

Journal of the House

SIXTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, May 8, 2012, 10:00 a.m.

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

The roll was called with 121 members present.

Rep. LeDoux was excused on verified illness.

Reps. Billinger, Seiwert and Weber were excused on excused absence by the Speaker.

Present later: Reps. Seiwert and Weber.

Prayer by Chaplain Brubaker:

Creator God,
 Your Word admonishes us to...
 "trust in the Lord with all *our* heart
 and lean not on *our* own understanding:
 in all *our* ways acknowledge him,
 and he will make *our* paths straight."
 Help us to trust you from the bottom of our hearts—
 and not try to figure out everything on our own.
 Help us to listen for Your voice in everything we do today...
 for You are the only one who can keep us on track.
 May we not assume we know it all –
 but run to You for knowledge and wisdom.
 In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Williams.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfried, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S Sub for Sub HB 2004; HB 2534, HB 2684; Sub HB 2768; H Sub for SB 17; H Sub for Sub SB 39; SB 83.**

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 83** submits the following report:

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

On page 1, by striking lines 9 through 33;

By striking all on pages 2 through 5 and inserting:

"Section 1. K.S.A. 60-3306 is hereby amended to read as follows: 60-3306. (a) A product seller shall not be subject to liability in a product liability claim arising from an alleged defect in a product, if the product seller establishes that: ~~(a)~~ (1) Such seller had no knowledge of the defect;

~~(b)~~ (2) such seller in the performance of any duties the seller performed, or was required to perform, could not have discovered the defect while exercising reasonable care;

~~(c)~~ (3) such seller was not a manufacturer of the defective product or product component;

~~(d)~~ (4) the manufacturer of the defective product or product component is subject to service of process either under the laws of the state of Kansas or the domicile of the person making the product liability claim; and

~~(e)~~ (5) any judgment against the manufacturer obtained by the person making the product liability claim would be reasonably certain of being satisfied.

(b) A product seller that is a retail seller of used products shall not be subject to liability in a product liability claim arising from an alleged defect in a used product sold by the retail seller, if the retail seller establishes that:

(1) Such seller is exempt from federal income taxation pursuant to section 501(c)(3) of the internal revenue code of 1986;

(2) the product liability claim is for strict liability in tort; or

(3)(A) Such seller resold the product after the product was used by a consumer or other product user;

(B) the product was sold in substantially the same condition as it was when it was acquired for resale;

(C) the manufacturer of the defective product or product component is subject to service of process either under the laws of the state of Kansas or the domicile of the person making the product liability claim; and

(D) any judgment against the manufacturer obtained by the person making the product liability claim would be reasonably certain of being satisfied.

Sec. 2. K.S.A. 60-3306 is hereby repealed.

Sec. 3. The act shall take effect and be in force from and after its publication in the statute book.";

On page 1, in the title, by striking all in lines 1 through 6 and inserting:

"AN ACT concerning the Kansas product liability act; relating to a product liability claim arising from an alleged defect in a used product; amending K.S.A. 60-3306 and repealing the existing section.";

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

LANCE KINZER
JOE PATTON
JANICE L. PAULS

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

On motion of Rep. Kinzer the conference committee report on **SB 83** was adopted.

Call of the House was demanded.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Billinger, LeDoux, Seiwert, Weber.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Senate Substitute for Substitute HB 2004** submits the following report:

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

On page 2, in line 24, by striking "or by any third-party contributor"; by striking all in line 26; in line 27, by striking "contributor are in an amount equal to or greater than" and inserting "account owner contributes at least";

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

JEAN KURTIS SCHODORF

JOHN VRATIL

ANTHONY HENSLEY

Conferees on part of Senate

CLAY AURAND

STEVE HUEBERT

JIM WARD

Conferees on part of House

On motion of Rep. Aurand, the conference committee report on **S Sub for Sub HB 2004** was adopted.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Billinger, LeDoux, Weber.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2684** submits the following report:

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

On page 1, by striking all in lines 9 through 36;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 33 and inserting:

"Section 1. (a) The secretary of corrections shall establish the justice reinvestment working group.

(b) The working group shall consist of the following members:

- (1) One senator appointed by the president of the senate;
- (2) one representative appointed by the speaker of the house of representatives;
- (3) one senator appointed by the minority leader of the senate;
- (4) one representative appointed by the minority leader of the house of representatives;
- (5) one member appointed by the governor;
- (6) one member appointed by the attorney general;
- (7) one member appointed by the chief justice of the supreme court;
- (8) one member shall represent court services officers, appointed by the chief justice of the supreme court;
- (9) the secretary of corrections;
- (10) the director of victims services of the department of corrections;
- (11) one member shall represent community corrections, appointed by the secretary

of corrections;

(12) one member of the prisoner review board, appointed by the secretary of corrections;

(13) one member shall be a prosecuting attorney, appointed by the Kansas county and district attorneys association;

(14) one member shall represent public defenders, appointed by the executive director of the state board of indigents' defense services;

(15) one member shall represent mental health providers, appointed by the secretary for aging and disability services;

(16) one member shall be a sheriff, appointed by the Kansas sheriff's association; and

(17) one member shall be a law enforcement officer, appointed by the Kansas association of chiefs of police.

(c) The members appointed by the president of the senate and the speaker of the house of representatives shall serve as co-chairs of the working group. The secretary of corrections shall serve as vice-chairperson. The working group shall meet on call of either co-chair or on the request of nine members of the working group. Nine members of the working group shall constitute a quorum. All actions of the working group shall be taken by a majority of all members of the working group.

(d) The working group shall undertake a study of the data-driven, fiscally responsible policies and practices that can increase public safety and reduce recidivism and spending on corrections in Kansas.

(e) On or before January 1, 2013, the working group shall submit a report of the working group's activities and recommendations regarding increased public safety and reducing recidivism and spending on corrections in Kansas to the secretary of the senate and the chief clerk of the house of representatives.

(f) The members of the working group attending meetings of such working group, or attending a subcommittee meeting thereof authorized by such working group, shall receive amounts provided for in subsection (e) of K.S.A. 75-3223, and amendments thereto, upon vouchers approved by the secretary of corrections or a person or persons designated by the secretary.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 3 through 6 and inserting "establishing the justice reinvestment working group.";

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

THOMAS C. OWENS

JEFF R. KING

DAVID HALEY

Conferees on part of Senate

PAT COLLOTON

LANCE KINZER

JANICE L. PAULS

Conferees on part of House

On motion of Rep. Colloton, the conference committee report on **HB 2684** was adopted.

On roll call, the vote was: Yeas 115; Nays 6; Present but not voting: 0; Absent or not voting: 4.

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

Nays: Brown, Collins, O'Hara, Patton, Schwab, Ward.

