All-South Central Regional Team and Women's Basketball Coaches Association/Kodak NCAA Division II Honorable Mention All-American;

Additionally, Holly Henrichs, Cindy Keeley, Dani McHenry, Megan Sullivan and Brooke Ubelaker were all named to the MIAA Commissioner's Academic Honor Roll; and

WHEREAS, The Lady Blues were coached by Ron McHenry, and he was assisted by Dustin Odum: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Washburn University Lady Blues basketball team and Coach McHenry be congratulated and commended for their success during the 2005-06 season and for their record of 51 consecutive victories; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send an enrolled copy of this resolution to Dr. Jerry B. Farley, President, Washburn University, 1700 College, Topeka, Kansas 66621.

Rep. Kuether introduced the following members of the Washburn Lady Blues basketball team: Holly Henrichs, Amanda Holmes, April Roadhouse, Bojana Samardziska, Megan Sullivan, Brooke Ubelaker and Steph Wittman. Team members who were not in attendance are: Jessica Aebi, Cindy Keeley, Jessica Mainz and Dani McHenry.

Rep. Kuether also introduced Ron McHenry, head coach; Dustin Odum, assistant coach; Dr. Jerry Farley, president of Washburn University; David Monical, executive director, governmental and university relations; Tom Ellis, special assistant to the president; Janet Degginger, assistant director of athletics; Summer Broeckelman, marketing/ticket sales coordinator, athletics; Amanda Millard, assistant director of university relations; and Peggy Clark, photographer, university relations.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 261, SB 375, SB 434, SB 481, SB 485; HB 2432, HB 2578, HB 2856, HB 2916.**

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

COMMITTEE OF THE WHOLE

On motion of Rep. Hayzlett, Committee of the Whole report, as follows, was adopted: Recommended that discussion resume on **HB 3021** (see Committee of the Whole, morning session).

On motion of Rep. Trimmer, **HB 3021** be amended on page 7, following line 28, by inserting the following material to read as follows:

“(f) In addition to the other purposes for which expenditures may be made by the attorney general from the state general fund or any special revenue fund for fiscal year 2006 and fiscal year 2007 as authorized by chapter 174 or chapter 206 of the 2005 Session Laws of Kansas, by 2006 Senate Bill No. 480, or by this or other appropriation act of the 2006 regular session of the legislature, expenditures may be made by the attorney general from the state general fund or any special revenue fund for fiscal year 2006 or fiscal year 2007, or for both such fiscal years to prepare and submit a friend of the court brief at any appropriate time to support the lawsuit filed by Creekstone Farms, a Kansas beef packing company, against the USDA, Creekstone Farms v. United States Department of Agriculture, case no. 06-544, filed on 3/23/2006 in the United States District Court for the District of Columbia, and to undertake any other appropriate actions to support Creekstone Farms in its efforts to reopen

foreign export markets for American beef by testing every animal for BSE, including preparing and submitting formal requests to the United States Department of Agriculture to modify current health standards which impose maximum health standards and prohibit companies from voluntarily exceeding such standards in order to provide a higher level of protection and to adopt health requirements that are minimum standards which protect health, but which also permit companies to exceed such minimum standards.

Sec. 10.

GOVERNOR'S DEPARTMENT

(a) In addition to the other purposes for which expenditures may be made by the governor from the state general fund or any special revenue fund for fiscal year 2006 and fiscal year 2007 as authorized by chapter 174 or chapter 206 of the 2005 Session Laws of Kansas, by 2006 Senate Bill No. 480, or by this or other appropriation act of the 2006 regular session of the legislature, expenditures may be made by the governor from the state general fund or any special revenue fund for fiscal year 2006 or fiscal year 2007, or for both such fiscal years to prepare and submit a friend of the court brief at any appropriate time to support the lawsuit filed by Creekstone Farms, a Kansas beef packing company, against the United States Department of Agriculture, *Creekstone Farms v. USDA*, case no. 06-544, filed on 3/23/2006 in the United States District Court for the District of Columbia, and to undertake any other appropriate actions to support Creekstone Farms in its efforts to reopen foreign export markets for American beef by testing every animal for BSE, including preparing and submitting formal requests to the United States Department of Agriculture to modify current health standards which impose maximum health standards and prohibit companies from voluntarily exceeding such standards in order to provide a higher level of protection and to adopt health requirements that are minimum standards which protect health, but which also permit companies to exceed such minimum standards.”;

