

Journal of the House

FIFTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, April 28, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 123 members present.
Reps. Goico and Schwab were excused on excused absence by the Speaker.
Present later: Rep. Schwab.

Prayer by Chaplain Chamberlain:

Almighty Father, Lord of all the earth, you make the sun to shine, the rain to fall and give growth to every living thing. Thank you for your providence and for the countless ways that we are blessed.

We celebrate the rain today, O God. It falls from the heavens uncontrolled by humans. With all our intellect and all our accomplishments we cannot direct where it falls or when it falls or if it falls. Only you can do that. Only you give to the earth all that sustains life.

There is thunder with the rain today, and hail and lightning. Amidst the blessings there is danger. It is that way with us as well, Lord. Often when we are celebrating your gifts there is thunder and hail and lightning. In the midst of getting the job done, there are sparks and opportunities to make a lot of noise. Maybe it just comes with the territory. But please Lord, keep sending the rain, and keep sending your blessings. We need them as we need you, for you are our only God. Blessed be your name now and forever. Amen.

The Pledge of Allegiance was led by Rep. Aurand.

INTRODUCTION OF GUESTS

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

It is with honor and great respect for dedication to early and long hours of practice that I introduce to you today the Shawnee Mission East High School Swim team, the 2006 State Champions for the second consecutive year.

Coached by Wiley Wright, the 200 medley relay team took first place, and in the process broke the existing school record and earned All-American consideration. Mike Stalzer, Brad Crist, Brogan Runion and Levi Mische comprised that relay team.

The 200 and 400 freestyle relay team took first place, and in doing so broke both the school record and the Kansas state record in both events, and the team achieved All American status in both events. Team members were John Cook, Kevin Reene, Brandon Barnds and Luke Tanner.

Luke Tanner won the state title in the 100 freestyle and 200 freestyle individual events, breaking the state record in the 100 freestyle. He was named All-American in all four events in which he swam and was honored as the Kansas swimmer of the year by the swim coaches.

The Shawnee Mission East High School is a member of the Sunflower League. Luke Tanner, Brogan Runnion, Brandon Barnds and Mike Stalzer were selected for the League First Team; Kevin Reene, John Cook and Brad Crist were selected for the Second Team in the Sunflower League.

Selections for First Team All-State were Luke Tanner and John Cooke; Second Team All-State selections included Brandon Barnds, Brad Crist and Brogan Runion.

This Championship Swim Team has received statewide recognition for their excellent sportsmanship and their athletic ability, and have been duly recognized in their school and the community.

The six legislators who represent students in the East attendance area (Reps. Colloton, Huntington, O'Malley, Storm, Wolf and Yoder) would like to introduce to the Kansas House of Representatives, the 2006 State Championship Swim Team from Shawnee Mission East High School. Would you please step forward when your name is called as we present to you a certificate of recognition for your outstanding accomplishments.

I would like to introduce to you Coach Wiley Wright and Athletic Director Lane Green. Congratulations again for a great year!

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

I'd like to introduce a remarkable individual to the House this morning. You may not recognize his name, but you will recognize some of the songs he's written.

Kerry Livgren graduated from Topeka West High School in 1967. He started playing in rock and roll bands and song writing while still in school. His songs are not the typical "feel good" rock and roll, but are laced with thought provoking lyrics. Kerry was on a spiritual journey and all his lyrics reflected that. Words such as "If I claim to be a wise man, it surely means that I don't know" and "All we do crumbles to the ground though we refuse to see" were typical of his hit songs.

Kerry's spiritual journey culminated in 1979 with his conversion to Christianity. His songs continued to be thought provoking, but took on a new dimension.

Not only were the lyrics of Kerry's songs unique, but the musical style was also unique. It was obvious that Kerry was as inspired by classical music as he was by rock and roll. I've often thought that if Bach or Beethoven were writing music in modern times, they would be in the same genre of music as Kerry Livgren.

Kerry's song writing career spans five decades, and he's played in numerous bands. The band he's best known for is a band named "Kansas." During the 70's and 80's, "Kansas" sold over 14 million records as the result of Livgren's song writing.

The band has produced eight gold albums, two triple platinum albums and one platinum live album. "Kansas" appeared on the Billboard charts for over 200 weeks throughout the 70's and 80's and played to sold out arenas and stadiums throughout North America, Europe and Japan. In fact, "Carry on Wayward Son" was the second most played track on classic rock radio in 1995 and went to number one in 1997.

