

Journal of the House

NINETEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 8, 2011, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Grant was excused on verified illness.

Rep. Ballard was excused on legislative business.

Rep. Alford was excused on excused absence by the Speaker.

Prayer by guest chaplain, The Most Reverend Michael O. Jackels, STD Bishop, Diocese of Wichita, and guest of Rep. Grange:

If you please, bow your heads and join in helping to create a holy silence,

allowing one humble voice to attempt an expression of the sentiments and hopes in each of our minds and hearts.

“O God, 150 years ago you led the leaders of the State of Kansas, newly admitted to this union of states, to inspire its citizens with the phrase *ad astra per aspera*.

“Today we ask you to continue to stir us to reach as if to the stars, to strive to make Kansas, our country and even the world a better place for all of us to live and die, to work and play, to learn and pray in freedom and with dignity.

“And when our efforts are accompanied by hardships, we ask you O God to instill in us the doggedness of our pioneer ancestors, the resolve of an athlete, a soldier, a saint, laboring always onwards, upwards.

“We ask you too, O God, to open our eyes to those in our midst who feel burdened by hardship. Make our hearts compassionate to do what we can to treat the troubles especially of children and young people at risk, of single parents and of those in search of the things needed to live in human dignity.

“Finally, O God, deliver us from feeling satisfied with any amount of power, wealth or other things made to be consumed. Keep us instead spiritually dissatisfied until our yearning finds its true rest in you. Amen. May it be so.”

The Pledge of Allegiance was led by Rep. Huebert.

Kansas Trivia Question – William H. “Dad” Martin, an Ottawa photographer who died in 1940, is well known for his postcards of what?

Answer: Martin popularized the exaggerated photo cards with pictures of Kansans hauling giant watermelons, cabbages, peaches, corn and potatoes.

INTRODUCTION OF GUESTS

On behalf of Reps. Pottorff, Flaharty, McCray-Miller and Carlin, Rep. Dillmore introduced three members of a delegation from Turkey who were visiting the Capitol.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2196, AN ACT concerning rules of evidence; relating to the civil commitment of sexually violent predators; amending K.S.A. 59-29a06 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2197, AN ACT concerning crimes, criminal procedure and punishment; relating to public defender caseloads, by Committee on Corrections and Juvenile Justice.

HB 2198, AN ACT concerning school districts; relating to the school district capital improvements fund and the school district capital outlay state aid fund; amending K.S.A. 2010 Supp. 75-2319 and repealing the existing section; also repealing K.S.A. 2010 Supp. 72-8814 and 72-8814b, by Committee on Appropriations.

HB 2199, AN ACT regulating traffic; concerning certain right-of-way violations; providing for increased penalties, by Committee on Transportation.

HB 2200, AN ACT concerning school districts; relating to state aid for capital improvements and capital outlay; amending K.S.A. 2010 Supp. 72-8814 and 75-2319 and repealing the existing sections, by Committee on Education.

HB 2201, AN ACT concerning school districts; relating to school finance; local activities budget, by Committee on Education.

HB 2202, AN ACT concerning teachers; relating to the licensure thereof, by Committee on Education.

HB 2203, AN ACT concerning school districts; relating to the use of certain school district funds for general operating expenditures, by Committee on Education.

HB 2204, AN ACT creating the college credit scholarship program; amending K.S.A. 2010 Supp. 72-6407 and repealing the existing section, by Committee on Education Budget.

HB 2205, AN ACT concerning weights and measures; relating to measuring devices; amending K.S.A. 2010 Supp. 83-202 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HOUSE CONCURRENT RESOLUTION No. **HCR 5010**—
By Committee on Education

A PROPOSITION to amend section 6 of article 6 of the constitution of the state of Kansas; relating to school finance.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 6 of article 6 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 6. Finance. (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) The legislature shall ~~make suitable provision~~ provide for ~~finance of the educational interests of the state~~ *the equitable distribution of public school funds in a manner and amount as may be determined by the legislature.*

(c) No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

~~(e)~~(d) No religious sect or sects shall control any part of the public educational funds."

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

"Explanatory statement. The purpose of this amendment is to clarify that the equitable distribution of public funds for public schools shall be in a manner and amount determined by the legislature.

"A vote for this amendment would require the equitable distribution of public school funds, with the manner and amount to be determined by your elected representatives and senators in the Kansas legislature.

"A vote against this amendment would retain the current provision in the Kansas constitution which has been interpreted by the Kansas Supreme court as requiring the Kansas legislature to provide funding for public schools in amounts that may be determined by the court."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2012 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills EROs were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2183, HB 2184.**

Commerce and Economic Development: **ERO 37.**

Corrections and Juvenile Justice: **HB 2188.**

Education: **HB 2177, HB 2179, HB 2180, HB 2191, HB 2193.**

Energy and Utilities: **HB 2181.**

Federal and State Affairs: **HB 2178.**

Government Efficiency: **HB 2175, HB 2194.**

Health and Human Services: **HB 2182; ERO 38.**

Judiciary: **HB 2185.**

Local Government: **HB 2186, HB 2187, HB 2189, HB 2190, HB 2195.**

Taxation: **HB 2176.**

Transportation: **HB 2169, HB 2170, HB 2171, HB 2172, HB 2174, HB 2192.**

Transportation and Public Safety Budget: **HB 2173.**

MESSAGE FROM THE GOVERNOR**Executive Reorganization Order No. 39****By Governor Sam Brownback****February 8, 2011**