And by renumbering sections accordingly;

Also, roll call was demanded on motion of Rep. Kinzer to amend **HB 3021** on page 38, after line 9, by inserting the following:

“Sec. 58. (a) During the fiscal year ending June 30, 2007, no expenditures shall be made by any state agency from any moneys appropriated from the state general fund for fiscal year 2007 by this or other appropriation act of the 2006 regular session of the legislature to: (1) Perform or attempt to perform human cloning; (2) participate in an attempt to perform human cloning; or (3) cause to be shipped or knowingly receive, by interstate or intrastate commerce, the product of human cloning for any purpose.

(b) As used in this section:

(1) “Diploid cell” means a cell which has a complete set of chromosomes;

(2) “human cloning” means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated to produce a living organism at any stage of development with a human or predominantly human genetic constitution that is genetically virtually identical to an existing or previously existing human organism;

(3) “oocyte” means an egg before maturation; and

(4) “somatic cell” means a diploid cell which comes from cells of the body that compose the tissues, organs or other parts of an individual other than germ cells and which is obtained or derived from a living or deceased human organism at any stage of development.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 67; Nays 49; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, George, Grange, Grant, Henry, C. Holmes, M. Holmes, Huebert, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Landwehr, Light, Long, Lukert, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Neufeld, O’Neal, Oharah, Olson, Otto, Pauls, Peck, Phelps, Pilcher-Cook, Powell, Powers, Ruff, Schwartz, Shultz, Siegfried, Svaty, Swenson, Tafanelli, Vickrey, Watkins, Weber, Williams.

Nays: Ballard, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Flaherty, Flora, Garcia, Gordon, Hawk, Henderson, Hill, Holland, Huff, Huntington, D. John-

son, Kirk, Krehbiel, Kuether, Lane, Loganbill, Loyd, Mah, Menghini, M. Miller, O'Malley, Owens, Peterson, Pottorff, Proehl, Roth, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Thull, Treaster, Trimmer, Ward, Wilk, Winn, Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Burroughs, Goico, Hayzlett, Horst, Humerickhouse, Kiegerl, Judy Morrison, Schwab, Yonally.

The motion of Rep. Kinzer prevailed.

Also, on motion of Rep. Neufeld, **HB 3021** be amended on page 21, following line 23, by inserting the following material to read as follows:

"(e) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from the state general fund or any special revenue fund for fiscal year 2007 as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from the state general fund or any special revenue fund for fiscal year 2007 to enter into a three-year contract for a pilot project for efficient and effective medicaid estate recovery services with a provider who is qualified and experienced in the area of medicaid estate recovery for state government and who is currently involved in medicaid estate recovery or medicaid third-party liability recoveries for Kansas: *Provided further*, That, reimbursement for such contract shall be on a contingent fee basis: *And provided further*, That the Kansas health policy authority shall report to the legislature prior to February 1 of each year during such pilot project on the results of the medicaid estate recovery pilot project and the distribution of medicaid estate recovery collections by county.";

Also, on further motion of Rep. Neufeld, **HB 3021** be amended on page 38, preceding line 10, by inserting the following to read as follows:

