

Journal of the House

FIFTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 31, 2011, 9:00 a.m.

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

The roll was called with 123 members present.

Rep. Fund was excused on verified illness.

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

Prayer by guest chaplain, the Rev. Gerald D. Morris, senior pastor retired, Grace Fellowship, Coffeyville, and guest of Rep. Peck:

Gracious God, my heavenly Father, in the preamble to our state constitution, our founders wrote, "We, the people of Kansas, grateful to Almighty God for our civil and religious privileges, in order to insure the full enjoyment of our rights as American citizens, do ordain and establish this constitution of the state of Kansas," Father, as our founders were grateful to you, so we come with hearts full of gratitude for all you have done for us and for our great state. We also come before you to ask your continued favor upon our state and our nation. We face great challenges and we ask for your blessing and for your wisdom for these our elected representatives as they meet to debate solutions to these challenges. Give them the ability to see your solutions and the courage to implement them. We ask your blessing on those who wear the uniforms of our military. Grant them your wisdom and protection as many of them are in harms way today. Thank you for their voluntary service to protect and defend our freedoms and our way of life. Watch over and bless their families as they also pay a price for their loved ones service.

Bless this day we pray.

Amen!

The Pledge of Allegiance was led by Rep. Hineman.

Kansas Trivia Question – What is the state's largest living rodent?

Answer: The beaver, with some weighing more than ninety-five pounds.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2402**.

Taxation: **HB 2401, HB 2403, HB 2404**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Speaker O'Neal announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over until later in the morning.

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

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Siegfried, pursuant to House Rule 2311, House Rule 1704 be suspended for the purpose of allowing Reps. Rhoades and Feuerborn to speak more than twice.

Committee report to **HB 2383** be adopted; also, on motion of Rep. Tyson to amend, the motion was withdrawn. Also, on further motion of Rep. Tyson to amend, the motion did not prevail.

Also, on motion of Rep. Ward, **HB 2383** be amended on page 290, following line 11, by inserting the following:

"Sec. 163. During the fiscal year ending June 30, 2012, notwithstanding any federal statutes or regulations or any other state statutes or any rules and regulations to the contrary, no expenditures shall be made for the fiscal year ending June 30, 2011, of any moneys appropriated from the state general fund or in any special revenue fund by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature by the department of health and environment, attorney general, attorney general – Kansas bureau of investigation, highway patrol, for purposes of enforcing the Kansas indoor clean air act, K.S.A. 2010 Supp. 21-4009 through 21-4014, and amendments thereto, against any annual benefit cigar dinner or other annual smoking event conducted specifically and exclusively for charitable purposes by an organization which has held charitable events during the previous three years and is organized not-for-profit and which qualifies under section 501(c)(3) of the federal internal revenue code of 1986.”;

And by renumbering the remaining sections accordingly ;

Also, on motion of Rep. DeGraaf, **HB 2383** be amended on page 283, in line 8, after "executive" by inserting "branch, legislative branch"; in line 11, by striking all after "section"; by striking all in line 12; in line 13, by striking all before the period;

On page 287, in line 40, after "executive" by inserting "branch, legislative branch"; in line 43, by striking all after "section";

On page 288, by striking all in line 1; in line 2, by striking "government";

On motion of Rep. Colloton to amend **HB 2383**, the motion did not prevail. Also, on further motion of Rep. Colloton to amend, the motion did not prevail.

Also, on motion of Rep. Worley, **HB 2383** be amended on page 155, in line 9, by

adding \$3,500,000 to the dollar amount and by adjusting the dollar amount in line 9 accordingly; in line 12, before the period, by inserting “: *Provided further*, On July 1, 2011, or as soon thereafter as moneys are available, and notwithstanding the provisions in K.S.A.79-4231, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$3,500,000 from the oil and gas valuation depletion trust fund of the department of revenue to the state general fund: *And provided further*, That the aggregate amount transferred under this subsection shall be accounted for by debiting each account in the oil and gas valuation depletion trust fund with the amount credited to such account that bears the same relation to the aggregate amount credited to such account as the aggregate amount transferred under this subsection bears to the aggregate amount credited to the oil and gas valuation depletion trust fund.”;

Also, on motion of Rep. Carlin to amend **HB 2383**, the motion was ruled out of order under the Pay-Go provisions of House Rule 2110.

Also, roll call was demanded on motion of Rep. Patton to amend **HB 2383** on page 155, in line 13, by adding \$277,039 to the dollar amount and by adjusting the dollar amount in line 13 accordingly;

On page 166, following line 3, by inserting the following:

“(q) During the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2012 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2012 to have an independent audit conducted to evaluate the overall management and service structure of the Kansas neurological institute and Parsons state hospital and training center: *Provided*, That, such audit shall be designed to identify additional efficiencies that can be implemented to create cost-savings at the facilities: *Provided further*, That such independent audit shall identify additional programs that the facilities could implement to assist the entire developmental disability community and help reduce the home and community based services waiver for individuals with developmental disabilities expenditures: *And provided further*, That, such audit shall be completed no later than September 31, 2011, and shall be made available to all members of the house of representatives committee on appropriations and the senate committee on ways and means.”;

On page 290, following line 11, by inserting the following:

“Sec. 163. (a) Prior to July 1, 2011, the director of the budget shall determine, after consultation with the director of legislative research, the amount appropriated or reappropriated from the state general fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, in each account of the state general fund for each state agency for the purchase of bottled water, and the amount so determined for each such account of the state general fund for fiscal year 2012 shall be certified by the director of the budget to the director of accounts and reports: *Provided*, That, on July 1, 2011, after receipt of such certification concerning bottled water, the director of accounts and reports shall lapse a percentage of the amount certified for each such account of the state general fund for fiscal year 2012 as specified in such certification: *Provided further*, That the aggregate of all amounts lapse

d from appropriations from the state general fund pursuant to this section shall be equal to \$100,000: *And provided further*; That, the director of account and reports is hereby authorized to determine the amount of such percentage based upon the number of full-time employees of each such agency: *And provided further*; That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

(b) Prior to July 1, 2011, the director of the budget shall determine, after consultation with the director of legislative research, the amount appropriated or reappropriated from the state general fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, in each account of the state general fund for each state agency for the purchase of office supplies, and the amount so determined for each such account of the state general fund for fiscal year 2012 shall be certified by the director of the budget to the director of accounts and reports: *Provided*, That, on July 1, 2011, after receipt of such certification concerning office supplies, the director of accounts and reports shall lapse a percentage of the amount certified for each such account of the state general fund for fiscal year 2012 as specified in such certification: *Provided further*; That the aggregate of all amounts lapsed from appropriations from the state general fund pursuant to this section shall be equal to \$177,039: *And provided further*; That, the director of account and reports is hereby authorized to determine the amount of such percentage based upon the number of full-time employees of each such agency: *And provided further*; That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 105; Nays 14; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Davis, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Gonzalez, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rubin, Ruiz, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Bethell, Crum, DeGraaf, Garber, Goodman, Grosserode, Henry, Johnson, McLeland, Otto, Rhoades, Siegfried, B. Wolf.