Those of us who listened to popular music in the 70's are acquainted with "Carry on Wayward Son," "Point of Know Return," "Song For America," "Hold On" and more. Kerry's best known song is probably familiar to all of us here. It was played on rock stations, country stations and easy listening stations. You may have even heard it in the dentists' chair. The song? "Dust in the Wind."

I asked Kerry if he knew this song would be a hit after writing it. He told me that he didn't think the song was worth recording. Fortunately, there were others who insisted that the song be released to the public.

"Kansas" has traveled the world, and Kerry has rubbed elbows with many rich and famous. The band shared the stage with other bands such as Lynyrd Skynyrd, Jefferson Starship, Styx, Boston, Queen and The Rolling Stones. Even among the glamour, Kerry was a humble, modest person. His desire was to raise his family where he got his start, so the Livgren family returned to the state in 1993 where his children attend public school.

Kerry is currently recording and playing in a band named Proto Kaw. This band consists of the original members of "Kansas" who graduated with Kerry from Topeka West High School. This new old band is enjoying a fair amount of success in Europe and on the east coast. They perform songs written from that era, as well as new material penned by Kerry.

Although Kerry has never stopped writing, recording and performing, he has many other interests besides music. Livgren has a small cow/calf operation, raises sheep, flies planes

and teaches theology. To hear him say it, he has more interests than there are hours in a day.

The band “Kansas” has made the state Kansas known throughout the modern world. It’s time for the state to acknowledge and honor our home grown talent.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Garcia, **HCR 5037**, A concurrent resolution memorializing the Congress of the United States to extend certain provisions of the Voting Rights Act of 1965, was adopted.

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

Good Morning Colleagues. I’d like to thank representatives of the League of Women Voters, American GI Forum of the U.S., the ACLU, the NAACP, LULAC, Kansas Hispanic Latino Affairs Commission and the Kansas African American Affairs Commission, and others who drove across our great state of Kansas, and even outside of Kansas, to be here today with us in the gallery as I introduce **HCR 5037**.

As you will see, this bill has many co-sponsors, including bi-partisan support from this Chamber.

‘I speak today for the dignity of man (and woman) and the destiny of democracy, a time history and fate meet in a single time, in a single place, to shape a turning point in a man’s unending search for freedom.’ These were the words of U.S. President Lyndon Johnson in his Promise Speech to the nation on the evening he introduced this bill in 1965.

President Johnson passed the Civil Rights Act on July 2, 1964, and won the election that year in November by a landslide. Martin Luther King, Jr. received a Nobel Peace Prize in December that year in 1964. Dr. King asked to have a meeting with President Johnson for a strong VRA. President Johnson said he didn’t think they had enough votes to pass this, after all, Congress had just passed the Civil Rights Act a few months prior in July. Dr. King then returned home and met with a group in Atlanta to write the Act!

COLLEAGUES- VOTING RIGHTS TRANSLATES DIRECTLY TO QUALITY OF LIFE, especially at the local and state level!

Some of you may ask Why You Should Care. (from the www.renewthevra.org website) The foundation of our democratic form of government is the right to vote. Voting is the most important tool Americans have to influence the policies the government adopts that affect every aspect of our lives. In short, and bottom line, voting is power. Throughout much of our nation’s history, large numbers of Americans have been denied the right to vote (Women, Native Americans, Chinese Americans, Japanese Americans, African Americans and Latinos, and Language Minority Citizens).

Our U.S. President Bush announced this year in January that he urges U.S. Congress to Renew the VRA next year. As our U.S. Congress meet next week, and it looks it will be smooth, with even more bi-partisan support again.

Some of these activists did not die during this movement in Eastern Europe, South American, Vietnam, the Middle East, or even Africa. They died right here in our own country, TRYING TO GET ALL OF OUR CITIZENS TO BECOME A PART OF THE DEMOCRATIC PROCESS! And we must never let our nation forget this.

This wasn’t a black problem, it was an American problem. We are met here today, not as Democrats, not as Republicans, but as Americans to uphold our freedoms!

Our nation witnessed a non-violent revolution; a revolution of our values; a revolution of ideas. It was the right thing to do in 1965, and the right thing to do today to renew the VRA.

I want to end with a Latin phrase, inscribed over the pyramid on our American dollar, so if you have one, pull it out — and it reads “God has favored our undertakings.”

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Lukert, **HR 6028**, A resolution congratulating the city of Horton on the 120th anniversary of its founding, was adopted.

On motion of Rep. Vickrey, **HR 6033**, A resolution congratulating and commending the Paola Panther robotics team, was adopted.

MESSAGE FROM THE GOVERNOR

April 26, 2006

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 2006-05 for your information.