Present but not voting: None.

Absent or not voting: Billinger, LeDoux, Seiwert, Weber.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Brookens, the House concurred in Senate amendments to **HB 2534**, AN ACT concerning children and minors; relating to reporting of disappearance or death of a child; relating to interference with law enforcement; amending K.S.A. 2011 Supp. 21-5904 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 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Billinger, LeDoux, Seiwert, Weber.

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

COMMITTEE OF THE WHOLE

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

Recommended that **Sub HB 2768** be passed over and retain a place on the calendar (see further action, Afternoon Session).

Committee report recommending a substitute bill to **H Sub for SB 17** be adopted; also, on motion of Rep. Rubin, be amended on page 7, following line 28, by inserting:

"(v) (1) During the period beginning June 15, 2012, and ending December 31, 2012, the assessment of evidence of United States citizenship as required by this section shall be satisfied by receipt of any qualifying document by the office of the secretary of state or a county election office and the applicant shall be deemed to have provided satisfactory evidence of United States citizenship.

(2) During the period beginning June 15, 2012, and ending December 31, 2012, the assessment of evidence of United States citizenship as required by this section shall be satisfied by receipt of any qualifying document by the state election board, the division of vehicles of the department of revenue or a voter registration agency, as defined by 42 U.S.C. § 1973gg-1. Receipt of any qualifying document by the state election board, the division of vehicles of the department of revenue or a voter registration agency shall be promptly reported to the appropriate county election officer or the secretary of state, and the applicant shall be deemed to have provided satisfactory evidence of United States citizenship. All qualifying documents received by the state election board, the division of vehicles of the department of revenue or a voter registration agency shall be transmitted to the appropriate county election officer or the secretary of state no later than December 31, 2012.

(3) The provisions of this subsection shall expire on January 1, 2013."; and **H Sub for SB 17** be passed as amended.

Committee report recommending a substitute bill to **H Sub for Sub SB 39** be adopted; also, on motion of Rep. S. Gatewood to amend, Rep. Rhoades requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane.

The question reverted back to the motion of Rep. S. Gatewood to amend **H Sub for Sub SB 39**, on page 4, following line 24, by inserting:

"Sec. 3. K.S.A. 2011 Supp. 75-5206 is hereby amended to read as follows: 75-5206. (a) Except as provided in subsection (c) ~~or~~ (d) or (e), to carry out the purposes of this act, the secretary shall have authority to order the housing and confinement of any person sentenced to the secretary's custody to any institution or facility herein placed under the secretary's supervision and management or to any contract facility, including a conservation camp.

(b) All institutions of the department of corrections shall be institutions for the incarceration of felons sentenced to the custody of the secretary of corrections. The secretary may enter into interagency agreements authorizing the use of department of corrections' institutions for the temporary housing of pretrial detainees, misdemeanor offenders and other persons confined in local detention facilities or jails when the local facility cannot be used to house those persons due to a natural disaster or other emergency. Authorization shall not be given for the temporary housing of juveniles under 16 years of age.

(c) No person under 16 years of age sentenced to the secretary's custody shall be

placed in the Lansing correctional facility or the Hutchinson correctional facility.

(d) The secretary shall have the authority to order the placement of a juvenile, as described in K.S.A. 2011 Supp. 38-2366, and amendments thereto, in a juvenile correctional facility. Such juvenile shall be allowed to be in a juvenile correctional facility only until such juvenile reaches the age of 23 years.

(e) Except as provided in K.S.A. 75-5217, and amendments thereto, no person sentenced to the secretary's custody for an off-grid crime or a nondrug severity level 1 through 4 crime shall be placed in a county jail.";

On page 4, in line 25, by striking "75-6609 is" and inserting "75-5206 and 75-6609 are"

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "real estate; concerning the proceeds from the sale of"; in line 2, by striking "surplus real estate; relating to the selling of land" and inserting "state agencies and officers; relating to the secretary of corrections; selling of land; placement of inmates; relating to proceeds from the sale of surplus real estate"; in line 3, after "Supp." by inserting "75-5206 and"; also in line 3, by striking "section" and inserting "sections";

Roll call was demanded.

On roll call, the vote was: Yeas 41; Nays 79; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Bethell, Burgess, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Grant, Henderson, Henry, Huebert, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Patton, Pauls, Peterson, Phelps, Ruiz, Schroeder, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

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

Present but not voting: None.

Absent or not voting: Billinger, M. Holmes, LeDoux, Sloan, Weber.

The motion of Rep. S. Gatewood did not prevail.

Also, on motion of Rep. Trimmer to amend **H Sub for Sub SB 39**, Rep. Johnson requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and **H Sub for Sub SB 39** be passed.

COMMITTEE ASSIGNMENT CHANGE

Speaker O'Neal announced Rep. Smith would replace Rep. Weber on Committee on Redistricting for today, May 8, 2012.

On motion of Rep. Siegfried, the House recessed until 2:30 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE GOVERNOR

May 7, 2012

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

Enclosed herewith is Executive Order No 12-07 for your information.

EXECUTIVE ORDER No. 12-07
Concerning Declaration of Drought Watch
or Warning and Instituting Appropriate Response

SAM BROWNBACK
Governor

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

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

COMMITTEE OF THE WHOLE

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

On motion of Rep. Siegfried, pursuant to House Rule 2311, that House Rule 1704 be suspended for the purpose of allowing the following to speak more than twice on **Sub HB 2768**: Reps. Rhoades, Feuerborn and Kelley.

Recommended that committee report recommending a substitute bill to **Sub HB 2768** be adopted; also, on motion of Rep. Rhoades, be amended on page 40, in line 38, by adding \$3,512 to the dollar amount and adjusting the dollar amount in line 38 accordingly;

On page 49, in line 22, by adding \$3,400 to the dollar amount and by adjusting the dollar amount in line 22 accordingly;

On page 108, in line 8, by adding \$1,276,677 to the dollar amount and by adjusting the dollar amount in line 8 accordingly;

On page 109, in line 18, by adding \$6,300,000 to the dollar amount and by adjusting the dollar amount in line 18 accordingly;

On page 119, in line 6, by subtracting \$271,751 from the dollar amount and by adjusting the dollar amount in line 6 accordingly; in line 27, by adding \$150 to the dollar amount and by adjusting the dollar amount in line 27 accordingly;

On page 131, in line 40, by adding \$14,855 to the dollar amount and by adjusting the dollar amount in line 40 accordingly;

On page 142, in line 5, by subtracting \$20,900 from the dollar amount and by

adjusting the dollar amount in line 5 accordingly;

On page 169, in line 18, by adding \$1,663 to the dollar amount and by adjusting the dollar amount in line 18 accordingly;

On page 175, in line 41, by adding \$182,000 to the dollar amount and by adjusting the dollar amount in line 41 accordingly;

On page 187, in line 19, by striking \$187,095.50 and inserting \$186,981;

On page 218, in line 28, by adding \$315,178 to the dollar amount and by adjusting the dollar amount in line 28 accordingly;

On page 225, following line 40, by inserting the following:

"Rehabilitation and repair for state facilities \$153,737
Provided, That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013.";

Also, roll call was demanded on motion of Rep. Aurand, **Sub HB 2768** be amended on page 136, following line 13, by inserting:

"General state aid special revenue fund \$25,000,000
Supplemental general state aid special revenue fund \$25,000,000"

On page 139, following line 20, by inserting:

"(h) On July 1, 2012, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$25,000,000 from the state highway fund of the department of transportation to the general state aid special revenue fund of the department of education.