Present but not voting: None.

Absent or not voting: Brown, Fund, Gordon, O'Neal, Roth, Schroeder.

The motion of Rep. Patton prevailed.

Also, roll call was demanded on motion of Rep. Colloton to amend **HB 2383** on page 162, in line 35, by subtracting \$1,500,000 from the dollar amount and by adjusting the

dollar amount in line 35 accordingly;

On page 207, in line 10, by adding \$1,500,000 to the dollar amount and by adjusting the dollar amount in line 10 accordingly;

On page 212, in line 40, by subtracting \$1,500,000 from the dollar and by adjusting the dollar amount in line 40 accordingly;

On page 215, in line 11, by adding \$1,500,000 to the dollar amount and by adjusting the dollar amount in line 11 accordingly;

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

Yeas: Alford, Arpke, Ballard, Billinger, Bollier, Bowers, Brookens, Bruchman, Burroughs, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Frownfelter, Garber, D. Gatewood, Goico, Goodman, Grange, Gregory, Hedke, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Loganbill, Meier, Montgomery, Moxley, O'Brien, O'Hara, Osterman, Patton, Pauls, Peterson, Pottorff, Proehl, Roth, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Weber, Wetta, Williams, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Bethell, Boman, Brown, Brunk, Burgess, Calloway, Carlin, Carlson, Feuerborn, Finney, Flaharty, S. Gatewood, Gonzalez, Grant, Grosserode, Hayzlett, Henderson, Hildabrand, Hoffman, Kelley, Lane, Mah, Mast, McCray-Miller, McLeland, Meigs, Mesa, Mosier, O'Neal, Otto, Peck, Phelps, Powell, Prescott, Rhoades, Rubin, Schwartz, Smith, Tyson, Victors, Ward, Winn, B. Wolf.

Present but not voting: None.

Absent or not voting: Fund, Gordon, Hill, Landwehr.

The motion of Rep. Colloton prevailed.

Also, rose and reported progress.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2269, AN ACT concerning school districts; relating to school finance; amending K.S.A. 72-6410, 72-6415b, 72-6431, 72-6433, 72-6435, 72-6449 and 72-6451 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 72-6442b, was considered on final action.

On roll call, the vote was: Yeas 67; Nays 56; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Bethell, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Colloton, Crum, DeGraaf, Denning, Donohoe, Garber, Goico, Gonzalez, Goodman, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kerschen, Kinzer, Kleeb, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Billinger, Bollier, Brookens, Burroughs, Carlin, Cassidy, Collins, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grange, Grant, Henderson, Henry, Hill, Hineman, Hoffman, Johnson, Kelly, Kiegerl, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mosier, Moxley,

Patton, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, Slattery, Sloan, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The bill passed, as amended.

Sub. HB 2296, AN ACT concerning state institutions and state agencies; establishing the joint committee on oversight of the closure of the Kansas neurological institute and the Kansas neurological institute community conversion conservation fund, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brookens, Brunk, Carlson, Cassidy, Crum, DeGraaf, Denning, Donohoe, Feuerborn, Finney, Flaharty, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Hayzlett, Hedke, Henry, Hill, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kinzer, Kleeb, Landwehr, Loganbill, Mast, McLeland, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Otto, Peck, Phelps, Pottorff, Powell, Proehl, Rhoades, Roth, Rubin, Scapa, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Vickrey, Victors, Weber, Wetta, Williams, B. Wolf, Worley.

Nays: Ballard, Bollier, Brown, Bruchman, Burgess, Burroughs, Calloway, Carlin, Collins, Colloton, Davis, Dillmore, Fawcett, Frownfelter, S. Gatewood, Gregory, Grosserode, Henderson, Hermanson, Hildabrand, M. Holmes, Kerschen, Kiegerl, Knox, Kuether, Lane, Mah, McCray-Miller, Meier, Mosier, Osterman, Patton, Pauls, Peterson, Prescott, Ruiz, Ryckman, Schwab, Seiwert, Slattery, Swanson, Tietze, Trimmer, Tyson, Ward, Winn, K. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The substitute bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **Sub. HB 2296**. "The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the highlight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped." (Hubert Humphrey) – ANNIE KUETHER

H. Sub. for SB 36, AN ACT concerning abortion; relating to licensure of abortion clinics, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 26; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. 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, Peterson, Phelps, Pottorff, 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: Ballard, Bollier, Carlin, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Henderson, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Roth, Ruiz, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Winn, K. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The substitute bill passed, as amended.

Sub. SB 72, AN ACT concerning telecommunications; amending K.S.A. 50-6,103 and K.S.A. 2010 Supp. 66-2005 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 25; Present but not voting: 0; Absent or not voting: 2.

