

JOURNAL
OF THE
SENATE

OF THE
STATE OF KANSAS

FOR THE
2010 Legislative Session
January 11 through May 28, 2010

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STATE CAPITOL
TOPEKA, KANSAS

PAT SAVILLE, *Secretary of the Senate*

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Governor

MARK PARKINSON, Olathe

Lieutenant Governor

TROY FINDLEY, Topeka



OFFICERS OF THE SENATE

2010 Regular Session



Stephen Morris , Hugoton	President
John Vratil , Leawood	Vice President
Derek Schmidt , Independence	Majority Leader
Anthony Hensley , Topeka	Minority Leader
Pat Saville , Topeka	Secretary
Jody Kirkwood , Meriden	Sergeant at Arms

STATE SENATORS
2010 LEGISLATIVE SESSION
Members Listed Alphabetically

Name and City	Occupation	Party	Dist.
Abrams, Steve , Arkansas City	Veterinarian	Rep.	8
Apple, Pat , Louisburg	Electrician	Rep.	12
Barnett, Jim , Emporia	Physician	Rep.	17
Brownlee, Karin , Olathe	Homemaker	Rep.	23
Bruce, Terry , Hutchinson	Attorney	Rep.	34
Brungardt, Pete , Salina	Optometrist	Rep.	24
Colyer, Jeff , Overland Park	Physician	Rep.	37
Donovan, Les , Wichita	Auto Dealer	Rep.	27
Emler, Jay Scott , Lindsborg	Attorney	Rep.	35
Faust-Goudeau, Oletha , Wichita .	Community Activist	Dem.	29
Francisco, Marci , Lawrence	Space Analyst	Dem.	2
Haley, David , Kansas City	Public Affairs Counsel	Dem.	4
Hensley, Anthony , Topeka	Special Education Teacher	Dem.	19
Holland, Tom , Baldwin City	Information Technology Consultant	Rep.	3
Huelskamp, Tim , Fowler	Farmer	Rep.	38
Huntington, Terrie W. , Fairway ..	Retired, Marketing Communication	Rep.	7
Kelly, Laura , Topeka	Association Management	Dem.	18
Kelsey, Dick , Goddard	Business Owner	Rep.	26
Kultala, Kelly , Kansas City	Director of Community Outreach	Dem.	5
Lee, Janis , Kensington	Rancher/Farmer	Dem.	36
Lynn, Julia , Olathe	Development Officer, Youth Front	Rep.	9
Marshall, Bob , Fort Scott	Retired Airline Pilot	Rep.	13
Masterson, Ty , Andover	Real Estate Agent/General Contractor	Rep.	16
McGinn, Carolyn , Sedgwick	Ag Producer/Substitute Teacher	Rep.	31
Morris, Stephen , Hugoton	Farmer	Rep.	39
Ostmeyer, Ralph , Grinnell	Farmer/Rancher	Rep.	40
Owens, Tim , Overland Park	Attorney	Rep.	58
Petersen, Mike , Wichita	Industrial Electrician	Rep.	28
Pilcher-Cook, Mary , Shawnee	Publisher	Rep.	10
Pyle, Dennis , Hiawatha	Farmer	Rep.	1
Reitz, Roger , Manhattan	Physician	Rep.	22
Schmidt, Derek , Independence ...	Attorney	Rep.	15
Schmidt, Vicki , Topeka	Pharmacist	Rep.	20
Schodorf, Jean , Wichita	Speech/Language Pathologist	Rep.	25
Steineger, Chris , Kansas City	Real Estate Investments	Dem.	6
Taddiken, Mark , Clifton	Farmer/Stockman	Rep.	21
Teichman, Ruth , Stafford	Farmer	Rep.	33
Umbarger, Dwayne , Thayer	Farmer/Rancher	Rep.	14
Vratil, John , Leawood	Attorney	Rep.	11
Wagle, Susan , Wichita	Business/Real Estate Investor	Rep.	30

SENATE COMMITTEE ASSIGNMENTS

2010 LEGISLATIVE SESSION

Standing Committees

8:30 a.m. Tues/Wed **Agriculture (9)** **Room 144-S**
Taddiken, *Chairperson*; Ostmeyer, *Vice Chairperson*; Barnett, Bruce, Huelskamp, Morris, Pyle.
Francisco, *Ranking Minority Member*; Lee.

10:30 a.m. **Assessment and Taxation (9)** **Room 152-S**
Donovan, *Chairperson*; Lynn, *Vice Chairperson*; D. Schmidt, *Vice Chairperson*; Brownlee, Colyer, Huntington, Marshall.
Holland, *Ranking Minority Member*; Steineger.

8:30 a.m. Tues/Wed **Business and Labor (9)** **Room 548-S**
Wagle, *Chairperson*; Lynn, *Vice Chairperson*; Brownlee, Emler, Kelsey, Reitz, Schodorf.
Holland, *Ranking Minority Member*; Faust-Goudeau.

8:30 a.m. Thur/Fri **Commerce (9)** **Room 548-S**
Brownlee, *Chairperson*; Lynn, *Vice Chairperson*; Emler, Kelsey, Reitz, Schodorf, Wagle.
Holland, *Ranking Minority Member*; Faust-Goudeau.

On Call **Confirmation Oversight (6)**
D. Schmidt, *Chairperson*; Hensley, *Vice Chairperson*; Brownlee, Marshall, Owens, Schodorf.

1:30 p.m. **Education (11)** **Room 152-S**
Schodorf, *Chairperson*; Vratil, *Vice Chairperson*; Abrams, Huelskamp, Marshall, Owens, Teichman, Umbarger, Wagle.
Hensley, *Ranking Minority Member*; Steineger.

9:30 a.m. Wed/Thur **Ethics and Elections (9)** **Room 144-S**
V. Schmidt, *Chairperson*; Brungardt, *Vice Chairperson*; Apple, Huntington, Pyle, Reitz, Wagle.
Faust-Goudeau, *Ranking Minority Member*; Kultala.

10:30 a.m. **Federal and State Affairs (9)** **Room 144-S**
Brungardt, *Chairperson*; Reitz, *Vice Chairperson*; Abrams, Morris, Ostmeyer, Owens, Pyle.
Faust-Goudeau, *Ranking Minority Member*; Francisco.

9:30 a.m. **Financial Institutions and Insurance (9)** **Room 152-S**
Teichman, *Chairperson*; Brownlee, *Vice Chairperson*; Barnett, Colyer, Kelsey, Masterson, Taddiken.
Steineger, *Ranking Minority Member*; Holland.

On Call **Interstate Cooperation (7)**
Morris, *Chairperson*; D. Schmidt, V. Schmidt, Schodorf, Vratil.
Hensley, *Ranking Minority Member*; Holland.

9:30 a.m. **Judiciary (11)** **Room 548-S**
Owens, *Chairperson*; D. Schmidt, *Vice Chairperson*; Bruce, Donovan, Lynn, Pilcher-Cook, Schodorf, Umbarger, Vratil.
Haley, *Ranking Minority Member*; Kelly.

- 9:30 a.m. Mon/Tues** **Local Government (9)** **Room 144-S**
 Reitz, *Chairperson*; Wagle, *Vice Chairperson*; Huelskamp, Huntington, Marshall, Ostmeyer, Petersen.
 Kultala, *Ranking Minority Member*; Faust-Goudeau.
- 8:30 a.m. Thur/Fri** **Natural Resources (9)** **Room 144-S**
 McGinn, *Chairperson*; Teichman, *Vice Chairperson*; Abrams, Bruce, Morris, Pilcher-Cook, Taddiken.
 Francisco, *Ranking Minority Member*; Lee.
- On Call** **Organization, Calendar and Rules (9)**
 Morris, *Chairperson*; D. Schmidt, *Vice Chairperson*; Apple, Barnett, Brungardt, McGinn, Teichman, Umbarger, Vratil.
- 1:30 p.m.** **Public Health and Welfare (9)** **Room 546-S**
 Barnett, *Chairperson*; V. Schmidt, *Vice Chairperson*; Brungardt, Colyer, Huntington, Kelsey, Pilcher-Cook.
 Haley, *Ranking Minority Member*; Kelly.
- 8:30 a.m. Tues through Fri** **Transportation (9)** **Room 152-S**
 Umbarger, *Chairperson*; Marshall, *Vice Chairperson*; Apple, Donovan, Huntington, Petersen, V. Schmidt.
 Kultala, *Ranking Minority Member*; Hensley.
- 1:30 p.m.** **Utilities (11)** **Room 548-S**
 Apple, *Chairperson*; Petersen, *Vice Chairperson*; Brownlee, Bruce, Emler, Masterson, McGinn, Reitz, Taddiken.
 Lee, *Ranking Minority Member*; Francisco.
- 10:30 a.m.** **Ways and Means (13)** **Room 548-S**
 Emler, *Chairperson*; McGinn, *Vice Chairperson*; Vratil, *Vice Chairperson*; Apple, Masterson, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger.
 Kelly, *Ranking Minority Member*; Kultala, Lee.

JOINT COMMITTEES OF THE SENATE AND HOUSE

Administrative Rules and Regulations

On Call (5 Senate – 7 House)

V. Schmidt, *Chairperson*; Brownlee, Lee, Ostmeyer, Steineger.

House Members: C. Holmes, *Vice Chairperson*; Faber, Huebert, Palmer, Patton, Pauls, Trimmer.

Arts and Cultural Resources

On Call (5 Senate – 5 House)

Schodorf, *Chairperson*; Faust-Goudeau, Francisco, Lynn, Umbarger.

House Members: Horst, *Vice Chairperson*; Carlin, Furtado, Gordon, Swanson.

Children's Issues

On Call (5 Senate – 5 House)

Lynn, *Chairperson*; Faust-Goudeau, Haley, Reitz, Wagle.

House Members: Kiegerl, *Vice Chairperson*; Crow, DeGraaf, Otto, Winn.

Corrections & Juvenile Justice Oversight

On Call (7 Senate – 7 House)

Brungardt, *Chairperson*; Brownlee, Bruce, Haley, Kelsey, Lee, Owens.

House Members: Colloton, *Vice Chairperson*; Craft, Gatewood, Grange, Henry, Patton, Ward.

Economic Development

On Call (5 Senate – 8 House)

Brownlee, *Chairperson*; Faust-Goudeau, Holland, Lynn, Marshall.

House Members: Gordon, *Vice Chairperson*; Benlon, Donohoe, George, Schwartz, Seiwert, Slattery, Winn.

Energy and Environmental Policy

On Call (5 Senate – 6 House)

McGinn, *Chairperson*; Apple, Lee, Reitz, Taddiken.

House Members: C. Holmes, *Vice Chairperson*; M. Holmes, Knox, Neighbor, Sloan, Wetta.

Health Policy Oversight

On Call (6 Senate – 6 House)

Barnett, *Vice Chairperson*; Colyer, Haley, Kelly, Reitz, V. Schmidt.

House Members: Landwehr, *Chairperson*; Bethell, Hill, Mast, Ruiz, Ward.

Home and Community Based Services Oversight

On Call (4 Senate – 5 House)

McGinn, *Vice Chairperson*; Kelly, Kultala, Umbarger.

House Members: Bethell, *Chairperson*; Henry, Landwehr, Mast, McCray-Miller.

Information Technology

On Call (5 Senate – 5 House)

Huelskamp, *Chairperson*; Holland, Petersen, V. Schmidt, Steineger.

House Members: McLeland, *Vice Chairperson*; Burgess, Dillmore, Lane, Morrison.

Kansas Security

On Call (5 Senate – 5 House)

Emler, *Chairperson*; Hensley, Lee, McGinn, Owens.

House Members: Goico, *Vice Chairperson*; Johnson, Loganbill, Menghini, Tafanelli.

Legislative Budget**On Call (3 Senate – 4 House)**

Emler, *Chairperson*; Kelly, Vratil.

House Members: Yoder, *Vice Chairperson*; Feuerborn, Whitham.

Legislative Coordinating Council**On Call (3 Senate – 4 House)**

Morris, *Vice Chairperson*; Hensley, D. Schmidt.

House Members: O’Neal, *Chairperson*; Davis, Merrick, Siegfried.

Legislative Educational Planning**On Call (6 Senate – 7 House)**

Schodorf, *Vice Chairperson*; Francisco, Marshall, Taddiken, Teichman, Vratil.

House Members: Horst, *Chairperson*; Ballard, Donohoe, Huebert, Phelps, Pottorff, Winn.

Legislative Post Audit**On Call (5 Senate – 5 House)**

Bruce, *Chairperson*; Hensley, D. Schmidt, Steineger, Umbarger.

House Members: Grange, *Vice Chairperson*; Burroughs, Mah, Mast, Peck.

Parole Board Oversight**On Call (3 Senate – 3 House)**

Owens, *Chairperson*; Haley, Vratil.

House Members: Colloton, *Vice Chairperson*; McCray-Miller, O’Neal.

Pensions, Investments and Benefits**On Call (5 Senate – 8 House)**

Morris, *Chairperson*; Emler, Hensley, Kelly, Teichman.

House Members: Olson, *Vice Chairperson*; Carlson, Flaharty, Long, Proehl, Schwartz, Swenson, Whitham.

Special Claims Against the State**On Call (5 Senate – 8 House)**

Owens, *Chairperson*; Bruce, Kultala, Masterson, Pyle.

House Members: M. Holmes, *Vice Chairperson*; Feuerborn, Fund, Grant, Henderson, Huebert, King, Patton.

State Building Construction**On Call (5 Senate – 5 House)**

Umbarger, *Chairperson*; Apple, Emler, Francisco, Kelly.

House Members: Pottorff, *Vice Chairperson*; Brunk, Feuerborn, Grant, M. Holmes.

State-Tribal Relations**On Call (5 Senate – 5 House)**

Brungardt, *Vice Chairperson*; Haley, Kultala, Pyle, Vratil.

House Members: Knox, *Chairperson*; Barnes, Lukert, Rhoades, K. Wolf.