(i) On July 1, 2012, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$25,000,000 from the state highway fund of the department of transportation to the supplemental general state aid special revenue fund of the department of education.";

And by redesignating remaining subsections accordingly;

On roll call, the vote was: Yeas 99; Nays 17; Present but not voting: 0; Absent or not voting: 9.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Colloton, Crum, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Frownfelner, Garber, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Lane, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Siegfried, Slattery, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Carlin, Collins, Davis, Donohoe, Flaharty, D. Gatewood, S. Gatewood, Gordon, Henry, Kinzer, Kuether, Mah, McCray-Miller, O'Hara, Shultz, Smith.

Present but not voting: None.

Absent or not voting: Billinger, Kelley, Landwehr, LeDoux, Loganbill, Peterson, Schroeder, Sloan, Weber.

The motion of Rep. Aurand prevailed.

Also, roll call was demanded on motion of Rep. Ward to amend **Sub for HB 2768**,

on page 1, in line 14, by striking "and"; also in line 14, following "2015" by inserting "and June 30, 2016,";

On page 225, following line 35:

"Sec. 121. Except as otherwise provided in this section, during fiscal years 2013, 2014, 2015, and 2016, no state agency named in this or any other appropriation act of the 2012 regular session of the legislature shall expend moneys from the state general fund or from any special revenue fund or funds authorized by this or any other appropriation act of the 2012 regular session of the legislature, to provide services through the home and community based services waiver for individuals with developmental disabilities or targeted case management for individuals with developmental disabilities under any managed care system or any managed care oversight or any function that is determined to be a managed care oversight during fiscal years 2013, 2014, 2015, and 2016.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "and"; also in line 2, following "2015," by inserting "and June 30, 2016";

On roll call, the vote was: Yeas 54; Nays 65; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Bethell, Bollier, Brookens, Bruchman, Burroughs, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Gordon, Grant, Henderson, Henry, Hildabrand, Hill, Howell, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Osterman, Pauls, Phelps, Phillips, Pottorff, Roth, Ruiz, Schroeder, Seiwert, Shultz, Slattery, Sloan, Spalding, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore, Worley.

Nays: Alford, Arpke, Aurand, Boman, Bowers, Brown, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hineman, Hoffman, C. Holmes, M. Holmes, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, KleeB, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Siegfried, Smith, Suellentrop, Swanson, Vickrey, B. Wolf, K. Wolf.

Present but not voting: None.

Absent or not voting: Billinger, Kelley, Landwehr, LeDoux, Peterson, Weber.

The motion of Rep. Ward did not prevail.

Also, on motion of Rep. Gregory, **Sub HB 2768** be amended on page 39, in line 18, by adding \$611,000 to the dollar amount and by adjusting the dollar amount in line 18 accordingly;

On page 129, following line 32, by inserting the following:

"Communities in schools.....\$611,000

Provided, That the secretary for children and families is hereby authorized to make expenditures from the communities in schools account to schools in accordance with guidelines established by the secretary for children and families.";

Also, on motion of Rep. Brown to amend **Sub HB 2768**, Rep. Hineman requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane.

The question reverted back to the motion of Rep. Brown to amend **Sub HB 2768** on

page 225, following line 35, by inserting:

"Sec. 121. (a) During the fiscal year ending June 30, 2013, no state agency named in chapter 118 of the 2011 Session Laws of Kansas or in this or other appropriation act of the 2012 regular session of the legislature shall expend moneys appropriated from the state general fund for such state agency as authorized by chapter 118 of the 2011 Session Laws of Kansas or by this or other appropriation act of the 2012 regular session of the legislature, to enter into a contract in an amount greater than \$50,000 with any business entity without receiving a sworn affidavit signed before a notary and by provision of documentation from such business entity, affirming enrollment and good faith participation in the e-verify program with respect to all new employees eligible for verification under the e-verify program, working for such business entity in connection with the contracted services: *Provided*, That, during the fiscal year ending June 30, 2013, such business entity shall be responsible for verifying and providing documentation to such state agency that a subcontractor of any tier is enrolled and participates in good faith in the e-verify program with respect to all new employees eligible for verification under the e-verify program, working in connection with the contracted services.

(b) In addition to the other purposes for which expenditures may be made by any state agency named in chapter 118 of the 2011 Session Laws of Kansas or in this or any other appropriation act of the 2012 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2013 as authorized by chapter 118 of the 2011 Session Laws of Kansas or by this or any other appropriation act of the 2012 regular session of the legislature, expenditures are hereby authorized and directed to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2013 to enroll and participate, in good faith, in the e-verify program with respect to all new employees eligible for verification under the e-verify program, working for such state agencies.

(c) As used in this section:

- (1) "Business entity" means any business that employs one or more employees.
- (2) "E-verify program" means a program operated by the United States department of homeland security pursuant to the illegal immigration reform and immigrant responsibility act of 1996, public law 104-208, or a successor electronic federal work authorization program.
- (3) "Good faith" means, with honesty and intent, to fully comply with all applicable laws, rules and regulations and standards. A business entity shall not be deemed to have violated the requirements of good faith based on inadvertent errors committed by subordinate personnel and unknown to the principals of the business entity when made.";

And by renumbering sections accordingly;

Roll call was demanded.

On roll call, the vote was: Yeas 84; Nays 35; Present but not voting: 0; Absent or not voting: 6.

Yeas: Arpke, Bollier, Boman, Brown, Bruchman, Brunk, Burroughs, Calloway, Carlin, Carlson, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson,

Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schwab, Siegfried, Slattery, Smith, Spalding, Suellentrop, Tietze, Trimmer, Tyson, Vickrey, Ward, Wetta, Williams, K. Wolf, Wolfe Moore, Worley.

Nays: Alford, Aurand, Ballard, Bethell, Bowers, Brookens, Burgess, Collins, Colloton, Flaharty, Gonzalez, Henderson, Hill, Hineman, Johnson, Kelly, Kerschen, Kuether, Loganbill, Moxley, O'Neal, Phelps, Phillips, Pottorff, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Sloan, Swanson, Victors, Winn, B. Wolf.