Yeas: Arpke, Aurand, Ballard, Bethell, Bollier, Boman, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Howell, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Landwehr, Lane, Mah, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Tietze, Trimmer, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Alford, Billinger, Bowers, Brookens, Carlson, Cassidy, Donohoe, Hayzlett, Hineman, Hoffman, C. Holmes, M. Holmes, Huebert, Kelly, Knox, Kuether, Loganbill, Mast, Moxley, Peck, Powell, Schwartz, Swanson, Tyson, Vickrey.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: **Sub. SB 72** price-deregulates voice telephone service in all parts of Kansas, putting in jeopardy rural Kansas where there is no choice for basic telephone service. Urban Kansas has already been deregulated and has already seen corresponding price increases. But they have choices for telephone service. When prices increase in rural Kansas there is no choice for plain old telephone service – it is a monopoly. This is a day for all Kansans to stand for all of Kansas. We vote NO on **Sub. SB 72**. – DON HINEMAN, BOB BROOKENS, WARD CASSIDY, JIM KELLY, OWEN DONOHOE, STEPHEN ALFORD, LARRY POWELL, MITCH HOLMES

MR. SPEAKER: **Sub. SB 72** fully price-deregulates voice telephone service in all parts of Kansas. Currently competitive exchanges are already deregulated. **Sub. SB 72** deregulates exchanges where a monopoly exists. It also abandons exchange-wide

pricing, allowing targeting of high cost lines. The real nut of this bill is elimination of the price reporting requirement in already deregulated areas, which hurts competition. This could be accomplished without sacrificing rural Kansas, where a monopoly still exists on plain old telephone service. There is a reason that committee leadership, who understand this best, does not support **Sub. SB 72**. We vote No on **Sub. SB 72**. –
FORREST J. KNOX, ANNIE KUETHER

SB 210, AN ACT providing for assessments on providers of home and community-based services developmental disability waiver program; prescribing powers, duties and functions for the Kansas health policy authority; creating the quality based community assessment fund; providing for implementation and administration. , was considered on final action.

On roll call, the vote was: Yeas 89; Nays 34; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Bruchman, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Gonzalez, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hill, Hineman, Hoffman, C. Holmes, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Meigs, Mosier, Moxley, O'Neal, Osterman, Otto, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Roth, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Boman, Brown, Brunk, Calloway, Crum, DeGraaf, Denning, Donohoe, Garber, Goodman, Grosserode, Hermanson, Hildabrand, M. Holmes, Howell, Kelley, Kinzer, Landwehr, Mast, McLeland, Mesa, Montgomery, O'Brien, O'Hara, Patton, Peck, Powell, Rhoades, Rubin, Scapa, Smith, Suellentrop, Tyson.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The bill passed.

SB 215, AN ACT abolishing the liquefied petroleum gas advisory board; repealing K.S.A. 55-1811, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer,

Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The bill passed.

SB 224, AN ACT concerning the gas safety and reliability surcharge; relating to a petition for rate schedule, extension of deadline for proceeding; amending K.S.A. 2010 Supp. 66-2203 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Landwehr, Tyson.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The bill passed, as amended.

SB 227, AN ACT concerning property; relating to renewable energy; amending K.S.A. 58-2272 and repealing the existing section, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 229** be passed.

Committee on **Appropriations** recommends **SB 97**, as amended by adoption of the amendments recommended by House Committee on Judiciary as reported in the Journal of the House on March 15, 2011, and the bill, as printed with amendments by House Committee be amended on page 4, in line 14, by striking "\$17.50" and inserting "\$22";

On page 6, in line 30, by striking "\$17.50" and inserting "\$22";

On page 9, in line 31, by striking "\$15" and inserting "\$19";

On page 14, in line 6, by striking "\$15" and inserting "\$19";

On page 16, in line 17, by striking "\$21" and inserting "\$26.50";

On page 17, in line 31, by striking "\$17.50" and inserting "\$22";

On page 19, in line 32, by striking "\$17.50" and inserting "\$22"; in line 43, by striking "\$21" and inserting "\$26.50";

On page 20, in line 25, by striking "\$10" and inserting "\$12.50";

On page 21, in line 19, by striking "\$17.50" and inserting "\$22";

On page 23, in line 27, by striking "\$15" and inserting "\$19";

On page 25, in line 25, by striking "\$17.50" and inserting "\$22";

On page 27, in line 21, by striking "\$17.50" and inserting "\$22";

On page 28, in line 17, by striking "\$17.50" and inserting "\$22"; in line 30, by striking "\$17.50" and inserting "\$22";

On page 30, in line 23, by striking "\$17.50" and inserting "\$22";

On page 31, in line 29, by striking "\$10" and inserting "\$12.50";

On page 32, in line 10, by striking "\$15" and inserting "\$19"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2405, AN ACT concerning the civil service; converting certain classified positions into unclassified positions.; amending K.S.A. 75-5310 and 75-5611 and repealing the existing sections, by Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6021**—

A RESOLUTION encouraging participation in the American Public Health

Association's and the Kansas Public Health Association's National Public Health Week, which is April 4-10, 2011.

WHEREAS, The week of April 4-10, 2011 is National Public Health Week, and the theme is "Safety is *no* Accident: Live Injury-Free"; and

WHEREAS, Kansas counties and local health departments play a vital role in the state's public health; and

WHEREAS, Since 1995, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policy-makers and public health professionals about public health issues; and

WHEREAS, Each year, nearly 150,000 people die from injuries. Unintentional injuries, such as motor vehicle crashes, poisonings and falls rank among the top 10 causes of death for people ages 1-44; and

WHEREAS, Almost 30 million people are injured seriously enough to go to the emergency room each year; and

WHEREAS, The financial costs of injuries are staggering, accounting for 12% of annual medical care spending and totaling as much as \$69 billion per year; and

WHEREAS, Injuries, unexpected events and violence affect people at home, at work, in their communities, on the move and even at play; and

WHEREAS, Many injuries and associated costs can be proactively prevented by taking actions such as wearing a seat belt, properly installing smoke alarms, correctly installing and using child safety seats, wearing a helmet, and storing cleaning supplies in locked cabinets. Furthermore, educating the community about violence and maltreatment towards children, seniors and other vulnerable populations prevents injuries: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we support the efforts of the American Public Health Association and the Kansas Public Health Association. Specifically, we recognize the week of April 4-10, 2011, as National Public Health Week in Kansas. We call upon the people of Kansas to observe this week by helping our families, friends, neighbors, co-workers and leaders better understand the importance of public health to a successful health system by remembering this year's theme, "Safety is *no* Accident; Live Injury-Free"; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Jonathan Larance, Kansas Department of Health and Environment, 1000 SW Jackson, Ste 230, Topeka, KS 66612-1274.

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

AFTERNOON SESSION

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

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

COMMITTEE OF THE WHOLE

On motion of Rep. Aurand, Committee of the Whole report, as follows, was adopted: Recommended that discussion resume on **HB 2383** (see Morning Session).

On motion of Rep. Sloan, **HB 2383** be amended on page 19, following line 22, by

inserting:

"Sec. 34.