EXECUTIVE ORDER No. 2006-05

Creation of the Kansas Interagency Council
on Abuse, Neglect and Exploitation

KATHLEEN SEBELIUS
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 584**.

The Senate adopts conference committee report on **HB 3005**.

The Senate not adopts the conference committee report on **HB 2541**, requests a new conference committee be appointed and has appointed Senators Brungardt, Reitz and Hensley as second conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

Sub. SB 584.

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 332**; **HB 2541**, **HB 3005**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **HB 2541**.

Speaker Mays thereupon appointed Reps. Edmonds, Siegfried and Burroughs as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 434**, submits the following report:

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

On page 1, following line 16, by inserting:

“Section 1. K.S.A. 2005 Supp. 75-5220 is hereby amended to read as follows: 75-5220.

(a) Except as provided in subsection (d), within three *business* days of receipt of the notice provided for in K.S.A. 75-5218 and amendments thereto, the secretary of corrections shall notify the sheriff having such offender in custody to convey such offender immediately to the department of corrections reception and diagnostic unit or if space is not available at such facility, then to some other state correctional institution until space at the facility is available, except that, in the case of first offenders who are conveyed to a state correctional institution other than the reception and diagnostic unit, such offenders shall be segregated from the inmates of such correctional institution who are not being held in custody at such institution pending transfer to the reception and diagnostic unit when space is available therein. The expenses of any such conveyance shall be charged against and paid out of the

general fund of the county whose sheriff conveys the offender to the institution as provided in this subsection.

(b) Any female offender sentenced according to the provisions of K.S.A. 75-5229 and amendments thereto shall be conveyed by the sheriff having such offender in custody directly to a correctional institution designated by the secretary of corrections, subject to the provisions of K.S.A. 75-52,134 and amendments thereto. The expenses of such conveyance to the designated institution shall be charged against and paid out of the general fund of the county whose sheriff conveys such female offender to such institution.

(c) Each offender conveyed to a state correctional institution pursuant to this section shall be accompanied by the record of the offender's trial and conviction as prepared by the clerk of the district court in accordance with K.S.A. 75-5218 and amendments thereto.

(d) If the offender in the custody of the secretary is a juvenile, as described in K.S.A. 38-16,111, and amendments thereto, such juvenile shall not be transferred to the state reception and diagnostic center until such time as such juvenile is to be transferred from a juvenile correctional facility to a department of corrections institution or facility.”;

And by renumbering the remaining sections accordingly;

On page 5, in line 25, after “21-4714”, by inserting “, 75-5220”;

In the title, in line 12, after “to”, by inserting “time limits for transfer of certain offenders to reception and diagnostic unit;”; in line 13, after “21-4714”, by inserting “, 75-5220”;

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

MICHAEL R. O'NEAL

LANCE KINZER

JANICE L. PAULS

Conferees on part of House

JOHN VRATIL

DEREK SCHMIDT

GRETA GOODWIN

Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **SB 434** was adopted.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, M. Holmes, Huebert, Schwab.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2916**, submits the following report:

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

On page 1, in line 25, by striking all after “tests”; by striking all of line 26; in line 27, by striking all before “of”; in line 38, before “or”, by inserting “while having alcohol or other drugs in such person's system,”;

On page 5, following line 20, by inserting: snum=2

“Sec. 2. K.S.A. 2005 Supp. 8-1012 is hereby amended to read as follows: 8-1012. (a) *Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent to submit to a preliminary screening test of the person’s breath subject to the provisions set out in subsection (b).*

(b) A law enforcement officer may request a person who is operating or attempting to operate a vehicle within this state to submit to a preliminary screening test of the person’s breath to determine the alcohol concentration of the person’s breath if the officer has reasonable grounds to believe ~~that the person: (a) Has alcohol in the person’s body; (b) has committed a traffic infraction; or (c) has been involved in a vehicle accident or collision.~~ *has been operating or attempting to operate a vehicle while under the influence of alcohol or drugs or both alcohol and drugs.*

(c) At the time the test is requested, the person shall be given oral notice that: (1) There is no right to consult with an attorney regarding whether to submit to testing; (2) refusal to submit to testing is a traffic infraction; and (3) further testing may be required after the preliminary screening test. Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test.