Present but not voting: None.

Absent or not voting: Billinger, Cassidy, Goico, LeDoux, Peterson, Weber.

The motion of Rep. Brown prevailed.

Also, on motion of Rep. Huebert to amend **Sub HB 2768**, the motion did not prevail.

Also, on motion of Rep. Mast, **Sub HB 2768** be amended on page 131, after line 8 by inserting:

"Provided, That in addition to the other purposes for which expenditures may be made by the above agency from the temporary assistance for needy families emergency funds federal fund for fiscal year 2013, expenditures may be made by the above agency from the temporary assistance for needy families emergency funds federal fund for fiscal year 2013 for direct grants to organizations that provide safety planning, counseling, therapy, and mentoring services to victims of domestic violence and sexual assault: Provided further, That expenditures from this fund for fiscal year 2013 for such purpose shall not exceed \$2,000,000."

Also, on motion of Rep. Rubin to amend **Sub HB 2768**, Rep. Schwab requested a ruling on the pay go rule. The Rules Chair ruled the amendment out of order under the provisions of House Rule 2110.

Also, roll call was demanded on motion of Rep. Spalding to amend **Sub HB 2768** on page 68, by striking all in lines 22 through 43;

On page 69, by striking all in lines 1 through 29;

On roll call, the vote was: Yeas 84; Nays 35; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Ballard, Bethell, Bollier, Bowers, Brookens, Bruchman, Burgess, Burroughs, Calloway, Carlin, Cassidy, Colloton, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelner, D. Gatewood, S. Gatewood, Goico, Gonzalez, Gordon, Grant, Gregory, Grosserode, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Meigs, Montgomery, Moxley, Otto, Pauls, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Ruiz, Ryckman, Schroeder, Schwartz, Seiwert, Siegfried, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Aurand, Boman, Brown, Brunk, Carlson, Collins, Crum, DeGraaf, Denning, Donohoe, Garber, Goodman, Grange, Hayzlett, Hedke, Howell, Kelley, Kinzer, Mast, McLeland, Mesa, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Rhoades, Rubin, Scapa, Schwab, Shultz, Smith, Suellentrop.

Present but not voting: None.

Absent or not voting: Billinger, Huebert, LeDoux, Peterson, Roth, Weber.

The motion of Rep. Spalding prevailed.

Also, on motion of Rep. DeGraaf to amend **Sub HB 2768**, Rep. Worley requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane.

The question reverted back to the motion of Rep. DeGraaf and **Sub HB 2768** be amended on page 79, following line 35, by inserting the following:

"(t) (1) During the fiscal year ending June 30, 2013, in addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2013 for the department of administration as authorized by this or any other appropriation act of the 2013 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2013 to create and maintain or contract with a public or private entity to create and maintain a program that lists debtors against the state which may be accessed by any lottery gaming facility manager, facility owner licensee and racetrack gaming facility manager, for the purpose of setting off any prize or winning from parimutuel wagering: *Provided*, That the secretary of administration, in cooperation with the Kansas lottery and Kansas racing and gaming commission, shall ensure to provide a secure and efficient electronic system to disclose information on any debt against the state to the lottery gaming facility manager, facility owner licensee and racetrack gaming facility manager: *Provided further*, That any person utilizing such debt setoff program shall be immune from civil, criminal or administrative liability for performing or failing to perform any acts provided in this subsection.

(2) As used in this subsection:

(A) "Lottery gaming facility manager" has the meaning ascribed thereto in K.S.A. 74-8702, and amendments thereto;

(B) "facility owner licensee" has the meaning ascribed thereto in K.S.A. 74-8802, and amendments thereto;

(C) "racetrack gaming facility manager" has the meaning ascribed thereto in K.S.A. 74-8702, and amendments thereto;

(D) "prize" has the meaning ascribed thereto in K.S.A. 74-8702, and amendments thereto;

(E) "parimutuel wagering" has the meaning ascribed thereto in K.S.A. 74-8802, and amendments thereto.";

On page 133, following line 30, by inserting the following:

"(k) (1) During the fiscal year ending June 30, 2013, in addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2013 for the Kansas department for children and families as authorized by this or any other appropriation act of the 2013 regular session of the legislature, expenditures shall be made by the secretary for children and families for fiscal year 2013 to create and maintain or contract with a public or private entity to create and maintain a registry that lists child support debtors which may be accessed by any lottery gaming facility manager, facility owner licensee and racetrack gaming facility manager, for the purpose of setting off any prize or winning from parimutuel wagering: *Provided*, That the secretary for children and families, in cooperation with

the Kansas lottery and Kansas racing and gaming commission, shall ensure to provide a secure and efficient electronic system to disclose information on child support debtors, determining the appropriate threshold amount of setoff of past due child support against the prizes and winnings of any debtor including a title IV-D cases: *Provided further*, That any person utilizing the child support debtor registry shall be immune from civil, criminal or administrative liability for performing or failing to perform any acts provided in this subsection.

(2) As used in this subsection:

(A) "Lottery gaming facility manager" has the meaning ascribed thereto in K.S.A. 74-8702, and amendments thereto;

(B) "facility owner licensee" has the meaning ascribed thereto in K.S.A. 74-8802, and amendments thereto;

(C) "racetrack gaming facility manager" has the meaning ascribed thereto in K.S.A. 74-8702, and amendments thereto;

(D) "prize" has the meaning ascribed thereto in K.S.A. 74-8702, and amendments thereto;

(E) "parimutuel wagering" has the meaning ascribed thereto in K.S.A. 74-8802, and amendments thereto; and

(F) "title IV-D" means part D of the title IV of the federal social security act, 42 U.S.C. § 651 *et seq.*;

Also, roll call was demanded on motion of Rep. Tietze to amend **Sub HB 2768** on page 39, in line 18, by adding \$5,020,327 to the dollar amount and by adjusting the dollar amount in line 18 accordingly; also on page 39, by striking all in lines 20 through 22;

On page 225, following line 35, by inserting the following:

"Sec. 121 (a) In addition to the other purposes for which expenditures may be made by state agencies from one or more accounts of the state general fund and one or more special revenue funds in accordance with appropriations for the fiscal year ending June 30, 2013, made by this or other appropriation act of the 2012 regular session of the legislature, for additional amounts of compensation for state officers and employees in accordance with the following:

(1) (A) The governor is hereby authorized and directed to modify the pay plan for fiscal year 2013 in accordance with this subsection (a)(1)(A) and to adopt such pay plan as so modified. The existing pay plan for fiscal year 2013 shall be modified to provide for a base pay rate increase of 1.0% in the pay rates of such pay plan, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2013. The pay plan adopted by the governor under this subsection (a)(1)(A) shall be the pay plan for the classified service under the Kansas civil service act and shall be effective on the first day of the first biweekly payroll period which commences on or after June 10, 2012, and which is chargeable to the fiscal year ending June 30, 2013. The pay plan adopted by the governor under this subsection for fiscal year 2013 shall be subject to modification and approval as provided under K.S.A. 75-2938, and amendments thereto, and to any enactment of the legislature applicable thereto.

