

# Journal of the House

FIFTY-SEVENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, April 2, 2007, 10:00 a.m.

The House met pursuant to adjournment with Speaker Neufeld in the chair.  
The roll was called with 122 members present.  
Rep. Sharp was excused on verified illness.  
Reps. Kiegerl and Svaty were excused on excused absence by the Speaker.  
Present later: Reps. Kiegerl and Svaty.  
Rep. Yoder was excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord, this past weekend, we got a lot of rain throughout Kansas. Rain is good . . . it helps to clean the air of pollutants; it gives moisture to the ground to produce a good harvest; it causes the spring flowers to bloom — that hopefully we stop long enough to smell and enjoy. At the same time, a hard rain can really muddy up the rivers and creeks as the rushing waters stir up the basin.

This past weekend, we had a few days off. This is good . . . it helps to clean the mind of the clutter; it gives time to rest the body; it produces reflection and soul-searching. At the same time, four days off can really mess up the thinking if one chooses to fret, stew and worry about the previous days.

This morning, Lord, I pray that we each have come refreshed — renewed — and recharged to do our best to fulfill our responsibilities in a cleaner and refreshing atmosphere. And may our decisions be those which spring hope and good will for our citizens. In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Donohoe.

## MESSAGES FROM THE SENATE

Announcing passage of **SB 15, SB 148, SB 214, SB 365, SB 389.**

Announcing passage of **HB 2046, HB 2246, HB 2318.**

Announcing passage of **HB 2005**, as amended; **HB 2019**, as amended; **HB 2062**, as amended; **HB 2080**, as amended; **HB 2123**, as amended; **HB 2128**, as amended; **Sub. HB 2129**, as amended; **HB 2264**, as amended by **S. Sub. for HB 2264**; **HB 2332**, as amended; **HB 2359**, as amended; **HB 2363**, as amended; **HB 2483**, as amended; **HB 2504**, as amended by **S. Sub. for HB 2504**; **HB 2526**, as amended.

The Senate concurs in House amendments to **SB 66**, and requests return of the bill.

The Senate concurs in House amendments to **SB 67.**

The Senate concurs in House amendments to **SB 104.**

The Senate concurs in House amendments to **SB 146.**

The Senate concurs in House amendments to **H. Sub. for SB 244.**

The Senate concurs in House amendments to **SB 321.**

Also, the Senate nonconcur in House amendments to **SB 8**, requests a conference and has appointed Senators Donovan, Wilson and Gilstrap as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 9**, requests a conference and has appointed Senators Donovan, Wilson and Gilstrap as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 14**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 31**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 34**, requests a conference and has appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 55**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 68**, requests a conference and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 88**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 103**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 112**, requests a conference and has appointed Senators Teichman, Wyson and Steineger as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 114**, requests a conference and has appointed Senators Teichman, Wyson and Steineger as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 115**, requests a conference and has appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 144**, requests a conference and has appointed Senators Brungardt, Reitz and Gilstrap as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 166**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 178**, requests a conference and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 188**, requests a conference and has appointed Senators McGinn, Ostmeyer and Lee as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 198**, requests a conference and has appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 201**, requests a conference and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 202**, requests a conference and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 204**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **Sub. SB 208**, requests a conference and has appointed Senators Teichman, Wyson and Steineger as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 239**, requests a conference and has appointed Senators Teichman, Wyson and Steineger as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 271**, requests a conference and has appointed Senators Teichman, Wyson and Steineger as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 324**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 333**, requests a conference and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 351**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 362**, requests a conference and has appointed Senators Umbarger, Emmler and Hensley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SCR 1603**, requests a conference and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

Also, the Senate accedes to the request of the House for a conference on **HB 2033** and has appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2038** and has appointed Senators Allen, Apple and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2058** and has appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2073** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2081** and has appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2113** and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2145** and has appointed Senators Taddiken, Pine and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2267** and has appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2283** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2316** and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2393** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2437** and has appointed Senators McGinn, Ostmeyer and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2476** and has appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills and concurrent resolutions thereupon introduced and read by title:

**SB 15, SB 148, SB 214, SB 365, SB 389.**

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 8**.

Speaker Neufeld thereupon appointed Reps. Hayzlett, Peck and Long as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 9**.

Speaker Neufeld thereupon appointed Reps. Hayzlett, Peck and Long as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 14**.

Speaker Neufeld thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 31**.

Speaker Neufeld thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 34**.

Speaker Neufeld thereupon appointed Reps. Wilk, Carlson and Holland as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 55**.

Speaker Neufeld thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 68**.

Speaker Neufeld thereupon appointed Reps. Aurand, Horst and Storm as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 88**.

Speaker Neufeld thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 103**.

Speaker Neufeld thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 112**.

Speaker Neufeld thereupon appointed Reps. Shultz, Brown and Dillmore as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 114**.

Speaker Neufeld thereupon appointed Reps. Shultz, Brown and Dillmore as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 115**.

Speaker Neufeld thereupon appointed Reps. Wilk, Carlson and Holland as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 144**.

Speaker Neufeld thereupon appointed Reps. Wilk, Carlson and Holland as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 166**.

Speaker Neufeld thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 178**.

Speaker Neufeld thereupon appointed Reps. Landwehr, Mast and Flaharty as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 188**.

Speaker Neufeld thereupon appointed Reps. Faber, Knox and Svary as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 198**.

Speaker Neufeld thereupon appointed Reps. Wilk, Carlson and Holland as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 201**.

Speaker Neufeld thereupon appointed Reps. Landwehr, Mast and Flaharty as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 202**.

Speaker Neufeld thereupon appointed Reps. Landwehr, Mast and Flaharty as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 204**.

Speaker Neufeld thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **Sub. SB 208**.

Speaker Neufeld thereupon appointed Reps. Shultz, Brown and Dillmore as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 239**.

Speaker Neufeld thereupon appointed Reps. Shultz, Brown and Dillmore as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 271**.

Speaker Neufeld thereupon appointed Reps. Shultz, Brown and Dillmore as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 324**.

Speaker Neufeld thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 333**.

Speaker Neufeld thereupon appointed Reps. Brunk, Kiegerl and Ruiz as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 351**.

Speaker Neufeld thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 362**.

Speaker Neufeld thereupon appointed Reps. Carlson, Yoder and Flaharty as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SCR 1603**.

Speaker Neufeld thereupon appointed Reps. Shultz, Brown and Dillmore as conferees on the part of the House.

#### **MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Siegfried, the House concurred in Senate amendments to **HB 2528**, An act concerning firearms; amending K.S.A. 59-2979 and 59-29b79 and K.S.A. 2006 Supp. 12-16,124, 75-7c04, 75-7c10, 75-7c11, 75-7c17 and 75-7c25 and repealing the existing sections.

On roll call, the vote was: Yeas 106; Nays 16; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlson, Colyer, Craft, Crum, Dahl, Davis, Donohoe, Faber, Feuerborn, Flora, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, King, Kinzer, Knox, Landwehr, Lane, Light, Long, Lukert, Mah, Mast, Masterson, McKinney, McLachlan, McLeland, Menghini, Merrick, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Swanson, Swenson, Tafanelli, Tietze, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Carlin, Colloton, Crow, Dillmore, Faust-Goudeau, Flaharty, Garcia, Henderson, Kuether, Loganbill, McCray-Miller, Metsker, Storm, Treaster, Trimmer, K. Wolf.

Present but not voting: None.

Absent or not voting: Kiegerl, Sharp, Svaty.

On motion of Rep. C. Holmes, the House concurred in Senate amendments to **HB 2033**, An act concerning the state corporation commission; relating to when public utility property is deemed to be completed and dedicated to commercial service; amending K.S.A. 2006 Supp. 66-128 and repealing the existing section.

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

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Kiegerl, Sharp, Svaty.

On motion of Rep. C. Holmes, the House concurred in Senate amendments to **HB 2038**, An act concerning energy; relating to nuclear power plants, siting permits and providing certain property tax exemptions; production of energy from renewable energy resources or technologies and use of waste energy, income tax credits and deductions and property tax exemptions; certain fuel storage and blending equipment, income tax credits and deductions and property tax exemptions; amending K.S.A. 66-1,158, 66-1,159, 66-1,159a, 66-1,161, 66-1,162, 66-1,169a and 66-1,169b and K.S.A. 2006 Supp. 66-1,160, 74-8949b, 79-229, 79-32,117, 79-32,120, 79-32,138, 79-32,218, 79-32,224, 79-32,229, 79-32,233, 79-32,234, 79-32,235, 79-32,237 and 79-32,239 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 79-32,117.

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

On roll call, the vote was: Yeas 91; Nays 31; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Faust-Goudeau, Fund, Garcia, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Hu-

merickhouse, Johnson, Kelsey, King, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McKinney, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Peck, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Swanson, Swenson, Tafarielli, Tietze, Treaster, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, Worley, Yoder.

Nays: Burroughs, Carlin, Crow, Davis, Dillmore, Donohoe, Faber, Feuerborn, Flaharty, Flora, Frownfelter, Gatewood, Henderson, Henry, Hodge, Holland, Huntington, Kelley, Kinzer, McCray-Miller, McLachlan, Menghini, Pauls, Peterson, Phelps, Ruiz, Storm, Trimmer, Wilk, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: Kiegerl, Sharp, Svaty.