STATE BOARD OF REGENTS

(a) On the effective date of this act, of the \$6,219,875 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 131(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the PEI infrastructure–debt service account, the sum of \$300,000 is hereby lapsed.

(b) On July 1, 2011, the director of accounts and reports shall transfer \$100,000 from the PEI infrastructure – debt service account of the board of regents to the state general fund.";

And by renumbering the remaining sections accordingly;

Also on page 19, by striking all in lines 25 through 30 and by inserting the following:

"(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Standardized water data repository.....\$300,000";

On page 190, following line 8, by inserting the following:

"Standardized water data repository..... \$100,000

Provided, That any unencumbered balance in the standardized water data repository account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.";

Also, on motion of Rep. Patton to amend **HB 2383**, Rep. Phelps requested the question be divided. The Rules Chair ruled the question could not be divided pursuant to the Pay-Go provisions.

Also, on motion of Rep. Rubin to amend **HB 2383**, Rep. Brookens requested a ruling on the amendment being germane to the bill. Rep. Rubin subsequently withdrew his amendment.

Also, roll call was demanded on motion of Rep. Donohoe to amend **HB 2383** on page 290, following line 11, by inserting the following:

"Sec. 163. (a) On July 1, 2011, of the amount of each appropriation or reappropriation for a state agency for the fiscal year ending June 30, 2012, made by this or other appropriation act of the 2011 regular session of the legislature from the state general fund, the amount determined by the director of the budget in consultation with the director of legislative research, in accordance with this section and certified by the director of the budget to the director of accounts and reports for each account of the state general fund, is hereby lapsed, except as otherwise provided by this section: *Provided*, That, prior to July 1, 2011, the director of the budget shall determine the amount to lapse from each appropriation and reappropriation from the state general fund for fiscal year 2012 made by this or other appropriation act of the 2011 regular session of the legislature so that the aggregate of all amounts appropriated or reappropriated from the state general fund for all state agencies for fiscal year 2012 is equal to the aggregate approved fiscal year 2011 state general fund budget, subject to the provisions of this section: *Provided further*, That, subject to the provisions of this section, each amount to be lapsed by this section in each such account of the state general fund appropriated or reappropriated for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature shall be the amount equal to the result obtained by subtracting the aggregate amount appropriated or reappropriated from the state general fund in the account for fiscal year 2011 as part of

the aggregate approved fiscal year 2011 state general fund budget from the aggregate amount appropriated or reappropriated from the state general fund in the account for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature: *Provided, however*, That no amount shall be lapsed by this section from an account of the state general fund appropriated or reappropriated for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature if the aggregate amount in such account for fiscal year 2012 is less than the aggregate amount in such account for fiscal year 2011.

(b) On July 1, 2011, each amount that is appropriated for fiscal year 2012 in an account of the state general fund for which no moneys were appropriated for fiscal year 2011 from the state general fund in the aggregate approved fiscal year 2011 state general fund budget, as determined by the director of the budget in consultation with the director of legislative research, is hereby lapsed, except as otherwise provided by this section.

(c) Any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for human services caseloads for the department of social and rehabilitation services, the division of health care finance of the department of health and environment, the juvenile justice authority or the department on aging, any item of appropriation or reappropriation for debt service for contractual bond obligations, including any transfer from the state general fund to the school district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto, and any item of appropriation or reappropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto, shall be exempt from the provisions of this section that provide for a lapse of any such appropriation or reappropriation or a decrease in any such transfer from the state general fund.

(d) On July 1, 2011, of the amount appropriated or reappropriated for the department of education from the state general fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, in the general state aid account, the amount equal to the sum of the aggregate of all items of appropriation or reappropriation from the state general fund for fiscal year 2012 that are specified in subsection (c) is hereby lapsed: *Provided*, That the amount lapsed under this subsection shall not exceed \$257,000,000.

(e) For all purposes under this section, any state agency names and state general fund account names that are modified, including other budgetary or accounting provisions that are redesignated or otherwise modified, whether pursuant to or to provide for an executive reorganization order that becomes effective or a governmental reorganization act that takes effect for fiscal year 2012, and that are determined by the director of the budget, after consultation with the director of legislative research, to be substantially the same for fiscal year 2012 as referred to for fiscal year 2011, shall be considered to be the same for purposes of this section and the application of the provisions of this section.

(f) As used in this section, "aggregate approved fiscal year 2011 state general fund budget" means the aggregate of all amounts appropriated or reappropriated from the state general fund for all state agencies for fiscal year 2011 by chapter 2, chapter 124 or

chapter 144 of the 2009 Session Laws of Kansas or by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 8; Nays 107; Present but not voting: 0; Absent or not voting: 10.

Yeas: Collins, Donohoe, Goodman, Kelley, Kiegerl, Kinzer, O'Brien, O'Hara.

Nays: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Grange, Grant, Gregory, Grosserode, Hayzlett, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Brown, Fund, Gordon, Hedke, M. Holmes, Landwehr, Slattery, Suellentrop, Swanson.

The motion of Rep. Donohoe did not prevail.

Also, on motion of Rep. Ward to amend **HB 2383**, the motion did not prevail.

Also, on motion of Rep. Brunk, **HB 2383** be amended on page 182, following line 9, by inserting the following:

“Advanced manufacturing institute – Kansas state university fund..... No limit
Heartland plant innovations – Kansas state university fund.....No limit”;

On page 189, following line 30, by inserting the following:

“Kansas polymer research center – Pittsburg state university fund.....No limit”;

On page 192, following line 11, by inserting the following:

“Biotechnology innovation and optimization center –
university of Kansas fund..... No limit
Kansas alliance for bioenergy and biorefining – university of Kansas fund....No limit
Information and telecommunication technology center –
university of Kansas fund.....No limit”;

On page 197, following line 16, by inserting the following:

“National institute for aviation research – Wichita state university fund.....No limit
Center of innovation for biomaterials in orthopaedic research
– Wichita state university fundNo limit”;

On page 290, following line 11, by inserting the following:

“Sec. 163. K.S.A. 2010 Supp. 74-99b34 is hereby amended to read as follows: 74-99b34. (a) The bioscience development and investment fund is hereby created. The bioscience development and investment fund shall not be a part of the state treasury and the funds in the bioscience development and investment fund shall belong exclusively to the authority.