"Sec. 57. (a) On June 30, 2007, notwithstanding the provisions of K.S.A. 38-2101 or 38-2102, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount equal to the unencumbered balance in the children's initiatives fund, exclusive of any moneys attributable to any certificate of indebtedness issued pursuant to K.S.A. 75-3725a, and amendments thereto, from the children's initiatives fund to the children's initiatives reserve fund, which is hereby established in the state treasury: *Provided*, That the amount transferred to the children's initiatives reserve fund pursuant to this subsection shall be reserved for purposes to be prescribed by law: *Provided further*, That the state finance council shall have no authority to approve any transfer of moneys from the children's initiatives reserve fund, to authorize or approve any expenditure of moneys from the children's initiatives reserve fund, or to increase any expenditure limitation on the children's initiatives reserve fund: *And provided further*, That no expenditures shall be authorized or made from the children's initiatives reserve fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature.

(b) On July 1, 2007, the director of the budget shall certify to the director of accounts and reports the amount equal to 25% of the balance of moneys credited to the children's initiatives reserve fund on July 1, 2007, and shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the children's initiatives reserve fund to the children's initiatives fund: *Provided*, That the amount transferred from the children's initiatives reserve fund to the children's initiatives fund shall be available for appropriation or transfer for fiscal year 2008 and each fiscal year thereafter as provided by appropriation act of the legislature.

(c) On July 1, 2008, the director of the budget shall certify to the director of accounts and reports the amount equal to one-third of the balance of moneys credited to the children's initiatives reserve fund on July 1, 2008, and shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the children's initiatives reserve fund to the children's initiatives fund: *Provided*, That the amount transferred from the children's initiatives reserve fund to the children's initiatives fund shall be available for appropriation or transfer for fiscal year 2009 and each fiscal year thereafter as provided by appropriation act of the legislature.

(d) On July 1, 2009, the director of the budget shall certify to the director of accounts and reports the amount equal to 50% of the balance of moneys credited to the children's initiatives reserve fund on July 1, 2009, and shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the children's initiatives reserve fund to the children's initiatives fund: *Provided*, That the amount transferred from the children's initiatives reserve fund to the children's initiatives fund shall be available for appropriation or transfer for fiscal year 2010 and each fiscal year thereafter as provided by appropriation act of the legislature.

(e) On July 1, 2010, the director of the budget shall certify to the director of accounts and reports the amount equal to all of the remaining balance of moneys credited to the children's initiatives reserve fund on July 1, 2010, and shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the children's initiatives reserve fund to the children's initiatives fund: *Provided*, That the amount transferred from the children's initiatives reserve fund to the children's initiatives fund shall be available for appropriation or transfer for fiscal year 2011 and each fiscal year thereafter as provided by appropriation act of the legislature.

Sec. 58.

DEPARTMENT OF ADMINISTRATION

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

Children's initiatives reserve fund
For the fiscal year ending June 30, 2007..... \$0";

And by renumbering sections accordingly;

Also, on motion of Rep. Mah, **HB 3021** be amended on page 15, preceding line 35, by inserting the following:

"Technical college hold harmless
For the fiscal year ending June 30, 2007..... \$735,000

Provided, That the state board of regents is hereby authorized to make expenditures from the technical college hold harmless account for grants to the technical colleges and schools: *Provided further*, That such grants shall be distributed so that no technical college shall receive less state aid in the fiscal year ending June 30, 2007, than it received in the previous fiscal year.";

Also on page 15, by striking all in lines 39 through 43;

On page 16, by striking all in line 1;

And by relettering the remaining subsections accordingly

Also, on motion of Rep. Davis, **HB 3021** be amended on page 38, following line 9, by inserting:

"Sec. 57.

JUDICIAL COUNCIL

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

Judicial performance fund
For the fiscal year ending June 30, 2007..... No limit

Provided, That, if 2006 Senate Bill No. 337 is not passed by the legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the appropriation of all moneys now or hereafter lawfully credited to and available in such fund is hereby lapsed.