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 39 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

As we look to grow Kansas' economy and focus state government resources to ensure the most efficient use of taxpayer dollars, I am ordering the abolition of the Kansas Arts Commission as established by K.S.A. 74-5202, and amendments thereto, and the office of Executive Director of the Commission under K.S.A. 74-5204, and amendments thereto. Per this Executive Reorganization Order, the State Historical Society will succeed to all duties, powers, and functions of the agency. The Historical Society, as a state agency, will still be eligible to receive federal matching funds for the purpose of advancing the arts in the State of Kansas.

My FY2012 Budget Report to the Legislature details how I intend to reorganize these functions of state government. Under my plan, a new not-for-profit corporation, the Kansas Arts Foundation, Inc. will receive a direct grant from the State Historical Society to manage the programs formerly overseen by the Arts Commission. Because of their 501(c)3 status, the Foundation will be able to receive tax-deductible donations to cover the cost of implementing these programs. It is anticipated that this move will save Kansas taxpayers nearly \$600,000 next fiscal year. They will also help the Historical Society in their role as a state agency for the purpose of receiving federal grants by providing logistical and staff support for the drafting of state plans and grant proposals.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This consolidation is a modest step toward making our economic development structure leaner, more efficient, more accountable, and more successful in growing the

state. I look forward to working with the Legislature and my fellow Kansans to achieve these important goals.

Executive Reorganization Order No. 39
By Governor Sam Brownback
Transmitted February 8, 2011

Section 1. The Kansas arts commission created by K.S.A. 74-5202, and amendments thereto, and the office of executive director of the commission under K.S.A. 74-5204, and amendments thereto, are hereby abolished.

Sec. 2. (a) The state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, shall be the successor in every way to the powers, duties, and functions of the Kansas arts commission and the executive director of the commission in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the state historical society shall be performed by existing employees of the state historical society and shall be deemed to have the same force and effect as if performed by the Kansas arts commission or the executive director of the commission in which such powers, duties, and functions were vested prior to the effective date of this order.

(b) Whenever the Kansas arts commission or the executive director of the commission, or words of like effect, are referred to or designated by a statute, contract, or other document, such reference or designation shall be deemed to apply to the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto.

(c) All rules and regulations, orders, and directives of the Kansas arts commission or the executive director of the commission, which are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, until revised, amended, revoked, or nullified pursuant to law.

Sec. 3. (a) The state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to the state historical society. Any conflict as to the proper disposition of property, or records arising under this order shall be determined by the governor, whose decision shall be final.

(b) Whenever any statute, contract, deed or other document concerns the power or authority of Kansas arts commission, or the executive director of the commission, to acquire, hold or dispose of real property or any interest therein, the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, shall succeed to such power or authority.

Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas arts commission relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, and shall be used only for the purpose for which the appropriation

was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are employees of the Kansas arts commission during the period commencing on the first day of the first payroll period chargeable to fiscal year 2012 and ending in on June 30, 2011, shall be assumed and paid by the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto.

Sec. 5. When any conflict arises as to the disposition of any property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka
Under the Great Seal of the
State of Kansas this 7th day
of February 2011

BY THE GOVERNOR:
SAM BROWNBACK

KRIS W. KOBACH
Secretary of State
MARY DIANE MINEAR
Assistant Secretary of State

MESSAGE FROM THE GOVERNOR

Executive Reorganization Order No. 40 By Governor Sam Brownback February 8, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 40 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the

accompanying Governor's Message.

As we look to grow Kansas' economy and focus state government resources to ensure the most efficient use of taxpayer dollars, I am ordering a consolidation of agriculture-related functions spread throughout state government within the Department of Agriculture. These consolidations are as follows:

1. be transferred to the Department of Agriculture and renamed the Marketing The Agriculture Products Development Division within the Department of Commerce as established by K.S.A. 74-50,156, and amendments thereto will and Promotions Program.
2. The Kansas Animal Health Department and the Livestock Commissioner as established by K.S.A. 75-1901 *et seq.* will be consolidated within the Department of Agriculture as the Animal Health Division headed by the Animal Health Commissioner. The Animal Health Board will continue in existence and with members appointed by the Governor. The current Livestock Commissioner will be retained as the new Animal Health Commissioner. Thereafter, a vacancy in the position of Animal Health Commissioner will be filled by appointment by the Secretary of Agriculture from three nominations provided by the Animal Health Board.
3. The State Conservation Commission as established by K.S.A. 2-1904 will be consolidated within the Department of Agriculture as the Conservation Division. The Conservation Commission will continue in existence. The current Executive Director will be retained as the Executive Director of the Conservation Division. Thereafter, a vacancy in the position of executive director will be filled by a joint selection from the Secretary of Agriculture and the Conservation Commission.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This consolidation is a significant step toward making our government structure leaner, more efficient, more accountable, and more successful in growing the state. I look forward to working with the Legislature and my fellow Kansans to achieve these important goals.