(B) The governor is hereby authorized to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act and whose salaries are subject to approval by the governor

under K.S.A. 75-2935b or 75-2935c, and amendments thereto, to provide for base salary increases, to be effective on the first day of the first payroll period which commences on or after June 10, 2012, and which is chargeable to the fiscal year ending on June 30, 2013, for which the base salary increase is authorized in accordance with this subsection (a)(1)(B), and to be distributed from a salary increase pool: *Provided*, That, for each biweekly payroll period commencing on or after June 10, 2012, which is chargeable to fiscal year 2013, the average of such increases shall not exceed an additional 1.0% of the base salaries of such officers and employees.

(C) Each elected state official of the executive branch of state government, including the state board of education, and the board of directors of the Kansas technology enterprise corporation, the members of Kansas, Inc., the state board of regents and the board of trustees of the Kansas public employees retirement system, in each such official, corporation or board's discretion, are hereby authorized to modify or to authorize the modification of the salaries of the state officers and employees of such official, corporation or board, who are in the unclassified service under the Kansas civil service act and whose salaries are not subject to approval by the governor under K.S.A. 75-2935b, and amendments thereto, to provide for base salary increases to be effective on the first day of the first payroll period which commences on or after June 10, 2012, and which is chargeable to the fiscal year ending June 30, 2013, for which the base salary increase is authorized in accordance with this subsection (a)(1)(B), and to be distributed from a salary increase pool: *Provided further*; That, for each biweekly payroll period commencing on or after June 10, 2012, which is chargeable to fiscal year 2013, the average of such increases shall not exceed an additional 1.0% of the base salaries of such officers and employees of such official, corporation or board.

(b) (1) There is hereby appropriated for the state finance council from the state general fund for the fiscal year ending June 30, 2013, the sum of \$8,952,978 to be used for the purpose of paying the proportionate share of the cost to the state general fund of: (A) The pay rate increases which are provided for by modification of the pay plan for state officers and employees in the classified service under the Kansas civil service act as provided in subsection (a)(1)(A), by providing a base pay rate increase of 1.0% in the pay rates of such pay plan, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2013; and (B) the salary increases for state officers and employees in the unclassified service under the Kansas civil service act which are provided for in subsection (a)(1)(B) and subsection (a)(1)(C) for biweekly pay periods which are chargeable to the fiscal year ending June 30, 2013.

(2) To pay the proportionate share of the cost to the state general fund of each state agency for the salary increases specified in subsection (b)(1), including associated employer contributions, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the appropriation under subsection (b)(1) by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with such approval, to the proper accounts created by state general fund appropriations for the fiscal year ending June 30, 2013.

(3) (A) There is hereby appropriated for the state finance council from the state economic development initiatives fund for the fiscal year ending June 30, 2013, the sum of \$43,567 to be used for the purpose of paying the proportionate share of the cost to the state economic development initiatives fund of the salary increases specified in subsection (b).

(B) To pay the proportionate share of the cost to the state economic development initiatives fund of each state agency for the salary increases specified in subsection (b) (1), including associated employer contributions, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the appropriation under subsection (b)(3)(A) by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with such approval, to the proper accounts created by state economic development initiatives fund appropriations for the fiscal year ending June 30, 2013.

(4) (A) There is hereby appropriated for the state finance council from the state water plan fund for the fiscal year ending June 30, 2013, the sum of \$12,767 to be used for the purpose of paying the proportionate share of the cost to the state water plan fund of the salary increases specified in subsection (b)(1).

(B) To pay the proportionate share of the cost to the state water plan fund of each state agency for the salary increases specified in subsection (b)(1), including associated employer contributions, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the appropriation under subsection (b)(4)(A) by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with such approval, to the proper accounts created by state water plan fund appropriations for the fiscal year ending June 30, 2013.

(5) (A) There is hereby appropriated for the state finance council from the children's initiatives fund for the fiscal year ending June 30, 2013, the sum of \$785 to be used for the purpose of paying the proportionate share of the cost to the children's initiatives fund of the salary increases specified in subsection (b)(1).

(B) To pay the proportionate share of the cost to the children's initiatives fund of each state agency for the salary increases specified in subsection (b)(1), including associated employer contributions, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the appropriation under subsection (b)(4)(A) by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with such approval, to the proper accounts created by children's initiatives fund appropriations for the fiscal year ending June 30, 2013.

(6) Upon recommendation of the director of the budget, the state finance council,

acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts established for the fiscal year ending June 30, 2013, by the director of accounts and reports, who is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts in accordance with such approval, for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases specified in subsection (b)(1) for the fiscal year ending June 30, 2013.

(7) The director of the budget, on behalf of the executive branch of state government, shall prepare a budget estimate based upon the most recent payroll information for the salary increases specified in subsection (b)(1), and all amendments and revisions of such estimate, and the director of the budget shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the director of legislative research.

(8)

LEGISLATIVE COORDINATING COUNCIL

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

Legislative coordinating council – operations.....	\$4,473
Legislative research department – operations.....	\$32,574
Office of revisor of statutes – operations.....	\$22,610

(9)

LEGISLATURE

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

Operations (including official hospitality).....	\$38,982
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(10)

DIVISION OF POST AUDIT

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

Operations (including legislative post audit committee).....	\$17,456
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(11)

JUDICIAL BRANCH

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

Judiciary operations.....	\$951,254
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(B) During the fiscal year ending June 30, 2013, notwithstanding the provisions of K.S.A. 75-3120l, and amendments thereto, this section or any other statute to the contrary, no expenditures shall be made from any moneys appropriated for the judicial

branch from the state general fund or any special revenue fund for fiscal year 2013 by this or any other appropriation act of the 2012 regular session of the legislature to pay any amount of salary or other compensation to provide for any increase in salary or other compensation for the chief justice of the supreme court, any other justice of the supreme court, the chief judge of the court of appeals, any other judge of the court of appeals, any district judge or any district magistrate judge for fiscal year 2013 that is greater than a 1.0% increase in any such salary or other compensation: *Provided*, That, during the fiscal year ending June 30, 2013, no provision of this section or any other statute shall be deemed to constitute or to otherwise authorize increases in the monthly rates of compensation from step movements of the pay plan for persons in the classified service under the Kansas civil service act under K.S.A. 75-3120l, and amendments thereto, that would provide an aggregate percentage increase of compensation for fiscal year 2013 that is greater than 1.0% in the salary or other compensation of the chief justice of the supreme court, any other justice of the supreme court, the chief judge of the court of appeals, any other judge of the court of appeals, any district judge or any district magistrate judge, and no such salary or other compensation shall be increased for fiscal year 2013 based upon the provisions of this section or any other statute by any aggregate percentage increase of compensation greater than 1.0%: *Provided further*, That, notwithstanding any provision of K.S.A. 75-3120l, and amendments thereto, to the contrary, the provisions of K.S.A. 75-3120l, and amendments thereto, shall be construed to provide an aggregate percentage increase of compensation equal to 1.0% for fiscal year 2013 for the chief justice of the supreme court, each other justice of the supreme court, the chief judge of the court of appeals, each other judge of the court of appeals, each district judge and each district magistrate judge, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2013.