On motion of Rep. C. Holmes, the House concurred in Senate amendments to **HB 2169**, An act concerning the Kansas development finance authority; relating to energy conservation improvements and energy conservation measures; amending K.S.A. 75-37,114 and K.S.A. 2006 Supp. 74-8902 and 75-37,125 and repealing the existing sections.

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

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Tafarielli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Kiegerl, Sharp, Svaty.

On motion of Rep. C. Holmes, the House concurred in Senate amendments to **HB 2240**, An act concerning retailers' sales tax; relating to the exemptions; amending K.S.A. 2006 Supp. 79-3603 and repealing the existing section.

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

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Tafarielli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Kiegerl, Sharp, Svaty.

On motion of Rep. C. Holmes to concur in Senate amendments to **S. Sub. for HB 2485**, the motion did not prevail and the bill remains in conference.

On roll call, the vote was: Yeas 42; Nays 80; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bethell, Burgess, Colloton, Dahl, Flora, Fund, George, Goico, Gordon, Hawk, Hayzlett, Hill, C. Holmes, Humerickhouse, Kuether, Light, Loganbill, Long, Merri-  
rick, Jim Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Patton, Peck,  
Rhoades, Roth, Schroeder, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham,  
Wilk, K. Wolf, Yoder.

Nays: Ballard, Beamer, Bowers, Brown, Brunk, Burroughs, Carlin, Carlson, Colyer, Craft,  
Crum, Crum, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty,  
Frownfelter, Garcia, Gatewood, Goyle, Grange, Grant, Henderson, Henry, Hodge, Holland,  
M. Holmes, Horst, Huebert, Huntington, Johnson, Kelley, Kelsey, King, Kinzer, Knox,  
Landwehr, Lane, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan,  
McLeland, Menghini, Metsker, Judy Morrison, Otto, Owens, Palmer, Pauls, Peterson,  
Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Ruff, Ruiz, Sawyer, Schwartz, Shultz, Sieg-  
freid, Storm, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf,  
Worley.

Present but not voting: None.

Absent or not voting: Kiegerl, Sharp, Svaty.

On motion of Rep. Gordon, the House nonconcurred in Senate amendments to **HB 2005** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Gordon, Huntington and Winn as conferees on the part of the House.

On motion of Rep. Burgess, the House nonconcurred in Senate amendments to **HB 2019** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Burgess, Powers and Sawyer as conferees on the part of the House.

On motion of Rep. Myers, the House nonconcurred in Senate amendments to **HB 2062** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Burgess, the House nonconcurred in Senate amendments to **HB 2080** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Burgess, Powers and Sawyer as conferees on the part of the House.

On motion of Rep. Aurand, the House nonconcurred in Senate amendments to **HB 2123** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Aurand, Horst and Storm as conferees on the part of the House.

On motion of Rep. Burgess, the House nonconcurred in Senate amendments to **HB 2128** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Burgess, Powers and Sawyer as conferees on the part of the House.

On motion of Rep. Burgess, the House nonconcurred in Senate amendments to **Sub. HB 2129** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Burgess, Powers and Sawyer as conferees on the part of the House.

On motion of Rep. Wilk, the House nonconcurred in Senate amendments to **S. Sub. for HB 2264** and asked for a conference.



Speaker Neufeld thereupon appointed Reps. Wilk, Carlson and Holland as conferees on the part of the House.

On motion of Rep. Burgess, the House nonconcurred in Senate amendments to **HB 2332** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Burgess, Powers and Sawyer as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2359** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2363** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Landwehr, the House nonconcurred in Senate amendments to **HB 2483** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Landwehr, Mast and Flaharty as conferees on the part of the House.

On motion of Rep. McKinney, the House nonconcurred in Senate amendments to **S. Sub. for HB 2504** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Merrick, Dahl and McKinney as conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurred in Senate amendments to **HB 2526** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. C. Holmes, Olson and Flora as conferees on the part of the House.

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

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## AFTERNOON SESSION

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

### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6021—

By Representatives Sharp and Worley

A RESOLUTION proclaiming and celebrating the 100th anniversary of the city of Lenexa.

WHEREAS, Lenexa, known as the "City of Festivals," due to the numerous festivals and events it hosts each year, will hold a week-long community celebration between May 5 and May 12, 2007, to mark the occasion of its 100th anniversary; and

WHEREAS, Lenexa was named for Na Nex Se, a highly respected, hard-working Shawnee Indian woman, the daughter-in-law of Chief Black Hoof; and

WHEREAS, Lenexa was platted in 1869 by French-born civil engineer, Octave Chanute, who, in addition to designing the original Hannibal Bridge over the Missouri River in Kansas City, also served as a mentor to the Wright Brothers in their quest for flight; and

WHEREAS, Thirty-eight years later, on May 8, 1907, Lenexa was incorporated as a City of the 3rd Class; and

WHEREAS, In Lenexa's earliest days, people from various backgrounds and cultures came together to form this great city. With a population of approximately 300, the young city boasted a healthful location, grade schools, three churches, suburban train service, excellent telephone service, and an electric railway station; and

WHEREAS, Lenexa, which has grown to a population of 46,000 residents and enjoys a healthy business base, is considered a city of choice for a variety of high tech and bioscience companies. The city also is looked to as a leader in local government initiatives such as watershed management and public safety; Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we proclaim the year 2007 as the city of Lenexa's 100th anniversary and celebrate Lenexa as a city rich in history, heritage and culture, and with this celebration, honor Lenexa's past, while looking forward to the future; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide 20 enrolled copies of this resolution to Representative Sharp for presentation on the House floor to members of the Lenexa city leadership.

HOUSE RESOLUTION No. 6022—

By Representatives Neufeld, Dahl and Merrick

A RESOLUTION congratulating and commending Irene Cumming on her achievements while serving as President and CEO of The University of Kansas Hospital.

WHEREAS, On October 1, 1998, armed with only ten days worth of operating cash, no endowment, and no tax appropriations, The University of Kansas Hospital began what would become one of the most remarkable turnarounds in modern hospital history; and

WHEREAS, Armed with a dedicated and talented staff of physicians, nurses and other health care professionals; a Hospital Authority Board dedicated to patient care; and a culture throughout the hospital laser-focused on quality, the accomplishments of The University of Kansas Hospital during Irene Cumming's tenure as president and CEO are astounding; and

WHEREAS, Since 1998, patient volume has grown by 50 percent to nearly 20,000 patients, shattering all existing patient volume records in the 100-year history of the hospital; and

WHEREAS, Financial health has improved steadily every year, with revenue climbing 185 percent to more than half a billion dollars since the Hospital Authority was established; and

WHEREAS, Financial strength has allowed significant capital investment in resources and facilities, totaling nearly \$450 million in the eight years following the establishment of the Hospital Authority. In comparison, the hospital was permitted only \$33 million in capital investment in the last five years it was under university control; and

WHEREAS, This financial strength has also permitted a 340 percent increase in support provided by the hospital for the university since 1998, with \$31 million this year alone; and

WHEREAS, After purchasing the outpatient cancer program from a for-profit corporation to which the university had transferred it in the 1990's, the hospital has invested \$75 million in cancer services - including the construction of the largest outpatient cancer center in the region, opening this summer on the hospital's Westwood campus; and

WHEREAS, In 2000, the heart program at the hospital was revitalized, culminating in the 2006 opening of the \$77 million Center for Advanced Heart Care; and

WHEREAS, The hospital became, and continues to be, the region's only nationally-accredited level I Trauma Center; and

WHEREAS, The hospital's Burnett Burn Center is the only adult/pediatric burn center in Kansas City accredited by the American College of Surgeons and the American Burn Association; and

WHEREAS, The quality and safety of patient care has improved dramatically and gained national recognition during Irene's stewardship. In 2006, the hospital ranked 11th among the nation's 81 academic medical centers in overall safety and quality rankings; and

WHEREAS, The hospital ranks in the top 17 percent of institutions in the University HealthSystem Consortium database in mortality; and

WHEREAS, The hospital earned Magnet designation from the American Nurses Credentialing Center of the American Nurses Association, the first designation for a Kansas-based hospital. Only 3.5 percent of the nation's health care organizations are Magnet hospitals; and

WHEREAS, The hospital received the first Annual Performance Achievement Award from the American Heart Association for stroke care in a six-state region; and

WHEREAS, The hospital's cancer program received the 2004 Commission on Cancer Outstanding Achievement Award, achieved by only eight percent of cancer programs in the country; and

WHEREAS, The hospital is a nationally recognized leader in the Institute for Healthcare Improvement's 100,000 Lives campaign; and

WHEREAS, The hospital pioneered the creation of partnerships between physicians and hospital staff to raise quality. The model was so successful it has been adopted by many institutions across the country; and

WHEREAS, Patient satisfaction ratings have climbed more than 900 percent since 1998; and

WHEREAS, At the close of fiscal year 2006, the hospital was first in patient satisfaction in the Kansas City area; and

WHEREAS, Employee turnover has dropped from 33 percent in 1998 to 11.69 percent, the lowest among Kansas City-area hospitals; and

WHEREAS, 61 percent of the hospital's nurses have BSN degrees, compared to a 33 percent national average. The hospital has the second lowest nursing turnover rate among large hospitals in Kansas City; and

WHEREAS, The hospital's staffed beds have nearly doubled, from 275 to 508; and

WHEREAS, The hospital has achieved all of this while still providing care for those who can't afford it. Fiscal year 2007 projections are to absorb nearly \$100 million in uncompensated care charges: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend Irene Cumming on her stunning list of successes and achievements while serving as President and CEO of The University of Kansas Hospital and wish her continued success and happiness in the future; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Representative Neufeld.