Executive Reorganization Order No. 40
Governor Sam Brownback
Transmitted February 8, 2011

Section 1. (a) There is hereby established, within and as a part of the Kansas department of agriculture, the agriculture marketing and promotions program.

(b) (1) The secretary of agriculture shall appoint such employees as may be needed to carry out the powers and duties of the program, and all such officers and employees shall be within the classified or unclassified service.

(2) All employees shall act for and exercise the powers of the secretary of agriculture to the extent that authority to do so is delegated by the secretary of agriculture.

Sec. 2. (a) The agriculture products development division within the department of commerce created by K.S.A. 74-50,156, and amendments thereto, is hereby abolished.

(b) Except as otherwise provided by this order, all powers, duties and functions of the agriculture products development division within the department of commerce created by K.S.A. 74-50,156, and amendments thereto, are hereby transferred to and imposed upon the agriculture marketing and promotions program within the Kansas department of agriculture created herein.

Sec. 3. (a) The agriculture marketing and promotions program within the Kansas department of agriculture shall be the successor in every way to the powers, duties and functions of the agriculture products development division within the department of commerce which were in effect prior to the effective date of this order and that are transferred pursuant to section 2. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the agriculture marketing and promotions program within the Kansas department of agriculture shall be deemed to have the same force and effect as if performed by the agriculture products development division within the department of commerce in which such powers, duties and functions were in effect prior to the effective date of this order.

(b) Whenever the agriculture products development division or words of like effect are referred to or designated by a statute, contract, or other document and such reference is in regard to any of the powers, duties, or functions transferred to the agriculture products marketing and promotions program such reference or designation shall be deemed to apply to the program or the secretary of agriculture.

(c) All rules and regulations, orders and directives of the agriculture products development division within the department of commerce which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the agriculture marketing and promotions program within the Kansas department of agriculture transferred herein until revised, amended, revoked or nullified pursuant to law.

Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the agriculture products development division within the department of commerce relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the agriculture marketing and promotions program within the Kansas department of agriculture transferred herein and shall be used only for the purpose for which the appropriation was originally made.

(b) Subject to acts of the legislature, all fees, grant funds, and loan repayment funds dedicated to the agriculture products development division within the department of commerce prior to the effective date of this order shall be transferred to the agriculture marketing and promotions program within the department of agriculture.

(c) Liability for all accrued compensation or salaries of officers and employees who are transferred from the agriculture products development division within the department of commerce under this order shall be assumed and paid by the agriculture marketing and promotions program within the Kansas department of agriculture.

Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The agriculture marketing and promotions program within the Kansas department of agriculture shall succeed to all property, property rights and records

which were used for or pertain to the performance of powers, duties and functions transferred to the division. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. (a) The secretary of agriculture shall determine such employees as are necessary to enable the secretary to carry out the duties of the agriculture marketing and promotions program. All officers and employees of the agriculture products development division within the department of commerce who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, who are determined by the secretary of agriculture to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the agriculture marketing and promotions program within the Kansas department of agriculture. All classified employees so transferred shall retain their status as classified employees. Thereafter, the secretary of agriculture may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(b) Officers and employees of the agriculture products development division within the department of commerce transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the agriculture products development division of the department of commerce prior to the date of transfer.

Sec. 8. (a) The division of animal health is hereby established within the Kansas department of agriculture. The division of animal health shall be a continuation of the Kansas animal health department and the animal health commissioner shall be a continuation of the livestock commissioner of the Kansas animal health department. The division shall be administered under the supervision of the secretary of agriculture, by the animal health commissioner, who shall be the chief administrative officer of the division. On the effective date of this order, the Secretary of Agriculture shall appoint the animal health commissioner. Thereafter, upon a vacancy in the office of animal health commissioner, the Kansas animal health board shall submit three nominations to the secretary of agriculture for the office of animal health commissioner, and the secretary of agriculture shall choose one of the three nominations to appoint as the

animal health commissioner. The animal health commissioner shall serve at the pleasure of the secretary and the animal health board. The animal health commissioner shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the governor.

(b) All of the powers, duties and functions of the existing Kansas animal health department and the existing livestock commissioner of the Kansas animal health department are hereby transferred to and imposed upon the animal health division within the Kansas department of agriculture and the animal health commissioner, respectively.

(c) The secretary of agriculture shall appoint such employees as may be needed to carry out the powers and duties of the program, and all such officers and employees shall be within the classified or unclassified service.

Sec. 9. The Kansas animal health department and the office of livestock commissioner as established by K.S.A. 75-1901, and amendments thereto, are hereby abolished.

Sec. 10. (a) The animal health commissioner of the Kansas department of agriculture shall be the successor in every way to the powers, duties and functions of the Kansas animal health department and the livestock commissioner of the Kansas animal health department in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of agriculture shall be deemed to have the same force and effect as if performed by the Kansas animal health department and the livestock commissioner of the Kansas animal health department in which such powers, duties and functions were vested prior to the effective date of this order.