(c) (1) Notwithstanding any provision of K.S.A. 75-3111a, and amendments thereto, to the contrary, the provisions of this section shall not authorize or provide any salary increase during the fiscal year ending June 30, 2013, for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, attorney general, or any member of the legislature, or for any member of any state board, commission, council or committee receiving *per diem* compensation as provided by statute.

(2) During the fiscal year ending June 30, 2013, notwithstanding the provisions of K.S.A. 75- 3111a, and amendments thereto, this section or any other statute to the contrary, no expenditures shall be made from any moneys appropriated for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, attorney general, or the legislature from the state general fund or any special revenue fund for fiscal year 2013 by this or any other appropriation act of the 2012 regular session of the legislature to pay any amount of salary or other compensation to provide for any increase in salary or other compensation for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, attorney general, or any member of the legislature, for fiscal year 2013.

(3) During the fiscal year ending June 30, 2013, notwithstanding the provisions of K.S.A. 75- 3111a, and amendments thereto, this section or any other statute to the contrary, no expenditures shall be made from any moneys appropriated for any state agency named in this or any other appropriation act of the 2012 regular session of the

legislature from the state general fund or any special revenue fund for fiscal year 2013 by this or any other appropriation act of the 2012 regular session of the legislature to pay any amount of salary or other compensation to provide for any increase in salary or other compensation for any member of any state board, commission, council or committee receiving *per diem* compensation as provided by statute, for fiscal year 2013."

And renumbering remaining sections accordingly;

On roll call, the vote was: Yeas 55; Nays 63; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Bethell, Bollier, Bruchman, Burgess, Burroughs, Calloway, Carlin, Cassidy, Colloton, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goodman, Gordon, Grant, Henderson, Henry, Hill, M. Holmes, Kelly, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Osterman, Otto, Patton, Pauls, Phelps, Phillips, Pottorff, Proehl, Ruiz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Boman, Bowers, Brookens, Brown, Brunk, Carlson, Collins, Crum, DeGraaf, Denning, Donohoe, Garber, Goico, Gonzalez, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kinzer, KleeB, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Tyson, Vickrey, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Billinger, Kiegerl, Landwehr, LeDoux, Peterson, Roth, Weber.

The motion of Rep. Tietze did not prevail.

Also, on motion of Rep. Kuether to amend **Sub HB 2768**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Mah to amend **Sub HB 2768** on page 39, in line 18, by adding \$3,534,972 to the dollar amount and by adjusting the dollar amount in line18 accordingly; also on page 39, by striking all in lines 20 through 22;

On page 225, following line 35, by inserting the following:

"Sec. 121.

STATE FINANCE COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

Undermarket pay adjustment fund \$8,534,972

Provided, That all moneys in the undermarket pay adjustment fund shall be used for the purpose of paying the proportionate share of the cost to the state general fund, state economic development initiatives fund, children's initiative fund, and state water plan fund of the salary market adjustments, including associated employer contributions, for executive branch classified employees in positions in job classifications that are reassigned under the market adjustment component during fiscal year 2013 and, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments

thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the undermarket pay adjustment fund by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with each such approval, to the proper accounts created by the state general fund, state economic development initiatives fund, children's initiative fund, and state water plan fund appropriations for fiscal year 2013 for which such transfers are so approved under this section.

(b) Upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts established for each fiscal year designated in subsection (a), for the fiscal year ending June 30, 2013, by the director of accounts and reports, who is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts in accordance with such approval, for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases and other amounts specified in subsection (a) for the fiscal year ending June 30, 2013.

(c) The director of the budget, on behalf of the executive branch of state government, shall prepare a budget estimate based upon the most recent payroll information for the salary increases and other amounts specified in subsection (a), and all amendments and revisions of such estimate, and the director of the budget shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the director of legislative research.";

And renumbering remaining sections accordingly;

On roll call, the vote was: Yeas 58; Nays 59; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Bethell, Bollier, Brookens, Burgess, Burroughs, Carlin, Cassidy, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goodman, Gordon, Grange, Grant, Henderson, Henry, Hill, M. Holmes, Kelly, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, O'Brien, Osterman, Otto, Patton, Pauls, Phelps, Phillips, Pottorff, Prescott, Proehl, Ruiz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Alford, Arpke, Aurand, Boman, Bowers, Brown, Brunk, Calloway, Carlson, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, O'Hara, O'Neal, Peck, Powell, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Smith, Suellentrop, Tyson, Vickrey, B. Wolf.

Present but not voting: None.

Absent or not voting: Billinger, Bruchman, Landwehr, LeDoux, Peterson, Roth, Shultz, Weber.

The motion of Rep. Mah did not prevail.

Also, on motion of Rep. Shultz to amend **Sub HB 2768**, Rep. Landwehr requested a

ruling on the pay go rule. The Rules Vice Chair ruled the amendment did not violate the provisions of House Rule 2110 and therefore was in order.

The question reverted back to the motion of Rep. Shultz, and **Sub HB 2768** be amended on page 133, following line 30, by inserting the following:

"(k) During the fiscal year ending June 30, 2013, in addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2013 for the Kansas department for children and families as authorized by this or any other appropriation act of the 2013 regular session of the legislature, expenditures shall be made by the secretary for children and families for fiscal year 2013 to create a program to pay for tuition and fees charged by any private college in Kansas for any eligible foster child in the same manner as in the provisions of the Kansas foster child educational assistance act, K.S.A. 75-53,111 through 75-53,120, and amendments thereto.";

Also, roll call was demanded on motion of Rep. Wolfe Moore to amend **Sub HB 2768** on page 39, in line 21, by subtracting \$1,800,000 from the dollar amount and by adjusting the dollar amount in line 21 accordingly;

On page 118, in line 22, by adding \$1,800,000 to the dollar amount and by adjusting the dollar amount in line 22 accordingly;

On roll call, the vote was: Yeas 90; Nays 31; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Ballard, Bethell, Bollier, Boman, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Cassidy, Colloton, Davis, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelly, Kiegerl, Kleeb, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, Osterman, Otto, Patton, Pauls, Peck, Phelps, Phillips, Pottorff, Prescott, Proehl, Roth, Ruiz, Scapa, Seiwert, Shultz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Aurand, Bowers, Brown, Carlson, Collins, Crum, DeGraaf, Donohoe, Grosserode, Hayzlett, M. Holmes, Kelley, Kerschen, Kinzer, Knox, McLeland, O'Hara, O'Neal, Powell, Rhoades, Rubin, Ryckman, Schroeder, Schwab, Schwartz, Siegfried, Smith, Suellentrop, Vickrey, B. Wolf.