(b) Distributions from the bioscience development and investment fund shall be for the exclusive benefit of the authority, under the control of the board and used to fulfill

the purpose, powers and duties of the authority pursuant to the provisions of K.S.A. 2010 Supp. 74-99b01 et seq., and amendments thereto.

(c) The secretary of revenue and the authority shall establish the base year taxation for all bioscience companies and state universities. The secretary of revenue, the authority and the board of regents shall establish the number of bioscience employees associated with state universities and report annually and determine the increase from the taxation base annually. The secretary of revenue and the authority may consider any verifiable evidence, including, but not limited to, the NAICS code assigned or recorded by the department of labor for companies with employees in Kansas, when determining which companies should be classified as bioscience companies.

(d) (1) Except as provided in subsection (d)(2), for a period of 15 years from the effective date of this act, the state treasurer shall pay annually 95% of withholding above the base, as certified by the secretary of revenue, upon Kansas wages paid by bioscience employees to the bioscience development and investment fund. The state treasurer may make estimated payments to the bioscience authority more frequently based on estimates provided by the secretary of revenue and reconciled annually. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the bioscience development and investment fund interest earnings based on:

—~~(1)~~(A) The average daily balance of moneys in the bioscience development and investment fund for the preceding month; and

—~~(2)~~(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

(2) (A) For fiscal years 2012, 2013, 2014 and 2015, the first \$16,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees, shall be transferred by the director of accounts and reports from the sales tax refund fund of the department of revenue, in one or more substantially equal amounts, to each of the following: The advanced manufacturing institute – Kansas state university fund, the biotechnology innovation and optimization center – university of Kansas fund, the information and telecommunication technology center – university of Kansas fund, the Kansas polymer research center – Pittsburg state university fund, the national institute for aviation research – Wichita state university fund, the heartland plant innovations – Kansas state university fund, Kansas alliance for bioenergy and biorefining – university of Kansas fund, and the center of innovation for biomaterials in orthopaedic research – Wichita state university fund. Each such special revenue fund shall receive \$2,000,000 annually.

(B) On or before January 15, 2013, 2014, 2015, and 2016, the advanced manufacturing institute of Kansas state university, the biotechnology innovation and optimization center of the university of Kansas, the information and telecommunication technology center of the university of Kansas, the Kansas polymer research center of Pittsburg state university, the national institute for aviation research of Wichita state university, heartland plant innovations of Kansas state university, the Kansas alliance for bioenergy and biorefining of the university of Kansas, and the center of innovation for biomaterials in orthopaedic research of Wichita state university shall report to the house of representatives committee on appropriations and the senate committee on ways and means on the research and development activities and the use of the moneys

transferred to such special revenue funds.

(C) There is hereby established in the state treasury the advanced manufacturing institute – Kansas state university fund which shall be administered by Kansas state university. All moneys credited to the fund shall be used for research and development. All expenditures from the advanced manufacturing institute – Kansas state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Kansas state university or by the person or persons designated by the president of Kansas state university.

(D) There is hereby established in the state treasury the biotechnology innovation and optimization center – university of Kansas fund which shall be administered by the university of Kansas. All moneys credited to the fund shall be used for research and development. All expenditures from the biotechnology innovation and optimization center – university of Kansas fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the chancellor of the university of Kansas or by the person or persons designated by the chancellor of the university of Kansas.

(E) There is hereby established in the state treasury the information and telecommunication technology center – university of Kansas fund which shall be administered by the university of Kansas. All moneys credited to the fund shall be used for research and development. All expenditures from the information and telecommunication technology center – university of Kansas fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the chancellor of the university of Kansas or by the person or persons designated by the chancellor of the university of Kansas.

(F) There is hereby established in the state treasury the Kansas polymer research center – Pittsburg state university fund which shall be administered by Pittsburg state university. All moneys credited to the fund shall be used for research and development. All expenditures from the Kansas polymer research center – Pittsburg state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Pittsburg state university or by the person or persons designated by the president of Pittsburg state university.

(G) There is hereby established in the state treasury the national institute for aviation research – Wichita state university fund which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the national institute for aviation research – Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.

(H) There is hereby established in the state treasury the heartland plant innovations – Kansas state university fund which shall be administered by Kansas state university. All moneys credited to the fund shall be used for research and development. All expenditures from the heartland plant innovations – Kansas state university fund shall be made in accordance with appropriation acts and upon warrants of the director of

accounts and reports issued pursuant to expenditures approved by the president of Kansas state university or by the person or persons designated by the president of Kansas state university.

(I) There is hereby established in the state treasury the Kansas alliance for bioenergy and biorefining – university of Kansas fund which shall be administered by the university of Kansas. All moneys credited to the fund shall be used for research and development. All expenditures from the Kansas alliance for bioenergy and biorefining – university of Kansas fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the chancellor of the university of Kansas or by the person or persons designated by the chancellor of the university of Kansas.

(J) There is hereby established in the state treasury the center of innovation for biomaterials in orthopaedic research – Wichita state university fund which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the center of innovation for biomaterials in orthopaedic research – Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.

(e) The cumulative amounts of funds paid by the state treasurer to the bioscience development and investment fund shall not exceed ~~\$581.8 million~~ \$581,800,000.

(f) The division of post audit is hereby authorized to conduct a post audit in accordance with the provisions of the ~~state~~ legislative post audit act ~~to~~, K.S.A. 46-1106 et seq., and amendments thereto.

(g) At the direction of the authority, the fund may be held in the custody of and invested by the state treasurer, provided that the bioscience development and investment fund shall at all times be accounted for in a separate report from all other funds of the authority and the state.

Sec. 164. K.S.A. 2010 Supp 74-99b34 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 8, following "8814," by inserting "74-99b34,";

Also, on motion of Rep. D. Gatewood, **HB 2383** be amended on page 290, following line 11, by inserting the following:

"Sec. 163. On July 1, 2011, K.S.A. 2010 Supp. 49-514 is hereby amended to read as follows: 49-514. (a) (1) For individuals who have rented and resided in their homes in the affected community continuously since March 13, 2006, and who can produce a valid rental contract or other proof of rental arrangement, the trust shall provide relocation assistance in an amount equal to the average cost of 12-months' rent for comparable housing elsewhere in the county where the affected community is located. The trust, in its discretion, may provide such assistance in periodic payments and not in a single lump sum. In addition, such individuals may receive not more than \$1,000 for moving expenses.