(b) On July 1, 2006, the position limitation established for the fiscal year ending June 30, 2007, by section 125(a) of 2006 Senate Bill No. 480 for the judicial council is hereby increased from 4.00 to 7.00: *Provided*, That, if 2006 Senate Bill No. 337 is not passed by the

legislature during the 2006 regular session and enacted into law, then, on July 1, 2006, the position limitation is established for the fiscal year ending June 30, 2007, by this subsection is hereby decreased from 7.00 to 4.00.”;

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Dahl, **HB 3021** be amended on page 38, preceding line 10, by inserting the following to read as follows:

“Sec. 57. (a) On June 30, 2006, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer the amount equal to 50% of the ending balance in the state general fund, exclusive of any moneys attributable to any certificate of indebtedness issued pursuant to K.S.A. 75-3725a, and amendments thereto, from the state general fund to the bond debt service prepayment reserve fund, which is hereby established in the state treasury: *Provided*, That the amount transferred to the bond debt service prepayment reserve fund pursuant to this section shall be reserved and shall be used only for the purposes of prepayment of bonded debt, in accordance with and at such times as permitted by applicable bond covenants, for bonds issued by the Kansas development finance authority for project or programs of state agencies in accordance with subsection (b) of K.S.A. 74-8905, and amendments thereto, and which is payable in whole or in part from appropriations from the state general fund: *Provided further*, That the state finance council shall have no authority to approve any transfer of moneys from the bond debt service prepayment reserve fund, to authorize or approve any expenditure of moneys from the bond debt service prepayment reserve fund, or to increase any expenditure limitation on the bond debt service prepayment reserve fund: *And provided further*, That no expenditures shall be authorized or made from the bond debt service prepayment reserve fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature.

Sec. 58.

DEPARTMENT OF ADMINISTRATION

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

Bond debt service prepayment reserve fund
For the fiscal year ending June 30, 2007..... \$0”;

And by renumbering sections accordingly;

Also, on motion of Rep. Hutchins, **HB 3021** be amended on page 38, preceding line 10, by inserting the following:

“Sec. 57. No moneys appropriated from the state general fund or from any special revenue fund for the fiscal year ending June 30, 2007, by this act or any other appropriations act of the 2006 regular session of the legislature shall be expended to pay for the employment of or to contract with any individual who is an undocumented, illegal alien.”;

Also, roll call was demanded on motion of Rep. Menghini to amend **HB 3021** on page 7, following line 1, by inserting the following:

“Investigation of restraint of trade
For the fiscal year ending June 30, 2007..... \$100,000

Provided, That expenditures may be made by the attorney general from the investigation of restraint of trade account of the state general fund for the investigation or litigation of possible violations of the Kansas restraint of trade act, pursuant to article 1 of chapter 50 of the Kansas Statutes Annotated, and amendments thereto: *Provided further*, That such investigation shall include reviewing the supply and sale of motor fuels in Kansas and the interstate supply management, shipment and pricing of motor fuels to Kansas consumers.”;

On roll call, the vote was: Yeas 47; Nays 71; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Holland, Huebert, Huff, Kirk, Knox, Kuether, Lane, Loganbill, Long, Lukert, Mah, McKinney, Menghini, M. Miller, Pauls, Peck, Peterson, Phelps, Powers, Ruff, Ruiz, Sawyer, B. Sharp, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Ward, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Cox, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Gordon, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Krehbiel, Landwehr, Loyd, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Storm, Watkins, Weber, Wilk, Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Burroughs, Goico, Kiegerl, Light, Judy Morrison, Tafanelli, Yonally. The motion of Rep. Menghini did not prevail.