(d) Refusal to take and complete the test as requested is a traffic infraction. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001 and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001 and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001 and amendments thereto.”;

And by renumbering the remaining sections accordingly;

On page 10, following line 23, by inserting: snum=7

“Sec. 7. K.S.A. 2005 Supp. 41-727 is hereby amended to read as follows: 41-727. (a) Except with regard to serving of alcoholic liquor or cereal malt beverage as permitted by K.S.A. 41-308a, 41-308b, 41-727a, 41-2610, 41-2652, 41-2704 and 41-2727, and amendments thereto, and subject to any rules and regulations adopted pursuant to such statutes, no person under 21 years of age shall possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic liquor or cereal malt beverage except as authorized by law.

(b) Violation of this section by a person 18 or more years of age but less than 21 years of age is a class C misdemeanor for which the minimum fine is \$200.

(c) Any person less than 18 years of age who violates this section is a juvenile offender under the Kansas juvenile justice code. Upon adjudication thereof and as a condition of disposition, the court shall require the offender to pay a fine of not less than \$200 nor more than \$500.

(d) In addition to any other penalty provided for a violation of this section: (1) The court may order the offender to do either or both of the following:

(A) Perform 40 hours of public service; or

(B) attend and satisfactorily complete a suitable educational or training program dealing with the effects of alcohol or other chemical substances when ingested by humans; and

(2) upon a first conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for 30 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for 30 days whether or not that person has a driver’s license.

(3) Upon a second conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for 90 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for 90 days whether or not that person has a driver’s license.

(4) Upon a third or subsequent conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for one year.

Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for one year whether or not that person has a driver's license.

(e) This section shall not apply to the possession and consumption of cereal malt beverage by a person under the legal age for consumption of cereal malt beverage when such possession and consumption is permitted and supervised, and such beverage is furnished, by the person's parent or legal guardian.

(f) Any city ordinance or county resolution prohibiting the acts prohibited by this section shall provide a minimum penalty which is not less than the minimum penalty prescribed by this section.

(g) *A law enforcement officer may request a person under 21 years of age to submit to a preliminary screening test of the person's breath to determine if alcohol has been consumed by such person if the officer has reasonable grounds to believe that the person has alcohol in the person's body except that, if the officer has reasonable grounds to believe the person has been operating or attempting to operate a vehicle under the influence of alcohol, the provisions of K.S.A. 8-1012, and amendments thereto, shall apply. No waiting period shall apply to the use of a preliminary breath test under this subsection. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made for violation of this section. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results or a refusal to submit to a preliminary breath test shall be admissible in court in any criminal action, but are not per se proof that the person has violated this section. The person may present to the court evidence to establish the positive preliminary screening test was not the result of a violation of this section.*

(h) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 8. K.S.A. 65-1,107 is hereby amended to read as follows: 65-1,107. The secretary of health and environment may adopt rules and regulations establishing:

(a) The procedures, testing protocols and qualifications of authorized personnel, instruments and methods used in laboratories performing tests for the presence of controlled substances included in schedule I or II of the uniform controlled substances act or metabolites thereof;

(b) the procedures, testing protocols, qualifications of personnel and standards of performance in the testing of human breath for law enforcement purposes, including procedures for the periodic inspection of apparatus, equipment and devices, other than preliminary screening devices, approved by the secretary of health and environment for the testing of human breath for law enforcement purposes;

(c) the requirements for the training, certification and periodic testing of persons who operate apparatus, equipment or devices, other than preliminary screening devices, for the testing of human breath for law enforcement purposes;

(d) criteria for preliminary screening devices for testing of breath for law enforcement purposes, based on health and performance considerations; and

(e) a list of preliminary screening devices which are approved for testing of breath for law enforcement purposes and which law enforcement agencies may purchase and train officers to use as aids in determining: (1) Probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001, and amendments thereto; and (2) *violations of K.S.A. 41-727, and amendments thereto.*;

And by renumbering the remaining sections accordingly;

Also on page 10, in line 24, by striking the first "and" and inserting a comma; also in line 24, after "8-1015", by inserting "and 65-1,107"; in line 25, by striking "and" and inserting "8-1012,"; also in line 25, after "21-3610c", by inserting "and 41-727";

In the title, in line 14, after "alcohol", by inserting "and drugs"; in line 16, before "ignition", by inserting "preliminary screening tests,"; in line 18, by striking the first "and" and inserting a comma; also in line 18, after "8-1015", by inserting "and 65-1,107"; also in line 18, by striking the third "and" and inserting "8-1012,"; also in line 18, after "21-3610c", by inserting "and 41-727";

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O'Neal, the conference committee report on **HB 2916** was adopted.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gateway, George, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Taffanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Mast, Schwab.