**SENATE MEMBERS SHOWING COMMITTEE ASSIGNMENTS,
RANK, TIME AND COMMITTEE ROOM, PARTY AND
DISTRICT NUMBER, OFFICE ROOM AND TELEPHONE**

Abrams, Steve

Republican, District 32
Room 541-S
(785) 296-7381

Committee	Rank	Time	Room
Education	Member	1:30 pm	152-S
Federal and State Affairs	Member	10:30 am	144-S
Natural Resources	Member	8:30 am Thur/Fri	144-S

Apple, Pat

Republican, District 12
Room 224-E
(785) 296-7368

Committee	Rank	Time	Room
Utilities	Chair	1:30 pm	548-S
Energy and Environmental Policy (Joint)	Member	On Call	
Ethics and Elections	Member	9:30 am Wed/Thur	144-S
Organization, Calendar and Rules	Member	On Call	
State Building Construction (Joint)	Member	On Call	
Transportation	Member	8:30 am Tues thru Fri	152-S
Ways and Means	Member	10:30 am	548-S

Barnett, Jim

Republican, District 17
Room 234-E
(785) 296-7384

Committee	Rank	Time	Room
Public Health and Welfare	Chair	1:30 pm	546-S
Health Policy Oversight (Joint)	Vice Chair	On Call	
Agriculture	Member	8:30 am Tues/Wed	144-S
Financial Institutions and Insurance	Member	9:30 am	152-S
Organization, Calendar and Rules	Member	On Call	

Brownlee, Karin

Republican, District 23
Room 235-E
(785) 296-7358

Committee	Rank	Time	Room
Commerce	Chair	8:30 am Thur/Fri	548-S
Economic Development (Joint)	Chair	On Call	
Financial Institutions and Insurance	Vice-Chair	9:30 am	152-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Assessment and Taxation	Member	10:30 am	152-S
Business and Labor	Member	8:30 am Tues/Wed	548-S
Confirmation Oversight	Member	On Call	
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

COMMITTEE ASSIGNMENTS

Bruce, Terry

Republican, District 34
 Room 135-E
 (785) 296-7300

Committee	Rank	Time	Room
Legislative Post Audit (Joint)	Chair	On Call	
Agriculture	Member	8:30 am Tues/Wed	144-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Judiciary	Member	9:30 am	548-S
Natural Resources	Member	8:30 am Thur/Fri	144-S
Special Claims Against the State (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

Brungardt, Pete

Republican, District 24
 Room 136-E
 (785) 296-7390

Committee	Rank	Time	Room
Corrections and Juvenile Justice Oversight (Joint)	Chair	On Call	
Federal and State Affairs	Chair	10:30 am	144-S
Ethics and Elections	Vice Chair	9:30 am Wed/Thur	144-S
State-Tribal Relations (Joint)	Vice Chair	On Call	
Organization, Calendar and Rules	Member	On Call	
Public Health and Welfare	Member	1:30 pm	546-S

Colyer, Jeff

Republican, District 37
 Room 441-E
 (785) 296-7383

Committee	Rank	Time	Room
Assessment and Taxation	Member	10:30 am	152-S
Financial Institutions and Insurance	Member	9:30 am	152-S
Health Policy Oversight (Joint)	Member	On Call	
Public Health and Welfare	Member	1:30 pm	546-S

Donovan, Les

Republican, District 27
 Room 123-E
 (785) 296-7385

Committee	Rank	Time	Room
Assessment and Taxation	Chair	10:30 am	152-S
Judiciary	Member	9:30 am	548-S
Transportation	Member	8:30 am Tues thru Fri	152-S

Emler, Jay

Republican, District 35
 Room 545-S
 (785) 296-7354

Committee	Rank	Time	Room
Kansas Security (Joint)	Chair	On Call	
Legislative Budget (Joint)	Chair	On Call	
Ways and Means	Chair	10:30 am	548-S
Business and Labor	Member	8:30 am Tues/Wed	548-S
Commerce	Member	8:30 am Thur/Fri	548-S
Pensions, Investments and Benefits (Joint)	Member	On Call	
State Building Construction (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

Faust-Goudeau, Oletha

Democrat, District 29
 Room 124-E
 (785) 296-7387

Committee	Rank	Time	Room
Ethics and Elections	*RM Member	9:30 am Wed/Thur	144-S
Federal and State Affairs	*RM Member	10:30 am	144-S
Arts and Cultural Resources (Joint)	Member	On Call	
Business and Labor	Member	8:30 am Tues/Wed	548-S
Children's Issues (Joint)	Member	On Call	
Commerce	Member	8:30 am Thur/Fri	548-S
Economic Development (Joint)	Member	On Call	
Local Government	Member	9:30 am Mon/Tues	144-S

Francisco, Marci

Democrat, District 2
 Room 134-E
 (785) 296-7364

Committee	Rank	Time	Room
Agriculture	*RM Member	8:30 am Tues/Wed	144-S
Natural Resources	*RM Member	8:30 am Thur/Fri	144-S
Arts and Cultural Resources (Joint)	Member	On Call	
Federal and State Affairs	Member	10:30 am	144-S
Legislative Educational Planning (Joint)	Member	On Call	
State Building Construction (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

Haley, David

Democrat, District 4
 Room 424-E
 (785) 296-7376

Committee	Rank	Time	Room
Judiciary	*RM Member	9:30 am	548-S
Public Health and Welfare	*RM Member	1:30 pm	546-S
Children's Issues (Joint)	Member	On Call	
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Health Policy Oversight (Joint)	Member	On Call	
Parole Board Oversight (Joint)	Member	On Call	
State-Tribal Relations (Joint)	Member	On Call	

COMMITTEE ASSIGNMENTS

Hensley, Anthony
Democrat, District 19
Room 345-S
(785) 296-3245

Democratic Leader

Committee	Rank	Time	Room
Confirmation Oversight	Vice Chair	On Call	
Education	°RM Member	1:30 pm	152-S
Interstate Cooperation	°RM Member	On Call	
Kansas Security (Joint)	Member	On Call	
Legislative Coordinating Council (Joint)	Member	On Call	
Legislative Post Audit (Joint)	Member	On Call	
Pensions, Investments and Benefits (Joint)	Member	On Call	
Transportation	Member	8:30 am Tues thru Fri	152-S

Holland, Tom
Democrat, District 3
Room 134-E
(785) 296-7372

Caucus and Agenda Chair

Committee	Rank	Time	Room
Assessment and Taxation	°RM Member	10:30 am	152-S
Business and Labor	°RM Member	8:30 am Tues/Wed	548-S
Commerce	°RM Member	8:30 am Thurs/Fri	548-S
Economic Development (Joint)	Member	On Call	
Financial Institutions and Insurance	Member	9:30 am	152-S
Information Technology (Joint)	Member	On Call	
Interstate Cooperation	Member	On Call	

Huelskamp, Tim
Republican, District 38
Room 225-E
(785) 296-7359

Committee	Rank	Time	Room
Information Technology (Joint)	Chair	On Call	
Agriculture	Member	8:30 am Tues/Wed	144-S
Education	Member	1:30 pm	152-S
Local Government	Member	9:30 am Mon/Tues	144-S

Huntington, Terrie W.
Republican, District 7
Room 135-E
(785) 296-7369

Committee	Rank	Time	Room
Assessment and Taxation	Member	10:30 am	152-S
Ethics and Elections	Member	9:30 am Wed/Thur	144-S
Local Government	Member	9:30 am Mon/Tues	144-S
Public Health and Welfare	Member	1:30 pm	546-S
Transportation	Member	8:30 am Tues thru Fri	152-S

Kelly, Laura

Democrat, District 18
Room 125-E
(785) 296-7365

Committee
Ways and Means
Health Policy Oversight (Joint)
Home and Community Based Services
Oversight (Joint)
Judiciary
Legislative Budget (Joint)
Pensions, Investments and Benefits
(Joint)
Public Health and Welfare
State Building Construction (Joint)

Democratic Whip

Rank	Time	Room
*RM Member	10:30 am	548-S
Member	On Call	
Member	On Call	
Member	9:30 am	548-S
Member	On Call	
Member	On Call	
Member	1:30 pm	546-S
Member	On Call	

Kelsey, Dick

Republican, District 26
Room 541-S
(785) 296-7367

Committee
Business and Labor
Commerce
Corrections and Juvenile Justice
Oversight (Joint)
Financial Institutions and Insurance
Public Health and Welfare

Rank	Time	Room
Member	8:30 am Tues/Wed	548-S
Member	8:30 am Thur/Fri	548-S
Member	On Call	
Member	9:30 am	152-S
Member	1:30 pm	546-S

Kultala, Kelly

Democrat, District 5
Room 124-E
(785) 296-7357

Committee
Local Government
Transportation
Ethics and Elections
Home and Community Based Services
Oversight (Joint)
Special Claims Against the State (Joint)
State-Tribal Relations (Joint)
Ways and Means

Rank	Time	Room
*RM Member	9:30 am Mon/Tues	144-S
*RM Member	8:30 am Tues thru Fri	152-S
Member	9:30 am Wed/Thur	144-S
Member	On Call	
Member	On Call	
Member	On Call	
Member	10:30 am	548-S

Lee, Janis

Democrat, District 36
Room 125-E
(785) 296-7366

Committee
Utilities
Administrative Rules and Regulations
(Joint)
Agriculture
Corrections and Juvenile Justice
Oversight (Joint)
Energy and Environmental Policy (Joint)
Kansas Security (Joint)
Natural Resources
Ways and Means

Assistant Democratic Leader

Rank	Time	Room
*RM Member	1:30 pm	548-S
Member	On Call	
Member	8:30 am Tues/Wed	144-S
Member	On Call	
Member	On Call	
Member	8:30 am Thur/Fri	144-S
Member	10:30 am	548-S

COMMITTEE ASSIGNMENTS

Lynn, Julia

Republican, District 9
 Room 234-E
 (785) 296-7382

Committee	Rank	Time	Room
Children's Issues (Joint)	Chair	On Call	
Assessment and Taxation	Vice Chair	10:30 am	152-S
Business and Labor	Vice Chair	8:30 am Tues/Wed	548-S
Commerce	Vice Chair	8:30 am Thur/Fri	548-S
Arts and Cultural Resources (Joint)	Member	On Call	
Economic Development (Joint)	Member	On Call	
Judiciary	Member	9:30 am	548-S

Marshall, Bob

Republican, District 13
 Room 135-E
 (785) 296-7370

Committee	Rank	Time	Room
Transportation	Vice Chair	8:30 am Tues thru Fri	152-S
Assessment and Taxation	Member	10:30 am	152-S
Confirmation Oversight	Member	On Call	
Economic Development (Joint)	Member	On Call	
Education	Member	1:30 pm	152-S
Legislative Educational Planning (Joint)	Member	On Call	
Local Government	Member	9:30 am Mon/Tues	144-S

Masterson, Ty

Republican, District 16
 Room 541-E
 (785) 296-7388

Committee	Rank	Time	Room
Financial Institutions and Insurance	Member	9:30 am	152-S
Special Claims Against the State (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S
Ways and Means	Member	10:30 am	548-S

McGinn, Carolyn

Republican, District 31
 Room 223-E
 (785) 296-7377

Committee	Rank	Time	Room
Energy and Environmental Policy (Joint)	Chair	On Call	
Natural Resources	Chair	8:30 am Thur/Fri	144-S
Home and Community Based Services Oversight (Joint)	Vice Chair	On Call	
Ways and Means	Vice Chair	10:30 am	548-S
Kansas Security (Joint)	Member	On Call	
Organization, Calendar and Rules	Member	On Call	
Utilities	Member	1:30 pm	548-S

COMMITTEE ASSIGNMENTS

Morris, Stephen

Republican, District 39
 Room 333-E
 (785) 296-2419

President**Committee**

Interstate Cooperation
 Organization, Calendar and Rules
 Pensions, Investments and Benefits
 (Joint)
 Legislative Coordinating Council (Joint)
 Agriculture
 Federal and State Affairs
 Natural Resources

Rank

Chair
 Chair
 Chair
 Vice Chair
 Member
 Member
 Member

Time

On Call
 On Call
 On Call
 On Call
 8:30 am Tues/Wed
 10:30 am
 8:30 am Thur/Fri

Room

144-S
 144-S
 144-S

Ostmeyer, Ralph

Republican, District 40
 Room 225-E
 (785) 296-7399

Rank

Vice Chair
 Member
 Member
 Member

Time

8:30 am Tues/Wed
 On Call
 10:30 am
 9:30 am Mon/Tues

Room

144-S

 144-S
 144-S

Owens, Thomas C. (Tim)

Republican, District 8
 Room 559-S
 (785) 296-7353

Rank

Chair
 Chair
 Chair
 Member
 Member
 Member
 Member

Time

9:30 am
 On Call
 On Call
 On Call
 On Call
 1:30 pm
 10:30 am
 On Call

Room

548-S

 152-S
 144-S

Petersen, Mike

Republican, District 28
 Room 224-E
 (785) 296-7355

Rank

Vice Chair
 Member
 Member
 Member

Time

1:30 pm
 On Call
 9:30 am Mon/Tues
 8:30 am Tues thru Fri

Room

548-S

 144-S
 152-S

COMMITTEE ASSIGNMENTS

xvii

Pilcher-Cook, Mary
 Republican, District 10
 Room 237-E
 (785) 296-7362

Committee	Rank	Time	Room
Judiciary	Member	9:30 am	548-S
Natural Resources	Member	8:30 am Thur/Fri	144-S
Public Health and Welfare	Member	1:30 pm	546-S

Pyle, Dennis
 Republican, District 1
 Room 237-E
 (785) 296-7379

Committee	Rank	Time	Room
Agriculture	Member	8:30 am Tues/Wed	144-S
Ethics and Elections	Member	9:30 am Wed/Thur	144-S
Federal and State Affairs	Member	10:30 am	144-S
Special Claims Against the State (Joint)	Member	On Call	
State-Tribal Relations (Joint)	Member	On Call	

Reitz, Roger
 Republican, District 22
 Room 235-E
 (785) 296-7360

Committee	Rank	Time	Room
Local Government	Chair	9:30 am Mon/Tues	144-S
Federal and State Affairs	Vice Chair	10:30 am	144-S
Business and Labor	Member	8:30 am Tues/Wed	548-S
Children's Issues (Joint)	Member	On Call	
Commerce	Member	8:30 am Thur/Fri	548-S
Energy and Environmental Policy (Joint)	Member	On Call	
Ethics and Elections	Member	9:30 am Wed/Thur	144-S
Health Policy Oversight (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

Schmidt, Derek
 Republican, District 15
 Room 330-E
 (785) 296-2497

Majority Leader

Committee	Rank	Time	Room
Confirmation Oversight	Chair	On Call	
Assessment and Taxation	Vice Chair	10:30 am	152-S
Judiciary	Vice Chair	9:30 am	548-S
Organization, Calendar and Rules	Vice Chair	On Call	
Interstate Cooperation	Member	On Call	
Legislative Coordinating Council (Joint)	Member	On Call	
Legislative Post Audit (Joint)	Member	On Call	

Schmidt, Vicki

Republican, District 20
 Room 552-S
 (785) 296-7374

Assistant Majority Leader**Committee**

Administrative Rules and Regulations
 (Joint)

Ethics and Elections

Public Health and Welfare

Health Policy Oversight (Joint)

Information Technology (Joint)

Interstate Cooperation

Transportation

Ways and Means

Rank**Time****Room**

Chair

On Call

Chair

9:30 am Wed/Thur

144-S

Vice Chair

1:30 pm

546-S

Member

On Call

Member

On Call

Member

8:30 am Tues thru Fri

152-S

Member

10:30 am

548-S

Schodorf, Jean

Republican, District 25
 Room 236-E
 (785) 296-7391

Assistant Majority Whip**Committee**

Arts and Cultural Resources (Joint)

Education

Legislative Educational Planning (Joint)