Present but not voting: None.

Absent or not voting: Billinger, LeDoux, Peterson, Weber.

The motion of Rep. Wolfe Moore prevailed.

Also, roll call was demanded on motion of Rep. Finney to amend **Sub HB 2768** on page 31, in line 35, by subtracting \$433,000 from the dollar amount and by adjusting the dollar amount in line 35 accordingly;

On page 116, in line 21, by adding \$433,000 to the dollar amount and by adjusting the dollar amount in line 21 accordingly;

On roll call, the vote was: Yeas 80; Nays 40; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Ballard, Bethell, Bollier, Bowers, Brookens, Bruchman, Burgess, Burroughs, Calloway, Carlin, Colloton, Davis, Denning, Feuerborn, Finney, Flaharty,

Frownfelter, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grant, Gregory, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Meigs, Mesa, Moxley, O'Brien, Otto, Pauls, Phelps, Pottorff, Proehl, Roth, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Aurand, Boman, Brown, Brunk, Carlson, Cassidy, Collins, Crum, DeGraaf, Donohoe, Fawcett, Garber, Gordon, Grange, Grosserode, Hayzlett, Hedke, Hildabrand, Kinzer, Kleeb, Mast, McLeland, Montgomery, O'Hara, O'Neal, Osterman, Patton, Peck, Phillips, Powell, Prescott, Rhoades, Rubin, Schwab, Siegfried, Smith, Suellentrop, Vickrey, B. Wolf.

Present but not voting: None.

Absent or not voting: Billinger, Dillmore, LeDoux, Peterson, Weber.

The motion of Rep. Finney prevailed.

Also, on motion of Rep. Ballard to amend **Sub HB 2768**, the motion did not prevail. Also, on further motion of Rep. Ballard to amend, the motion was withdrawn. Also, on motion of Rep. Carlin to amend, the motion did not prevail. Also, on further motion of Rep. Ballard to amend, the motion did not prevail. Also, on motion of Rep. Frownfelter to amend, the motion did not prevail.

Also, on motion of Rep. Henry to amend **Sub HB 2768**, Rep. Rhoades requested the question be divided. Rep. Rhoades subsequently withdrew his request. The question reverted back to the motion of Rep. Henry and **Sub HB 2768** be amended on page 39, in line 18, by adding \$881,920 to the dollar amount and by adjusting the dollar amount in line 18 accordingly; also on page 39, by striking all in lines 20 through 22; on page 116, in line 2, by adding \$881,920 to the dollar amount and by adjusting the dollar amount in line 2 accordingly; on page 118, in line 22, by adding \$2,500,000 to the dollar amount and by adjusting the dollar amount in line 22 accordingly; on page 120, in line 32, by adding \$2,500,000 to the dollar amount and by adjusting the dollar amount in line 32 accordingly;

Also, roll call was demanded on motion of Rep Feuerborn to amend **Sub HB 2768**, on page 23, by striking all in lines 21 through 24;

On roll call, the vote was: Yeas 51; Nays 68; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Bethell, Bollier, Burroughs, Calloway, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Gordon, Grant, Henderson, Henry, Hill, Hineman, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Otto, Pauls, Phelps, Pottorff, Roth, Ruiz, Schroeder, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Alford, Arpke, Aurand, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Phillips, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith,

Suellentrop, Vickrey, B. Wolf.

Present but not voting: None.

Absent or not voting: Billinger, Kiegerl, LeDoux, Peterson, Slattery, Weber.

The motion of Rep. Feuerborn did not prevail.

Also, on motion of Rep. Rubin to amend **Sub HB 2768**, the motion did not prevail.

Also, on motion of Rep. Trimmer to amend **Sub HB 2768**, Rep. Rhoades requested a ruling on the pay go rule. The Rules Chair ruled the amendment out of order under the provisions of House Rule 2110. Rep. Trimmer challenged the ruling, the question being "Shall the Rules Chair be sustained?" The Rules Chair was sustained.

Also, on motion of Rep. Brunk, **Sub HB 2768** be amended on page 81, in line 2, before the period, by inserting the following:

“: *And provided further*, That the secretary of revenue is authorized and directed to expend no more than \$100,000 from the division of vehicles operating fund for background checks for alcoholic beverage control”;

Also, on motion of Rep. Fawcett to amend **Sub HB 2768**, Rep. Rhoades requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. D. Gatewood to amend **Sub HB 2768**, Rep. Rhoades requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. D. Gatewood challenged the ruling, the question being "Shall the Rules Chair be sustained?" The Rules Chair was sustained.

Also, on further motion of Rep. D. Gatewood to amend **Sub HB 2768**, the motion did not prevail.

Also, on motion of Rep. Suellentrop to amend **Sub HB 2768**, Rep. Ruiz requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. Rep. Suellentrop subsequently withdrew the motion to amend; and the substitute bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Siegfried pursuant to House Rule 2311, **Sub HB 2768** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2768, AN ACT making and concerning appropriations for fiscal years ending June 30, 2012, June 30, 2013, June 30, 2014, and June 30, 2015, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects and fees imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2011 Supp. 2-223, 12-5256, 55-193, 72-8814, 74-50,107, 74-99b34, 75-2319, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Fawcett, Garber, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett,

Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Neal, Osterman, Otto, Patton, Peck, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Vickrey, Weber, B. Wolf, K. Wolf.

Nays: Ballard, Bethell, Bollier, Burroughs, Carlin, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Grant, Henderson, Henry, Hill, Hineman, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, O'Hara, Pauls, Phelps, Roth, Ruiz, Sloan, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Billinger, LeDoux, Peterson, Slattery.

The substitute bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HR 6032** be adopted.