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

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## LATE AFTERNOON SESSION

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

### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Shultz, the House concurred in Senate amendments to **HB 2112**, An act concerning insurance companies; relating to corporate seals; pertaining to merger authority; pertaining to the preparation and filing of certain reports; amending K.S.A. 40-218, 40-252, 40-309 and 40-1702 and K.S.A. 2006 Supp. 40-3213 and 75-1508 and repealing the existing sections.

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

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 1; Absent or not voting: 6.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Dillmore, Donohoe, Faber, Feuerborn, Flaharty, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding,

Storm, Svaty, Swanson, Tafarielli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: Landwehr.

Absent or not voting: Davis, Faust-Goudeau, Flora, Sharp, Swenson, Yoder.

On motion of Rep. O'Neal, the House concurred in Senate amendments to **HB 2010**, An act enacting the revised uniform anatomical gift act; amending K.S.A. 8-1328, 58-654, 59-3075 and 65-3219 and K.S.A. 2006 Supp. 8-243, 8-247, 8-1325 and 65-1728 and repealing the existing sections; also repealing K.S.A. 65-3209, 65-3210, 65-3211, 65-3212, 65-3213, 65-3214, 65-3215, 65-3216, 65-3217 and 65-3218.

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

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafarielli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Faust-Goudeau, Sharp, Swenson, Yoder.

On motion of Rep. O'Neal, the House concurred in Senate amendments to **HB 2073**, An act concerning postsecondary educational institutions; relating to the powers and duties of the board of regents; amending K.S.A. 2006 Supp. 74-3254 and repealing the existing section.

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

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafarielli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Feuerborn, Knox, Landwehr.

Present but not voting: None.

Absent or not voting: Sharp, Swenson, Yoder.

#### CHANGE OF CONFEREES

Speaker Neufeld announced the appointment of Rep. Aurand as a member of the conference committee on **SB 23** to replace Rep. Merrick.

Also, the appointment of Reps. Myers, Goico and Ruff as members of the conference committee on **SB 144** to replace Reps. Wilk, Carlson and Holland.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 188**, submits the following report:

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

On page 2, in line 13, by striking "or game animal"; in line 15, by striking all before "has"; in line 18, by striking all after the period; by striking all in lines 19 and 20 and inserting " provided the game breeder has the prior approval of the owner of the land upon which the recapture will occur and has notified the department prior to the recapture.";

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

JOHN FABER  
FORREST J. KNOX  
JOSH SVATY  
*Conferees on part of House*

CAROLYN MCGINN  
RALPH OSTMEYER  
JANIS K. LEE  
*Conferees on part of Senate*

On motion of Rep. Faber, the conference committee report on **SB 188** was adopted.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafarielli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Dillmore, Lane.

Present but not voting: None.

Absent or not voting: Sharp, Swenson, Yoder.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 192**, submits the following report:

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

On page 2, by striking all of lines 34 through 43;

By striking all of pages 3 and 4;

On page 5, by striking all of lines 1 and 2 and inserting the following:

"Sec. 2. K.S.A. 32-805 is hereby amended to read as follows: 32-805. (a) There is hereby created within and as a part of the department the Kansas wildlife and parks commission which shall be composed of seven members. The governor shall appoint ~~seven~~ residents of this state to be members of the commission. *One member of the commission shall be chosen from each fish and wildlife administration region as established by the department.* In the appointment of members of the commission, the governor shall give consideration to the appointment of licensed hunters, fishermen and furharvesters, park users; *and to nonconsumptive users of wildlife and park resources and to geographic balance among commission*

members. No more than ~~four~~ *a majority of the* members shall be of the same political party. Each member of the commission shall hold office for a term of four years and until a successor is appointed and qualified, except that in appointing the original commission members, the governor shall designate one member for a term ending July 1, 1988, one member for a term ending July 1, 1989, and two members for terms ending July 1, 1990. The governor shall fill any vacancy on the commission prior to the expiration of a term by appointment for the unexpired term.

(b) Each member of the commission shall take and subscribe an oath or affirmation as required by law before taking office.

(c) The governor may remove a commissioner after opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act. If the commissioner is removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner and the governor's findings thereon, together with a complete record of the proceedings.

(d) The commission shall have such powers, duties and functions as prescribed by law. Other than rules and regulations pertaining to personnel matters of the department, the secretary shall submit to the commission all proposed rules and regulations. The commission shall either approve, modify and approve, or reject such proposed rules and regulations. The secretary shall adopt such rules and regulations so approved or so modified and approved. Fees established for licenses, permits, stamps and other issues of the department shall be subject to the approval of the commission. It also shall be the duty of the commission to serve in an advisory capacity to the governor and the secretary in the formulation of policies and plans relating to the department.

(e) The governor shall designate one commission member to serve as chairperson of the commission. Members of the commission attending meetings of the commission, or attending a subcommittee meeting thereof authorized by the commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto. ~~Four~~ *A majority of the* members of the commission shall constitute a quorum for the transaction of business. Meetings may be called by the chairperson and shall be called on the request of a majority of the members of the commission.”;

Also on page 5, following line 37, by inserting the following:

“Sec. 4. K.S.A. 2006 Supp. 32-920 is hereby amended to read as follows: 32-920. (a) Except as provided by ~~subsection~~ *subsections (d) and (e)*, no person who is born on or after July 1, 1957, and is 16 or more years of age shall hunt in this state on land other than such person's own land unless the person has been issued a certificate of completion of an approved hunter education course. If such person is required by law to obtain a hunting license, the person shall attest to or exhibit proof of completion of such course to the person issuing the license at the time of purchasing the license. If such person is not required by law to obtain a hunting license, is less than 27 years of age but 16 or more years of age or is less than 16 but 12 or more years of age and hunting without adult supervision, the person shall be in possession of the person's certificate of completion of such course while hunting. A person may purchase for another person, under rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto, a lifetime hunting or combination hunting and fishing license without the license recipient's first having been issued a certificate of completion of an approved hunter education course.

(b) A person less than 12 years of age shall not hunt unless under the direct supervision of an adult who is 18 or more years of age.

(c) A person who is 12 or more years of age but less than 16 years of age and who has not been issued a certificate of completion of an approved hunter education course shall not hunt unless under the direct supervision of an adult who is 18 or more years of age.

(d) ~~A person less than 14 years of age shall not be issued a permit to take big game using a bow unless the person submits to the secretary evidence satisfactory to the secretary of completion of a bow hunting safety education course.~~ *A person who is 16 or more years of age may obtain a one-time deferral of completion of hunter education that is valid until the end of the current license year. Such person may purchase an apprentice hunting license but shall not hunt unless under the direct supervision of a licensed adult who is 18 or more years of age.*

(e) Completion of an approved hunter education course shall not be required to obtain a special controlled shooting area hunting license valid only for licensed controlled shooting areas.”;

And by renumbering the remaining sections accordingly;

Also on page 5, in line 38, preceding “K.S.A.”, by inserting “K.S.A. 32-805 and K.S.A. 32-805, as amended by section 1 of 2007 House Bill No. 2002 and”; also in line 38, after “Supp.” by inserting “32-920 and”; also in line 38, by striking “and 32-988”;

In the title, in line 14, by striking all after the semicolon; in line 15, by striking all preceding “concerning”; in line 16, preceding “amending” by inserting “concerning the Kansas wildlife and parks commission”; also in line 16, following “amending” by inserting “K.S.A. 32-805 and”; also in line 16, after “Supp.” by inserting “32-920 and”; in line 17, by striking “and 32-988”; also in line 17, preceding the period, by inserting “; also repealing K.S.A. 32-805, as amended by section 1 of 2007 House Bill No. 2002”;

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

JOHN FABER

FORREST J. KNOX

JOSH SVATY

*Conferees on part of House*

CAROLYN MCGINN

RALPH OSTMEYER

MARCI FRANCISCO

*Conferees on part of Senate*

On motion of Rep. Faber, the conference committee report on **SB 192** was adopted.

On roll call, the vote was: Yeas 115; Nays 7; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Flaharty, Flora, Fund, Garcia, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Beamer, Dillmore, Feuerborn, Frownfelter, Gatewood, Lane, Merrick.

Present but not voting: None.

Absent or not voting: Sharp, Swenson, Yoder.

#### INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick, pursuant to House Rule 2311, **H. Sub. for SB 11** was advanced to Final Action on Bills and Concurrent Resolutions, subject to amendment, debate and roll call.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Committee report recommending a substitute bill to **H. Sub. for SB 11** was adopted; also, on motion of Rep. Colyer was amended on page 1, by striking all in lines 15 through 43;

By striking all on pages 2 through 60;

On page 61, by striking all in lines 1 through 6; preceding line 7, by inserting the following:

“New Section 1. The Kansas health policy authority in consultation with the joint committee on health policy oversight shall consider as part of the health reform in Kansas various medicaid reform options including, but not limited to: The experience of other states, long-term care, waste, fraud and abuse, health opportunity accounts, tax credits, vouchers and

premium assistance, and wellness as provided through the federal deficit reduction act of 2005. Such medicaid reforms should result in improved health outcomes for medicaid recipients, long-term cost controls and encourage primary and preventive care which will result in cost savings for the state.