(b) Whenever the Kansas animal health department or the livestock commissioner of the Kansas animal health department, or words of like effect, are referred to or designated by a statute, contract, memorandum of understanding, plan, grant, waiver or other document, such reference or designation shall be deemed to apply to the animal health division of the Kansas department of agriculture or the animal health commissioner under the secretary of agriculture.

(c) All rules and regulations, orders and directives of the livestock commissioner of the Kansas animal health department that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the animal health division of the Kansas department of agriculture until revised, amended, revoked or nullified pursuant to law, by the secretary of agriculture.

(d) Before any proposed rules and regulations of the animal health commissioner of the division of animal health of the department of agriculture are submitted to the secretary of administration or the attorney general pursuant to K.S.A. 77-420, and amendments thereto:

(1) The animal health commissioner shall submit such rules and regulations to the animal health board; and

(2) the animal health board shall review and make recommendations to the animal health commissioner and the secretary of agriculture regarding such proposed rules and regulations.

Sec. 11. (a) The Kansas animal health board, created by K.S.A. 74-4001, and amendments thereto, is hereby continued in existence within the animal health division

of the department of agriculture with respect to powers, duties and functions of the Kansas animal health department that are transferred under this order. Persons who are members of the Kansas animal health board on the effective date of this order shall continue to hold such offices under the conditions and limitations provided under K.S.A. 74-4001, and amendments thereto.

(b) The Kansas pet animal advisory board, created by K.S.A. 47-1725, and amendments thereto, is hereby continued in existence within the animal health division of the department of agriculture with respect to powers, duties and functions of the Kansas animal health department that are transferred under this order. Persons who are members of the Kansas pet animal advisory board on the effective date of this order shall continue to hold such offices under the conditions and limitations provided under K.S.A. 47-1725, and amendments thereto.

Sec. 12. The Kansas department of agriculture shall succeed to all property, property rights and records of the Kansas animal health department and the livestock commissioner of the Kansas animal health department.

Sec. 13. (a) On the effective date of this order, the balances of all funds or accounts thereof appropriated or reappropriated for the Kansas animal health department are hereby transferred within the state treasury to the Kansas department of agriculture and shall be used only for the purpose for which the appropriation was originally made.

(b) Subject to acts of the legislature, all fees and grant funds dedicated to animal health programs shall remain dedicated to animal health programs on and after the effective date of this order.

Sec. 14. (a) (1) The secretary of agriculture in consultation with the animal health commissioner shall determine such employees as are necessary to enable the secretary to carry out the duties of the animal health division. The livestock commissioner of the animal health department shall become the animal health commissioner of the animal health division of the Kansas department of agriculture on the effective date of this order. All other officers and employees of the Kansas animal health department who, immediately prior to such date, were engaged in the performance of powers, duties and functions for the Kansas animal health department and who are, in the opinion of the secretary of agriculture in consultation with the animal health commissioner, necessary to perform the powers, duties and functions of the Kansas animal health department that are transferred under this order, shall become officers and employees of the department of agriculture and are hereby transferred to the Kansas department of agriculture on the effective date of this order.

(2) All classified employees transferred under this subsection (a) shall retain their status as classified employees. Thereafter, the secretary of agriculture may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(b) Officers and employees of the Kansas animal health department transferred under this order shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of

any transferred person employed by the Kansas animal health department prior to the date of transfer.

(c) Liability for accrued compensation or salaries of each officer and employee who is transferred from the Kansas animal health department to the Kansas department of agriculture under this order shall be assumed and paid by the Kansas department of agriculture on the effective date of this order.

Sec. 15. (a) On the effective date of this order, the division of conservation is hereby established within the Kansas department of agriculture. The division of conservation shall be a continuation of the state conservation commission and the executive director of conservation shall be a continuation of the executive director of the state conservation commission. The division shall be administered under the supervision of the secretary of agriculture by the executive director of the division of conservation, who shall be the chief administrative officer of the division. The executive director of the division of conservation shall be jointly appointed by the secretary of agriculture and the state conservation commission and shall serve at the pleasure of the secretary and the state conservation commission. The executive director of the division of conservation shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the governor.

(b) All of the powers, duties and functions of the existing state conservation commission and the existing executive director of the state conservation commission are hereby transferred to and imposed upon the conservation division of the Kansas department of agriculture and the executive director of the conservation division, respectively.

Sec. 16. (a) The conservation division of the department of agriculture shall be the successor in every way to the powers, duties and functions of the state conservation commission and the executive director of the state conservation commission in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of agriculture shall be deemed to have the same force and effect as if performed by the state conservation commission and the executive director of the state conservation commission in which such powers, duties and functions were vested prior to the effective date of this order.

(b) Whenever the state conservation commission or the executive director of the state conservation commission, or words of like effect, are referred to or designated by a statute, contract, memorandum of understanding, plan, grant, waiver or other document, such reference or designation shall be deemed to apply to the conservation division within the department of agriculture or the executive director of the conservation division under the secretary of agriculture.

(c) All rules and regulations, orders and directives of the state conservation commission or the executive director of the state conservation commission that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the conservation division of the Kansas department of agriculture until revised, amended, revoked or nullified pursuant to law by the secretary of agriculture.