Committee on **Redistricting** recommends **SB 102** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 102," as follows:

"House Substitute for SENATE BILL NO. 102

By Committee on Redistricting

"AN ACT concerning reapportionment; relating to state legislative districts and state board of education member districts; providing for the reapportionment thereof; repealing K.S.A. 2011 Supp. 4-3,731, 4-3,732, 4-3,733, 4-3,734, 4-3,735, 4-3,736, 4-3,737, 4-3,738, 4-3,739, 4-3,740, 4-3,741, 4-3,742, 4-3,743, 4-3,744, 4-3,745, 4-3,746, 4-3,747, 4-3,748, 4-3,749, 4-3,750, 4-3,751, 4-3,752, 4-3,753, 4-3,754, 4-3,755, 4-3,756, 4-3,757, 4-3,758, 4-3,759, 4-3,760, 4-3,761, 4-3,762, 4-3,763, 4-3,764, 4-3,765, 4-3,766, 4-3,767, 4-3,768, 4-3,769, 4-3,770, 4-3,771, 4-3,772, 4-3,773, 4-3,774, 4-3,775, 4-3,776, 4-3,777, 4-3,778, 4-3,779, 4-3,780, 4-3,781, 4-3,782, 4-3,783, 4-3,784, 4-3,785, 4-3,786, 4-3,787, 4-3,788, 4-3,789, 4-3,790, 4-3,791, 4-3,792, 4-3,793, 4-3,794, 4-3,795, 4-3,796, 4-3,797, 4-3,798, 4-3,799, 4-3,800, 4-3,801, 4-3,802, 4-3,803, 4-3,804, 4-3,805, 4-3,806, 4-3,807, 4-3,808, 4-3,809, 4-3,810, 4-3,811, 4-3,812, 4-3,813, 4-3,814, 4-3,815, 4-3,816, 4-3,817, 4-3,818, 4-3,819, 4-3,820, 4-3,821, 4-3,822, 4-3,823, 4-3,824, 4-3,825, 4-3,826, 4-3,827, 4-3,828, 4-3,829, 4-3,830, 4-3,831, 4-3,832, 4-3,833, 4-3,834, 4-3,835, 4-3,836, 4-3,837, 4-3,838, 4-3,839, 4-3,840, 4-3,841, 4-3,842, 4-3,843, 4-3,844, 4-3,845, 4-3,846, 4-3,847, 4-3,848, 4-3,849, 4-3,850, 4-3,851, 4-3,852, 4-3,853, 4-3,854, 4-3,855, 4-3,856, 4-3,857, 4-3,858, 4-4,451, 4-4,452, 4-4,453, 4-4,454, 4-4,455, 4-4,456, 4-4,457, 4-4,458, 4-4,459, 4-4,460, 4-4,461, 4-4,462, 4-4,463, 4-4,464, 4-4,465, 4-4,466, 4-4,467, 4-4,468, 4-4,469, 4-4,470, 4-4,471, 4-4,472, 4-4,473, 4-4,474, 4-4,475, 4-4,476, 4-4,477, 4-4,478, 4-4,479, 4-4,480, 4-4,481, 4-4,482, 4-4,483, 4-4,484, 4-4,485, 4-4,486, 4-4,487, 4-4,488, 4-4,489, 4-4,490, 4-4,491, 4-4,492, 4-4,493, 4-514, 4-515, 4-516, 4-517, 4-518, 4-519, 4-520, 4-521, 4-522, 4-523, 4-524 and 4-525."; and the substitute bill be passed.

(H Sub for SB 102 was thereupon introduced and read by title.)

MESSAGE FROM THE SENATE

The Senate adopts the Conference Committee report on **H Sub for SB 129**.

The Senate adopts the Conference Committee report on **S Sub for HB 2077**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**HOUSE RESOLUTION No. HR 6033—**

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

A RESOLUTION congratulating and commending Coach Bill Snyder for being named the 2011 Associated Press Big 12 Coach of the Year and and the Woody Hayes National Coach of the Year.

WHEREAS, Kansas State University head coach Bill Snyder was named the 2011 Associated Press Big 12 Coach of the Year and the Woody Hayes National Coach of the Year after leading the Wildcats to a 10-2 record in the regular season and a number 8 ranking in the final regular season BCS standings, and helping the Wildcats earn their first Cotton Bowl invitation since 2001; and

WHEREAS, Coach Snyder was selected on 16 of the 17 ballots turned in by media members who regularly cover the league; and

WHEREAS, For his efforts in 2011, Coach Snyder was named the Woody Hayes National Coach of the Year, as well as picking up national coaching honors from Sporting News, Rivals.com and CBSSports.com, and the Big 12 Coach of the Year by the Associated Press and Big 12 Coaches; and

WHEREAS, Coach Snyder is currently the 11th-winningest active coach among Football Bowl Subdivision (FBS) schools; and

WHEREAS, Coach Snyder was named the 32nd head football coach at Kansas State University on November 30, 1988, and again as the 34th coach on November 24, 2008. He has amassed a 159-82-1 record during his 20-year tenure with the Wildcats, including an 89-64-1 mark in Big 8 and Big 12 games, and currently ranks fourth among active coaches with 150 or more wins at FBS schools since 1990; and

WHEREAS, As a two-time national Coach of the Year selection and three-time Big 12 Coach of the Year pick, Coach Snyder's 159 victories are more than triple the second place coach on K-State's all-time coaching victories list. He has led the program to 13

bowl games, including 11 straight from 1993-2003 and back-to-back appearances in 2010 and 2011; and

WHEREAS, Coach Snyder remains involved with the university community and is currently a member of the Missouri and Kansas Halls of Fame, the K-State and Austin College Athletics Halls of Fame while also being inducted into the Holiday Bowl Hall of Fame. The long-time mentor also is the chairman of the Kansas Mentors Council and the Kansas Leadership Council, a member of the board of directors for Kansas Leadership Center, the board of trustees for the Kansas Sports Hall of Fame, the KSU Leadership Studies Advancement Council, the Terry C. Johnson Cancer Research Center Advisory Council, the Manhattan Community Foundation Board of Trustees, the KSU Foundation Board of Trustees and is the honorary co-chairman of the Kansas Masonic Partnership for Life: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Coach Bill Snyder for being named the 2011 Associated Press Big 12 Coach of the Year. We thank him for his hard work and dedication to Kansas State University, and we extend our best wishes for his continued success and happiness in the future; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send 10 enrolled copies of this resolution to Representative Phillips.

REPORT ON ENGROSSED BILLS

S Sub for Sub HB 2004; S Sub for S Sub for HB 2249; HB 2684 reported correctly engrossed May 8, 2012.

HB 2534, HB 2562 reported correctly re-engrossed May 8, 2012.

REPORT ON ENROLLED BILLS

HB 2471 reported correctly enrolled, properly signed and presented to the Governor on May 8, 2012.

On motion of Rep. Siegfried, the House adjourned until 10:00 a.m., Wednesday, May 9, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