CONFERENCE COMMITTEE REPORT

Mr. President and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 3005**, submits the following report:

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

On page 2, in line 12, by striking "25,000" and inserting "35,000";

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

DWAYNE UMBARGER
JAY SCOTT EMLER
JIM BARONE
Conferees on part of Senate

DAN JOHNSON
C. FRANK MILLER
JOSH SVATY
Conferees on part of House

On motion of Rep. D. Johnson, the conference committee report on **HB 3005** was adopted.

On roll call, the vote was: Yeas 77; Nays 44; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Bethell, Brown, Carlin, Carlson, Carter, Colloton, Cox, Craft, Dahl, Decker, Edmonds, Freeborn, George, Gordon, Grange, Hawk, Hayzlett, Henry, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Knox, Krehbiel, Light, Long, Loyd, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Phelps, Powell, Powers, Proehl, Roth,

Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Beamer, Brunk, Burgess, Burroughs, Crow, Davis, DeCastro, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Henderson, Holland, Huy, Kinzer, Kirk, Kuether, Landwehr, Lane, Loganbill, Lukert, Mah, Masterson, McKinney, Menghini, Pauls, Peck, Peterson, Pilcher-Cook, Pottorff, Ruff, Ruiz, Sawyer, Swenson, Thull, Treaster, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Goico, Mast, M. Miller, Schwab.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. D. Johnson, the House concurred in Senate amendments to **HB 2432**, An act concerning real property; relating to recreational trails; liability of adjacent property owners; amending K.S.A. 58-3214 and 58-3215 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 68; Nays 54; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Bethell, Brown, Brunk, Carlson, Colloton, Cox, Craft, Dahl, DeCastro, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, George, Grange, Hayzett, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Krehbiel, Loyd, Lukert, Mah, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Owens, Pilcher-Cook, Powell, Roth, Schwartz, B. Sharp, Shultz, Siegfried, Sloan, Tafanelli, Vickrey, Watkins, Wilk, Wolf, Yoder, Yonally.

Nays: Beamer, Burgess, Burroughs, Carlin, Carter, Crow, Davis, Decker, Dillmore, Faust-Goudeau, Flaharty, Flora, Garcia, Gordon, Grant, Hawk, Henderson, Henry, Hill, Holland, Huntington, Kilpatrick, Kirk, Kuether, Landwehr, Lane, Light, Loganbill, Long, Menghini, M. Miller, Olson, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powers, Proehl, Ruff, Ruiz, Sawyer, S. Sharp, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Weber, Williams, Winn.

Present but not voting: None.

Absent or not voting: Goico, Mast, Schwab.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker Mays announced the referral of **Sub. SB 584** to Select Committee on School Finance.

On motion of Rep. Aurand, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

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

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **HB 3021** (see Committee of the Whole, HJ p. 1994 and p. 1998).

Also, on motion of Rep. DeCastro, **HB 3021** be amended on page 2, following line 14, by inserting the following:

“(b) In addition to the other purposes for which expenditures may be made by the legislature from the moneys appropriated from the state general fund or from the legislative special revenue fund for fiscal year 2007 as authorized by section 60 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 by the legislature from moneys appropriated from the state

general fund or from the legislative special revenue fund for fiscal year 2007 to provide for meetings of a special committee on children's issues composed of senators and representatives appointed by the legislative coordinating council who are members of the joint committee on children's issues, except that no representative shall be required to be a member of the house committee on insurance or the house committee on appropriations to be a member of the special committee on children's issues: *Provided*, That the special committee on children's issues shall be assigned by the legislative coordinating council to oversee the implementation and operation of the children's health insurance plans created under the provisions of K.S.A. 38-2001 through 38-2010 and amendments thereto, including the assessment of the performance based contracting's measurable outcomes as set forth in subsection (b)(4) of K.S.A. 38-2001 and amendments thereto, and other children's issues as the special committee deems necessary and such other matters as may be assigned by the legislative coordinating council.”;

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

“Sec. 53. No moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, by this or any other appropriations act of the 2006 regular session of the legislature shall be expended as part of the state employee health insurance program to provide health insurance coverage for any medical procedure which is intended to result in the termination of a pregnancy other than by live birth: *Provided*, That termination of a tubal pregnancy or any other procedure necessary to preserve the life of the mother shall not constitute a medical procedure which is intended to result in the termination of a pregnancy for purposes of this section.”;

On roll call, the vote was: Yeas 77; Nays 33; Present but not voting: 0; Absent or not voting: 15.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Craft, Dahl, Decker, Faber, Feuerborn, Freeborn, Gatewood, George, Grange, Grant, Hawk, Hayzlett, Henry, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Long, Lukert, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Phelps, Pilcher-Cook, Powell, Powers, Ruff, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Svaty, Swenson, Tafanelli, Thull, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Yoder.