(2) For other individuals who are renting and residing in their homes in the affected community and who can produce a valid rental contract or other proof of rental arrangement, the trust, in its discretion, may provide relocation assistance and moving expenses in amounts not exceeding those authorized in subsection (a)(1).

(b) (1) Subject to the provisions of subsection (g), for individuals who have owned and resided in their homes in the affected community continuously since March 13, 2006, the trust shall purchase their homes, including the land on which their homes are located, for an amount equal to the average cost of comparable housing elsewhere in the county where the affected community is located. In addition, such individuals may receive not more than \$1,000 for moving expenses.

(2) Subject to the provisions of subsection (g), for other individuals who own and reside in their homes in the affected community, the trust, in its discretion, may purchase their homes, including the land on which their homes are located, for an amount equal to the price paid for the home plus 5% per year, un compounded, since the year of purchase and moving expenses in amounts not exceeding those authorized in subsection (b)(1).

(c) (1) Subject to the provisions of subsection (h), for persons who have rented the premises of and operated their businesses or nonprofit organizations in the affected community continuously since March 13, 2006, and who can produce a valid rental contract or other proof of rental arrangement, the trust shall provide relocation assistance in an amount equal to the average cost of 12-months' rent for comparable premises elsewhere in the county where the affected community is located. The trust, in its discretion, may provide such assistance in periodic payments rather than in a single lump sum. In addition, such persons may receive not more than \$2,000 for moving expenses.

(2) Subject to the provisions of subsection (h), for other persons who are renting the premises of and operating their businesses or nonprofit organizations in the affected community and who can produce a valid rental contract or other proof of rental arrangement, the trust, in its discretion, may provide relocation assistance and moving expenses in amounts not exceeding those authorized in subsection (c)(1).

(d) (1) Subject to the provisions of subsections (g) and (h), for persons who have owned the premises of and operated their businesses or nonprofit organizations in the affected community continuously since March 13, 2006, the trust shall purchase the premises, including the land on which the premises are located, for an amount equal to the average cost of comparable commercial property elsewhere in the county where the affected community is located. In addition, such persons may receive not more than \$2,000 for moving expenses.

(2) Subject to the provisions of subsections (g) and (h), for other persons who own the premises of and operate their businesses or nonprofit organizations in the affected community, the trust, in its discretion, may purchase the premises, including the land on which the premises are located, for an amount equal to the price the owner paid for the premises plus 5% per year, un compounded, since the year of purchase and moving expenses in amounts not exceeding those authorized in subsection (d)(1).

(e) Subject to the provisions of subsections (g) and (h), for persons who own rental property in the affected community, the trust, in its discretion, may purchase the rental property for: (A) An amount equal to the average cost of comparable rental property elsewhere in the county, if the person has owned such property continuously since March 13, 2006; or (B) an amount equal to the price paid plus 5% per year, un compounded, since the year of purchase, if the person has not owned such property continuously since March 13, 2006.

(f) Subject to the provisions of subsection (h), in addition to the purchase of

property as otherwise authorized by this act, the trust, in its discretion, may purchase other real property within the affected community to prevent future construction on such property for an amount not exceeding:

(1) The average cost of comparable property elsewhere in the county, if the person has owned such property continuously since March 13, 2006; or

(2) the price the owner paid for such property plus 5% per year, uncompounded, since the year of purchase-, if the person has not owned such property continuously since March 13, 2006.

(g) If a home or the premises of a business or nonprofit organization is a movable structure and the trust grants relocation assistance to the owner pursuant to this section, the trust, in its discretion, may pay the cost of relocating such structure in lieu of other assistance authorized in this section if the cost of relocating the structure does not exceed the amount of such other assistance.

(h) A person shall not be eligible for assistance pursuant to this act with respect to property used for mining or for removal, storage or sale of mined materials or mine waste or byproducts.

(i) Payments made pursuant to the provisions of this act may be made to any eligible person but not more than one payment shall be made with regard to any single dwelling or commercial or nonprofit premises, except that, if the dwelling or premises are rented, one payment may be made to a renter and one payment may be made to an owner.

(j) Participation in the assistance program provided for by this act shall be voluntary. No person shall be required to relocate or sell property under the provisions of this act.

(k) Real property acquired by the trust pursuant to the relocation assistance provisions of this act may be utilized or disposed of in accordance with law, in the manner that the trust determines will best serve the state of Kansas and public interest.

(l) The use of moneys pursuant to this section shall not be subject to the uniform relocation assistance and real property acquisition policies act of 1970(42 U.S.C. §4601 et seq.).

Sec. 164. On July 1, 2011, K.S.A. 2010 Supp. 79-514 is hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 7, following "12-5256," by inserting "49-514,";

Also, roll call was demanded on motion of Rep. Colloton to amend **HB 2383** on page 207, in line 4, by adding \$1,400,000 to the dollar amount and by adjusting the dollar amount in line 4 accordingly;

On page 258, in line 8, by subtracting \$1,400,000 from the first dollar amount, which reads "\$35,000,000" and by adjusting the dollar amount in line 8 accordingly; also in line 8, by subtracting \$1,400,000 from the second dollar amount, which reads "\$35,000,000" and by adjusting the dollar amount in line 8 accordingly; in line 13, by subtracting \$1,400,000 from the dollar amount and by adjusting the dollar amount in line 13 accordingly;

On roll call, the vote was: Yeas 82; Nays 35; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Bowers, Brookens, Bruchman, Burgess, Calloway, Cassidy, Collins, Colloton, Crum, Denning, Dillmore, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Gonzalez,

Goodman, Grange, Grant, Gregory, Grosserode, Hedke, Henderson, Henry, Hermanson, C. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Lane, Mah, Mast, McCray-Miller, Meier, Meigs, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Patton, Pauls, Peck, Pottorff, Proehl, Ruiz, Ryckman, Scapa, Schroeder, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, Swanson, Trimmer, Victors, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Boman, Brown, Brunk, Burroughs, Carlson, Davis, DeGraaf, Feuerborn, S. Gatewood, Goico, Hayzlett, Hildabrand, Hill, Hineman, Hoffman, Kuether, Loganbill, McLeland, Mesa, O'Neal, Osterman, Otto, Peterson, Phelps, Powell, Prescott, Rhoades, Rubin, Schwartz, Seiwert, Smith, Tietze, Tyson, Vickrey, Weber.