Business and Labor

Commerce

Confirmation Oversight

Interstate Cooperation

Judiciary

Ways and Means

Rank**Time****Room**

Chair

On Call

Chair

1:30 pm

152-S

Vice Chair

On Call

Member

8:30 am Tues/Wed

548-S

Member

8:30 am Thur/Fri

548-S

Member

On Call

Member

On Call

Member

9:30 am

548-S

Member

10:30 am

548-S

Steiniger, Chris

Democrat, District 6
 Room 134-E
 (785) 296-7375

Committee

Financial Institutions and Insurance

Administrative Rules and Regulations

(Joint)

Assessment and Taxation

Education

Information Technology (Joint)

Legislative Post Audit (Joint)

Rank**Time****Room**

*RM Member

9:30 am

152-S

Member

On Call

Member

10:30 am

152-S

Member

1:30 pm

152-S

Member

On Call

Member

On Call

Taddiken, Mark

Republican, District 21
 Room 223-E
 (785) 296-7371

Committee

Agriculture

Energy and Environmental Policy (Joint)

Financial Institutions and Insurance

Legislative Educational Planning (Joint)

Natural Resources

Utilities

Ways and Means

Rank**Time****Room**

Chair

8:30 am Tues/Wed

144-S

Member

On Call

Member

9:30 am

152-S

Member

On Call

Member

8:30 am Thur/Fri

144-S

Member

1:30 pm

548-S

Member

10:30 am

548-S

COMMITTEE ASSIGNMENTS

xix

Teichman, Ruth

Republican, District 33
Room 236-E
(785) 296-7394

Committee	Rank	Time	Room
Financial Institutions and Insurance	Chair	9:30 am	152-S
Natural Resources	Vice Chair	8:30 am Thur/Fri	144-S
Education	Member	1:30 pm	152-S
Legislative Educational Planning (Joint)	Member	On Call	
Organization, Calendar and Rules	Member	On Call	
Pensions, Investments and Benefits (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Umbarger, Dwayne

Republican, District 14
Room 441-E
(785) 296-7389

Committee	Rank	Time	Room
State Building Construction (Joint)	Chair	On Call	
Transportation	Chair	8:30 am Tues thru Fri	152-S
Arts and Cultural Resources (Joint)	Member	On Call	
Education	Member	1:30 pm	152-S
Home and Community Based Services Oversight (Joint)	Member	On Call	
Judiciary	Member	9:30 am	548-S
Legislative Post Audit (Joint)	Member	On Call	
Organization, Calendar and Rules	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Vratil, John

Republican, District 11
Room 341-E
(785) 296-7361

Vice President

Committee	Rank	Time	Room
Education	Vice Chair	1:30 pm	152-S
Ways and Means	Vice Chair	10:30 am	548-S
Interstate Cooperation	Member	On Call	
Judiciary	Member	9:30 am	548-S
Legislative Budget (Joint)	Member	On Call	
Legislative Educational Planning (Joint)	Member	On Call	
Organization, Calendar and Rules	Member	On Call	
Parole Board Oversight (Joint)	Member	On Call	
State-Tribal Relations (Joint)	Member	On Call	

COMMITTEE ASSIGNMENTS

Wagle, Susan

Republican, District 30

Room 237-E

(785) 296-7386

Committee

Business and Labor

Local Government

Children's Issues (Joint)

Commerce

Education

Ethics and Elections

Rank

Chair

Vice Chair

Member

Member

Member

Member

Time

8:30 am Tues/Wed

9:30 am Mon/Tues

On Call

8:30 am Thur/Fri

1:30 pm

9:30 am Wed/Thur

Room

548-S

144-S

548-S

152-S

144-S

°Ranking Minority Member

**Constitutional Provisions
Governing
the
Kansas Legislature**



State of Kansas

KANSAS CONSTITUTIONAL PROVISIONS CONCERNING LEGISLATIVE POWERS

Article 2.—LEGISLATIVE

§ 1. **Legislative power.**—The legislative power of this state shall be vested in a house of representatives and senate.

§ 2. **Senators and representatives.**—The number of representatives and senators shall be regulated by law, but shall not exceed one hundred twenty-five representatives and forty senators. Representatives and senators shall be elected from single-member districts prescribed by law. Representatives shall be elected for two year terms. Senators shall be elected for four year terms. The terms of representatives and senators shall commence on the second Monday of January of the year following election.

§ 3. **Compensation of members of legislature.**—The members of the legislature shall receive such compensation as may be provided by law or such compensation as is determined according to law.

§ 4. **Qualifications of members.**—During the time that any person is a candidate for nomination or election to the legislature and during the term of each legislator, such candidate or legislator shall be and remain a qualified elector who resides in his or her district.

§ 5. **Eligibility and disqualification of members.**—No member of congress and no civil officer or employee of the United States or of any department, agency, or instrumentality thereof shall be eligible to be a member of the legislature. Any member of the legislature who accepts any appointment or election contrary to the foregoing shall be disqualified as a member of the legislature.

§ 6. This section was eliminated by the 1974 revision of this article.

§ 7. This section was eliminated by the 1974 revision of this article.

§ 8. **Organization and sessions.**—The legislature shall meet in regular session annually commencing on the second Monday in January, and all sessions shall be held at the state capital. The duration of regular sessions held in even-numbered years shall not exceed ninety calendar days. Such sessions may be extended beyond ninety calendar days by an affirmative vote of two-thirds of the members elected to each house. Bills and concurrent resolutions under consideration by the legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an even-numbered year, as if there had been no such adjournment.

The legislature shall be organized concurrently with the terms of representatives except that the senate shall remain organized during the terms of senators. The president of the senate shall preside over the senate, and the speaker of the house of representatives shall preside over

the house of representatives. A majority of the members then elected (or appointed) and qualified of the house of representatives or the senate shall constitute a quorum of that house. Neither house, without the consent of the other, shall adjourn for more than two days, Sundays excepted. Each house shall elect its presiding officer and determine the rules of its proceedings, except that the two houses may adopt joint rules on certain matters and provide for the manner of change thereof. Each house shall provide for the expulsion or censure of members in appropriate cases. Each house shall be the judge of elections, returns and qualifications of its own members.

§ 9. **Vacancies in legislature.**—All vacancies occurring in either house shall be filled as provided by law.

§ 10. **Journals.**—Each house shall publish a journal of its proceedings. The affirmative and negative votes upon the final passage of every bill and every concurrent resolution for amendment of this constitution or ratification of an amendment to the Constitution of the United States shall be entered in the journal. Any member of either house may make written protest against any act or resolution, and the same shall be entered in the journal without delay or alteration.

§ 11. This section was eliminated by the 1974 revision of this article.

§ 12. **Origination by either house.**—Bills and concurrent resolutions may originate in either house, but may be amended or rejected by the other.

§ 13. **Majority for passage of bills.**—A majority of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill. Two-thirds ($\frac{2}{3}$) of the members then elected (or appointed) and qualified in each house, voting in the affirmative, shall be necessary to ratify any amendment to the Constitution of the United States or to make any application for congress to call a convention for proposing amendments to the Constitution of the United States.

§ 14. **Approval of bills; vetoes.**—(a) Within ten days after passage, every bill shall be signed by the presiding officers and presented to the governor. If the governor approves a bill, he shall sign it. If the governor does not approve a bill, the governor shall veto it by returning the bill, with a veto message of the objections, to the house of origin of the bill. Whenever a veto message is so received, the message shall be entered in the journal and in not more than thirty calendar days (excluding the day received), the house of origin shall reconsider the bill. If two-thirds of the members then elected (or appointed) and qualified shall vote to pass the bill, it shall be sent, with the veto message, to the other house, which shall in not more than thirty calendar days (excluding the day received) also reconsider the bill, and if approved by two-thirds of the members

then elected (or appointed) and qualified, it shall become a law, notwithstanding the governor's veto.

If any bill shall not be returned within ten calendar days (excluding the day presented) after it shall have been presented to the governor, it shall become a law in like manner as if it had been signed by the governor.

(b) If any bill presented to the governor contains several items of appropriation of money, one or more of such items may be disapproved by the governor while the other portion of the bill is approved by the governor. In case the governor does so disapprove, a veto message of the governor stating the item or items disapproved, and the reasons therefor, shall be appended to the bill at the time it is signed, and the bill shall be returned with the veto message to the house of origin of the bill. Whenever a veto message is so received, the message shall be entered in the journal and, in not more than thirty calendar days, the house of origin shall reconsider the items of the bill which have been disapproved. If two-thirds of the members then elected (or appointed) and qualified shall vote to approve any item disapproved by the governor, the bill, with the veto message, shall be sent to the other house, which shall in not more than thirty calendar days also reconsider each such item so approved by the house of origin, and if approved by two-thirds of all the members then elected (or appointed) and qualified, any such item shall take effect and become a part of the bill.

§ 15. Requirements before bill passed.—No bill shall be passed on the day that it is introduced, unless in case of emergency declared by two-thirds of the members present in the house where a bill is pending.

§ 16. Subject and title of bills; amendment or revival of statutes.—No bill shall contain more than one subject, except appropriation bills and bills for revision or codification of statutes. The subject of each bill shall be expressed in its title. No law shall be revived or amended, unless the new act contain the entire act revived or the section or sections amended, and the section or sections so amended shall be repealed. The provisions of this section shall be liberally construed to effectuate the acts of the legislature.

§ 17. Uniform operation of laws of a general nature.—All laws of a general nature shall have a uniform operation throughout the state: *Provided*, The legislature may designate areas in counties that have become urban in character as "urban areas" and enact special laws giving to any one or more of such counties or urban areas such powers of local government and consolidation of local government as the legislature may deem proper.

§ 18. Election or appointment of officers; filling vacancies.—The legislature may provide for the election or appointment of all officers and the filling of all vacancies not otherwise provided for in this constitution.

§ 19. **Publication of acts.**—No act shall take effect until the enacting bill is published as provided by law.

§ 20. **Enacting clause of bills; laws enacted only by bill.**—The enacting clause of all bills shall be “Be it enacted by the Legislature of the State of Kansas:”. No law shall be enacted except by bill.

§ 21. **Delegation of powers’ of local legislation and administration.**—The legislature may confer powers of local legislation and administration upon political subdivisions.

§ 22. **Legislative immunity.**—For any speech, written document or debate in either house, the members shall not be questioned elsewhere. No member of the legislature shall be subject to arrest—except for treason, felony or breach of the peace—in going to, or returning from, the place of meeting, or during the continuance of the session; neither shall he be subject to the service of any civil process during the session, nor for fifteen days previous to its commencement.

§ 23. This section was eliminated by the 1974 revision of this article.

§ 24. **Appropriations.**—No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law.

§ 25. This section was eliminated by the 1974 revision of this article.

§ 26. **This section was repealed by the adoption of 1972 HCR 1097, on Aug. 1, 1972.**

§ 27. **Impeachment.**—The house of representatives shall have the sole power to impeach. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall take an oath to do justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the senators then elected (or appointed) and qualified.

§ 28. **Officers impeachable; grounds; punishment.**—The governor and all other officers under this constitution, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

§ 29. This section was eliminated by the 1974 revision of this article.

§ 30. **Delegations to interstate bodies.**—The legislature may confer legislative powers upon interstate bodies, comprised of officers of this state or its political subdivisions acting in conjunction with officers of other jurisdictions, relating to the functions thereof. Any such delegation, and any agreement made thereunder shall be subject to limitation, change or termination by the legislature, unless contained in a compact approved by the congress.

**Rules
of the
Kansas Senate**



**State of Kansas
2009-2012**

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RULES OF THE SENATE
2009-2012

Rule 1. Time of Meetings. The Senate on the first day of a session shall convene at 2:00 p.m., and at all other times shall convene at 2:30 p.m., unless otherwise ordered by the Senate.

Rule 2. Convening — Quorum. The President shall take the chair at the hour fixed for the convening of the Senate, and the roll shall be called in order to ascertain if a quorum is present. A majority of the Senators then elected (or appointed) and qualified shall constitute a quorum, and, in the absence of a quorum, the Senators present, by majority vote, may take such measures as they shall deem necessary to secure the presence of a quorum.

Rule 3. Absence of Member. No Senator shall fail to attend when the Senate is in session without first obtaining leave of the Senate, unless prevented from attending by sickness or other sufficient cause.

Rule 4. Order of Business. The order of business, following the roll call and prayer by the Chaplain, shall be as follows:

1. Introduction and reference of bills and concurrent resolutions.
2. Consideration of messages from the Governor.
3. Communications from state officers.
4. Consideration of messages from the House of Representatives.
5. Consideration of motions to concur or nonconcur.
6. Reports of select committees.
7. Consent Calendar.
8. Final Action on bills and concurrent resolutions.
9. Introduction of original motions and senate resolutions.
10. Correction and approval of the Journal.
11. Consideration of motions and senate resolutions.
12. Reports of standing committees.
13. General orders.

The presentation of petitions shall be a special order of business on Friday of each week immediately preceding the regular order of business.

Rule 5. Business in Order at Any Time. Messages from the Governor, messages from the House of Representatives, introduction and reference of bills and concurrent resolutions, reports of standing committees and reports of select committees may be received and considered under any order of business.

Rule 6. Special Order. Whenever any bill or other matter is made the special order for a particular day, and shall not be reached or completed on that day, it shall be returned to its place in the General Orders, unless it shall be made the special order for another day. When any special order is under consideration, it shall take precedence over any

special order for a subsequent hour of the same day, but such subsequent special order shall be taken up immediately after the previous order has been disposed of. Notation of a special order shall be placed before the first order of business on the calendar for that day, giving the subject to be considered and the time fixed for its consideration. When that time arrives, other business shall be suspended until the special order has been considered.

Rule 7. Standing Committees. There shall be a standing committee named the Committee on Organization, Calendar and Rules which shall consist of nine members, the chairperson of which shall be the president of the senate, and the vice chairperson of which shall be the majority leader of the Senate. The Vice President of the Senate shall be a member of the committee. Each of the other six members shall be selected separately by the majority political party of the Senate.

No bill or resolution other than resolutions adopting, amending or revoking rules of the Senate or Joint Rules of the Senate and House of Representatives, shall be introduced by or be referred to the Committee on Organization, Calendar and Rules.

The following shall be the other standing committees:

	Number of members
1. Agriculture.....	9
2. Assessment and Taxation.....	9
3. Commerce.....	9
4. Confirmation Oversight Committee.....	6
5. Education.....	11
6. Ethics and Elections.....	9
7. Federal and State Affairs.....	9
8. Financial Institutions and Insurance.....	9
9. Interstate Cooperation.....	7
10. Judiciary.....	11
11. Local Government.....	9
12. Natural Resources.....	9
13. Public Health and Welfare.....	9
14. Reapportionment.....	13
15. Transportation.....	9
16. Utilities.....	11
17. Ways and Means.....	13

The Committee on Organization, Calendar and Rules shall appoint the members of each committee, shall appoint the chairperson and vice chairperson or vice chairpersons thereof and shall designate the ranking minority member of each committee. The minority leader shall submit recommendations for the appointment of minority members to the standing committees of the Senate to the Committee on Organization, Calendar and Rules. The Committee on Organization, Calendar and Rules shall have a standing subcommittee on calendar which shall be the president of the senate, the vice president of the senate and the majority leader of the Senate. The Majority Leader shall be the chairperson of the

subcommittee. The Committee on Organization, Calendar and Rules may establish such other subcommittees of the Committee on Organization, Calendar and Rules as the Committee deems appropriate.