New Sec. 2. (a) On or before November 1, 2007, the Kansas health policy authority shall develop and deliver to the governor, the joint committee on health policy oversight, the speaker of the house of representatives, the majority leader of the house of representatives, the minority leader of the house of representatives, the president of the senate, the majority leader of the senate and the minority leader of the senate, health care finance reform options for enactment by the legislature during the 2008 regular session, including an analysis of a Kansas health care insurance connector, a model for a voluntary health insurance connector, and draft legislation for the proposed health care finance reform options. In developing such options, the Kansas health policy authority shall solicit and consider information and recommendations from advisory committees established under subsection (c) of K.S.A. 75-7403, and amendments thereto, and shall advise and consult with the joint committee on health policy oversight regularly and on a continuing basis. The Kansas health policy authority shall develop and analyze other pertinent initiatives and policies designed to increase access to affordable health insurance and to otherwise promote health in developing the options.

(b) The Kansas health policy authority shall analyze and develop health care finance reform options with the goals of (1) financing health care and health promotion in a manner that is equitable, seamless and sustainable for consumers, providers, purchasers and government, (2) promoting market-based solutions that encourage fiscal and individual responsibility, (3) protecting the health care safety net in the development of such options, (4) facilitate purchasing of health insurance, and facilitating access to private sector health insurance by small businesses and individuals.

(c) The Kansas health policy authority shall identify and analyze policies that are designed to increase portability, to increase individual ownership of health care policies, to utilize pre-tax dollars for the purchase of health insurance, and to expand consumer responsibility for making health care decisions.

(d) The Kansas health policy authority shall obtain economic and actuarial analyses by an entity or entities that are recognized as having specific experience in the subject matter of all health care finance reform options proposed under subsection (a) to determine (1) the economic impact of proposed reforms on consumers, providers, purchasers, businesses and government and (2) the number of uninsured Kansans who have the potential to receive coverage as a result of the options proposed under subsection (a).

(e) The Kansas health policy authority shall investigate and identify possible public funding sources for the options proposed under subsection (a), including medicaid and other federal programs, specifically including possible waivers to specific federal program requirements.

(f) In collaboration with the United States department of health and human services, the Kansas health policy authority shall investigate (1) the development and availability of federal affordable choices initiatives funding, (2) waiver and funding opportunities under the federal deficit reduction act of 2005, and (3) waivers under the federal health insurance flexibility and accountability demonstration initiative to expand health services to low income populations. To the extent feasible, the Kansas health policy authority shall include such federal programs in the options proposed under subsection (a).

(g) In collaboration with the commissioner of insurance, the Kansas health policy authority shall analyze the potential for reinsurance and state subsidies for reinsurance as mechanisms to reduce premium volatility in the small group insurance market, to increase predictability in premium trends, to lower costs and to increase coverage as a component of the options proposed under subsection (a).

New Sec. 3. (a) The Kansas department of insurance shall conduct a study on the impact of extending continuation benefits under COBRA for a period of 18 months pursuant to K.S.A. 40-19c06, and amendments thereto, and other applicable statutes and other policy changes to make health insurance more competitive, affordable and portable. The commis-



sioner of insurance shall prepare a report on its findings and present such report to the Kansas health policy authority and the joint committee on health policy oversight.

(b) The legislative coordinating council shall appoint a legislative study committee during the 2007 interim period to study and review various options for tax credits and benefits for the purchase of long-term care insurance, health earned income tax credits, health insurance and health savings accounts.

Sec. 4. K.S.A. 2006 Supp. 75-7408 is hereby amended to read as follows: 75-7408. (a) On and after July 1, 2006, the Kansas health policy authority shall coordinate health care planning, administration, and purchasing and analysis of health data for the state of Kansas with respect to the following health programs administered by the state of Kansas:

(1) Developing, implementing, and administering programs that provide medical assistance, health insurance programs, or waivers granted thereunder for persons who are needy, uninsured, or both, and that are financed by federal funds or state funds, or both, including the following:

(A) The Kansas program of medical assistance established in accordance with title XIX of the federal social security act, 42 U.S.C. § 1396 et seq., and amendments thereto;

(B) the health benefits program for children established under K.S.A. 38-2001 et seq., and amendments thereto, and developed and submitted in accordance with federal guidelines established under title XXI of the federal social security act, section 4901 of public law 105-33, 42 U.S.C. § 1397aa et seq., and amendments thereto;

(C) any program of medical assistance for needy persons financed by state funds only, to the extent appropriations are made for such a program;

(D) the working healthy portion of the ticket to work program under the federal work incentive improvement act and the medicaid infrastructure grants received for the working healthy portion of the ticket to work program; ~~and~~

(E) the medicaid management information system (MMIS); and

(F) *a phased-in premium assistance plan to assist eligible low income Kansas residents with the purchase of private insurance or other benefits that are actuarially equivalent to the Kansas state employee health plan under a program authorized under subsection (a)(1). In program years one and two, subject to appropriation of funds and other eligibility requirements, eligible participants shall consist of families at and under 50% of the federal poverty level. Subject to appropriation of funds and other eligibility requirements, eligible participants in program year three shall consist of families at and under 75% of the federal poverty level. Subject to appropriation of funds and other eligibility requirements, eligible participants in program year four shall consist of families at and under 100% of the federal poverty level. The Kansas health policy authority is authorized to seek any approval from the centers for medicare and medicaid services necessary to accomplish the development or expansion of premium assistance programs for families;*

(2) the restrictive drug formulary, the drug utilization review program, including oversight of the medicaid drug utilization review board, and the electronic claims management system as provided in K.S.A. 39-7,116 through 39-7,121 and K.S.A. 2006 Supp. 39-7,121a through 39-7,121e, and amendments thereto; and

(3) administering any other health programs delegated to the Kansas health policy authority by the governor or by a contract with another state agency.

(b) Except to the extent required by its single state agency role as designated in K.S.A. 2006 Supp. 75-7409, and amendments thereto, or as otherwise provided pursuant to this act the Kansas health policy authority shall not be responsible for health care planning, administration, purchasing and data with respect to the following:

(1) The mental health reform act, K.S.A. 39-1601 et seq., and amendments thereto;

(2) the developmental disabilities reform act, K.S.A. 39-1801 et seq., and amendments thereto;

(3) the mental health program of the state of Kansas as prescribed under K.S.A. 75-3304a, and amendments thereto;

(4) the addiction and prevention services prescribed under K.S.A. 65-4001 et seq., and amendments thereto; or

(5) any institution, as defined in K.S.A. 76-12a01, and amendments thereto.

New Sec. 5. The provisions of sections 5 through 11 and amendments thereto shall be known and may be cited as the primary care safety net clinic capital loan guarantee act.

New Sec. 6. As used in the primary care safety net clinic capital loan guarantee act:

(a) "Act" means the primary care safety net clinic capital loan guarantee act;

(b) "community health center" means an entity that receives funding under section 330 of the federal health center consolidation act of 1996 and meets all of the requirements of 42 USC section 254b, relating to serving a population that is medically underserved, or a special medically underserved population comprised of migratory and seasonal agricultural workers, the homeless, and residents of public housing, by providing, either through staff and supporting resources of the center or through contracts or cooperative arrangements, all required primary health services as defined by 42 USC section 254b;

(c) "federally-qualified health center look-alike" means an entity which has been determined by the federal health resources and services administration to meet the definition of a federally qualified health center as defined by section 1905(l)(2)(B) of the federal social security act, but which does not receive funding under section 330 of the federal health center consolidation act of 1996;

(d) "financial institution" means any bank, trust company, savings bank, credit union or savings and loan association or any other financial institution regulated by the state of Kansas, any agency of the United States or other state with an office in Kansas which is approved by the secretary for the purposes of this act;

(e) "indigent health care clinic" means an outpatient medical care clinic operated on a not-for-profit basis which has a contractual agreement in effect with the secretary of health and environment under K.S.A. 75-6120 and amendments thereto to provide health care services to medically indigent persons;

(f) "loan transaction" means a transaction with a financial institution or the Kansas development finance authority to provide capital financing for the renovation, construction, acquisition, modernization, leasehold improvement or equipping of a primary care safety net clinic;

(g) "medically indigent person" means a person who lacks resources to pay for medically necessary health care services and who meets the eligibility criteria for qualification as a medically indigent person established by the secretary of health and environment under K.S.A. 75-6120 and amendments thereto;

(h) "primary care safety net clinic" means a community health center, a federally-qualified health center look-alike or an indigent health care clinic; and

(i) "secretary" means the secretary of health and environment.

New Sec. 7. (a) The secretary is hereby authorized to enter into agreements with primary care safety net clinics, financial institutions, the Kansas development finance authority and other public or private entities, including agencies of the United States government to provide capital loan guarantees against risk of default for eligible primary care safety net clinics in Kansas in accordance with this act. Except as provided in section 10, and amendments thereto, for payment for a loan guarantee for which the primary care safety net clinic loan guarantee fund is liable, no claim against the state under this act shall be paid by the state, the secretary of health and environment or any other state agency other than pursuant to an appropriation act of the legislature after such claim has been filed with and considered by the joint committee on special claims against the state.

