

SPECIAL SESSION

Journal of the House

TENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, July 1, 2005, 10:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 124 members present.
Rep. Schwab was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

God of plenty and promise, we thank you today for the life-giving rains that have fallen on our land. We thank you for the growth that it brings to the crops of the farmers of Kansas. Lord, every step of the way, you provide exactly what we need for our wellbeing: soil and seed, rain and bright sunshine.

When we see the storms of summer, we see a glimpse of your power and majesty in clouds and thunder and lightning. When we stop to give you thanks, we become aware again of how helpless we are without your gifts. Thank you for storms, O God. Even when they buffet and challenge us, they bring the promise of new life.

Your servants have been in the midst of another kind of storm in these last few days. There has been much buffeting with the wind and no small amount of thunder and lightning. We don't know if this morning's sunshine marks the end of the storm or just a break in the clouds. There may be more ahead. Whatever comes, we thank you for the opportunity for growth and new life that you offer us in every circumstance. Be with us as we weather this day and all our days to come. Amen.

The Pledge of Allegiance was led by Rep. Roth.

MESSAGES FROM THE SENATE

Announcing passage of **SB 4**.

Also, announcing passage **HB 2004**, as amended by **S. Sub. for HB 2004**.

Also, announcing passage of **SB 1**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 1, SB 4.

Speaker Mays announced that in accordance with House Rule 2107, the Senate amendments to **S. Sub. for HB 2004** do materially change its subject and **S. Sub. for HB 2004** therefor is not subject to Motions to Concur and Nonconcur.

S. Sub. for HB 2004 was thereupon introduced and read by title.

S. Sub. for HB 2004, An act concerning schools and school districts; relating to school finance; relating to the powers and duties of the legislature, courts, state board of education and school districts in relation thereto; relating to litigation in relation thereto; making and

concerning appropriations for the fiscal years ending June 30, 2006, for the department of education; amending K.S.A. 72-6410, as amended by section 14 of 2005 House Bill No. 2247, 72-6412, as amended by section 15 of 2005 House Bill No. 2247, 72-6414, as amended by section 17 of 2005 House Bill No. 2247, 72-6426, 79-1801 and section 3 of 2005 House Bill No. 2247, and K.S.A. 2004 Supp. 72-978, as amended by section 10 of 2005 House Bill No. 2247, 72-6407, as amended by section 16 of 2005 Senate Bill No. 43, and 72-6434, as amended by section 24 of 2005 House Bill No. 2247, and repealing the existing sections; also repealing K.S.A. 46-1222, 46-1223, 46-1224 and section 13 of 2005 Senate Bill No. 43, by Committee on Ways and Means.

Speaker thereupon referred **S. Sub. for HB 2004** to Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker Mays announced the referral of the following bills to committee as indicated:

Committee on Appropriations: **SB 1, SB 4.**

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. McKinney, **HR 6008**, by Reps. McKinney and Mays, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6008—

A RESOLUTION concerning actions of the House of Representatives during the 2005 special session.

WHEREAS, The Kansas Legislature has been called into special session to address school funding requirements mandated by the Kansas Supreme Court; and

WHEREAS, The House of Representatives is committed to not reducing any social or health programs in any way whatsoever during this special session; and

Be it resolved by the House of Representatives of the State of Kansas: That the House of Representatives intends to complete the 2005 special session of the legislature without making any reductions in any social or health programs.

SPECIAL RECOGNITION

Rep. Showalter was welcomed back to the House with a standing ovation. Speaker Mays and Rep. McKinney addressed remarks of welcome. Rep. Showalter also addressed a few remarks to the members of the House. She was accompanied by her son, Kevin White; her daughter, Nancy Heinz; and her friend, Sudie Tapia.

On motion of Rep. Aurand, the House recessed until 4:00 p.m.