For the purpose of considering committee member appointments, and appointments of chairpersons, vice-chairpersons and ranking minority members, and for such other purposes as may be authorized by law, by the joint rules of the senate and the house of representatives or by rules of the senate for closed meetings, the Committee on Organization, Calendar and Rules may close its meetings.

The two major political parties shall have proportional representation on each standing committee other than the Committee on Organization, Calendar and Rules. 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.

Rule 8. Special and Select Committees. Special and Select committees of the Senate and the Chairperson thereof shall be appointed by the President.

Rule 9. Standing Committees — Duties of Chairperson, etc. (a) The chairperson of each committee shall preside at all meetings of the committee. The chairperson may designate another member to preside in the absence of the chairperson and vice chairperson.

(b) The chairperson of each committee may call a special meeting of the committee when necessary.

(c) The chairperson shall have full charge of the committee.

(d) The chairperson of each committee shall cause minutes of each meeting of the committee to be prepared, subject to approval of the committee at a later meeting. Minutes shall show the action taken by the committee upon each bill or resolution considered and the amendments if any voted upon and the disposition of each, whether adopted or not. At the request of the author of a bill or resolution or any amendment to a bill or resolution, or on request of any member of the committee, the intent of the author shall be stated in the committee minutes. At the conclusion of each legislative session copies of all committee minutes shall be filed with the Director of Legislative Administrative Services.

Rule 10. Vote in Senate Committee. At the time of taking any action upon any bill or resolution, any member of a committee may demand a division of the vote and the chairperson shall be required to record the results of the vote as a part of the minutes.

Rule 11. Committee Action on Bills and Resolutions. (a) A committee may recommend that the Senate act favorably, unfavorably or without recommendation upon any measure or may recommend amendments to measures referred to it which are germane to the subject of the measure. Committee recommendations shall be made by committee report to the Senate. Committee reports shall be signed by

the chairperson, and shall be transmitted to the Senate not later than the second legislative day following the action of the committee.

(b) When a committee fails to report on any bill or resolution following reference to such committee, it may be withdrawn from the committee by an affirmative vote of 24 members of the Senate on a motion made as provided in this subsection. Such a motion shall be made in writing, giving the reasons for withdrawal from the committee. Such motion shall be made under the order of business introduction and notice of original motions and Senate resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the reading clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of business consideration of motions and Senate resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If the motion prevails, the bill or resolution shall be placed on the calendar under the order of business General Orders.

(c) Motions to withdraw a bill or resolution from a committee are not subject to amendment or debate.

Rule 12. Adversely Reported Bills and Resolutions. All bills or resolutions adversely reported shall go upon the Calendar for one day, under the head of Bills Adversely Reported. A motion to place an adversely reported bill (or resolution) under the order of business General Orders on the Calendar shall be made when the bill (or resolution) is upon the Calendar and shall be made when Introduction of Original Motions and Senate Resolutions is in order, and that motion shall then lie over until the next legislative day when the order of business Consideration of Motions and Senate Resolutions is reached, but if such motion is defeated once it shall not be renewed. If an adversely reported bill or resolution has been previously referred separately under Rule 32 (authorizing the reference of the same bill or resolution to two or more standing committees), then the motion shall be to return the adversely reported bill (or resolution) with the committee report attached to the next committee to which it was referred. If the motion to place the bill (or resolution) on the Calendar under the order of business General Orders or to return the bill (or resolution) to the next committee of reference shall prevail, then the words “Adversely Reported” shall be printed in a line underneath the title of the bill or resolution, and to prevail such motion shall require an affirmative vote of 24 members of the Senate.

Rule 13. When Bill or Concurrent Resolution Placed on General Orders. When a bill or a concurrent resolution to amend the constitution has been reported to the Senate by a committee with the recommendation that it pass or be adopted, it shall immediately be placed on the Calendar under the order of business General Orders.

Rule 14. Address the President — To Be Recognized — Speak But Twice on the Same Subject. Every Senator rising to debate or to present any matter, shall address the President, and shall not proceed until recognized. When two or more Senators shall address the President at the same time, the President shall name the Senator who is to speak first. No Senator shall speak more than twice on the same day on the same subject without leave of the Senate.

Rule 15. No Senator Shall Be Interrupted. No Senator, when speaking shall be interrupted except by a call to order by the presiding officer, or by a Senator through the presiding officer, desiring to ask a question. If a Senator speaking yields to a question, the interruption shall be confined solely to such question. Senators shall be referred to as “the Senator from _____” (naming the Senator’s home county) followed by the Senator’s title and name.

Rule 16. Personal Privilege. Senators raising a point of personal privilege shall confine themselves to remarks which concern themselves personally and shall not address or debate matters under consideration by the Senate.

Rule 17. Questions of Order — How Determined. A question of order may be raised at any time and when a Senator shall be called to order the Senator shall stop speaking until the presiding officer has determined whether the Senator was in order. Every question of order shall be decided by the presiding officer, subject to an appeal to the Senate by any member.

Rule 18. Explaining Votes. Senators may explain their votes only upon the call of their names upon any roll call vote, but not more than two minutes shall be allowed for any explanation. The explanation shall be inserted in the Journal if the Senator makes a request at the time of voting or makes a request of the Secretary of the Senate prior to adjournment, and the written explanation is presented to the Secretary of the Senate during or within two hours following that day’s adjournment on the same legislative day. No Senator in explaining a vote may use the name of or otherwise identify any other Senator as part of the explanation without the consent of the other Senator. No written explanation shall contain more than 200 words.

Rule 19. Vote Unless Excused — Contempt. Any Senator, who is directly interested in a question, may be excused from voting, even though there is a call of the Senate. The Senator, who is requesting to be excused from voting, shall state the reasons for the request, occupying not more than five minutes. Such statements shall be made either immediately before or immediately after the vote is called but before the result is announced. The question on excusing any Senator from voting shall be taken without debate and a $\frac{2}{3}$ majority of those voting shall be necessary to excuse the Senator. If a Senator refuses to vote, when not excused,

such refusal shall constitute contempt and the President shall, in such case, order the offending Senator before the bar of the Senate and all privileges of membership shall be refused such Senator until the contempt shall be duly purged.

Rule 20. When Not Permitted to Vote. No Senator shall be allowed to vote unless the Senator is seated in the Senator's assigned seat within the Senate chamber when the vote is taken.

Rule 21. Vice President and Filling Certain Vacancies. (a) In the absence of the President, the Vice President shall assume the duties of the President. The President or Vice President may also name any Senator to temporarily perform the duties of the chair, but the Senator so named shall not act as President beyond adjournment, unless by leave of the Senate. A Senator shall not lose the right of voting on any subject while serving or acting as President.

(b) When a vacancy occurs in the office of President and the Legislature is adjourned to a date more than 60 days after the occurrence of the vacancy, the Senate shall meet within 30 days and elect a member to fill the vacancy. The Vice President shall within 10 days of such occurrence issue a call for the meeting at a time not less than 10 days and not more than 20 days after the date of the call.

(c) When a vacancy occurs in the office of Vice President or majority leader of the Senate, and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the President shall appoint an acting Vice President or acting majority leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting interim appointment had not been made.

(d) When a vacancy occurs in the office of minority leader of the Senate and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the assistant minority leader shall become the acting minority leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting minority leader had not so served.

(e) It is the intention of this rule that any person elected, appointed or designated to serve in accordance herewith to fill a vacancy shall exercise all of the duties and powers of the office so filled.

Rule 22. Party Affiliation — Change. If any Senator changes political party affiliation (1) from the political party of such Senator at the time of the Senator's election, or (2) if the Senator was appointed, from the political party of the district convention which elected such person to be so appointed, the following shall apply:

(a) Such Senator shall be removed from all memberships on standing and other committees, from all positions of chairperson or vice chairperson of a standing or other committee, and from any office of the

Senate held at the time of such change. The Committee on Organization, Calendar and Rules shall appoint a Senator to fill any vacancy which arises under this subpart (a).

(b) The proportion of Senators from major political parties on each standing committee originally determined under Rule 7 (providing for proportional representation of members of political parties upon standing committees) shall not be altered. The Committee on Organization, Calendar and Rules shall fill each standing committee member position vacated by such Senator by appointing a Senator of the political party from which such Senator changed.

Rule 23. Caucuses May Be Closed. Caucuses of Senate majority and minority parties may be closed.

Rule 24. Motions in Writing. All motions to amend bills and resolutions shall be made in writing, and upon request of any Senator shall be read by the reading clerk before being voted upon. All other motions shall be reduced to writing when desired by any Senator.

Rule 25. Motions Withdrawn. Any motion may be withdrawn by the maker before amendment or decision is made thereon except as the foregoing is modified by Rule 41 (relating to procedure in the committee of the whole).

Rule 26. Motions in Order When Question Under Debate. When a question is under debate, no motion shall be in order, except:

Not Debatable

1. To fix time to which to adjourn.
2. To adjourn.
3. To lay on the table.
4. For the previous question.

Debatable

5. To postpone to a day certain.
6. To commit to a standing committee.
7. To commit to a special committee.
8. To commit to the Committee of the Whole.
9. To amend.
10. To postpone indefinitely.

The several motions specified in this rule shall have precedence in the order named and the first four shall be decided without debate.

Rule 27. Division of Question. (a) If the question in debate contains several points, any Senator may have the same divided, but a motion to strike out and insert shall be indivisible. When a bill or resolution is under consideration in the Senate and after debate is concluded and final action has been announced on the bill or resolution, a request for division of question shall not be in order.

(b) A request for division of question shall be in writing specifying the manner in which the question is to be divided.

(c) The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert another proposition, nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

Rule 28. Reconsideration of Pending Matters. When a question has been once put and decided it shall be in order for any Senator who voted with the prevailing side to move for a reconsideration thereof, but no motion for reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, nor shall any motion for reconsideration be in order unless made on the same day on which the vote was taken or the next legislative day. No question shall be reconsidered more than once.

Rule 29. Previous Questions. Five Senators shall have the right to move the previous question on any bill, resolution, message, report, amendment, or motion. If no amendment is pending the previous question shall be as follows: "Shall the main question be now put?" If the previous question is decided in the affirmative by a majority vote of those present the main question shall be put without further amendment or debate. If amendments are pending a motion for the previous question shall concern only the last amendment that is pending on which, if the previous question is adopted, the debate will be closed only upon such amendment. The previous question on other questions than the main question shall be as follows: "Shall the question on the (amendment, amendment of an amendment, substitute or other motion affecting same as the case may be) now be put?"

Rule 30. Endorsement on Bills, etc. Before any bill, resolution or petition, addressed to the Senate, shall be received or read, the title of the bill or resolution or a brief statement of the contents of the petition shall be typed on the jacket, with the name of the Senator or committee introducing it.

Rule 31. Introduction of Bills and Concurrent Resolutions. Every bill and concurrent resolution shall be introduced by a Senator, by a committee, on the report of a committee, by message from the House of Representatives, or by proper prefiling as provided by law. For the purpose of introduction, every bill and concurrent resolution shall be placed in the possession of the secretary and the reading clerk shall read the title, except citations of statutes amended or repealed. The reading clerk shall also read the name of the sponsor of the bill or resolution if it has a single sponsor. If the bill or resolution has two sponsors the reading clerk shall read the names of both sponsors, but if the bill or resolution

has more than two sponsors the reading clerk shall read the name of the first sponsor together with the words “and others.”

Rule 32. Reference of Bills and Resolutions. All bills shall be referred or rereferred to appropriate standing committees or the committee of the whole by the President. Upon the day of its introduction or upon the next legislative day the President shall refer every bill and each concurrent resolution to be referred to the appropriate standing committee or the committee of the whole. Bills or resolutions prefiled under K.S.A. 46-801 et seq. and amendments thereto may be referred by the President to the appropriate standing committee or the committee of the whole at any time subsequent to the prefiling of such bill or resolution with the secretary of the senate. Bills introduced by committees, if germane to the purpose and scope of the committee, may be referred to the Committee of the Whole; otherwise to the appropriate standing committee. All bills making an appropriation shall be referred to the Committee on Ways and Means. The President may refer a bill or resolution to two or more standing committees jointly, or separately, in such order as the President may direct, and such bill or resolution, when so referred, shall be considered by the committees in joint meeting, or by each of the committees separately in the order named in the reference, and when the reference is made jointly, the chairperson of the committee named first shall be chairperson of the joint committee.

Rule 33. Consent Calendar and Recording Reports. Whenever a standing committee is of the opinion that a bill or resolution upon which it is reporting is of non-controversial nature, it shall so state in its committee report. Whenever a bill or resolution is so reported, it shall be placed upon a separate calendar, to be known as the Consent Calendar. Each bill or resolution appearing on the Consent Calendar shall remain thereon for at least two full legislative days before being considered under the order of business Final Action. At any time prior to the call for the vote under the order of business Final Action on a bill or resolution on the Consent Calendar, any member may object to the same as being controversial and the same shall be stricken from the Consent Calendar and take its place on General Orders in the usual order. If no such objection is made prior to the call for such vote on the bill or resolution, it shall be voted upon with other bills and resolutions under the order of business Final Action but before consideration of other bills or resolutions appearing on the calendar under such order of business.

Rule 34. Final Action on Bills and Concurrent Resolutions. On final action on any bill or concurrent resolution, the reading clerk shall read the title, except citations to statutes amended or repealed. If the bill is reported for final action without debate, the question shall be at once put: “Shall the bill pass?” No debate shall be allowed, and no motion shall be in order except the motion to adjourn, or for a call of the Senate,

unless in case where a bill has been ordered to be placed on final action subject to amendment, or to amendment and debate or unless by the unanimous consent of the Senate, amendments may be made and considered. Like procedure shall apply to concurrent resolutions except that the question put shall be: "Shall the resolution be adopted?" On final action, bills and resolutions may be bulked together for roll call unless objection be made by any Senator.

Rule 35. Final Passage by Yeas and Nays. The question upon the final passage of a bill and every concurrent resolution for amendment of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be taken by a roll call vote of the yeas and nays, which shall be entered on the Journal, and unless the bill or concurrent resolution receives the number of votes required by the constitution to pass it, it shall be declared lost, except in cases provided for in Rule 36 (relating to the absence of a quorum).

Rule 36. No Quorum on Final Vote — Effect. If, on taking the vote on final action on a bill or concurrent resolution, it shall appear that a quorum is not present, then the bill or concurrent resolution shall retain its place on the Calendar and shall again be considered for final action when that order of business is again taken up by the Senate.

Rule 37. Roll Call Vote. A roll call vote shall be taken upon all questions upon the demand of five Senators.