Present but not voting: None.

Absent or not voting: Bethell, Carlin, Fund, Gordon, M. Holmes, Landwehr, Roth, Schwab.:

The motion of Rep. Rep. Colloton prevailed.

Also, roll call was demanded on motion of Rep. Kelley to amend **HB 2383** on page 290, following line 11, by inserting the following:

"Sec. 163. (a) On July 1, 2011, of the amount of each appropriation or reappropriation for a state agency that is budgeted for state operations for the fiscal year ending June 30, 2012, made by this or other appropriation act of the 2011 regular session of the legislature from the state general fund, the sum equal to \$100,000,000 which is not exempt, is hereby lapsed in accordance with this subsection: *Provided*, That, appropriations and reappropriations for fiscal 2012 for the following are exempt from and shall not be reduced by such lapsing provision: (1) Any agency in the public safety function of government, and (2) any agency within the judicial branch of government: *Provided further*, That the aggregate amount lapsed in each account of the state general fund of the state agency under this section shall be the amount in the account budgeted for state operations which bears the same relation to \$100,000,000 as the aggregate amount budgeted for state operations from the state general fund for the state agency in the Governor's Budget Report for FY 2012 bears to the aggregate amount budgeted for state operations from the state general fund for all state agencies in the Governor's Budget Report for FY 2012: *And provided further*, That the director of the budget, after consultation with the director of legislative research, shall determine the amount to be lapsed under this subsection from each account of the state general fund of each state agency and shall certify such amount to the director of accounts and reports: *And provided further*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department.";

And by renumbering sections accordingly

On roll call, the vote was: Yeas 46; Nays 77; Present but not voting: 0; Absent or not voting: 2.

Yeas: Arpke, Aurand, Boman, Brown, Bruchman, Brunk, Calloway, Carlson, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goodman, Gregory, Grosserode, Hedke, Hermanson, Hildabrand, Howell, Huebert, Kelley, Kiegerl, Kinzer, Mast, McLeland, Meigs, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Prescott, Rhoades, Rubin, Ryckman, Scapa, Siegfried, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Nays: Alford, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Burgess,

Burroughs, Carlin, Cassidy, Collins, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Gonzalez, Grange, Grant, Hayzlett, Henderson, Henry, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Mesa, Mosier, Moxley, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The motion of Rep. Kelley did not prevail.

Also, rose and reported progress.

MESSAGE FROM THE GOVERNOR

HB 2027 approved on March 31, 2011.

MESSAGE FROM THE SENATE

Announcing adoption of **SCR 1608**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

SCR 1608.

On motion of Rep. Siegfried, the House recessed until 8:45 p.m.

NIGHT SESSION

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

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **HB 2312** and asked for a conference.

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

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

COMMITTEE OF THE WHOLE

On motion of Rep. Aurand, Committee of the Whole report, as follows, was adopted: Recommended that discussion resume on **HB 2383** (see Afternoon Session).

Also, on motion of Rep. McLeland, **HB 2383** be amended on page 51, in line 2, by subtracting \$129,840 from the dollar amount which reads \$3,153,798 and by adjusting the dollar amount in line 2 which reads \$3,153,798 accordingly; in line 16, by subtracting \$209,410 from the dollar amount which reads \$14,894,148 and by adjusting the dollar amount in line 16 which reads \$14,894,148 accordingly;

On page 52, in line 30, by adding \$339,410 to the dollar amount which reads \$1,308,199 and by adjusting the dollar amount in line 30 which reads \$1,308,199 accordingly;

Also, on motion of Rep. Frownfelter to amend **HB 2383**, the motion did not prevail. Also, on motion of Rep. Mah to amend, the motion did not prevail.

Also, on motion of Rep. Sloan, **HB 2383** be amended on page 246, following line 20, by inserting the following:

"(h) During the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the Kansas water office from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the Kansas water office from the state general fund or from any special revenue fund or funds for fiscal year 2012, to provide for the Kansas water office to lead database coordination of water quality and quantity data for all state water agencies and cooperating federal agencies to facilitate policy-making and such other matters relating thereto.";

Also, on motion of Rep. Weber to amend **HB 2383**, Rep. Brookens 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. Weber to amend, which did not prevail.

Also, on motion of Rep. Colloton, **HB 2383** be amended on page 86, in line 9, by subtracting \$812,000 from the dollar amount and by adjusting the dollar amount in line 9 accordingly;

On page 156, line 25, by adding \$812,000 to the dollar amount and by adjusting the dollar amount in line 25 accordingly;

On page 255, in line 19, by adding 12.00 to the number in the line and adjusting the number in line 19 accordingly;

Also, on motion of Rep. Mast, **HB 2383** be amended on page 155, in line 9, by adding \$300,000 to the dollar amount and adjusting the dollar amount in line 9 accordingly;

On page 206, following line 31, by inserting the following:

"(h) On July 1, 2011, of the state general fund appropriated to the PEI infrastructure — debt service account of the board of regents, by this or any other appropriations act for the fiscal year ending June 30, 2012, the amount of \$300,000 is hereby lapsed.";

Also, roll call was demanded on motion of Rep. Fawcett to amend **HB 2383** on page 290, following line 11, by inserting the following:

"Sec. 163. (a) On July 1, 2011, of the amount of each appropriation or reappropriation for a state agency that is budgeted for state operations for the fiscal year ending June 30, 2012, and made by this or other appropriation act of the 2011 regular session of the legislature from the state general fund, that is not exempt, the sum equal to \$50,000,000 is hereby lapsed in accordance with this subsection: *Provided*, That, appropriations and reappropriations for fiscal 2012 for the following are exempt from and shall not be reduced by such lapsing provision: (1) Any agency in the public safety function of government, and (2) any agency within the judicial branch of government: *Provided further*, That the aggregate amount lapsed in each account of the state general fund of the state agency under this section shall be the amount in the account budgeted for state operations which bears the same relation to \$50,000,000 as the aggregate

amount budgeted for state operations from the state general fund for the state agency in the Governor's Budget Report for FY 2012 bears to the aggregate amount budgeted for state operations from the state general fund for all state agencies in the Governor's Budget Report for FY 2012: *And provided further*, That the director of the budget, after consultation with the director of legislative research, shall determine the amount to be lapsed under this subsection from each account of the state general fund of each state agency and shall certify such amount to the director of accounts and reports: *And provided further*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 54; Nays 67; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Billinger, Boman, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Crum, DeGraaf, Donohoe, Fawcett, Garber, Goico, Goodman, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kinzer, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Prescott, Rhoades, Rubin, Scapa, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Nays: Alford, Ballard, Bethell, Bollier, Bowers, Brookens, Burgess, Burroughs, Carlin, Collins, Colloton, Davis, Denning, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Grange, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mosier, Moxley, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Proehl, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund, Gordon, Peterson, Roth.