LATE AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5006—

By Representatives Mays and McKinney

A CONCURRENT RESOLUTION relating to the 2005 special session of the legislature and providing for the adjournment thereof.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature shall adjourn sine die at the close of business of the daily session convened on July 1, 2005.

On motion of Rep. Aurand, the House recessed until 7:00 p.m.

EVENING SESSION

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

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 1** be passed.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Aurand, pursuant to House Rule 2311, **SB 1** was advanced to Final Action on Bills and Concurrent Resolutions, subject to amendment, debate and roll call.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 1, An act concerning certain members of military service; relating to the adjutant general; providing for reimbursement for certain life insurance premiums coverage; creating the national guard life insurance premium reimbursement fund; exemptions from taxation of motor vehicles; making and concerning appropriations for the fiscal year ending June 30, 2006, for the adjutant general; amending K.S.A. 75-3713b, as amended by section 3 of 2005 Senate Substitute for House Bill No. 2518, and K.S.A. 2004 Supp. 79-32,117, as amended by section 21 of 2005 House Bill No. 2537, and 79-5107, as amended by section 1 of 2005 House Bill No. 2187, and repealing the existing sections; also repealing section 1 of 2005 Senate Substitute for House Bill No. 2518, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Schwab, Sloan.

The bill passed.

The House stood at ease until the sound of the gavel.

Speaker Mays called the House to order.

On motion of Rep. Aurand, the House recessed until 10:30 p.m.

NIGHT SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS

Pursuant to House Rule 3202(b), Rep. Sawyer moved to appeal the ruling of the Speaker when he ruled **S. Sub. for HB 2004** materially changed under House Rule 2107.

Roll call was demanded.

On roll call, the vote was: Yeas 59; Nays 63; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Huff, Huntington, Jack, D. Johnson, Kirk, Kuether, Lane, Larkin, Loganbill, Long, Loyd, Mah, McKinney, Menghini, M. Miller, O'Malley, Owens, Pauls, Peterson, Phelps, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Showalter, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Williams, Winn, Yoder, Yonally.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Faber, Flower, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Schwartz, Shultz, Siegfried, Sloan, Watkins, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Edmonds, Kiegerl, Schwab.

The motion of Rep. Sawyer did not prevail.

The House stood at ease until the sound of the gavel.

Speaker Mays called the House to order.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **SB 4** be amended on page 1, preceding line 38, by inserting the following:

“Young Kansans — safe kids program

For the fiscal year ending June 30, 2006..... \$250,000

Provided, That all expenditures from the young Kansans — safe kids program account shall be made only for the purpose of matching nonstate moneys for young Kansans — safe kids program projects on the basis of \$1 from this account and \$1 from nonstate moneys: *Provided further*, That the attorney general shall prepare and submit a report on expenditures from the young Kansans — safe kids program account during January, 2006, to the committee on appropriations of the house of representatives and the committee on ways and means of the senate.”;

On page 2, by striking all in lines 2 through 14;

On page 4, by striking all in lines 14 through 20 and inserting the following:

“(c) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$250,000 from the social welfare fund of the department of social and rehabilitation services to the state general fund for the purpose of financing the young Kansans — safe kids program of the attorney general.

Sec. 3. Section 83 of 2005 Senate Substitute for House Bill No. 2482 is hereby amended to read as follows: Sec. 83. (a) On and after the effective date of this act, during the fiscal year ending June 30, 2005, and during the fiscal year ending June 30, 2006, no expenditures shall be made *by any state agency* from any moneys appropriated ~~for any state agency~~ from the state general fund or any special revenue fund for fiscal year 2005 ~~and~~ or fiscal year 2006 by chapter 123 or 184 of the 2004 Session Laws of Kansas or by 2005 Senate Bill No. 225 or ~~by this or other appropriation act~~ 2005 *Senate Substitute for House Bill No. 2482* of the 2005 regular session of the legislature, or *by this or other appropriation or other act of the special session of 2005 of the legislature* for media advertising by any state agency ~~of the state of Kansas~~ unless such *media* advertising includes ~~a disclosure~~ *the specific statement*

that such *media* advertising is funded, in whole or in part, by state taxpayer dollars, as the case may be, and includes the following specific statement: "Paid for by your Kansas tax dollars". The specific statement shall be included so that the specific statement is in eight-point font or larger and is easily seen and read or can be easily heard, in the case of media advertising utilizing audible broadcast media.