Also, on motion of Rep. Loyd, **HB 3021** be amended on page 27, preceding line 40, by inserting the following to read as follows:

“Kansas criminal justice recodification, rehabilitation and restoration project
For the fiscal year ending June 30, 2006..... \$100,000

Provided, that any unencumbered balance in the Kansas criminal justice recodification, rehabilitation and restoration project account in excess of \$100 as of June 30, 2006, is hereby reappropriated for fiscal year 2007: *Provided further*, That, in addition to the other purposes for which expenditures may be made by the department of corrections from moneys appropriated from the state general fund or any special revenue fund during the fiscal year ending June 30, 2007, for the department of corrections as authorized by this or other appropriation act of the 2006 regular session of the legislature, if 2006 House Bill 2555 or any other bill which continues the Kansas criminal recodification, rehabilitation and restoration project beyond June 30, 2006, is not enacted into law during the 2006 regular session of the legislature, expenditures shall be made by the secretary of corrections to continue the Kansas criminal justice recodification, rehabilitation and restoration project in accordance with and subject to the provisions of K.S.A. 2005 Supp. 22-5101 in effect on June 30, 2006, until June 30, 2007.”;

Also, on motion of Rep. F. Miller to amend **HB 3021**, Rep. Feuerborn requested the question be divided. The question was divided. On Part A of the motion of Rep. F. Miller, the bill be amended on page 32, preceding line 6, by inserting new material to read as follows:

“Senior care act
For the fiscal year ending June 30, 2007..... \$500,000”;

Roll call was demanded on Part B of the motion of Rep. F. Miller to amend **HB 3021** on page 34, preceding line 8, by inserting new material to read as follows:

“(d) On July 1, 2006, of the \$1,974,447 appropriated for the department of administration for the fiscal year ending June 30, 2007, by section 76(a) of 2006 Senate Bill No. 480 from the state general fund in the public broadcasting council grants account, the sum of \$500,000 is hereby lapsed.”;

On roll call, the vote was: Yeas 55; Nays 61; Present but not voting: 0; Absent or not voting: 9.

Yeas: Beamer, Bethell, Brown, Brunk, Carlson, Carter, Craft, Dahl, Edmonds, Faber, Freeborn, George, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Krehbiel, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Weber, Wilk.

Nays: Ballard, Burgess, Burroughs, Carlin, Colloton, Cox, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Huntington, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Winn, Wolf.

Present but not voting: None.

Absent or not voting: Aurand, DeCastro, Decker, Goico, Kiegerl, Landwehr, O'Neal, Yoder, Yonally.

Part B of the motion of Rep. F. Miller did not prevail.

Also, on motion of Rep. Oharah, **HB 3021** be amended on page 30, in line 29, by subtracting \$49,552 from the dollar amount and by adjusting the dollar amount in line 29 accordingly; following line 29, by inserting the following material to read as follows:

“Feral swine bounty program

For the fiscal year ending June 30, 2007..... \$49,552”;

Also, on motion of Rep. O'Malley, **HB 3021** be amended on page 31, preceding line 24, by inserting the following:

“(f) In addition to the other purposes for which expenditures may be made by the department of revenue from the operating expenditures account of the state general fund for fiscal year 2007 as authorized by section 78 of 2006 Senate Bill No. 480, expenditures shall be made by the above agency from the operating expenditures account of the state general fund for fiscal year 2007 to establish and maintain a toll free phone lines for the purpose of providing assistance to taxpayers: *Provided*, That such phone lines shall be adequately staffed and maintained by the above agency: *Provided, however*, That expenditures for this purpose may be limited by the secretary of revenue to specific instances where it appears the department of revenue staff made errors concerning taxpayer returns or other matters.”;

On page 30, in line 35, by adding \$50,000 to the dollar amount and by adjusting the dollar amount in line 35 accordingly;

Also, rose and reported progress.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6033—

By Representative Vickrey

A RESOLUTION congratulating and commending the Paola Panther robotics team.