Rule 38. Call of Senate — When Made — How Enforced. A call of the Senate may be had upon the demand of five Senators, pending a roll call on the final passage of any bill or resolution, or on any motion to strike the enacting clause, or indefinitely postpone any bill or resolution, and before the result is announced. When a call is demanded, the President shall order the doors of the Senate to be closed, and direct the Secretary to call the roll of the Senators and note the absentees, after which the names of the absentees shall be again called, and those for whose absence no sufficient excuse is given may be sent for and taken into custody by the Sergeant at Arms, or by Assistant Sergeants at Arms appointed for the purpose, and brought before the bar of the Senate, where unless excused by a majority of the Senators present, they shall be reprovved by the President for the neglect of duty.

Rule 39. Dispense with Further Proceedings under Call of Senate. No motion to dispense with further proceedings under the call of the Senate shall be entertained until the President shall be satisfied that the Sergeant at Arms has made diligent effort to secure the attendance of the absentees.

Rule 40. Roll Call Votes. Every Senator in the Senate chamber when a roll call is taken shall respond when the Senator's name is called. If there is a call of the Senate, the Senator must vote Yea or Nay, except as

provided in Rule 19 (senators excused from voting if directly interested in the question). When there is no call of the Senate, the Senator may pass and shall be recorded in the Journal as present and passing. After the roll is completed and before the roll is closed, a Senator may change such Senator's vote. No vote shall be recorded and no change in vote may be made without unanimous consent of the Senate after announcement by the presiding officer that the roll is closed.

Rule 41. Committee of the Whole. On motion the Senate may go into Committee of the Whole. The President shall appoint a chairperson to preside over the Committee of the Whole. The rules of the Senate shall be observed in the Committee of the Whole, so far as applicable except that there shall be no limit on the number of times of speaking and Rule 38 (authorizing a call of the senate) shall not apply. A motion to lay on the table or a call for the previous question shall not be in order. No substitute motion to amend a bill or resolution shall be in order. A substitute motion to report a bill or resolution to the full Senate once made shall be decided subject only to debate and Rule 51 (motion to strike the enacting or resolving clause). A roll call shall be had on any question subject to the requirements of Rule 37.

Rule 42. No Quorum in Committee of the Whole — Procedure. If at any time, when in Committee of the Whole, it be ascertained that there is no quorum present, the chairperson shall immediately vacate the chair and report the fact to the President.

Rule 43. How Bills or Resolutions Considered — Committee of the Whole. Bills or resolutions shall be considered in Committee of the Whole in the following manner: The standing committee report shall first be considered and if it is adopted the bill or resolution as amended by the committee report shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. If the committee report is not adopted, the bill or resolution, without committee amendments, shall be considered section by section, and as each section is considered amendments from the floor are in order to that section. After a section has been considered, no amendment thereto shall be in order until the whole bill or resolution has been read through. After the original bill or resolution, together with standing committee amendments, has been considered section by section the chairperson shall announce "Amendments to the bill (or resolution) generally are in order," and amendments not before offered may be made to any part of the bill or resolution. A motion to amend the bill or resolution shall not be in order while a motion to strike the enacting clause or resolving clause is pending.

Rule 44. Amendments. (1) Amendments to bills shall be germane to the subject of the bill being amended, and the fact that an amendment is to a section in the same chapter of the Kansas Statutes Annotated as

an existing section in the bill shall not automatically render the amendment germane. Amendments to concurrent resolutions for amendments of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be germane to the subject of the resolution being amended.

(2) All amendments to bills or resolutions shall be submitted in writing on a form provided by the Senate or on a form substantially similar. All amendments to printed bills or resolutions shall specify the page and line number as shown on the printed bill or resolution. If a bill or resolution has not been printed, amendments must refer to the typed bill or resolution. All amendments offered, whether adopted or rejected, together with the action taken thereon, shall be recorded in the Journal. When a bill or resolution has been amended, it shall be engrossed before it is enrolled.

(3) In the case of amendment by substitute bill or by substitute concurrent resolution, motion shall be made to substitute a written bill or concurrent resolution for the bill or concurrent resolution under consideration.

Rule 45. Report of Committee of the Whole Subject to Amendment — Time for. The report of the Committee of the Whole is subject to amendment to correctly reflect what has occurred in the Committee of the Whole by motions made at the time the report is offered for adoption by the Senate. When a bill is reported with the recommendation that the enacting clause be stricken, and the report is agreed to by the Senate, the bill shall be considered killed.

Rule 46. Motion for Committee of the Whole to Arise and Report Progress. A motion that the Committee of the Whole shall rise and report progress on any bill shall always be in order and shall be decided without debate, and the matter being considered shall be the first order of business at the next session of the committee, subject to such postponement as the subsequent Committee of the Whole may determine.

Rule 47. Division of the Senate. Whenever a voice vote has been taken upon any question in either the Senate or the Committee of the Whole, any Senator may call for a division of the Senate or Committee of the Whole.

Rule 48. Bills and Resolutions to Final Action. When the Committee of the Whole shall favorably report a bill or resolution, and the report is adopted by the Senate, the bill or resolution shall be considered as ordered to the order of business Final Action. The vote upon the final passage of the bill shall not be taken on the same day on which the bill is placed on Final Action. Bills and resolutions to be sent to the House shall be properly corrected under the supervision of the Secretary of the Senate. The Secretary of the Senate is authorized to

correct misspelled words, punctuation and “doublets” or repeated words when preparing bills, resolutions or other documents for signature by officers of the Senate and House.

Rule 49. Bills and Resolutions — Inclusion of Amendments. When a bill or resolution is amended, the Secretary of the Senate shall attach to the original copy all amendments made in the Senate. Substitute bills and substitute concurrent resolutions shall accompany the bill or concurrent resolution for which each is substituted. Upon passage, Senate bills or resolutions, including the original copy and amendments, shall be transmitted to the House.

Rule 50. Reports of Transmittals in Journal — Committee — Reports. Report of transmittal of bills and resolutions to the House shall be immediately entered upon the Journal.

Rule 51. Motion to Strike Enacting or Resolving Clause — Debate Limited. No Senator may speak more than twice on a motion to strike the enacting clause of a bill or the resolving clause of a resolution, and no other motion, except a motion to adjourn, shall be in order until the motion to strike the enacting clause or resolving clause has been decided by roll call vote.

Rule 52. Two-thirds Vote Not Necessary Except on Final Passage of Resolution. When a resolution requiring a vote of $\frac{2}{3}$ of the Senate for adoption is under consideration, a vote of $\frac{2}{3}$ shall not be needed to decide any question short of its final passage, except as provided by these rules.

Rule 53. Bills Considered in Regular Order. The Subcommittee on Calendar of the Committee on Organization, Calendar and Rules shall designate from day to day and from time to time the bills to be considered that day and on the next legislative day, and the order of consideration fixed by this subcommittee shall not be changed, except by unanimous consent or by a $\frac{2}{3}$ vote of all the members of the Senate then elected (or appointed) and qualified, if unanimous consent is refused.

Rule 54. Changing Order on Calendar. Not more than one bill may be named in a motion to change the order of the Calendar, and on each motion no Senator except the Senator making the motion shall speak more than once, nor longer than five minutes.

Rule 55. Resolutions — Classes — Procedures Thereon. Resolutions shall be of the following classes: (1) Senate resolutions; and (2) Senate concurrent resolutions. In acting on them, the Senate shall observe the following procedure:

(1) Senate resolutions shall be in writing, shall be read and shall lie over one day. Senate resolutions other than resolutions for the amendment of rules of the Senate shall not be printed unless ordered by the Senate. There shall be no roll call unless ordered. With the consent

of the majority of Senators present and voting, either the requirement to read Senate resolutions or the requirement to lie over one day, or both, may be dispensed with.

(2) Senate concurrent resolutions shall be in writing, shall be read by title, and shall lie over one day. All Senate concurrent resolutions shall be printed, and shall require a roll call on motion to adopt. Propositions to amend the constitution shall be made by concurrent resolution and referred to the proper committee. Other concurrent resolutions may be referred to a proper committee by the President.

All House concurrent resolutions, when in the Senate, shall follow the same procedure as Senate concurrent resolutions.

This rule shall not apply to resolutions relating to the business of the day, nor to resolutions for organization or adjournment.

Rule 56. Confirmation of Appointments by Governor or Other State Official. All nominations or appointments made by the governor or other state official, which are subject to Senate confirmation, may be considered and acted upon by the Senate in either executive or regular session except that no final action thereon may be taken in executive session. When nominations or appointments are made by the governor or other state official for confirmation by the Senate, they shall, unless otherwise ordered by the President, be referred to appropriate committees by the President. Nominations or appointments referred to committees shall be returned to the Senate within 20 legislative days after the same are referred, together with a report thereon, unless additional time be granted by a majority vote of senators present. If the nomination or appointment is not returned to the Senate within the period of time specified for its return and additional time has not been granted, the nomination or appointment shall be considered to be returned to the Senate without recommendation on the next legislative day following the last day of the period of time specified for its return. Any such appointment may be considered and acted upon by the Senate at any time after the nomination or appointment is returned to the Senate. No motion to confirm any such appointment or nomination shall be in order without the unanimous consent of the Senate until the nomination or appointment is returned to the Senate, unless one day's previous notice thereof is given in open session. Appointments shall be confirmed by the Senate only by an affirmative vote of a majority of all members of the Senate then elected (or appointed) and qualified.

Rule 57. Admittance to Floor — Lobbying on Floor — Galleries. No person shall be admitted to the floor of the Senate except elective state officers; members of the Legislature; friends of the members of the Senate, upon invitation signed by the President and the Senator extending the invitation; former members of the Senate, officers and employees of the legislative branch, and members of the news media who are actually employed, and who have a card of admission from the President. The

Senate by resolution, may issue such invitations as it desires. Persons so admitted must stay in the perimeter of the Senate chamber except with the express permission of a member of the Senate. No one registered with the Secretary of State as an agent or lobbyist may be on the floor of the Senate during the hours of 9:30 a.m. to 4:30 p.m. nor at the time the Senate is in session. No person, other than a state officer or employee of the legislative branch or legislator, shall discuss any measure with any Senator on the floor of the Senate during the time the Senate is in session. Any person who violates this rule or any person who shall gain admission to the floor of the Senate by false representation shall be forthwith ejected from the Senate chamber and thereafter be denied admission. No employee shall lobby for or against any measure pending in the Senate, and any employee violating this rule shall be forthwith discharged. Former members of the Senate may be introduced when on the floor, but no other introductions shall be made during the session of the Senate, except the President may announce the attendance of school students or other groups visiting the Senate.

Visitors shall be allowed in one or both galleries of the Senate in accordance with directions to the Sergeant at Arms from the President.

Rule 58. Electronic Devices. The use of telephones and the making of telephone calls in the galleries of the Senate are prohibited. Except for security personnel, the use of wireless electronic telecommunications devices emitting an audible sound or tone to announce or initiate communications in a committee room during any time when a committee or subcommittee is in session in the room, in the galleries during any time when the Senate is in session and in the Senate Chamber during any time the Senate is in session is prohibited. The use of video recorders or other video equipment in the galleries is prohibited.

Rule 59. Chairs of Senators. No person except a member of the Senate, shall occupy the chair of any Senator at any time except with the approval of and in the presence of a member of the Senate.

Rule 60. The News Media. Employees of the news media having a card of admission from the President may occupy space designated for them in the Senate chamber. They shall be subject to all the rules of the Senate and shall conduct themselves with proper decorum while in the Senate chamber. They shall not lobby, directly or indirectly, for or against any measure pending before the legislature.

Rule 61. Secretary of Senate — Duties. The Secretary of the Senate shall be appointed by the President. It shall be the duty of the Secretary to call the roll; report correctly the result of all votes; correct the Journal as may be directed by the Senate; read all bills, resolutions, petitions or other papers which the Senate may require; deliver all messages to the House of Representatives; certify all enrolled bills and present same to the President or Vice President of the Senate for signature; endorse upon

every paper presented in the Senate the successive stages of action had thereon, and see that proper records are made of the transmission of every paper from one house to the other, or from one office to another; and attend generally to such other matters as the office may require. The Secretary of the Senate shall deliver to the printer all bills and other documents ordered to be printed and take the receipt of the printer therefor. In order to secure a uniform and systematic procedure, the following clerks and their assistants shall be under the supervision of the Secretary: Assistant Secretary of the Senate, Journal Clerks, Calendar Clerks, Enrolling Clerks, Bill Status Clerk, Reading Clerk and Bill Clerk.

Rule 62. Impeachment. The provisions of this rule shall apply to impeachment, and nothing in the rules of the Senate or in any statute shall impair or limit the powers of the Senate with respect to impeachment. In addition to other powers, the President shall possess the powers and perform the duties in this rule.

(1) The President shall call the Senate into session within 30 days of the receipt by the President of any request by a board of managers of the House of Representatives to lay articles of impeachment before the Senate.

(2) The Senate by a majority vote of the members then elected (or appointed) and qualified may adopt, amend or suspend rules applicable to trial of any impeachment.

(3) The President and any officer or committee acting under authority of this rule may follow any statutory procedure to the extent the same is not in conflict with the provisions of this rule, but nothing in this rule nor in any statute shall be deemed to constitute a waiver of any inherent powers of the Senate.

Rule 63. Sergeant at Arms — Duties. The Sergeant at Arms shall be appointed by the President, and shall serve under the President's direction, control and supervision and at the President's pleasure and shall execute all orders of the President or Senate. The Sergeant at Arms shall have the general supervision of the Senate Chamber, the cloak rooms, gallery and lobby, and shall preserve order within the chamber at all times. The Sergeant at Arms may arrest and take into custody any person gaining admission to the floor of the Senate through false representations or violation of Rule 57 (listing persons authorized to be admitted to the floor of the Senate). All violations shall be immediately reported to the President for action by the Senate. No person except those entitled to admittance on the floor of the Senate pursuant to Rule 57 (listing persons authorized to be admitted to the floor of the Senate) shall lounge or loaf in the Senate chamber when the Senate is not in session, and the Sergeant at Arms shall detail at least one assistant to remain in the chamber at all times when the same is open. The President may appoint and remove Assistant Sergeants at Arms to serve under the supervision of the Sergeant

at Arms. All doorkeepers and night watchmen shall be assistant Sergeants at Arms.

Rule 64. Requisitions for Printing. All requisitions upon the Director of Printing for calendars, bills, documents, and printed matter of any nature whatsoever, must be approved by the Director of Legislative Administrative Services.

Rule 65. Employees — Duties. All employees shall report each day to their respective supervisors. The Director of Legislative Administrative Services or some person designated by the director shall keep a record of the attendance of each employee. The Director of Legislative Administrative Services may discharge any employee at any time. The word “employee” as used in this section shall include all persons employed by the Senate, except the secretaries of each of the members of the Senate and except the Secretary of the Senate and Sergeant at Arms, which officers may be removed by the President of the Senate.

Rule 66. Pages. Not more than 20 pages shall serve during any legislative day. Appointments shall be restricted to boys and girls of junior high or high school age.

Rule 67. Secretaries to Members. Each Senator shall be entitled to select a secretary and shall inform the Director of Legislative Administrative Services of the selection. The secretaries shall not be paid for time they are not in attendance unless excused by their respective Senators. From the convening of the Senate until adjournment on any day, except during recesses, no Senator’s secretary shall be stationed at the Senator’s desk, except that this provision shall not apply to the administrative assistant designated by the President.