Sec. 17. The state conservation commission established by K.S.A. 2-1904, and amendments thereto, is hereby continued in existence within the conservation division

within the department of agriculture with respect to the powers, duties and functions of the state conservation commission that are transferred under this order. Persons who are members of the board shall continue to hold such offices under the conditions and limitations in effect on the effective date of this order.

Sec. 18. The Kansas department of agriculture shall succeed to all property, property rights and records of the state conservation commission and the executive director of the state conservation commission.

Sec. 19. (a) On the effective date of this order, the balances of all funds or accounts thereof appropriated or reappropriated for the state conservation commission are hereby transferred within the state treasury to the Kansas department of agriculture and shall be used only for the purpose for which the appropriation was originally made.

(b) Subject to acts of the legislature, all fees and grant funds dedicated to conservation programs shall remain dedicated to conservation programs on and after the effective date of this order.

Sec. 20. (a) (1) The executive director of the conservation commission shall become the executive director of the conservation division of the Kansas department of agriculture on the effective date of this order. All other officers and employees of the state conservation commission who, immediately prior to such date, were engaged in the performance of powers, duties and functions for the state conservation commission and who are, in the opinion of the secretary of agriculture in consultation with the executive director, necessary to perform the powers, duties and functions of the state conservation commission that are transferred under this order, shall become officers and employees of the department of agriculture and are hereby transferred to the Kansas department of agriculture on the effective date of this order.

(2) The secretary of agriculture in consultation with the executive director shall determine such officers and employees as are necessary to enable the secretary to carry out the duties of the division of conservation.

(3) All classified employees transferred under this subsection (a) shall retain their status as classified employees. Thereafter, the secretary of agriculture may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(b) Officers and employees of the state conservation commission transferred by this order shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the state conservation commission prior to the date of transfer.

(c) Liability for accrued compensation or salaries of each officer and employee who is transferred to the Kansas department of agriculture under this order shall be assumed and paid by the Kansas department of agriculture on the effective date of this order.

Sec. 21. (a) No suit, action, or other proceeding, judicial or administrative, that is lawfully commenced or that could have been lawfully commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official

duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action that is commenced or that could have been commenced by the state shall abate by the taking effect of this order.

Sec. 22. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka
Under the Great Seal of the
State of Kansas this 7th day
of February 2011

BY THE GOVERNOR
SAM BROWNBACK

KRIS W. KOBACH
Secretary of State
MARY DIANE MINEAR
Assistant Secretary of State

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2014** be adopted; also, on motion of Rep. Rhoades be amended on page 36, following line 20, by inserting the following:

“Sec. 54. *Severability*. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.”;

And by renumbering sections accordingly;

Also, on motion of Rep. Rhoades to amend **HB 2014**, Rep. Burroughs requested a ruling if the amendment violates House Rule 2110 as adopted by **Sub. HR 6004** on February 7, 2011. Rep. Rhoades subsequently withdrew his amendment.

Also, on motion of Rep. Goico, **HB 2014** be amended on page 18, following line 18, by inserting the following:

“Operating expenses – Kansas veterans’ home \$81,320
Operating expenses – Kansas soldiers’ home \$100,000”;

On page 19, in line 39, by adding \$181,320 to the dollar amount and by adjusting the dollar amount in line 39 accordingly;

Also, on motion of Rep. Goodman, **HB 2014** be amended on page 18, in line 18, by adding \$195,000 to the dollar amount and by adjusting the dollar amount in line 18 accordingly;

On page 19, in line 39, by adding \$195,000 to the dollar amount and by adjusting the dollar amount in line 39 accordingly;

On motion of Rep. Henry to amend **HB 2014**, Rep. Rhoades requested a ruling on the amendment violating House Rule 2110 as adopted by **Sub. HR 6004** on February 7, 2011. The Rules Chair ruled the amendment not in order.

Also, on motion of Rep. D. Gatewood to amend **HB 2014**, the motion did not prevail.

Also, on motion of Rep. Hineman to amend **HB 2014**, Rep. Rhoades requested a ruling on the amendment violating House Rule 2110 as adopted by **Sub. HR 6004** on February 7, 2011. The Rules Chair ruled the amendment in order.

Also, roll call was demanded on the motion of Rep. Hineman to amend **HB 2014** on page 34, by striking all in lines 5 through 39;

On page 35, by striking all in lines 1 through 14; in line 15, by striking “(e)” and inserting “(d)”;

On page 36, in line 12, before the period, by inserting “, and who is not an employee of a regents state agency, as defined by this section”;

On roll call, the vote was: Yeas 45; Nays 71; Present but not voting: 0; Absent or not voting: 9.

Yeas: Bollier, Brookens, Burroughs, Calloway, Carlin, Cassidy, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, D. Gatewood, S. Gatewood, Henderson, Henry, Hill, Hineman, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mosier, Moxley, Pauls, Phelps, Proehl, Roth, Ruiz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Aurand, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Carlson, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Fund, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kersch, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Present but not voting: None.

Absent or not voting: Alford, Ballard, Bethell, Frownfelter, Grant, Huebert, Landwehr, Peterson, Pottorff.