Nays: Ballard, Burroughs, Carlin, Cox, Crow, Faust-Goudeau, Flaharty, Flora, Garcia, Gordon, Henderson, Holland, Huff, Huntington, D. Johnson, Kirk, Krehbiel, Kuether, Loganbill, Mah, Menghini, M. Miller, Peterson, Proehl, Roth, Ruiz, Sloan, Storm, Treaster, Ward, Winn, Wolf, Yonally.

Present but not voting: None.

Absent or not voting: Davis, DeCastro, Dillmore, Edmonds, Goico, Hill, Kiegerl, Landwehr, Lane, Light, Loyd, Mast, Pottorff, Sawyer, Schwab.

The motion of Rep. Otto prevailed.

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

“Sec. 57. (a) On and after the effective date of this act, during the fiscal years ending June 30, 2006, June 30, 2007, and June 30, 2008, no expenditures shall be made from any moneys appropriated for the department of administration or any other state agency from the state general fund or any special revenue fund for fiscal year 2006, fiscal year 2007 or fiscal year 2008 by chapter 174 or 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 for the purpose of permanently leveling the tiered floor on the chamber of the house of representatives in the Kansas statehouse: *Provided*, That no moneys appropriated from the state general fund or any special revenue fund by chapter 174 or 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 for fiscal year 2006, fiscal year 2007 or fiscal year 2008 shall be expended by any state agency, as defined by K.S.A. 75-3701, and amendments thereto, for any purpose to permanently remove or otherwise permanently level the tiered floor in the chamber of the house of representatives.

(b) In addition to the other purposes for which expenditures may be made by the department of administration 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 department of administration from the state general fund or any special revenue fund for fiscal year 2007 to provide for such redesigning, planning and other matters as may be required under the relevant portion or portions of the capital improvement project for the preservation and restoration of the Kansas statehouse that relate to the chamber of the house of representatives to continue the tiered floor of the chamber of the house of representatives in existence.”;

And by renumbering sections accordingly;

Also, on motion of Rep. Owens, **HB 3021** be amended as amended by House Committee of the Whole, on motion of Representative Hutchins, in new section 57, after “contract” by inserting “for employment”;

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

“Sec. 57.

UNIVERSITY OF KANSAS

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

Umbilical cord matrix project

For the fiscal year ending June 30, 2007..... \$150,000”;

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

“Sec. 57.

KANSAS STATE UNIVERSITY

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

Midwest institute for comparative stem cell biology

For the fiscal year ending June 30, 2007..... \$150,000”;

Also, on motion of Rep. Hutchins to amend **HB 3021**, the motion was withdrawn. Also, on further motion of Rep. Hutchins to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Ballard to amend **HB 3021** on page 26, following line 9, by inserting the following material to read as follows:

“(h) (1) In addition to other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated in the temporary assistance to needy families federal fund or the child care and development federal fund for fiscal year 2006 for the department of social and rehabilitation services as authorized by chapter 174 or 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 shall be made by the secretary of social and rehabilitation services from moneys appropriated from the temporary assistance to needy families federal fund or the child care and development federal fund, or from both such funds, for fiscal year 2006 for the child care assistance program: *Provided*, That the aggregate amount of expenditures from the temporary assistance to needy families federal fund or the child care and development federal fund, or from both such funds, for fiscal year 2006 for the child care assistance program shall be \$2,870,217 or more.

(2) In addition to other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated in the temporary assistance to needy families federal fund or the child care and development federal fund for fiscal year 2007 for the department of social and rehabilitation services 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 secretary of social and rehabilitation services from moneys appropriated from the temporary assistance to needy families federal fund or the child care and development federal fund, or from both such funds, for fiscal year 2007 for the child care assistance program: *Provided*, That the aggregate amount of expenditures from the temporary assistance to needy families federal fund or the child care and devel-

opment federal fund, or from both such funds, for fiscal year 2007 for the child care assistance program shall be \$5,147,754 or more.”;

On roll call, the vote was: Yeas 56; Nays 62; Present but not voting: 0; Absent or not voting: 7.

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

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Carlson, Carter, Craft, Dahl, DeCastro, Decker, Faber, Freeborn, George, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Loyd, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Neufeld, O’Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Proehl, Roth, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Watkins, Weber, Wilk, Yoder.

Present but not voting: None.

Absent or not voting: Edmonds, Goico, Kiegerl, Mast, Judy Morrison, Pottorff, S. Sharp. The motion of Rep. Ballard did not prevail.