(b) To be eligible for a capital loan guarantee under this act, a primary care safety net clinic shall offer a sliding fee discount for health care and other services provided that is based upon household income and shall serve all persons regardless of ability to pay. The policies to determine patient eligibility based upon income or insurance status may be determined by each primary care safety net clinic, but shall be posted in the primary care safety net clinic and available to potential patients. The patient eligibility policies of a primary care safety net clinic shall reflect the mission of the primary care safety net clinic to provide affordable, accessible primary care to underserved populations in Kansas to be eligible for a capital loan guarantee under this act.

(c) The secretary shall administer the provisions of this act and shall adopt rules and regulations which the secretary deems necessary for the implementation or administration of this act. The loan guarantee agreement with the secretary shall include reporting require-

ments and financial standards that are appropriate for the type of loan for the borrower. The secretary may enter into contracts that the secretary deems necessary for the implementation or administration of this act. The secretary may impose fees and charges as may be necessary to recover costs incurred for the administration of this act.

New Sec. 8. (a) Each agreement entered into by the secretary to guarantee against default on a loan transaction shall be backed by the primary care safety net capital loan guarantee fund and shall receive prior approval by the primary care safety net clinic loan guarantee review committee established under section 9, and amendments thereto.

(b) Each loan transaction eligible for a guarantee under this act shall be for renovation, construction, acquisition, modernization, leasehold improvement or equipping of a primary care safety net clinic. Eligible costs may include land and building purchases, renovation and new construction costs, equipment and installation costs, pre-development costs that may be capitalized, financing, capitalized interest during construction, limited working capital during a start-up phase and consultant fees which do not include staff costs.

(c) The aggregate principal amount of outstanding loan guarantees for any single borrowing organization shall not exceed \$3,000,000. The aggregate outstanding amount of all loan guarantees for borrowing organizations, under this act shall not exceed \$15,000,000 at any time.

(d) Eligible tax-exempt bonds or conventional loans may be guaranteed up to 100% under this act, subject to the other provisions of this act and the rules and regulations adopted by the secretary of health and environment therefor. Each eligible loan transaction shall require an equity investment by the borrowing organization and shall have a loan-to-value ratio of at least 66%.

(e) The maximum term for an eligible loan transaction under this act for machinery or equipment shall be 10 years. The maximum term for an eligible loan transaction under this act for renovation, remodeling or leasehold improvements shall be 10 years. The maximum term for an eligible loan transaction under this act for new construction or land acquisition shall be 25 years.

New Sec. 9. (a) There is hereby established the primary care safety net clinic loan guarantee review committee within the department of health and environment. The committee shall consist of five members.

(b) The members of the primary care safety net clinic loan guarantee review committee shall be appointed by the secretary in accordance with the following: (1) Two members shall be representatives of the department of health and environment selected by the secretary, (2) one member shall be appointed by the secretary who is nominated by the Kansas development finance authority, (3) one member shall be appointed by the secretary who is nominated by the Kansas health policy authority, and (4) one member shall be appointed by the secretary who is nominated by the Kansas association for the medically underserved.

(c) The secretary may appoint persons as members of the primary care safety net clinic loan guarantee review committee who are officers or employees of the agencies or organizations they are nominated by or that they are appointed to represent. Not more than three members of the committee shall be affiliated with the same political party. Members shall serve at the pleasure of the secretary.

(d) The primary care safety net clinic loan guarantee review committee shall review all proposals for loan financing guarantees under this act and shall approve those proposals that the committee deems to represent reasonable risks and to have a sufficient likelihood of repayment. The committee shall advise the secretary on matters regarding the administration of this act when requested by the secretary and may provide such advice when deemed appropriate by the committee.

(e) The secretary or the secretary's designee shall serve as a nonvoting chairperson of the primary care safety net clinic loan guarantee review committee, and the committee shall annually elect a vice-chairperson from among its members. The committee shall meet upon call of the chairperson or upon call of any two of its members. Three voting members shall constitute a quorum for the transaction of business.

(f) Members of the primary care safety net clinic loan guarantee review committee attending meetings of the committee, or attending a subcommittee meeting thereof authorized

by the committee, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

New Sec. 10. (a) Subject to appropriations there is hereby established the primary care safety net clinic loan guarantee fund in the state treasury for the purposes of facilitating the financing for the acquisition and modernization of primary care safety net clinics in Kansas and the refinancing of capital improvements and acquisition and installation of equipment therefor. The primary care safety net clinic loan guarantee fund shall be administered by the secretary. All moneys in the primary care safety net clinic loan guarantee fund shall be used to provide guarantees against capital loan risks in accordance with this act and to pay for the administrative costs associated with the act as may be certified by the secretary. All expenditures from the primary care safety net clinic loan guarantee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or the secretary's designee.

(b) All fees and charges imposed by the secretary and other moneys received by the secretary for the purposes of this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the primary care safety net clinic loan guarantee fund.

(c) Upon certification by the secretary to the director of accounts and reports that the unencumbered balance in the primary care safety net clinic loan guarantee fund is insufficient to pay an amount for a loan guarantee for which the fund is liable under this act, the director of accounts and reports shall transfer an amount equal to the insufficiency from the state general fund to the primary care safety net clinic loan guarantee fund. The secretary shall transmit a copy of each such certification to the director of the budget and to the director of legislative research at the same time that the secretary submits a certification to the director of accounts and reports under this subsection.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the primary care safety net clinic loan guarantee fund interest earnings based on:

- (1) The average daily balance of moneys in the Kansas export loan guarantee fund for the preceding month; and
- (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

New Sec. 11. The secretary shall prepare an annual report of the loan guarantee activity under this act, including new loans, loan repayment status and other relevant information regarding activities under this act and shall submit the report of its activities to the legislature at the beginning of each regular session by submitting the annual report to the committee on ways and means of the senate, or to the appropriate subcommittee thereof, or to its successor committee, and to the committee on appropriations of the house of representatives, or to the appropriate budget committee, or its successor committee.

New Sec. 12. (a) All third parties, including health insurers, self-insured plans, group health plans (as defined in section 607(1) of the employee retirement income security act of 1974), service benefit plans, managed care organizations, pharmacy benefit managers or other parties that are, by statute, contract or agreement, legally responsible for payment of a claim for a health care item or service to pay for care and services available under the plan, shall not, in enrolling an individual or in making any payments for benefits to the individual or on the individual's behalf, take into account that the individual is eligible for or is provided medical assistance under the Kansas state plan under title XIX of the social security act, commonly known as medicaid or medical assistance, administered by the Kansas health policy authority, or under any such plan of any other state.

(b) All third parties described in subsection (a), shall provide, with respect to individuals who are eligible for, or are provided, medical assistance under such state plan, upon the request of the authority, information to determine during what period individuals or their spouses or their dependents may be (or may have been) covered by a health insurer and the nature of the coverage that is or was provided by the health insurer (including the name, address and identifying number of the plan) in a manner prescribed by the United States secretary of health and human services.

(c) All third parties described in subsection (a) shall: (1) Accept the authority's right of recovery and the assignment to the authority of any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the state plan; (2) respond to any inquiry by the authority or its designee regarding a claim for payment for any health care item or service that is submitted not later than three years after the date of the provision of such health care item or service; and (3) agree not to deny a claim submitted by the authority solely on the basis of the date of submission of the claim, the type or format of the claim form or a failure to present proper documentation at the point-of-sale that is the basis of the claim, if: (A) The claim is submitted by the authority within the three-year period beginning on the date on which the item or service was furnished; and (B) any action by the authority to enforce its rights with respect to such claim is commenced within six years of the authority's submission of such claim.

(d) As used in this section, "Kansas health policy authority" or "authority" means the Kansas health policy authority established by K.S.A. 2006 Supp. 75-7401, and amendments thereto.

New Sec. 13. (a) In order to encourage and to expand the use of cafeteria plans authorized by 26 U.S.C. 125, by small employers, there is hereby established the small employer cafeteria plan development program.

(b) Subject to the provisions of appropriations acts and in accordance with the provisions of this act, the secretary of the department of commerce may provide grants to small employers for the purpose of establishing a cafeteria plan authorized by 26 U.S.C. 125. The provisions of this section shall not apply to any small employer who has a cafeteria plan established prior to the effective date of this act.

(c) The secretary of commerce shall develop and implement marketing strategies to ensure that small employers are aware of the state program and to demonstrate the benefits of establishing a cafeteria plan to both the employer and employee.

(d) The secretary of commerce may contract with third party administrators of cafeteria plans authorized by 26 U.S.C. 125, for the purpose of helping in the development and implementation of the provisions of this section.

(e) There is hereby established in the state treasury the small employer cafeteria plan development program fund. The secretary of commerce shall administer such fund and expenditures from the small employer cafeteria plan development program fund for the purpose of providing grants in accordance with this section. All expenditures from the small employer cafeteria plan development program fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce or the designee of the secretary.