Rule 68. Suspension of Rules. (a) A motion to suspend the rules may be made and considered under any order of business. A $\frac{2}{3}$ affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption. The motion shall be decided without debate.

(b) A motion to declare an emergency, suspend the rules, and advance a bill to Final Action shall be considered as one motion. It may be made and considered immediately under any order of business, and be debatable on the question of the emergency. A $\frac{2}{3}$ affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption.

(c) A bill advanced to Final Action under subsection (b) which is not considered during the legislative day on which it is advanced to Final Action shall be placed on the next legislative day on the Calendar under the order of business General Orders.

Rule 69. Amendments to Rules. No rule of the Senate shall be adopted, amended or revoked without the affirmative vote of a majority of all members of the Senate then elected (or appointed) and qualified,

and no motion to adopt, amend or revoke any rule of the Senate shall be in order without the unanimous consent of the Senate, unless one day's previous notice thereof shall be given in open session.

Notwithstanding any provision of the rules of the Senate to the contrary, no notice shall be required for the adoption of a resolution adopting, amending or revoking any one or more rules of the Senate at the commencement of a legislative session, and adoption of any such resolution shall require only the affirmative vote of not less than a majority of the Senators then elected (or appointed) and qualified, subject to the following conditions: (1) The resolution is sponsored by the President or any three Senators, and (2) either (a) a copy thereof is mailed to each Senator by deposit in the United States mails not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (b) in lieu of mailing copies of the resolution are made available to Senators on the first day of the legislative session and Final Action is taken on the second legislative day.

Rule 70. Robert's Rules of Order. In all cases where these rules or the joint rules of the Senate and House of Representatives do not apply, the rules of parliamentary law in Robert's Rules of Order Newly Revised shall govern.

Rule 71. Number Designation of Substitute Bills and Substitute Concurrent Resolutions. (a) Whenever a substitute bill is recommended by a committee report, and whenever a substitute bill is approved by amendment from the floor, the substitute bill shall be printed as provided for bills introduced, and the bill number designation shall be substantially as follows:

(1) In the case of bills substituted for Senate bills, "Substitute for Senate Bill No. _____," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(2) In the case of bills substituted for House bills, "Senate Substitute for House Bill No. _____," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(b) Whenever a substitute concurrent resolution is recommended by a committee report, and whenever a substitute concurrent resolution is approved by amendment from the floor, the substitute concurrent resolution shall be printed as provided for concurrent resolutions introduced, and the resolution number designation shall be substantially as follows:

(1) In the case of concurrent resolutions substituted for Senate concurrent resolutions, "Substitute for Senate Concurrent Resolution No. _____," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

(2) In the case of concurrent resolutions substituted for House concurrent resolutions, "Senate Substitute for House Concurrent Resolution No. _____," and the blank shall be filled with the number of

the concurrent resolution for which substitution is made or recommended.

Rule 72. General Rule Not to Read Amendments. Amendments to bills or resolutions shall not require readings as for bills introduced or resolutions introduced, except as otherwise provided in Rule 73 (subject matter of bill or resolution materially changed by senate amendment) or 74 (subject matter of senate bill or resolution materially changed by house amendment).

Rule 73. Subject Change by Senate. Whenever an amendment adopted by the Senate has materially changed the subject of a bill or resolution, the title of the bill or resolution so amended shall be read in the manner prescribed for the introduction of bills or resolutions, and take its place upon the Calendar under the order of business Final Action.

Rule 74. Subject Change by House. Whenever the House adopts amendments to a Senate bill or senate concurrent resolution which materially changes its subject, upon return of such bill or resolution to the Senate, the title of such bill or resolution shall be read in the manner prescribed for the introduction of bills or resolutions and such bill or resolution shall be referred as provided in Rule 32 (reference of bills and resolutions).

Rule 75. Determination of When Subject of Bill or Resolution Materially Changed. The President may determine when a bill or resolution is subject to Rule 73 (subject matter of bill or resolution materially changed by senate amendment) or 74 (subject matter of senate bill or senate concurrent resolution materially changed by house amendment).

Rule 76. Executive Reorganization Orders. When an executive reorganization order is received from the Governor, it shall be referred to an appropriate committee by the President. The committee to which an executive reorganization order is referred shall report its recommendations thereon, by recommending adoption of a Senate resolution, not later than the 60th calendar day of any regular session and not later than 30 calendar days after it has received such referral whichever occurs first. If a committee fails to report upon an executive reorganization order within the time specified in this rule, such committee shall be deemed to have returned the same to the Senate without recommendation. When a report or return of an executive reorganization is made, it and all resolutions for approval or disapproval thereof shall be made the special order of business in accordance with Rule 6 (special order of business) at a time not later than the last day the executive reorganization order may be disapproved under section 6 of article 1 of the Constitution of Kansas. The Senate shall act to approve or reject every reorganization order unless at the time set for such action

the House of Representatives shall have already rejected such executive reorganization order.

Rule 77. Censure or Expulsion. Whenever three or more Senators desire to lodge a complaint against any other Senator requesting that the Senator be censured or expelled for misconduct, the complaining Senators shall sign and file a written statement of such complaint with the Secretary of the Senate. In such event, the President shall appoint a select committee for consideration thereof composed of five Senators, no more than three of whom shall be members of the same political party, and none of whom shall have signed the complaint to be considered. The select committee may dismiss the complaint after inquiry or may set the matter for hearing. Reasonable notice and an opportunity to appear shall be afforded the Senator against whom a complaint has been filed. Select committees meeting under authority of this section shall be authorized to meet and exercise compulsory process without further authorization, subject only to the limitations and conditions prescribed in article 10 of chapter 46 of Kansas Statutes Annotated. Upon completing its hearing and deliberations thereon the select committee may dismiss the complaint or may submit a recommendation to the full Senate for censure or expulsion, and upon receiving such report the Senate may without further hearing or investigation censure or expel the member against whom the complaint was filed. Censure or expulsion of a Senator under this rule shall require a $\frac{2}{3}$ majority vote of those members elected (or appointed) and qualified.

Rule 78. Taking from the Table. The affirmative vote of a $\frac{2}{3}$ majority of all Senators then elected (or appointed) and qualified shall be required for the adoption of a motion to take any question or proposition from the table after the adoption of a motion to table or lay such question or proposition on the table. The provisions of this rule shall apply to motions both in standing committees and the Senate.

Rule 79. Placing Material on Members' Desks. No items or material shall be placed upon the desk of any member of the Senate unless any such item or material bears the signature or name of the Senator responsible for its distribution. This Rule 79 shall not apply to items or material provided by legislative staff, the Governor or state agencies.

Rule 80. Decorum. During the time the Senate is in session professional dress is required on the floor of the Senate.

**Joint Rules
of the
Senate and
House of Representatives**



State of Kansas
2009-2010
(Amended)
January 2010

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JOINT RULES OF THE SENATE AND
HOUSE OF REPRESENTATIVES
2009-2010

Joint rule 1. Joint rules; application and date of expiration; adoption, amendment, suspension and revocation. (a) *Joint rules; expiration, adoption, amendment, suspension and revocation; vote required.* Joint rules are adopted under the authority of section 8 of article 2 of the Constitution of the State of Kansas and shall govern matters made subject thereto except when otherwise specifically provided by joint rule. Joint rules shall expire at the conclusion of the terms of representatives. Joint rules shall be adopted, amended, suspended and revoked by concurrent resolution of the two houses of the legislature. Concurrent resolutions adopting joint rules shall receive the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house.

(b) *Amendment, suspension or revocation of joint rules; previous notice; vote required.* After one day's previous notice, joint rules may be amended, suspended or revoked by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house. Upon the filing of such notice in either house, a message shall be sent to the other house advising of the filing of such notice and the reading of the message shall constitute notice to the members of such house. If such previous notice is not given, the affirmative vote of $\frac{2}{3}$ of the members then elected (or appointed) and qualified in each house shall be required for the amendment, suspension or revocation of a joint rule.

(c) *Amendment, suspension or revocation of joint rules at commencement of legislative session; vote required; conditions.* Notwithstanding any provision of this rule to the contrary, no notice shall be required for the adoption of a concurrent resolution amending, suspending or revoking any one or more joint rules at the commencement of a legislative session, and adoption of any such concurrent resolution shall require only the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house, subject to the following conditions: (1) The concurrent resolution is sponsored by the speaker or the president, and (2) either (a) a copy thereof is mailed to each member of the legislature by deposit in the United States mails not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (b) in lieu of mailing, copies of the concurrent resolution are made available to members on the first day of the legislative session and final action is taken on a subsequent legislative day.

Joint rule 2. Joint sessions. (a) *Joint session called by concurrent resolution; vote required; time, place and subject matter.* A joint session

of the senate and house of representatives may be called by concurrent resolution adopted by the affirmative vote of not less than a majority of the members elected (or appointed) and qualified in each house of the legislature or as may otherwise be prescribed by law. Any such resolution shall fix the time and place of the joint session, and the subject matter to be considered at the joint session. Joint sessions shall consider only such matters as are prescribed by law or by the concurrent resolution calling such joint session.

(b) *Presiding officer at joint sessions; record of joint session; rules applicable.* The speaker of the house of representatives shall preside at all joint sessions of the senate and house of representatives, and the clerk of the house of representatives shall keep a record of the proceedings thereof and shall enter the record of each such session in the journal of the house of representatives. The rules of the house of representatives and the joint rules of the two houses, insofar as the same may be applicable shall be the rules for joint sessions of the two houses.

(c) *Votes in joint session; taking; requirements.* All votes in a joint session shall be taken by yeas and nays, and in taking the same it shall be the duty of the secretary of the senate first to call the names of the members of the senate, and after which the clerk of the house of representatives shall in like manner call the names of the members of the house. Each member of the senate and the house of representatives present shall be required to vote on all matters considered in joint session, unless excused by a vote of a majority of the members of both houses present.

Joint rule 3. Conference committee procedure. (a) *Action by house of origin of bill or concurrent resolution amended by other house.* When a bill or concurrent resolution is returned to the house of origin with amendments by the other house, the house of origin may: (1) Concur in such amendments; (2) refuse to concur in such amendments; or (3) refuse to concur in such amendments and request a conference on the bill or concurrent resolution.

(b) *Concurrence by house of origin; concurrence prior to taking action on conference committee report by other house; final action; effect of failure of motion to concur.* The house of origin of any bill or concurrent resolution may concur in any amendments made by the other house, except that if the bill or concurrent resolution has been referred to a conference committee such action may only be taken prior to the taking of final action upon the conference committee report upon such bill or concurrent resolution by the other house. A vote in the house of origin of any bill or concurrent resolution on a motion to concur in amendments to such bill or concurrent resolution by the other house shall be considered action on the final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion to concur is upon amendments to a bill or

concurrent resolution for which a conference committee has been appointed and action has not been taken upon the report of such committee by the other house and such motion fails, the bill or concurrent resolution shall not be deemed to have been killed thereby, but if the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has not been appointed and such motion fails, the bill or concurrent resolution shall be deemed to be killed.

(c) *Motion to nonconcur; when considered final action; effect of adoption of motion.* A vote in the house of origin of any bill or concurrent resolution on a motion to nonconcur or to refuse to concur in amendments to such bill or concurrent resolution by the other house which is not coupled with a request for the appointment of a conference committee shall be considered action on final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal, and the bill or concurrent resolution shall be deemed killed on the adoption thereof.

(d) *House of origin refusal to concur or nonconcur; request for conference; procedure.* When a bill or concurrent resolution is returned by either house to the house of origin with amendments, and the house of origin refuses to concur or to nonconcur therein, a conference may be requested by a majority vote of the members present and voting. Such request shall be transmitted to the other house by message which shall include the names of the conferees on the part of the requesting house. Upon receipt of any such message, the receiving house may, in like manner, approve such conference, and shall thereupon notify the requesting house by message stating the names of its conferees.

(e) *Membership; appointment; chairperson; house of origin of substitute or materially changed bill or concurrent resolution; meetings of conference committee.* Each conference committee shall consist of three members of the senate and three members of the house of representatives, unless otherwise fixed by agreement of the president of the senate and speaker of the house. Senate members shall be appointed by the president of the senate and house members shall be appointed by the speaker of the house of representatives. The president or the speaker may replace any conferee previously appointed by such person. Not less than one member appointed from each house shall be a member of the minority political party of such house except when such representation for such house is waived by the minority leader of such house. In all cases, the first-named member of the house of origin of the bill or concurrent resolution assigned to the committee shall be chairperson of the conference committee. The house of origin of a substitute bill or substitute concurrent resolution shall be the house in which the bill or concurrent resolution in its original form was introduced. The chairperson of a conference committee on a bill or concurrent resolution the subject matter of which has been ruled to be materially changed shall be a member of the house which amended the bill or concurrent resolution

to materially change the subject matter. Each conference committee shall meet on the call of its chairperson. All meetings of conference committees shall be open to the public and no meeting shall be adjourned to another time or place in order to subvert such policy.

(f) *Conference committee reports; subject matters which may be included; report not subject to amendment; house which acts first on report; copies of reports; reports considered under any order of business.* Only subject matters which are or have been included in the bill or concurrent resolution in conference or in bills or concurrent resolutions which have been passed or adopted in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution except in any appropriations bill there may be included a proviso relating to any such item of appropriation. A conference committee report shall not be subject to amendment. The original signed conference committee report shall be submitted to and acted upon first by the house other than the house of origin of the bill or concurrent resolution. Except when a conference committee report is an agree to disagree coupled with a request that a new conference committee be appointed or is a recommendation to accede to or recede from all amendments of the second house electronic and paper copies of the report shall be made available to all members of the house considering the report not later than 30 minutes before the time of its consideration, except that if the report is more than six pages in length no paper copies will be required to be distributed to individual members provided that at least 10 paper copies of the report are made available to members at the clerk's or secretary's desk at the front of the respective house. By written notice, the majority leader may direct the clerk or secretary to increase from six pages to some greater number of pages the size of conference committee reports that need not be distributed by paper copies to individual members pursuant to this rule. The affirmative vote of $\frac{2}{3}$ of the members present in the house at the time of consideration of the report shall be sufficient to dispense with distribution of copies of the conference committee report to all members of that house. Reports of conference committees may be received and considered under any order of business.

(g) *Signatures required on conference committee reports.* All initial conference committee reports other than an agreement to disagree coupled with a request that a new conference committee be appointed shall be signed by all of the conferees. All initial conference committee reports which are an agreement to disagree coupled with a request that a new conference committee be appointed shall be signed by a majority of the conferees appointed in each house. If a conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed is not adopted, a subsequent conference committee report shall be signed by all conferees unless a subsequent conference committee report which is an agreement to

disagree coupled with a request that a new conference committee be appointed is adopted, in which case a conference committee report subsequent to the adoption of such report shall be signed by a majority of the conferees appointed in each house. All other conference committee reports shall be signed by a majority of the conferees appointed in each house.