The motion of Rep. Hineman did not prevail.

Also, roll call was demanded on motion of Rep. Lane to amend **HB 2014** on page 12, by striking line 39; on page 13, by striking lines 1 through 2; following line 2, by inserting the following:

“(a) On the effective date of this act, of the \$2,136,995 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 46(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operations (including legislative post audit committee) account, the sum of \$4,413 is hereby lapsed.”;

On page 18, by striking all lines 24 through 28;

On roll call, the vote was: Yeas 32; Nays 87; Present but not voting: 0; Absent or not voting: 6.

Yeas: Bowers, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, D. Gatewood, S. Gatewood, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Phelps, Roth, Ruiz, Schroeder, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Arpke, Aurand, Billinger, Bollier, Boman, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Fund, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Alford, Ballard, Bethell, Frownfelter, Grant, Peterson.

The motion of Rep. Lane did not prevail.

Also, on motion of Rep. Kinzer to amend **HB 2014**, Rep. Bollier requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Kinzer to amend on page 36, following line 12, by inserting the following:

“Sec. 53. (a) During the fiscal year ending June 30, 2011, subject to any applicable requirements of federal statutes, rules, regulations or guidelines, any expenditures or grants of money by any state agency for family planning services financed in whole or in part from federal title X moneys shall be made subject to the following two priorities: First priority to public entities (state, county, local health departments and health clinics) and if any moneys remain then; second priority to non-public entities which are hospitals or federally qualified health centers that provide comprehensive primary and preventative care in addition to family planning services.

(b) As used in this section “hospitals” shall have the same meaning as defined in K.S.A. 65-425, and amendments thereto, and “federally qualified health center” shall have the same meaning as defined in K.S.A. 65-1669, and amendments thereto.”

And by renumbering the remaining sections accordingly;

Roll call was demanded.

On roll call, the vote was: Yeas 91; Nays 26; Present but not voting: 0; Absent or not voting: 8.

Yeas: Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Fund, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, Worley.

Nays: Bollier, Carlin, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Gordon, Henderson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Pottorff, Roth, Ruiz, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Winn, K. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Alford, Ballard, Bethell, Colloton, Grant, Hill, M. Holmes, Peterson.

The motion of Rep. Rep. Kinzer prevailed.

Also, on motion of Rep. Carlin to amend **HB 2014**, Rep. Rhoades requested a ruling on the amendment violating House Rule 2110 as adopted by **Sub. HR 6004** on February 7, 2011. The Rules Chair ruled the amendment not in order.

Also, on motion of Rep. Frownfelter to amend **HB 2014**, Rep. Rhoades requested a ruling on the amendment violating House Rule 2110 as adopted by **Sub. HR 6004** on February 7, 2011. Rep. Rhoades subsequently withdrew his objection and the question reverted back to the amendment of Rep. Frownfelter, which did not prevail.

Also, on motion of Rep. Henry to amend **HB 2014**, Rep. Rhoades requested a ruling on the amendment violating House Rule 2110 as adopted by **Sub. HR 6004** on February 7, 2011. The Rules Chair ruled the amendment not in order, and **HB 2014** be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Siegfried pursuant to House Rule 2311, **HB 2014** was advanced to Final Action on Bills and Current Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2014, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2011, June 30, 2012, and June 30, 2013, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 81; Nays 40; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Fund, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleebe, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, Worley.

Nays: Bollier, Brookens, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Henderson, Henry, Hill, Hineman, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Otto, Pauls, Phelps, Roth, Ruiz, Slattery, Sloan, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Alford, Ballard, Grant, Peterson.
The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2078** be passed.

Committee on **Health and Human Services** recommends **HB 2083** be passed.

Committee on **Health and Human Services** recommends **HB 2082** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on consent calendar.

Committee on **Judiciary** recommends **HB 2070, HB 2071** be passed.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2206, AN ACT concerning income taxation; relating to credits; child tax credit, by Representative Kinzer.

HB 2207, AN ACT concerning limited liabilities companies; relating to series limited liability companies; amending K.S.A. 17-7663 and 17-7682 and repealing the existing sections, by Committee on Judiciary.

HB 2208, AN ACT concerning insurance; relating to rate review for individual health insurance policies; relating to the individual market health insurance rate review act; amending K.S.A. 2010 Supp. 40-2215 and repealing the existing section, by Committee on Insurance.

HB 2209, AN ACT concerning the legislature; relating to legislators holding other elected offices, by Committee on Local Government.

HB 2210, AN ACT concerning veterans; relating to readjustment and mental health services, by Committee on Veterans, Military and Homeland Security.

HB 2211, AN ACT concerning state agencies; relating to purchases; giving preference to disabled veteran businesses, by Committee on Veterans, Military and Homeland Security.

HB 2212, AN ACT concerning property taxation; relating to revenues produced by property tax levies; mill levy adjustments; resolutions, publication requirements; amending K.S.A. 2010 Supp. 79-2925b and repealing the existing section, by Representatives Brunk, Arpke, Boman, Collins, Goodman, Gregory, Hermanson, Howell, Huebert, Hedke, Kiegerl, Osterman, Patton, Peck, Scapa and Weber.