(f) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the small employer cafeteria plan development program fund interest earnings based on:

(1) The average daily balance of moneys in the small employer cafeteria plan development program fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(g) For the purpose of this section "small employer" means any employer that employs 50 or less employees.

(h) The secretary of commerce may adopt rules and regulations to implement the provisions of this section.

(i) The provisions of this section shall expire on July 1, 2009.

New Sec. 14. (a) The secretary of commerce is hereby authorized to make grants or no interest loans for the purpose of financing the initial costs associated with the forming and organizing of associations to assist members of the association to obtain access to quality and affordable health care plans. Such grants or loans may be used to pay for actuarial or feasibility studies.

(b) Such grants and loans shall be made upon such terms and conditions as the secretary of commerce may deem appropriate, except that: (1) Such loans shall be made interest free and with recourse, and (2) the association shall provide a match for such grant or loan. Such grants and loans shall be made from funds credited to the association assistance plan fund.

(c) There is hereby established in the state treasury the association assistance plan fund. The secretary of commerce shall administer such fund and expenditures from the association assistance plan fund for the purpose of providing grants and no interest loans in accordance with this section. All expenditures from the association assistance plan fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce or the designee of the secretary.

(d) On July 1, 2007, the director of accounts and reports shall transfer \$500,000 from the state general fund to the association assistance plan fund.

(e) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the association assistance plan fund interest earnings based on:

(1) The average daily balance of moneys in the association assistance plan fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(f) For the purpose of this section:

(1) "Association" means a small business or an organization of persons having a common interest; and

(2) "small business" means any business that employs 50 or less employees.

(g) The secretary of commerce may adopt rules and regulations to implement the provisions of this section.

New Sec. 15. (a) As used in this section:

(1) "Attorney general" means the attorney general, employees of the attorney general or authorized representatives of the attorney general.

(2) "Benefit" means the receipt of money, goods, items, facilities, accommodations or anything of pecuniary value.

(3) "Claim" means an electronic, electronic impulse, facsimile, magnetic, oral, telephonic or written communication that is utilized to identify any goods, service, item, facility or accommodation as reimbursable to the state medicaid program, or its fiscal agents, the state mediKan program or the state children's health insurance program or which states income or expense.

(4) "Client" means past or present beneficiaries or recipients of the state medicaid program, the state mediKan program or the state children's health insurance program.

(5) "Contractor" means any contractor, supplier, vendor or other person who, through a contract or other arrangement, has received, is to receive or is receiving public funds or in-kind contributions from the contracting agency as part of the state medicaid program, the state mediKan program or the state children's health insurance program, and shall include any sub-contractor.

(6) "Contractor files" means those records of contractors which relate to the state medicaid program, the state mediKan program or the state children's health insurance program.

(7) "Fiscal agent" means any corporation, firm, individual, organization, partnership, professional association or other legal entity which, through a contractual relationship with the state of Kansas receives, processes and pays claims under the state medicaid program, the state mediKan program or the state children's health insurance program.

(8) "Health care provider" means a health care provider as defined under K.S.A. 65-4921, and amendments thereto, who has applied to participate in, who currently participates in, or who has previously participated in the state medicaid program, the state mediKan program or the state children's health insurance program.

(9) "Kansas health policy authority" or "authority" means the Kansas health policy authority established under K.S.A. 2006 Supp. 75-7401, and amendments thereto, or its successor agency.

(10) "Managed care program" means a program which provides coordination, direction and provision of health services to an identified group of individuals by providers, agencies or organizations.

(11) “Medicaid program” means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended, or any successor federal or state, or both, health insurance program or waiver granted thereunder.

(12) “Person” means any agency, association, corporation, firm, limited liability company, limited liability partnership, natural person, organization, partnership or other legal entity, the agents, employees, independent contractors, and subcontractors, thereof, and the legal successors thereto.

(13) “Provider” means a person who has applied to participate in, who currently participates in, who has previously participated in, who attempts or has attempted to participate in the state medicaid program, the state mediKan program or the state children’s health insurance program, by providing or claiming to have provided goods, services, items, facilities or accommodations.

(14) “Recipient” means an individual, either real or fictitious, in whose behalf any person claimed or received any payment or payments from the state medicaid program, or its fiscal agent, the state mediKan program or the state children’s health insurance program, whether or not any such individual was eligible for benefits under the state medicaid program, the state mediKan program or the state children’s health insurance program.

(15) “Records” means all written documents and electronic or magnetic data, including, but not limited to, medical records, X-rays, professional, financial or business records relating to the treatment or care of any recipient; goods, services, items, facilities or accommodations provided to any such recipient; rates paid for such goods, services, items, facilities or accommodations; and goods, services, items, facilities or accommodations provided to nonmedicaid recipients to verify rates or amounts of goods, services, items, facilities or accommodations provided to medicaid recipients, as well as any records that the state medicaid program, or its fiscal agents, the state mediKan program or the state children’s health insurance program require providers to maintain. “Records” shall not include any report or record in any format which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(16) “State children’s health insurance program” means the state children’s health insurance program as provided in K.S.A. 38-2001 et seq., and amendments thereto.

(b) (1) There is hereby established within the Kansas health policy authority the office of inspector general. All budgeting, purchasing and related management functions of the office of inspector general shall be administered under the direction and supervision of the executive director of the Kansas health policy authority. The purpose of the office of inspector general is to establish a full-time program of audit, investigation and performance review to provide increased accountability, integrity and oversight of the state medicaid program, the state mediKan program and the state children’s health insurance program within the jurisdiction of the Kansas health policy authority and to assist in improving agency and program operations and in deterring and identifying fraud, waste, abuse and illegal acts. The office of inspector general shall be independent and free from political influence and in performing the duties of the office under this section shall conduct investigations, audits, evaluations, inspections and other reviews in accordance with professional standards that relate to the fields of investigation and auditing in government.

(2) (A) The inspector general shall be appointed by the Kansas health policy authority with the advice and consent of the senate and subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided in K.S.A. 46-2601, and amendments thereto, no person appointed to the position of inspector general shall exercise any power, duty or function of the inspector general until confirmed by the senate. The inspector general shall be selected without regard to political affiliation and on the basis of integrity and capacity for effectively carrying out the duties of the office of inspector general. The inspector general shall possess demonstrated knowledge, skills, abilities and experience in conducting audits or investigations and shall be familiar with the programs subject to oversight by the office of inspector general.

(B) No former or current executive or manager of any program or agency subject to oversight by the office of inspector general may be appointed inspector general within two years of that individual’s period of service with such program or agency. The inspector

general shall hold at time of appointment, or shall obtain within one year after appointment, certification as a certified inspector general from a national organization that provides training to inspectors general.

(C) The term of the person first appointed to the position of inspector general shall expire on January 15, 2009. Thereafter, a person appointed to the position of inspector general shall serve for a term which shall expire on January 15 of each year in which the whole senate is sworn in for a new term.

(D) The inspector general shall be in the classified service and shall receive such compensation as is determined by law, except that such compensation may be increased but not diminished during the term of office of the inspector general. The inspector general may be removed from office prior to the expiration of the inspector general's term of office in accordance with the Kansas civil service act. The inspector general shall exercise independent judgment in carrying out the duties of the office of inspector general under subsection (b). Appropriations for the office of inspector general shall be made to the Kansas health policy authority by separate line item appropriations for the office of inspector general. The inspector general shall report to the executive director of the Kansas health policy authority.

(E) The inspector general shall have general managerial control over the office of the inspector general and shall establish the organization structure of the office as the inspector general deems appropriate to carry out the responsibilities and functions of the office.

(3) Within the limits of appropriations therefor, the inspector general may hire such employees in the unclassified service as are necessary to administer the office of the inspector general. Such employees shall serve at the pleasure of the inspector general. Subject to appropriations, the inspector general may obtain the services of certified public accountants, qualified management consultants, professional auditors, or other professionals necessary to independently perform the functions of the office.

(c) (1) In accordance with the provisions of this section, the duties of the office of inspector general shall be to oversee, audit, investigate and make performance reviews of the state medicaid program, the state mediKan program and the state children's health insurance program, which programs are within the jurisdiction of the Kansas health policy authority.

(2) In order to carry out the duties of the office, the inspector general shall conduct independent and ongoing evaluation of the Kansas health policy authority and of such programs administered by the Kansas health policy authority, which oversight includes, but is not limited to, the following:

(A) Investigation of fraud, waste, abuse and illegal acts by the Kansas health policy authority and its agents, employees, vendors, contractors, consumers, clients and health care providers or other providers.

(B) Audits of the Kansas health policy authority, its employees, contractors, vendors and health care providers related to ensuring that appropriate payments are made for services rendered and to the recovery of overpayments.

(C) Investigations of fraud, waste, abuse or illegal acts committed by clients of the Kansas health policy authority or by consumers of services administered by the Kansas health policy authority.

(D) Monitoring adherence to the terms of the contract between the Kansas health policy authority and an organization with which the authority has entered into a contract to make claims payments.

(3) Upon finding credible evidence of fraud, waste, abuse or illegal acts, the inspector general shall report its findings to the Kansas health policy authority and refer the findings to the attorney general.