Also, roll call was demanded on motion of Rep. Garcia to amend **HB 3021** on page 21, following line 7, by inserting the following to read as follows:

“Business health partnership

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

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

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

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

Present but not voting: None.

Absent or not voting: Edmonds, Goico, Gordon, Horst, Kiegerl, Loyd, Mast, Judy Morrison, S. Sharp.

The motion of Rep. Garcia did not prevail.

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

“(b) In addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 for the state board of regents as authorized by 2006 Senate Bill No. 480 or by this or other appropriation act of the 2006 regular session of the legislature, notwithstanding the provisions of K.S.A. 2005 Supp. 76-729, and amendments thereto, or any other statute, expenditures shall be made by the state board of regents for fiscal year 2007 from the moneys appropriated from the state general fund or any special revenue fund for development, adoption and implementation of a policy and any necessary administrative procedures to provide for any person (1) who was a resident of Kansas for at least five years immediately prior to graduation from an accredited Kansas high school, (2) who left Kansas to attend an out-of-state college or university, and (3) who returned to Kansas within 12 months of graduation from such out-of-state college or university and has

been accepted as a student at any state educational institution under the control and supervision of the state board of regents in a postgraduate course of study leading to a masters or a higher level postgraduate degree, to pay an amount equal to resident fees for attendance as a student at the state educational institution in such postgraduate course of study.”;

And by redesignating subsections accordingly;

Also, roll call was demanded on motion of Rep. M. Miller to amend **HB 3021** on page 20, in line 32, by adding \$3,500,000 to the dollar amount and by adjusting the dollar amount in line 32 accordingly;

On roll call, the vote was: Yeas 46; Nays 74; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Kirk, Kuether, Lane, Loganbill, Long, Lukert, Mah, McKinney, Menghini, M. Miller, O’Malley, Pauls, Peterson, Phelps, Powers, Ruff, Ruiz, Sawyer, B. Sharp, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, 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, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Loyd, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Neufeld, O’Neal, Oharah, Olson, Otto, Owens, Peck, Pilcher-Cook, Powell, Proehl, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Tafanelli, Vickrey, Watkins, Weber, Wilk, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Goico, Kiegerl, Mast, Judy Morrison, Pottorff.

The motion of Rep. M. Miller did not prevail.

Also, on motion of Rep. Henry, **HB 3021** be amended on page 20, in line 30, by adding \$781,043 to the dollar amount and by adjusting the dollar amount in line 30 accordingly;

On page 21, following line 23, by inserting the following to read as follows:

“(e) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 for the Kansas health policy authority 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 shall be made by the Kansas health policy authority for fiscal year 2007 from the moneys appropriated from the state general fund or any special revenue fund during the period beginning July 1, 2006 and ending March 1, 2007, to continue MediKan eligibility for those new applicants and current recipients during such period that are found not to meet the criteria established for the presumptive disability determination process established by the Kansas health policy authority, but who otherwise meet the general assistance eligibility criteria: *Provided*, That in addition to the other positions within the Kansas health policy authority in the unclassified service as prescribed by law, expenditures shall be made from the operating expenditures account of the state general fund for two employees in the unclassified service to implement the provisions of this subsection.”;

Also, on motion of Rep. Brunk, **HB 3021** be amended on page 12, by striking all in lines 6 through 14 and inserting the following:

“(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, for the capital improvement project or projects specified as follows: IMA building purchase and Great Bend laboratory renovation

For the fiscal year ending June 30, 2007..... \$2,354,475

Provided, That all expenditures from the IMA building purchase and Great Bend laboratory renovation account shall be for capital improvement projects for acquisition of the IMA Building and to finish the second floor of the Great Bend laboratory.”;

Also on page 12, after line 38, by inserting the following:

“(e) Notwithstanding the provisions of section 151(b) of 2006 Senate Bill No. 480, no expenditures shall be made by the attorney general — Kansas bureau of investigation from moneys appropriated from the state general fund or from any special revenue fund or funds

for fiscal year 2006 or fiscal year 2007 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for capital improvement projects for acquisition of the IMA Building and to finish the second floor of the Great Bend laboratory: *Provided*, That the approval of such capital improvement projects for the attorney general — Kansas bureau of investigation is specifically withdrawn for all purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto: *Provided further*, That the authorization for the issuance of bonds by the Kansas development finance authority for such capital improvement projects in accordance with that statute is specifically revoked and the Kansas development finance authority shall not issue bonds for such capital improvement projects under section 151(b) of 2006 Senate Bill No. 480: *And provided further*, That the provisions of section 151(b) of 2006 Senate Bill No. 480 are hereby declared to be null and void and shall have no force and effect.”;

Also, on further motion of Rep. Brunk, **HB 3021** be amended on page 38, following line 9, by inserting new material to read as follows:

“Sec. 57.