The motion of Rep. Fawcett did not prevail.

Also, on motion of Rep. Goico, **HB 2383** be amended on page 277, by striking all in lines 34 through 43;

By striking all on pages 278 through 287;

On page 288, by striking all in lines 1 and 2;

And by renumbering sections accordingly;

On page 290, following line 11, by inserting the following:

“Sec. 163. (a) (1) On July 1, 2011, of the amount of each appropriation or reappropriation for a state agency for the fiscal year ending June 30, 2012, made by this or other appropriation act of the 2011 regular session of the legislature from the state general fund, the sum equal to 1.193% of such appropriation or reappropriation, which is not exempt, is hereby lapsed. The following are exempt from and shall not be reduced by such lapsing provision: (A) Any item of appropriation or reappropriation for debt service for payments pursuant to contractual bond obligations, (B) any item of appropriation or reappropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system pursuant to

K.S.A. 74-4939, and amendments thereto, (C) any item of appropriation or reappropriation from the state general fund for fiscal year 2012 for the department of education for general state aid or any other state aid for schools, and (D) any item of appropriation or reappropriation from the state general fund for fiscal year 2012, for the department of social and rehabilitation services, division of health care finance of the department of health and environment, juvenile justice authority or the department on aging which are required to meet caseload obligations under the state medicaid plan including nursing facilities, general medical, targeted case management, mental health, community supports and services, or addiction and prevention services or for the department of social and rehabilitation services to meet caseload obligations for nursing facilities for mental health, general assistance, temporary assistance for families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this clause: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this clause (D), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(2) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state economic development initiatives fund of each state agency, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, the sum equal to 1.193% of such appropriation or reappropriation, which is not exempt, is hereby lapsed. The following are exempt from and shall not be reduced by such lapsing provision: (A) Any item of appropriation or reappropriation for debt service for payments pursuant to contractual bond obligations, (B) any item of appropriation or reappropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto, (C) any item of appropriation or reappropriation from the state general fund for fiscal year 2012 for the department of education for general state aid or any other state aid for schools, and (D) any item of appropriation or reappropriation from the state general fund for fiscal year 2012, for the department of social and rehabilitation services, division of health care finance of the department of health and environment, juvenile justice authority or the department on aging which are required to meet caseload obligations under the state medicaid plan including nursing facilities, general medical, targeted case management, mental health, community supports and services, or addiction and prevention services or for the department of social and rehabilitation services to meet caseload obligations for nursing facilities for mental health, general assistance, temporary assistance for families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this clause: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this clause (D), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(3) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state water plan fund of each state agency, as authorized and provided by this or other appropriation act of the 2011 regular session

of the legislature, the sum equal to 1.193% of such appropriation or reappropriation, which is not exempt, is hereby lapsed. The following are exempt from and shall not be reduced by such lapsing provision: (A) Any item of appropriation or reappropriation for debt service for payments pursuant to contractual bond obligations, (B) any item of appropriation or reappropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto, (C) any item of appropriation or reappropriation from the state general fund for fiscal year 2012 for the department of education for general state aid or any other state aid for schools, and (D) any item of appropriation or reappropriation from the state general fund for fiscal year 2012, for the department of social and rehabilitation services, division of health care finance of the department of health and environment, juvenile justice authority or the department on aging which are required to meet caseload obligations under the state medicaid plan including nursing facilities, general medical, targeted case management, mental health, community supports and services, or addiction and prevention services or for the department of social and rehabilitation services to meet caseload obligations for nursing facilities for mental health, general assistance, temporary assistance for families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this clause: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this clause (D), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(b) On July 1, 2011, the expenditure limitation established for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature, on each special revenue fund in the state treasury is hereby decreased for fiscal year 2012 by the sum equal to 1.193% of such expenditure limitation for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports, the director of the budget shall deliver a copy of such certification to the director of legislative research.

(c) The provisions of this section shall not apply to any transfer of moneys to the: (1) School district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto, or the (2) school district capital outlay state aid fund for distribution to school districts pursuant to K.S.A. 72-8814, and amendments thereto.”;

And by renumbering sections accordingly;

Also, on motion of Rep. Davis to amend **HB 2383**, the motion did not prevail; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Siegfried, pursuant to House Rule 2311, **HB 2383** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2383, AN ACT making and concerning appropriations for fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2010 Supp. 2-223, 12-5256, 55-193, 72-8814, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections; also repealing section 138 of chapter 165 of the 2010 Session Laws of Kansas, was considered on final action.

On roll call, the vote was: Yeas 69; Nays 52; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Bruchman, Brunk, Calloway, Carlson, Cassidy, Colloton, Crum, DeGraaf, Denning, Fawcett, Garber, Goico, Gonzalez, Goodman, Grange, Hayzlett, Hedke, Hermanson, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, KleeB, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfroid, Smith, Spalding, Suellentrop, Swanson, Vickrey, Weber, B. Wolf, Worley.

Nays: Ballard, Bethell, Bollier, Brookens, Brown, Burgess, Burroughs, Carlin, Collins, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Gregory, Grosserode, Henderson, Henry, Hildabrand, Hill, Kelley, Kinzer, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, O'Hara, Pauls, Phelps, Rubin, Ruiz, Slattery, Sloan, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Gordon, Peterson, Roth.

The bill passed, as amended.

REPORT ON ENGROSSED BILLS

HB 2269 reported correctly engrossed March 31, 2011.

S. Sub. for HB 2008; HB 2122; S. Sub. for HB 2132; HB 2218, HB 2339 reported correctly re-engrossed March 31, 2011.

REPORT ON ENROLLED RESOLUTIONS

HR 6008, HR 6018 reported correctly enrolled and properly signed on March 31, 2011.

On motion of Rep. Siegfroid, the House adjourned until 10:00 a.m., Friday, April 1, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