(d) The inspector general shall have access to all pertinent information, confidential or otherwise, and to all personnel and facilities of the Kansas health policy authority, their employees, vendors, contractors and health care providers and any federal, state or local governmental agency that are necessary to perform the duties of the office as directly related to such programs administered by the authority. Access to contractor or health care provider files shall be limited to those files necessary to verify the accuracy of the contractor's or health care provider's invoices or their compliance with the contract provisions or program requirements. No health care provider shall be compelled under the provisions of this section to provide individual medical records of patients who are not clients of the state med-



icaid program, the state mediKan program or the state children's health insurance program. State and local governmental agencies are authorized and directed to provide to the inspector general requested information, assistance or cooperation.

(e) Except as otherwise provided in this section, the inspector general and all employees and former employees of the office of inspector general shall be subject to the same duty of confidentiality imposed by law on any such person or agency with regard to any such information, and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality. The duty of confidentiality imposed on the inspector general and all employees and former employees of the office of inspector general shall be subject to the provisions of subsection (f), and the inspector general may furnish all such information to the attorney general, Kansas bureau of investigation or office of the United States attorney in Kansas pursuant to subsection (f). Upon receipt thereof, the attorney general, Kansas bureau of investigation or office of the United States attorney in Kansas and all assistants and all other employees and former employees of such offices shall be subject to the same duty of confidentiality with the exceptions that any such information may be disclosed in criminal or other proceedings which may be instituted and prosecuted by the attorney general or the United States attorney in Kansas, and any such information furnished to the attorney general, the Kansas bureau of investigation or the United States attorney in Kansas under subsection (f) may be entered into evidence in any such proceedings.

(f) All investigations conducted by the inspector general shall be conducted in a manner that ensures the preservation of evidence for use in criminal prosecutions or agency administrative actions. If the inspector general determines that a possible criminal act relating to fraud in the provision or administration of such programs administered by the Kansas health policy authority has been committed, the inspector general shall immediately notify the office of the Kansas attorney general. If the inspector general determines that a possible criminal act has been committed within the jurisdiction of the office, the inspector general may request the special expertise of the Kansas bureau of investigation. The inspector general may present for prosecution the findings of any criminal investigation to the office of the attorney general or the office of the United States attorney in Kansas.

(g) To carry out the duties as described in this section, the inspector general and the inspector general's designees shall have the power to compel by subpoena the attendance and testimony of witnesses and the production of books, electronic records and papers as directly related to such programs administered by the Kansas health policy authority. Access to contractor files shall be limited to those files necessary to verify the accuracy of the contractor's invoices or its compliance with the contract provisions. No health care provider shall be compelled to provide individual medical records of patients who are not clients of the authority.

(h) The inspector general shall report all convictions, terminations and suspensions taken against vendors, contractors and health care providers to the Kansas health policy authority and to any agency responsible for licensing or regulating those persons or entities. If the inspector general determines reasonable suspicion exists that an act relating to the violation of an agency licensure or regulatory standard has been committed by a vender, contractor or health care provider who is licensed or regulated by an agency, the inspector general shall immediately notify such agency of the possible violation.

(i) The inspector general shall make annual reports, findings and recommendations regarding the office's investigations into reports of fraud, waste, abuse and illegal acts relating to any such programs administered by the Kansas health policy authority to the executive director of the Kansas health policy authority, the legislative post auditor, the committee on ways and means of the senate, the committee on appropriations of the house of representatives, the joint committee on health policy oversight and the governor. These reports shall include, but not be limited to, the following information:

- (1) Aggregate provider billing and payment information;
- (2) the number of audits of such programs administered by the Kansas health policy authority and the dollar savings, if any, resulting from those audits;
- (3) health care provider sanctions, in the aggregate, including terminations and suspensions; and

(4) a detailed summary of the investigations undertaken in the previous fiscal year, which summaries shall comply with all laws and rules and regulations regarding maintaining confidentiality in such programs administered by the Kansas health policy authority.

(j) Based upon the inspector general's findings under subsection (c), the inspector general may make such recommendations to the Kansas health policy authority or the legislature for changes in law, rules and regulations, policy or procedures as the inspector general deems appropriate to carry out the provisions of law or to improve the efficiency of such programs administered by the Kansas health policy authority. The inspector general shall not be required to obtain permission or approval from any other official or authority prior to making any such recommendation.

(k) (1) The inspector general shall make provision to solicit and receive reports of fraud, waste, abuse and illegal acts in such programs administered by the Kansas health policy authority from any person or persons who shall possess such information. The inspector general shall not disclose or make public the identity of any person or persons who provide such reports pursuant to this subsection unless such person or persons consent in writing to the disclosure of such person's identity. Disclosure of the identity of any person who makes a report pursuant to this subsection shall not be ordered as part of any administrative or judicial proceeding. Any information received by the inspector general from any person concerning fraud, waste, abuse or illegal acts in such programs administered by the Kansas health policy authority shall be confidential and shall not be disclosed or made public, upon subpoena or otherwise, except such information may be disclosed if (A) release of the information would not result in the identification of the person who provided the information, (B) the person or persons who provided the information to be disclosed consent in writing prior to its disclosure, (C) the disclosure is necessary to protect the public health, or (D) the information to be disclosed is required in an administrative proceeding or court proceeding and appropriate provision has been made to allow disclosure of the information without disclosing to the public the identity of the person or persons who reported such information to the inspector general.

(2) No person shall:

(A) Prohibit any agent, employee, contractor or subcontractor from reporting any information under subsection (k)(1); or

(B) require any such agent, employee, contractor or subcontractor to give notice to the person prior to making any such report.

(3) Subsection (k)(2) shall not be construed as:

(A) Prohibiting an employer from requiring that an employee inform the employer as to legislative or auditing agency requests for information or the substance of testimony made, or to be made, by the employee to legislators or the auditing agency, as the case may be, on behalf of the employer;

(B) permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee or by an auditing agency to appear at a meeting with officials of the auditing agency;

(C) authorizing an employee to represent the employee's personal opinions as the opinions of the employer; or

(D) prohibiting disciplinary action of an employee who discloses information which (A) the employee knows to be false or which the employee discloses with reckless disregard for its truth or falsity, (B) the employee knows to be exempt from required disclosure under the open records act, or (C) is confidential or privileged under statute or court rule.

(4) Any agent, employee, contractor or subcontractor who alleges that disciplinary action has been taken against such agent, employee, contractor or subcontractor in violation of this section may bring an action for any damages caused by such violation in district court within 90 days after the occurrence of the alleged violation.

(5) Any disciplinary action taken against an employee of a state agency or firm as such terms are defined under subsection (b) of K.S.A. 75-2973, and amendments thereto, for making a report under subsection (k)(1) shall be governed by the provisions of K.S.A. 75-2973, and amendments thereto.

(m) The scope, timing and completion of any audit or investigation conducted by the inspector general shall be within the discretion of the inspector general. Any audit conducted by the inspector general's office shall adhere and comply with all provisions of generally accepted governmental auditing standards promulgated by the United States government accountability office.

(n) Nothing in this section shall limit investigations by any state department or agency that may otherwise be required by law or that may be necessary in carrying out the duties and functions of such agency.

(o) The Kansas health policy authority, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed, executive meeting under the open meetings act, K.S.A. 75-4317 through 75-4320a, and amendments thereto, to discuss with the inspector general any information, records or other matters that are involved in any investigation or audit under this section. All information and records of the inspector general that are obtained or received under any investigation or audit under this section shall be confidential, except as required or authorized pursuant to this section.

Sec. 16. K.S.A. 2006 Supp. 75-4319 is hereby amended to read as follows: 75-4319. (a) Upon formal motion made, seconded and carried, all bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include a statement of (1) the justification for closing the meeting, (2) the subjects to be discussed during the closed or executive meeting and (3) the time and place at which the open meeting shall resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

(b) No subjects shall be discussed at any closed or executive meeting, except the following:

- (1) Personnel matters of nonelected personnel;
- (2) consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship;
- (3) matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the body or agency;
- (4) confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;
- (5) matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;
- (6) preliminary discussions relating to the acquisition of real property;
- (7) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804 and amendments thereto;
- (8) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (d)(1) of K.S.A. 38-1507 and amendments thereto or subsection (e) of K.S.A. 38-1508 and amendments thereto;
- (9) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (j) of K.S.A. 22a-243 and amendments thereto;
- (10) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (e) of K.S.A. 44-596 and amendments thereto;
- (11) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (g) of K.S.A. 39-7,119 and amendments thereto;
- (12) matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact;
- (13) matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such security measures, that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; (C) a public body or agency, public building or facility or the information system of a public body or agency; or (D) private property or persons, if the matter is submitted to the agency for purposes of this paragraph. For purposes of this paragraph,

security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments; ~~and~~

(14) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (f) of K.S.A. 65-525, and amendments thereto; *and*

(15) *matters permitted to be discussed in a closed or executive meeting pursuant to section 1, and amendments thereto.*

(c) No binding action shall be taken during closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purposes of this act.

(d) Any confidential records or information relating to security measures provided or received under the provisions of subsection (b)(13), shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

Sec. 17. K.S.A. 2006 Supp. 75-2973 is hereby amended to read as follows: 75-2973. (a) This section shall be known and may be cited as the Kansas whistleblower act.