STATE FAIR BOARD

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

New sheep and swine barn construction

For the fiscal year ending June 30, 2007..... \$2,375,727”;

By renumbering the remaining sections accordingly;

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

“(e) During the fiscal year ending June 30, 2007, notwithstanding the provisions of section 89(g) of 2006 Senate Bill No 480 or any other statute, expenditures may be made from any moneys appropriated for the Kansas health policy authority from the state general fund or any special revenue fund for fiscal year 2007 as authorized by this or other appropriation act of the 2006 regular session of the legislature for the state health care benefits program for prescription drug coverage for participating state employees and other eligible persons or their dependents, whether or not such prescription drug coverage allows such persons and their dependents to purchase a supply of prescription drugs during calendar year 2007 from local pharmacies at an equal or lesser cost to the consumer than the cost to purchase an equal supply of such prescription drugs through the mail-order pharmacy program of the state health care benefits program for the same period for which a supply of such drugs is available under the consumer’s selected plan under the state health care benefits program: *Provided further*, That the provisions of section 89(g) of 2006 Senate Bill No. 480 are hereby declared to be null and void and shall have no force and effect.”;

Also, roll call was demanded on motion of Rep. Carlin to amend **HB 3021** on page 10, following line 6, by inserting the following:

“Youth mentoring program

For the fiscal year ending June 30, 2007..... \$225,000”;

On roll call, the vote was: Yeas 51; Nays 66; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Holland, Horst, Huff, Kirk, Kuether, Lane, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O’Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Winn, Yonally.

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

Present but not voting: None.

Absent or not voting: Bethell, Decker, Goico, Kiegerl, Light, Judy Morrison, Peck, Shultz.

The motion of Rep. Carlin did not prevail.

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

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

Also, on further motion of Rep. Landwehr, **HB 3021** be amended on page 26, following line 9, by inserting the following material to read as follows:

“(h) In addition to other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated in the temporary assistance to needy families federal fund for fiscal year 2007 for the department of social and rehabilitation services 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 secretary of social and rehabilitation services from moneys appropriated from the temporary assistance to needy families federal fund for fiscal year 2007 for family preservation services: *Provided*, That the aggregate amount of expenditures from the temporary assistance to needy families federal fund for fiscal year 2007 for the family preservation services shall be \$7,690,892 or more.”;

And by relettering subsections, as required, accordingly;

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

“(e) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2006 or fiscal year 2007 for the Kansas health policy authority 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 shall be made by the Kansas health policy authority for fiscal year 2006 or for fiscal year 2007, or both such fiscal years, from the moneys appropriated from the state general fund or any special revenue fund to conduct a review and study of the issues relating to specialty hospitals and a review and study of the Kansas hospital licensure laws and to prepare and adopt recommendations concerning these issues and, in particular, appropriate definitions for “general hospital,” “special hospital” and “specialty hospital” so that the definitions under the Kansas hospital licensure laws properly define specific categories of hospitals for licensure as necessary to reflect current medical facilities: *Provide*, That the Kansas health policy authority shall complete such review and study of such matters and adopt recommendations thereon prior to January 1, 2007, and shall submit a report on all such matters to the legislature on or before the beginning of the 2007 regular session.”;

Also, on motion of Rep. Mays, **HB 3021** be amended on page 34, following line 43, by inserting:

“(c) During the fiscal year ending June 30, 2007, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2007 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 above agency from the state general fund or from any special revenue fund for fiscal year 2007, for the secretary of administration to provide parking on state parking lots for all state employees without charge or cost to such employees for such parking.”;

Also, on motion of Rep. Crow to amend **HB 3021**, the motion did not prevail, and the bill be passed as amended.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2968**, as amended by **S. Sub. for HB 2968**.

The Senate adopts conference committee report on **SB 434**.

The Senate adopts conference committee report on **Sub. HB 2706**.

The Senate adopts conference committee report on **HB 2893**.

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MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Neufeld, the House nonconcurred in Senate amendments to **S. Sub. for HB 2968** and asked for a conference.

Speaker pro tem Merrick thereupon appointed Reps. Neufeld, Landwehr and Feuerborn as conferees on the part of the House.

On motion of Rep. Aurand, the House adjourned pro forma until 4:00 p.m., Saturday, April 29, 2006.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