WHEREAS, Panther robotics team number 1108 of Paola was formed in 2002 to provide opportunities for high school students to develop their interest in technology, science and mathematics. The team competes yearly in FIRST Robotics competitions throughout the United States. This activity is sponsored by an organization known as FIRST, which is an acronym describing For Inspiration and Recognition of Science and Technology, an organization which has 1,200 teams worldwide; and

WHEREAS, Every year the FIRST organization creates a new challenge which is provided to all teams. With the task or challenge is a kit containing a control system and other parts which are required to be used to construct the robot, but other operating parts and decisions as to how the robot is to be constructed are provided by the individual team. The team has six weeks to design and construct its robot which it may enter in competition at one of 30 regional competitions. Of the 1,200 teams competing, 350 qualify to compete at the world championship event, but only the regional champions are eligible to compete for the world champion award; and

WHEREAS, This year team number 1108 has 22 student members who are assisted by 10 adult mentors. While not a school sponsored activity, the high school provides space for the team to meet, and two of the mentors are faculty members; and

WHEREAS, In partnership with the Kauffman Foundation, the team has worked to secure funds and recruit 26 new Kansas City area teams with the hope of having a regional competition at Kansas City in 2007. Locally the team has sponsored several workshops for elementary and middle school students, and at the college level has worked to establish scholarships for participants and to provide workshops for new robotics teams; and

WHEREAS, The team has been successful since its inception. In their rookie year the team built a successful team and robot earning the following awards at the 2003 Lone Star Regional Competition:

Lone Star Regional Champion
Lone Star Rookie All-star Award

Lone Star Motorola Quality Award
 Lone Star Daimler Chrysler Team Spirit Award
 Lone Star Number One Seed
 Lone Star Highest Rookie Seed

Success at the regional level provided the team the opportunity to compete at the Championship event in Houston, Texas, where the team received the highest award available to new teams, the Championship Rookie All-star Award; and

WHEREAS, The team's efforts have been recognized at competitions by professionals in science and technology as well as by their peers and in the community with the following awards:

FIRST AWARDS

2006

Wisconsin Regional Chairman's Award
 Wisconsin Regional Web Design Award
 Wisconsin Regional Safety Honorable Mention

2005

Championship Finalist Galileo Division
 Boilermaker Regional Chairman's Award
 Boilermaker Regional Daily Safety Star Award

2004

Lone Star Regional Chairman's Award
 Lone Star Xerox Creativity Award

2003

Championship Rookie All-star Award
 Lone Star Regional Champion
 Lone Star Rookie All-star Award
 Lone Star Motorola Quality Award
 Lone Star Daimler Chrysler Team Spirit Award
 Lone Star Number One Seed
 Lone Star Highest Rookie Seed

PEER AWARDS

2006

Regional Team Spirit Award from Team #862
 Regional Team Spirit Award from Team #1259
 Regional Gracious Professionalism Award from Team #1091
 Regional Gracious Professionalism Award from Team #111

2005

Championship Team Award from Team #365

2003

Championship Best Rookie Team from Team #111
 Gracious Professionalism Award from Team #34

COMMUNITY AWARDS

2005

Miami County Fair Parade Best Open Class Float, 1st Place
 Proclamation Honoring the Paola High School Robotics Team
 from the city of Paola presented by Mayor Bonnie E. Roberts

2003

Miami County Fair Parade Best Open Class Float, 1st Place;
 and

WHEREAS, This is a team to be proud of. Students of varying abilities work with community mentors and professionals bringing out the best in all involved: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the Paola Panther Robotics team number 1108 for its past success in robotics competition and wish it success at this year's worldwide competition.

REPORT ON ENGROSSED BILLS

HB 2856 reported correctly engrossed April 27, 2006.

HB 2578 reported correctly re-engrossed April 27, 2006.

REPORT ON ENROLLED RESOLUTIONS

HCR 5030, HR 6027, HR 6030, HR 6031 reported correctly enrolled and properly signed on April 27, 2006.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 1979, **SB 322** should be deleted where it appears near the top of the page and **SB 332** should be inserted.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Friday, April 28, 2006.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