HB 2213, AN ACT concerning crimes, criminal procedure and punishment; relating to the parole board; relating to postrelease supervision of sexually violent offenders; amending K.S.A. 2010 Supp. 22-3717 and repealing the existing section; also repealing K.S.A. 2010 Supp. 22-3717c, by Committee on Corrections and Juvenile Justice.

HB 2214, AN ACT concerning human cell research; prohibiting the expenditure of certain moneys appropriated from the state treasury by state agencies, by Committee on

Health and Human Services.

HB 2215, AN ACT concerning civil procedure; relating to bankruptcy; exempt property; earned income tax credit, by Representative Ward.

HB 2216, AN ACT concerning insurance; providing for coverage of autism spectrum disorder; amending K.S.A. 2010 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Children and Families.

HB 2217, AN ACT concerning authorized interception of wire, oral or electronic communications; issuance of order; amending K.S.A. 2010 Supp. 22-2502 and 22-2516 and repealing the existing sections, by Representative Sloan.

HB 2218, AN ACT concerning abortion; relating to restrictions on late term abortions; amending K.S.A. 65-6701 and 65-6703 and repealing the existing sections, by Representatives Kinzer, Arpke, Billinger, Boman, Brown, Brunk, Calloway, DeGraaf, Donohoe, Fund, Garber, Goico, Goodman, Gregory, Grosserode, Hedke, Henry, Hermanson, Hildabrand, Hoffman, M. Holmes, Howell, Kiegerl, KleeB, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, Otto, Patton, Peck, Rhoades, Rubin, Ryckman, Scapa, Schwab, Siegfried, Smith, Suellentrop, Vickrey, Weber, Wetta and B. Wolf.

HB 2219, AN ACT concerning child support; relating to exceptional children; amending K.S.A. 2010 Supp. 38-1121 and 60-1610 and repealing the existing sections, by Committee on Judiciary.

HB 2220, AN ACT concerning the promoting employment across Kansas act; pertaining to qualifications for benefits under the act; amending K.S.A. 2010 Supp. 74-50,210, 74-50,211, 74-50,212 and 74-50,213 and repealing the existing sections, by Committee on Taxation.

HB 2221, AN ACT concerning state agencies; relating to the employee award program; amending K.S.A. 2010 Supp. 75-37,105 and repealing the existing section, by Committee on Government Efficiency.

HB 2222, AN ACT concerning labor organizations; relating to employees of state child care centers and persons providing attendant care services; amending K.S.A. 44-803 and 75-4324 and repealing the existing sections, by Committee on Children and Families.

HB 2223, AN ACT enacting the Kansas employer immigration accountability act, by Committee on Commerce and Economic Development.

HB 2224, AN ACT concerning elections; requiring candidates for state and federal office to provide proof of citizenship; amending K.S.A. 25-202 and repealing the existing section, by Committee on Elections.

HB 2225, AN ACT concerning rail service improvement program loans and grants; amending K.S.A. 2010 Supp. 75-5048 and 75-5049 and repealing the existing sections, by Committee on Transportation.

HB 2226, AN ACT concerning tax increment financing; relating to definition of redevelopment project costs; financing projects; amending K.S.A. 2010 Supp. 12-1770a and 12-1774 and repealing the existing sections, by Committee on Financial Institutions.

HB 2227, AN ACT concerning crimes, criminal procedure and punishment; relating to warrants; amending K.S.A. 22-2304 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2228, AN ACT concerning insurance; providing coverage for hearing aids;

amending K.S.A. 2010 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Representative Kiegerl.

HB 2229, AN ACT concerning school and school districts; related to equal access, by Committee on Commerce and Economic Development.

HB 2230, AN ACT repealing K.S.A. 68-1038; relating to the Frontier Military scenic byway, by Committee on Transportation.

HB 2231, AN ACT concerning water; relating to water bank flex accounts; amending K.S.A. 2010 Supp. 82a-736 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2232, AN ACT concerning crimes, criminal procedure and punishment; relating to the possession and distribution of prescription-only drugs; amending K.S.A. 2010 Supp. 21-36a08 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2233, AN ACT concerning school districts; relating to school finance and certain weightings; amending K.S.A. 2010 Supp. 72-6407, 72-6412, 72-6413, 72-6414, 72-6455 and 72-6459 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 72-6442b, by Representative Aurand.

HB 2234, AN ACT establishing the early high school graduation scholarship program; amending K.S.A. 2010 Supp. 72-6438 and repealing the existing section, by Committee on Education.

HB 2235, AN ACT regulating vehicle title loans, by Committee on Commerce and Economic Development.

HB 2236, AN ACT creating the special education scholarship program; amending K.S.A. 2010 Supp. 72-6407 and repealing the existing section, by Representative Kinzer.

HB 2237, AN ACT concerning the fire marshal; relating to investigation authority; amending K.S.A. 31-157 and repealing the existing section, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. **HCR 5011**—

By Committee on Government Efficiency

A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, concerning a contingency reserve fund and a debt prepayment fund in the state treasury.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 11 of the constitution of the state of Kansas is hereby amended by adding a new section thereto to read as follows:

§ 14. Contingency Reserve Fund and Debt Prepayment Fund.