(h) *Vote to adopt conference committee report final action; effect of failure of motion to adopt conference committee report.* The vote to adopt the report of a conference committee, other than a report of failure to agree coupled with a recommendation for appointment of a new conference committee, shall be considered final action on the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion fails, the bill or concurrent resolution shall be deemed to be killed. If the motion on a conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed fails, the bill or concurrent resolution shall not be deemed to have been killed thereby and remains in conference.

(i) *Report of conference committee unable to agree; effect of failure to request new conference committee; effect of failure of motion to adopt report requesting new conference committee.* If a conference committee upon any bill or concurrent resolution is unable to agree, it shall report that fact to both houses. Such report may request that a new conference committee be appointed thereon. If the committee so reports but fails to request the appointment of a new conference committee thereon the bill or concurrent resolution shall be deemed to have been killed upon the adoption by either house of such report. If the motion to adopt a report requesting the appointment of a new conference committee fails, the bill or concurrent resolution shall be deemed to be killed.

(j) *Bills or concurrent resolutions under consideration by conference committees and reports thereof; carryover from odd-numbered to even-numbered year.* Bills or concurrent resolutions under consideration by a conference committee, or a report of which has been filed but no action taken thereon in either house, at the time of adjournment of a regular session of the legislature held in an odd-numbered year shall remain alive during the interim and may be considered by the committee and legislature as the case may be at the regular session held in the following even-numbered year.

Joint rule 4. Deadlines for introduction and consideration of bills. The senate and house of representatives shall observe the following schedule of deadlines in making requests for drafting and in the introduction and consideration of bills.

(a) *Bill request deadline for individual members.* Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall

be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on January 26, 2009, during the 2009 regular session and on January 25, 2010, during the 2010 regular session.

(b) *Bill introduction deadline for individual members.* Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 4, 2009, during the 2009 regular session and on February 3, 2010, during the 2010 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

(c) *Bill request deadline for certain committees.* Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on January 30, 2009, during the 2009 regular session and on February 1, 2010, during the 2010 regular session.

(d) *Bill introduction deadline for certain committees.* Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 6, 2009, during the 2009 regular session and on February 5, 2010, during the 2010 regular session.

(e) *House of origin bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on February 21, 2009, during the 2009 regular session and on February 20, 2010, during the 2010 regular session.

(f) *Second house bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by the house, not the house of origin of such

bill, after the hour of adjournment on March 25, 2009, during the 2009 regular session and March 24, 2010, during the 2010 regular session.

(g) *Exceptions to limitation of (d), (e) and (f); procedure.* Specific exceptions to the limitations prescribed in subsections (d), (e) and (f) may be made in either house by resolution adopted by the affirmative vote of not less than a majority of the members of such house then elected (or appointed) and qualified.

(h) *Deadline which falls on day neither house in session; effect.* In the event that any deadline prescribed in this rule falls on a day that neither house of the legislature is in session, such deadline shall be observed on the next following day that either house is in session.

(i) *Bills introduced in odd-numbered years after deadlines; effect.* Bills may be introduced by members and committees in regular sessions occurring in an odd-numbered year after the times prescribed in (b) and (d) of this rule, but there shall be no final action thereon by either house during the session when introduced. Such bills shall be held over for consideration at the next succeeding regular session held in an even-numbered year.

(j) *Modification of schedule of deadlines for introduction and consideration of bills; procedure.* In any regular session a concurrent resolution may be adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified of each house setting forth a different schedule of deadlines for introduction and consideration of bills for that session and the provisions of such concurrent resolution shall apply to such session notwithstanding provisions of this rule to the contrary.

(k) *Bill consideration deadline; exceptions.* No bills shall be considered by the Legislature after April 4, 2009, during the 2009 regular session and after April 6, 2010, during the 2010 regular session except bills vetoed by the Governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702 and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

Joint rule 5. Closure of meetings to consider matters relating to security. Any standing committee of the House of Representatives, any standing committee of the Senate, the Legislative Coordinating Council, any joint committee of both houses of the legislature, any special or select committee of the House of Representatives or the Senate, the House of Representatives in session, the Senate in session or a joint session of the House of Representatives and the Senate may meet in closed, executive session for the purpose of receiving information and considering matters relating to the security of state officers or employees, or both, or the security of buildings and property under the ownership or control of the State of Kansas.

SENATE JOURNAL

PROCEEDINGS

OF

The Senate

OF THE

KANSAS LEGISLATURE

TOPEKA, KANSAS

2010 REGULAR SESSION

January 11 through May 28, 2010

PAT SAVILLE, *Secretary of the Senate*

EXPLANATION OF ABBREVIATIONS

Substantial economy of space was achieved in the text of the journals by shortening the numerous references to bill and resolution numbers. Placing these in blackface type facilitates locating the bills readily on each page. The abbreviations used are as follows:

SB 1	Senate Bill No. 1
SCR 1601.....	Senate Concurrent Resolution No. 1601
SP 1	Senate Petition No. 1
SR 1801.....	Senate Resolution No. 1801
HB 2001	House Bill No. 2001
HCR 5001.....	House Concurrent Resolution No. 5001

EXPLANATION OF PAGE NUMBERING

The Senate and House Journals are printed in separate volumes. Paging in both journals is consecutive for the 2009-2010 biennium. The 2010 Senate begins with page 907 and is consecutive throughout the remainder of the volume.

Under the section "History of Bills" SJ page numbers prior to page 907 and HJ page numbers prior to page 785 refer to the 2009 Senate and House Journal books.

Journal of the Senate

FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
January 11, 2010—2:00 p.m.

In accordance with the provisions of the constitution of the State of Kansas and by virtue of his office as President of the Senate, Senator Stephen Morris declared the 2010 Senate to be in session.

President Morris welcomed the Rev. Fred S. Hollomon, who will again serve as the Senate Chaplain and delivered the following invocation:

Heavenly Father,

This may be the session, Heavenly Father, when we find
out what we are made of:

Revenues are lagging,
Property owners mad;
SRS is falling short;
Things are looking bad.

Ethics is an issue
Which could start a battle.
Abortion lines are clearly drawn;
There is no fence to straddle.

Though it's not the first time
Our mettle has been tested;
It may demand the maximum
Of energy invested.

We could use a Solomon
For decisions that we face.
In fact, we may need more than one
Before we leave this place.

Solomon prayed for wisdom
And we, too, stand today
With a prayer for wisdom:
Grant it, Lord, we pray!

For when this session's over,
And the prayers have all been prayed;
It could be we'll discover
The stuff of which we're made.

In the Name of Christ, Amen.

The Pledge of Allegiance was led by President Morris.

President Morris introduced the new reader, Stephen Jones, who is a second year law student at Washburn University.

COMMUNICATIONS FROM SECRETARY OF STATE

STATE OF KANSAS

OFFICE OF THE SECRETARY OF STATE

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that Terrie Huntington, Fairway, Kansas, was appointed by the Governor effective December 21, 2009, for the unexpired term of State Senator for the 7th Senate District, to fill the vacancy created by the resignation of David Wysong.

IN TESTIMONY WHEREOF, I hereto set my hand and caused to be affixed my official seal. Done at the City of Topeka, this 5th day of January, A.D. 2010.

RON THORNBURGH

Secretary of State

OATH OF OFFICE

President Morris introduced the Honorable Robert Davis, Chief Justice of the Kansas Supreme Court, who administered the Oath of Office to the newly appointed senator. Senator Vratil escorted Senator Terrie Huntington to the front of the chamber for the Oath of Office.

The roll was called with thirty-nine senators present as follows:

District

1 Dennis D. Pyle
 2 Marci Francisco
 3 Tom Holland
 4 David Haley
 5 Kelly Kultala
 6 Chris Steineger
 7 Terrie Huntington
 8 Thomas C. (Tim) Owens
 9 Julia Lynn
 10 Mary Pilcher-Cook
 11 John Vratil
 12 Pat Apple
 13 Bob Marshall
 14 Dwayne Umbarger
 15 Derek Schmidt
 16 Ty Masterson
 17 Jim Barnett
 18 Laura Kelly
 19 Anthony Hensley
 20 Vicki Schmidt

District

21 Mark Taddiken
 22 Roger P. Reitz
 23 Karin Brownlee
 24 Pete Brungardt
 25 Jean Kurtis Schodorf
 26 Dick Kelsey
 27 Leslie D. (Les) Donovan, Sr.
 28 Mike Petersen
 29 Oletha Faust-Goudeau
 30 Susan Wagle
 31 Carolyn McGinn (excused)
 32 Steve E. Abrams
 33 Ruth Teichman
 34 Terry Bruce
 35 Jay Emler
 36 Janis K. Lee
 37 Jeff Colyer
 38 Tim Huelskamp
 39 Stephen R. Morris
 40 Ralph Ostmeyer

INTRODUCTION OF GUESTS

President Morris introduced Dr. Michael Munger, President of the Kansas Academy of Family Physicians. Dr. Munger is a family physician at St. Luke's South Primary Care, Overland Park with hospital affiliations with St. Luke's South Hospital and Shawnee Mission Medical Center. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the Capitol during the session.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

On emergency motion Senator D. Schmidt, **SR 1801** by Senators Morris, D. Schmidt and Hensley as follows, was introduced and adopted by voice vote:

SENATE RESOLUTION No. 1801—

By Senators Morris, D. Schmidt and Hensley

A RESOLUTION relating to the organization of the Senate.

Be it resolved by the Senate of the State of Kansas: That the Secretary of the Senate notify the House of Representatives that the Senate is organized with the following officers:

Stephen Morris, president,
John Vratil, vice president,
Derek Schmidt, majority leader,
Anthony Hensley, minority leader,
Pat Saville, secretary,
Jody Kirkwood, sergeant at arms,

and awaits the pleasure of the House of Representatives.

On emergency motion of Senator D. Schmidt, **SR 1802** by Senators Morris, D. Schmidt and Hensley, was introduced and adopted by voice vote.

SENATE RESOLUTION No. 1802—

By Senators Morris, D. Schmidt and Hensley

A RESOLUTION relating to assignment of seats of the Senate.

Be it resolved by the Senate of the State of Kansas: The members of the 2010 regular session shall occupy the same seats they occupied in the 2009 regular session with the following exception: Senator Huntington, shall occupy seat No. 30.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 340, An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6407 and repealing the existing section, by Senator Vratil.

SB 341, An act concerning the division of post audit; relating to the school district audit team; amending K.S.A. 2009 Supp. 46-1132 and repealing the existing section, by Legislative Post Audit Committee.

SB 342, An act concerning cigarette lighters; prohibiting the sale of novelty cigarette lighters, by Senator Faust-Goudeau.

SB 343, An act concerning labor and employment; relating to leave for school-related educational activities, by Senator Faust-Goudeau.

SB 344, An act concerning the Kansas Sentencing Commission; relating to duties and functions; amending K.S.A. 74-9103, 74-9105 and 75-7001 and K.S.A. 2009 Supp. 74-9101 and 75-52,144 and repealing the existing sections; also repealing K.S.A. 74-9104, by the Legislative Post Audit Committee.

SB 345, An act concerning criminal procedure; relating to the probation services fee and the community correctional services fee; amending K.S.A. 21-4610a and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

SB 346, An act concerning the department of corrections; relating to the transfer of certain offenders; amending K.S.A. 2009 Supp. 75-5220 and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

SB 347, An act concerning postsecondary technical education; relating to the postsecondary technical education authority; amending K.S.A. 2009 Supp. 72-4482 and repealing the existing section, by Legislative Educational Planning Committee.

SB 348, An act concerning controlled substances; relating to certain synthetic cannabinoids; amending K.S.A. 2009 Supp. 65-4105 and repealing the existing section, by Senators V. Schmidt, D. Schmidt and Petersen.

SB 349, An act concerning birth centers; amending K.S.A. 65-501, 65-502, 65-504, 65-505, 65-506, 65-507, 65-508, 65-512 and 65-513 and K.S.A. 2009 Supp. 39-923, 59-2123, 65-525 and 65-67a10 and repealing the existing sections, by Joint Committee on Administrative Rules and Regulations.

SB 350, An act making and concerning appropriations for the fiscal year ending June 30, 2010, for state agencies; authorizing certain transfers, imposing certain restrictions and lim-

itations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

SB 351, An act relating to crimes and punishment; prohibiting text messaging while operating a moving motor vehicle; amending K.S.A. 21-3404 and repealing the existing section, by Committee on Ways and Means.

SB 352, An act concerning law enforcement officers; relating to eligibility and certification; amending K.S.A. 2009 Supp. 74-5605 and 74-5616 and repealing the existing sections, by Senator Hensley.

SB 353, An act concerning human trafficking; relating to coercing employment; peonage; human trafficking; aggravated human trafficking; forfeiture; amending K.S.A. 21-3446, 21-3447, 21-4643 and 22-4906 and K.S.A. 2009 Supp. 22-4902, 38-2361, 60-4104, 75-451, 75-452 and 75-453 and repealing the existing sections, by Senator D. Schmidt.

On emergency motion of Senator D. Schmidt, **SCR 1620** by Senators Morris, D. Schmidt and Hensley as follows, was introduced and adopted by voice vote.

SENATE CONCURRENT RESOLUTION No. 1620—

By Senators Morris, D. Schmidt and Hensley

A CONCURRENT RESOLUTION relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the governor, and inform the governor that the two houses of the legislature are duly organized and are ready to receive any communications the governor may have to present.

In compliance with **SCR 1620**, President Morris appointed Senator Bruce and Senator Kultala as Senate members of the committee to notify the Governor that the Legislature is organized and ready to receive any communications the Governor may have to present.

Senators Bruce and Senator Kultala will contact Representatives Hayzlett, Myers and Hawk, members of the House of Representatives appointed to notify the Governor.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

In accordance with Senate Rule 32, the following prefiled bills are referred as follows:

Business and Labor: **SB 343**

Education: **SB 340, SB 341.**

Federal and State Affairs: **SB 342.**

Judiciary: **SB 344, SB 345.**

MESSAGE FROM THE GOVERNOR

July 31, 2009

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Mark Parkinson
Governor

Appointments:

Secretary, Department of Agriculture, Joshua Svaty pursuant to the authority vested in me by KSA 74-560, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Ombudsman, State Long-Term Care Ombudsman, Belinda Vierthaler pursuant to the authority vested in me by KSA 75-7304, effective upon the date of confirmation by the Senate, to fulfill an unexpired term ending January 15, 2011.

Member, State Board of Indigents' Defense Services, John Poertner pursuant to the authority vested in me by KSA 22-4519 et seq., effective upon the date of confirmation by the Senate, to serve a term of 3 years.