(b) As used in this section "state agency" has the meaning ascribed thereto by K.S.A. 75-3701 and amendments thereto; and "media advertising" means all forms of advertising expressed or otherwise communicated, in any fashion, utilizing or otherwise through the use of (1) billboards, newspapers, handbills, or mailings, or (2) television, radio, or cable broadcasting.

(c) The provisions of this section shall be broadly construed, applied and administered to be as inclusive as possible. The provisions of this section shall not apply to any media advertising that has been printed or manufactured prior to July 1, 2005.

Sec. 4.

LEGISLATURE

(a) In addition to the other purposes for which expenditures may be made by the legislature from the moneys appropriated from the state general fund or from the legislative special revenue fund for fiscal year 2006 as authorized by 2005 Senate Bill No. 225 or 2005 Senate Substitute for House Bill No. 2482 of the 2005 regular session of the legislature or by this or other appropriation act of the special session of 2005 of the legislature expenditures shall be made by the legislature from moneys appropriated from the state general fund or from the legislative special revenue fund for fiscal year 2006 to provide for meetings of a special committee on children's issues composed of senators and representatives appointed by the legislative coordinating council who are members of the joint committee on children's issues, except that no representative shall be required to be a member of the house committee on insurance or the house committee on appropriations to be a member of the special committee on children's issues: *Provided*, That the special committee on children's issues shall be assigned by the legislative coordinating council to oversee the implementation and operation of the children's health insurance plans created under the provisions of K.S.A. 38-2001 through 38-2010 and amendments thereto, including the assessment of the performance based contracting's measurable outcomes as set forth in subsection (b)(4) of K.S.A. 38-2001 and amendments thereto, and other children's issues as the special committee deems necessary and such other matters as may be assigned by the legislative coordinating council.

(b) In addition to the other purposes for which expenditures may be made by the legislature from the moneys appropriated from the state general fund or from the legislative special revenue fund for fiscal year 2006 as authorized by 2005 Senate Bill No. 225 or 2005 Senate Substitute for House Bill No. 2482 of the 2005 regular session of the legislature or by this or other appropriation act of the special session of 2005 of the legislature, expenditures shall be made by the legislature from moneys appropriated from the state general fund or from the legislative special revenue fund for fiscal year 2006 to provide for an interim study regarding the administration of the provisions of section 83 of 2005 Senate Substitute for House Bill No. 2482, and amendments thereto, and the expansion of the provisions of that statute to apply to expenditures by state agencies for media advertising through the use of other printed materials, the internet, or promotional products or items.

Sec. 5.

SECRETARY OF STATE

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

Constitutional amendment — reimbursements to counties, publication, and other costs
For the fiscal year ending June 30, 2006..... \$1,750,000";

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 10, by striking "years" and inserting "year"; in line 11, by striking "and June 30, 2007,"; in line 15, by striking all preceding "section" and inserting "amending"; in line 16, preceding the period, by inserting "and repealing the existing section"; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

In accordance with subsection (b) of House Rule 1503, Rep. Dillmore moved that the order on General Orders of **SB 4** be changed to the first measure to be considered on General Orders.

(The Chief Clerk of the House of Representatives is requested to read this motion and cause it to be printed in the Calendar of July 2, 2005, under the order of business "Consideration of Motions and House Resolutions Offered on a Previous Day" as provided by House Rule 1503 (b).)

REPORT ON ENROLLED RESOLUTIONS

HCR 5003 reported correctly enrolled and properly signed on July 1, 2005.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Saturday, July 2, 2005.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