(a) On July 1, 2013, a contingency reserve fund and a debt prepayment fund shall be established and maintained in the state treasury.

(b) When state tax receipts for a fiscal year increase by more than three percent over state tax receipts for the preceding fiscal year: (1) Any increase in excess of three percent up to the next one percent of state tax receipts collected shall be deposited in the contingency reserve fund; and

(2) Any increase in excess of four percent up to the next one-half percent of state tax receipts collected shall be deposited in the debt prepayment fund. Nothing in this subsection shall require state tax receipts to be deposited in the contingency reserve fund when the contingency reserve fund balance exceeds fifteen percent of the preceding fiscal year's state tax receipts. Nothing in this subsection shall require state tax receipts to be deposited in the debt prepayment fund when the debt prepayment fund balance exceeds fifteen percent of the preceding fiscal year's total amount of principal of bonded indebtedness services by appropriations from the state general fund.

(c) The legislature may provide, by law, for additional amounts of state tax receipts to be deposited in the contingency reserve fund and the debt prepayment fund.

(d) (1) Withdrawals from the contingency reserve fund may occur in the current fiscal year only when the current fiscal year's estimated state tax receipts are less than the amount of actual state tax receipts collected or otherwise received in the preceding fiscal year. The amount subject to withdrawal shall not exceed the difference between the current fiscal year's estimated state tax receipts and the amount of actual state tax receipts collected or otherwise received in the preceding fiscal year except that such difference shall be reduced by the amount of the current fiscal year's estimated state tax receipts not collected or otherwise received as a result of any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year.

(2) Withdrawals from the contingency reserve fund may occur in the ensuing fiscal year only when the ensuing fiscal year's estimated state tax receipts are less than the amount of estimated state tax receipts in the current fiscal year. The amount subject to withdrawal shall not exceed the difference between the ensuing fiscal year's estimated state tax receipts and the amount of estimated state tax receipts in the current fiscal year except that such difference shall be reduced by the amount of the ensuing fiscal year's estimated state tax receipts not collected or otherwise received as a result of any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year.

(3) For the purposes of subsections (d)(1) and (d)(2), the attorney general shall be responsible for certifying whether any kind of tax reduction legislation was enacted by the legislature and approved by the governor and if so, the governor shall certify the amount of such reduction. Any withdrawal authorized by this subsection shall be provided for by law enacted in a separate bill that does not include any other matter except a statement that the conditions prescribed by this subsection exist and the authority to transfer a specific amount of money from the contingency reserve fund to the state general fund.

(e) (1) Withdrawals from the debt prepayment fund may occur only to provide for calling and redeeming selected bonds for which debt service is paid by appropriations from the state general fund in accordance with their terms on or after their first optional redemption date and prior to maturity.

(2) Prior to any withdrawal from the debt prepayment fund authorized by this subsection, the governor shall be responsible for determining and selecting which bonds

will produce the greatest debt service savings to the state general fund, and the attorney general shall be responsible for certifying that the selected bonds are available for optional redemption. Any withdrawal authorized by this subsection shall be provided for by law enacted in a separate bill that does not include any other matter except a statement that the conditions prescribed by this subsection exist and the authority to transfer a specific amount of money from the debt prepayment fund to the state general fund for the purpose of calling and redeeming selected bonds.

(f) Amounts in the contingency reserve fund and the debt prepayment fund may be invested as provided by law and the earnings thereon shall be retained in the contingency reserve fund and the debt prepayment fund.

(g) As used in this section, "state tax receipts" means receipts from any state income tax, sales tax, compensating use tax or other excise tax or tax in the nature of an excise tax, or estate or inheritance tax, or tax in the nature of an estate or inheritance tax, but shall not include receipts from any property tax, or tax in the nature of a property tax, or any tax on motor fuels.

(h) The legislature may enact laws to carry out the purposes of this section.

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

"Explanatory statement. The purpose of this amendment is to establish a contingency reserve fund, commonly known as the "rainy day fund," and a debt prepayment fund in the state treasury.

"A vote for this amendment will:

(1) Establish a contingency reserve fund and a debt prepayment fund in the state treasury. Each year, if state tax receipts increase by more than 3% over the amount of the preceding year, a portion of the increase would be deposited in the contingency reserve fund and, if the increase exceeds 4%, a portion of the increase would be deposited in the debt prepayment fund. Additional amounts could be deposited in these funds by act of the legislature.

(2) Provide that amounts could be withdrawn from the contingency reserve fund when state tax receipts are less than the amount for the preceding year, other than amounts resulting from any tax reduction legislation.

(3) Provide that amounts could be withdrawn from the debt prepayment fund to redeem state bonds payable from the state general fund that are selected to produce the greatest debt service savings.

(4) Provide that any withdrawal from either fund must be a separate bill containing only a statement that the conditions exist for the withdrawal and the authority to withdraw and deposit in the state general fund.

"A vote against this amendment would make no changes in current law concerning the state's finance."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2012 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

MESSAGE FROM THE SENATE

Announcing passage of **SB 25**.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Wednesday, February 9, 2011.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