(b) As used in this section:

(1) "Auditing agency" means the (A) legislative post auditor, (B) any employee of the division of post audit, (C) any firm performing audit services pursuant to a contract with the post auditor, ~~or~~ (D) any state agency or federal agency or authority performing auditing or other oversight activities under authority of any provision of law authorizing such activities, *or (E) the inspector general created under section 1 and amendments thereto.*

(2) "Disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work.

(3) "State agency" and "firm" have the meanings provided by K.S.A. 46-1112 and amendments thereto.

(c) No supervisor or appointing authority of any state agency shall prohibit any employee of the state agency from discussing the operations of the state agency or other matters of public concern, including matters relating to the public health, safety and welfare either specifically or generally, with any member of the legislature or any auditing agency.

(d) No supervisor or appointing authority of any state agency shall:

(1) Prohibit any employee of the state agency from reporting any violation of state or federal law or rules and regulations to any person, agency or organization; or

(2) require any such employee to give notice to the supervisor or appointing authority prior to making any such report.

(e) This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority as to legislative or auditing agency requests for information to the state agency or the substance of testimony made, or to be made, by the employee to legislators or the auditing agency, as the case may be, on behalf of the state agency;

(2) permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee or by an auditing agency to appear at a meeting with officials of the auditing agency;

(3) authorizing an employee to represent the employee's personal opinions as the opinions of a state agency; or

(4) prohibiting disciplinary action of an employee who discloses information which: (A) The employee knows to be false or which the employee discloses with reckless disregard for its truth or falsity, (B) the employee knows to be exempt from required disclosure under the open records act, or (C) is confidential or privileged under statute or court rule.

(f) Any officer or employee of a state agency who is in the classified service and has permanent status under the Kansas civil service act may appeal to the state civil service board whenever the officer or employee alleges that disciplinary action was taken against the officer or employee in violation of this act. The appeal shall be filed within 90 days after the alleged disciplinary action. Procedures governing the appeal shall be in accordance with

subsections (f) and (g) of K.S.A. 75-2949 and amendments thereto and K.S.A. 75-2929d through 75-2929g and amendments thereto. If the board finds that disciplinary action taken was unreasonable, the board shall modify or reverse the agency's action and order such relief for the employee as the board considers appropriate. If the board finds a violation of this act, it may require as a penalty that the violator be suspended on leave without pay for not more than 30 days or, in cases of willful or repeated violations, may require that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The board may award the prevailing party all or a portion of the costs of the proceedings before the board, including reasonable attorney fees and witness fees. The decision of the board pursuant to this subsection may be appealed by any party pursuant to law. On appeal, the court may award the prevailing party all or a portion of the costs of the appeal, including reasonable attorney fees and witness fees.

(g) Each state agency shall prominently post a copy of this act in locations where it can reasonably be expected to come to the attention of all employees of the state agency.

(h) Any officer or employee who is in the unclassified service under the Kansas civil service act who alleges that disciplinary action has been taken against such officer or employee in violation of this section may bring an action pursuant to the act for judicial review and civil enforcement of agency actions within 90 days after the occurrence of the alleged violation. The court may award the prevailing party in the action all or a portion of the costs of the action, including reasonable attorney fees and witness fees.

(i) Nothing in this section shall be construed to authorize disclosure of any information or communication that is confidential or privileged under statute or court rule.

Sec. 18. K.S.A. 46-2601 is hereby amended to read as follows: 46-2601. (a) There is hereby established the confirmation oversight committee which shall have six members. Except as provided by this subsection, members of the confirmation oversight committee shall be appointed in the manner provided by senate rule for the appointment of members of standing committees of the senate. The two major political parties shall have proportional representation on such committee. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding .5 shall receive representation as though such fraction were a whole number. One of the members of the committee shall be the majority leader, or the majority leader's designee, who shall be the chairperson. One of the members of the committee shall be the minority leader, or the minority leader's designee, who shall be the vice-chairperson. The committee shall meet on the call of the chairperson or any three members of the committee.

(b) If a vacancy occurs in the membership of a board, commission, council, committee, authority or other governmental body or *in the position of inspector general created under section 1, and amendments thereto*, and the appointment to fill such vacancy is subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, the confirmation oversight committee may authorize, by a majority vote thereof, the person appointed to fill such vacancy to exercise the powers, duties and functions of the office until such appointment is confirmed by the senate in the manner provided by K.S.A. 75-4315b, and amendments thereto, at the next regular or special session of the legislature.

Prior to authorizing any person to exercise the powers, duties and functions of an office pursuant to this section, the confirmation oversight committee may require such person to appear before the committee.

(c) (1) If the confirmation oversight committee authorizes a person appointed to fill a vacancy to exercise the powers, duties and functions of an office as provided by this section, such person shall not be subject to confirmation by the senate if at the time of such person's appointment there is less than six months in the unexpired term of such.

(2) The provisions of this subsection shall not apply to appointments to the state board of regents.

Sec. 19. K.S.A. 46-2601 and K.S.A. 2006 Supp. 75-2973, 75-4319 and 75-7408 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 10, by striking “38-2101, 39-785 and 40-2215” and inserting “46-2601”; also in line 10, by striking “39-”; in line 11, by striking “709, 40-19c06, 40-2209,

40-3209, 75-6501” and inserting “75-2973, 75-4319”; in line 12, by striking “; also repealing K.S.A. 2006 Supp. 39-709d”.

**H. Sub. for SB 11.** An act enacting the foundations of health reform act of 2007; amending K.S.A. 46-2601 and K.S.A. 2006 Supp. 75-2973, 75-4319 and 75-7408 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 5; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Huntington, Landwehr, Jim Morrison, Tafanelli, Wilk.

Present but not voting: None.

Absent or not voting: Sharp, Swenson, Yoder.

The substitute bill passed, as amended.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 333**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

STEVEN R. BRUNK

MIKE KIEGERL

*Conferees on part of House*

KARIN BROWNLEE

NICK JORDAN

*Conferees on part of Senate*

On motion of Rep. Brunk to adopt the conference committee report on **SB 333**, roll call was demanded.

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

Yeas: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Carlson, Colloton, Craft, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hill, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Myers, Neufeld, O’Neal, Olson, Patton, Peck, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Judy Morrison, Moxley, Neighbor, Otto, Owens, Palmer, Pauls, Peterson, Phelps, Rardin, Ruff, Ruiz, Sawyer, Svaty, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Colyer, Sharp, Swenson, Yoder.

The motion of Rep. Brunk prevailed.

Speaker Neufeld thereupon appointed Reps. Brunk, Kiegerl and Ruiz as second conferees on the part of the House.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 202**, submits the following report:

The House recedes from all of its amendments to the bill;

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

BRENDA K. LANDWEHR

PEGGY MAST

GERALDINE FLAHARTY

*Conferees on part of House*

JIM BARNETT

VICKI SCHMIDT

DAVID HALEY

*Conferees on part of Senate*

On roll call, the vote was: Yeas 118; Nays 3; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tapanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Humerickhouse, Otto, Powers.

Present but not voting: None.

Absent or not voting: Carlson, Sharp, Swenson, Yoder.

#### CHANGE OF CONFEREES

Speaker Neufeld announced the appointment of Reps. Wilk, Carlson and Holland as members of the conference committee on **SB 112** to replace Reps. Shultz, Brown and Dillmore.

#### MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 138**, requests a conference and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2005** and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2019** and has appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2062** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2080** and has appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2123** and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2128** and has appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2129** and has appointed Senators Huelskamp, Pyle and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2264** and has appointed Senators Allen, D. Schmidt and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2332** and has appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2359** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2363** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2483** and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2504** and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2526** and has appointed Senators McGinn, Ostmeyer and Francisco as conferees on the part of the Senate.

The President announced the appointment of Senators Allen, D. Schmidt and Lee as members of the conference committee on **SB 112** to replace Senators Teichman, Wysong and Steineger.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 138**.

Speaker Neufeld thereupon appointed Reps. Landwehr, Mast and Flaharty as conferees on the part of the House.

#### REPORT ON ENGROSSED BILLS

**HB 2144, HB 2341, HB 2412, HB 2434, HB 2464; Sub. HB 2562; HB 2590** reported correctly engrossed April 2, 2007.

**HB 2033, HB 2038, HB 2169, HB 2240, HB 2528** reported correctly re-engrossed April 2, 2007.

#### REPORT ON ENROLLED BILLS

**HB 2034, HB 2036, HB 2046, HB 2048, HB 2068; Sub. HB 2108; HB 2159; HB 2246; S. Sub. for HB 2295; HB 2318, HB 2539, HB 2561** reported correctly enrolled, properly signed and presented to the governor on April 2, 2007.

#### REPORT ON ENROLLED RESOLUTIONS

**HR 6009** reported correctly enrolled and properly signed on March 30, 2007

**Also, HCR 5018** reported correctly enrolled and properly signed on April 2, 2007.

**HR 6020** reported correctly enrolled and properly signed on April 2, 2007.

#### READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 619, referring back also to pages 617-618, in the amendment of Rep. M. Holmes, the material under (f) should be replaced with the following:

(f) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, *while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671 prior to its repeal or K.S.A. 2006 Supp. 38-2373, and amendments thereto, for an offense which if committed by an adult would constitute the commission of a felony*, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release, or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does



not constitute a departure. When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, a new sentence may be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Tuesday, April 3, 2007.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