Member, University of Kansas Hospital Authority, Scott M. Slabotsky pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Parole Board, Michael "Thomas" Sawyer pursuant to the authority vested in me by KSA 22-3707, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Development Finance Authority, Suchitra Padmanabhan pursuant to the authority vested in me by KSA 74-8903, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Technology Enterprise Corporation, Thomas Cohen pursuant to the authority vested in me by KSA 74-8101, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Board of Regents, Christine L. Downey-Schmidt, pursuant to the authority vested in me by KSA 74-3202a, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Board of Regents, Robert "Dan" Lykins pursuant to the authority vested in me by KSA 74-3202a, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Board of Regents, Juana "Janie" Perkins pursuant to the authority vested in me by KSA 74-3202a, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Commissioner, State Corporation Commission, Michael C. Moffet pursuant to the authority vested in me by KSA 74-601, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Electric Transmission Authority, Timothy McKee pursuant to the authority vested in me by KSA 74-99d03, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, University of Kansas Hospital Authority, Thomas E. Murphy III pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, University of Kansas Hospital Authority, Betty T. Keim pursuant to the authority vested in me by KSA 76-3304 effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Health Policy Authority, Dr. Vernon Mills pursuant to the authority vested in me by KSA 75-7401, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Kansas Parole Board, Robert Sanders pursuant to the authority vested in me by KSA 22-3707, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, State Court of Tax Appeals, Rebecca Crotty pursuant to the authority vested in me by KSA 74-2433, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Secretary, Department of Aging, Martin A. Kennedy pursuant to the authority vested in me by KSA 75-5903, effective upon the date of confirmation by the Senate.

September 1, 2009

To the Senate of the State of Kansas:

Submitted herewith to the Senate by me, the Governor of the State of Kansas, pursuant to law.

Mark Parkinson
Governor

Due to the death of Mr. Murphy, I would like to respectfully request that his name be removed from consideration from the following reappointment submitted August 4, 2009.

Member, University of Kansas Hospital Authority, Thomas Edward Murphy pursuant to the authority vested in me by K.S.A. 76-3304, to be effective upon the date of his confirmation by the Senate.

COMMUNICATIONS FROM STATE OFFICERS**KANSAS HEALTH POLICY AUTHORITY**

June 19, 2009

Joe Tilghman, Board Chairman, Kansas Health Policy Authority, announced the appointment of Dr. Andrew Allison, PhD, as the permanent executive director of the agency, subject to confirmation by the Kansas Senate.

OFFICE OF THE ATTORNEY GENERAL

February 25, 2009

Pursuant to KSA 74-7303, Steve Six, Attorney General, submitted for confirmation by the Senate the reappointment of Nan Porter as a member of the Crime Victims Compensation Board, effective March 16, 2009, and will expire March 15, 2012.

March 23, 2009

Pursuant to KSA 74-7303, Steve Six, Attorney General, submitted for confirmation by the Senate the appointment of Suzanne Valdez as Chairperson of the Crime Victims Compensation Board, effective immediately, and will expire March 15, 2012.

**STATE OF KANSAS
SENATE PRESIDENT**

August 14, 2009

In accordance with KSA 75-7401, Senate President Stephen R. Morris, appointed Dr. William A. Reed, to the Kansas Health Policy Authority.

January 11, 2010

The Honorable Stephen Morris
President, Kansas State Senate
State Capitol
Topeka, KS 66612

Dear President Morris:

As provided in K.S.A. 75-105, I have received from the Honorable Mark Parkinson, Governor of the State of Kansas, since the adjournment of the 2009 session of the legislature the following communications:

Executive Directives Nos. 09-398, 09-399, 10-400, 10-401, 10-402, 10-403, and 10-404, all relating to Authorizing Personnel Transactions and Expenditure of Federal Funds.

These communications are on file in the office of the Secretary of the Senate and are available for review at any time by members of the legislature.

Sincerely,

Pat Saville
Secretary of the Senate

January 11, 2010

The Honorable Stephen Morris
President, Kansas State Senate
State Capitol
Topeka, KS 66612

Dear President Morris:

This letter is to advise you that the Office of the Secretary of the Senate has received the following communications during the interim since adjournment of the 2009 Regular Session of the Legislature:

Office of the Attorney General submitted the 2008 Annual Report of the Consumer Protection Division pursuant to KSA 50-628.

Kansas Bureau of Investigation submitted a report regarding the status of the KBI State Forfeiture Fund in compliance with KSA 60-4117.

Kansas Department of Corrections submitted a report detailing the progress of the Kansas Community Corrections Statewide Risk Reduction Initiative pursuant to provisions of KSA 75-52,112.

Kansas Development Finance Authority submitted the Annual Report for the fiscal year ending June 30, 2009.

Kansas Pooled Money Investment Board submitted the Annual Report of the Pooled Money Investment Board for Fiscal Year 2009 in compliance with KSA 75-4222(h).

Kansas Public Employees Retirement System's Comprehensive Annual Financial Report for FY ending June 30, 2009.

Kansas State Treasurer submitted the 2009 Annual Report.

State of Alaska, Office of the Lieutenant Governor Craig E. Campbell, submitted a copy of House Joint Resolution No. 27, stating that the Tenth Amendment to the Constitution of the United States defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more. This resolution serves as Notice and Demand to the federal government to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers.

Sincerely,

Pat Saville

Secretary of the Senate

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

REPORTS OF STANDING COMMITTEES

Committee on Confirmation Oversight begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Kansas Electric Transmission Authority: K.S.A. 2009 Supp. 74-99d03

Timothy E. McKee, term expires March 15, 2013

Kansas Health Policy Authority: K.S.A. 2009 Supp. 75-7401

Dr. Vernon Mills, term expires March 15, 2013

Kansas Parole Board: K.S.A. 22-3707

Robert Sanders, term expires January 15, 2012

Michael "Thomas" Sawyer, term expires January 15, 2011

State Board of Regents: Section 2 of Article 6 of Constitution of the State of Kansas and K.S.A. 74-3202a

Christine L. Downey-Schmidt, term expires June 30, 2013

Robert Daniel Lykins, term expires June 30, 2013

Juana "Janie" Perkins, term expires June 30, 2013

State Court of Tax Appeals: K.S.A. 2009 Supp. 74-2433

Rebecca Crotty, term expires January 15, 2013

State Corporation Commission: K.S.A. 74-601

Michael C. Moffet, term expires March 15, 2012

University of Kansas Hospital Authority: K.S.A. 2009 Supp. 76-3304

Betty T. Keim, term expires March 15, 2012

By the Attorney General:

Crime Victims Compensation Board: K.S.A. 74-7303

Nan Porter, term expires March 15, 2013

MESSAGE FROM THE HOUSE

Announcing adoption of **HR 6001**, a resolution relating to the organization of the House of Representatives:

Be it resolved by the House of Representatives of the State of Kansas:

That the chief clerk of the House of Representatives notify the Senate that the House is organized with the following officers:

Michael O'Neal, speaker
 Arlen Siegfried, speaker pro tem,
 Ray Merrick, majority leader,
 Paul Davis, minority leader
 Susan Kannarr, chief clerk
 Wayne Owen, sergeant at arms,
 and await the pleasure of the Senate.

Announcing adoption of **HCR 5024**, a concurrent resolution providing for joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor, and the appointment of:
 Hayzlett, Myers and Hawk to escort the Governor
 to escort the Lt. Governor: Vickrey, Aurand and Mah
 to escort the Supreme Court: Brookens, King and Ruiz
 to escort the Senators: Horst, Mast and Menghini

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5024, a concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor was introduced and read by title.

On motion of Senator D. Schmidt, an emergency was declared, the rules suspended and **HCR 5024**, was adopted by voice vote.

In compliance with **HCR 5024**, President Morris appointed Senator Reitz and Senator Holland to escort the Governor; Senator Wagle and Senator Faust-Goudeau to escort the Lieutenant Governor; and Senator Apple and Senator Kelly to escort the Supreme Court.

The President announced the Senate would recess until 6:15 p.m., for the purpose of a joint meeting with the House of Representatives to hear the State of State Address by Governor Mark Parkinson.

MESSAGE FROM THE HOUSE

Announcing the adoption of **SCR 1620**, a concurrent resolution relating to a committee to inform the Governor that the two houses of the legislature are duly organized and ready to receive communications, and the appointment of Representatives Hayzlett, Myers and Lane as members of the committee to wait upon the Governor.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, January 12, 2010.

Journal of the Senate

SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 12, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Haley was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
Was someone dreaming of a white session
Like the ones we used to know
When the tree tops were glistening
People glued to the radio?

As far as Topeka is concerned
We broke a record in December,
And the parking lots are laden
With snow mounds to remember.

Water lines were cracking
And people sliding into ditches.
Lots of folks are hurting
And not burdened down with riches.

We are facing major issues.
Capitol Journal says there's ten.
All of them important
And affect our citizens.

But, Lord, while we are working
Under the old green dome,
Let's take some time to pray
For those who have no home.

And help us look for chances
To lend a personal hand
To someone who's in trouble
Needing help to stand.

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 354. An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6441, 72-6449 and 72-6451 and repealing the existing sections, by Committee on Ways and Means.

SB 355, An act concerning teachers; relating to teachers' contracts; amending K.S.A. 2009 Supp. 72-5437 and repealing the existing section, by Committee on Ways and Means.

SB 356, An act concerning the residential childhood lead poisoning prevention act; pertaining to rules and regulations; amending K.S.A. 65-1,201 and 65-1,202 and repealing the existing sections, by Committee on Ways and Means.

SB 357, An act concerning the Beloit juvenile correctional facility; authorizing the secretary of the department of administration to convey a certain tract of real estate for and on behalf of the juvenile justice authority; amending K.S.A. 2009 Supp. 38-2302 and 72-978 and repealing the existing sections; also repealing K.S.A. 76-2201, 76-2202, 76-2219 and 76-2220 and K.S.A. 2009 Supp. 76-2201a, by Senator Lee.

SB 358, An act concerning school districts; relating to special education; amending K.S.A. 72-983 and repealing the existing section, by Legislative Educational Planning Committee.

SB 359, An act concerning school districts; relating to special education; amending K.S.A. 72-983 and repealing the existing section, by Legislative Educational Planning Committee (By Request of the 2010 Commission).

SB 360, An act concerning small claims; amending K.S.A. 61-2714 and K.S.A. 2009 Supp. 61-2704 and 61-2707 and repealing the existing sections, by Senators D. Schmidt, Abrams, Apple, Huelskamp, Lynn, Petersen, V. Schmidt, Schodorf, Taddiken, Vratil and Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 347**.

Judiciary: **SB 346, SB 351, SB 352, SB 353**.

Public Health and Welfare: **SB 348, SB 349**.

Ways and Means: **SB 350**.

REFERENCE OF APPOINTMENTS

By the Attorney General:

Crime Victims Compensation Board, Chairperson:

Suzanne Valdez, effective upon the date of confirmation by the Senate to serve a four-year term expiring March 15, 2012.

(Judiciary)

By the Governor:

Secretary, Department of Aging:

Martin A. Kennedy pursuant to the authority vested in me by KSA 75-5903, effective upon the date of confirmation by the Senate.

(Public Health and Welfare)

Secretary, Department of Agriculture:

Joshua Svaty pursuant to the authority vested in me by KSA 74-560, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

(Agriculture)

Member, Kansas Development Finance Authority:

Suchitra Padmanabhan pursuant to the authority vested in me by KSA 74-8903, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

(Ways and Means)

Ombudsman, State Long-Term Care Ombudsman:

Belinda Vierthaler pursuant to the authority vested in me by KSA 75-7304, effective upon the date of confirmation by the Senate, to fulfill an unexpired term ending January 15, 2011.

(Public Health and Welfare)

Member, State Board of Indigents' Defense Services:

John Poertner pursuant to the authority vested in me by KSA 22-4519 et seq., effective upon the date of confirmation by the Senate, to serve a term of 3 years.

(Judiciary)

Member, University of Kansas Hospital Authority:

Scott M. Slabotsky pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate, to serve a term of 4 years.
(Public Health and Welfare)

Member, Kansas Technology Enterprise Corporation:

Thomas Cohen pursuant to the authority vested in me by KSA 74-8101, effective upon the date of confirmation by the Senate, to serve a term of 4 years.
(Commerce)

Kansas Health Policy Authority Board:

Dr. Andrew Allison has been appointed as the permanent Executive Director of the agency, subject to confirmation by the Kansas Senate.
(Public Health and Welfare)

By the President of the Senate:

Kansas Health Policy Authority Board:

Dr. William Reed for a four-year term expiring March 15, 2012.
(Public Health and Welfare)

COMMUNICATIONS FROM STATE OFFICERS

KANSAS DUI COMMISSION

December 2009

On behalf of the Kansas DUI Commission, Senator Thomas Owens, chairperson, submitted a copy of an interim report and recommendations.

KANSAS CORPORATION COMMISSION

CONSERVATION DIVISION

January 11, 2010

Director, Doug Louis, submitted a report on the Remediation Site Status Report and the Abandoned Oil & Gas Well Status Report.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

January 11, 2010

Pursuant to KSA 32-844 and KSA 32-845, J. Michael Hayden, Secretary, submitted the Land Acquisition and Renewal report.

SENATE PRESIDENT'S OFFICE

STATE OF KANSAS

December 21, 2009

In accordance with Rule 8 of the Senate Rules, I have established a Senate Select Committee to be named the Business and Labor Committee. The committee will meet at 8:30 a.m. on Tuesday and Wednesday.

I have appointed the following Senators to the committee:

- Senator Susan Wagle, chair
- Senator Julia Lynn, vice-chair
- Senator Jay Emler
- Senator Jean Schodorf
- Senator Roger Reitz
- Senator Karin Brownlee
- Senator Dick Kelsey
- Senator Tom Holland
- Senator Oletha Faust-Goudeau

In a meeting that took place today at 2:00 p.m. in the Senate President's Office, OCR made necessary adjustments to committee assignments required by the retirement of Senator David Wysong and the election of Senator Terrie Huntington to the 7th District senate seat.

Below is the summary of those changes:

Commerce Committee (meets Thursday & Friday at 8:30 a.m.):

Senator Karin Brownlee, Chair (replaces Senator David Wysong)

Senator Julia Lynn, Vice Chair

Members:

Senator Jay Emler

Senator Dick Kelsey

Senator Roger Reitz

Senator Jean Schodorf

Senator Susan Wagle

Senator Tom Holland

Senator Oletha Faust-Goudeau

Local Government:

Senator Terrie Huntington replaces Senator Carolyn McGinn

Ethics & Elections:

Senator Pete Brungardt becomes Vice Chair

Senator Pat Apple becomes a member

Senator Huntington replaces Senator Wysong

Ways & Means:

Senator Apple replaces Senator Wysong

Assessment and Taxation:

Senator Huntington replaces Senator Apple

Public Health and Welfare:

Senator Huntington replaces Senator Wysong

Transportation:

Senator Huntington replaces Senator Brownlee

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, January 13, 2010.

Journal of the Senate

THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 13, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Petersen was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
Unlike the Federal Government
States must balance their budget.
Money cannot be printed
And we're not allowed to "fudge it".
Again we face the dilemma:
Do we arrange for income growth?
Or reduce more allocations,
Or try hard to do both?
Regardless of what we do
There will be opposition.
But this will always happen
When there is competition.
To eliminate competition
There is a sure solution:
Elect an omnipotent dictator,
And ditch the Constitution.
Since that is so much worse, Lord,
We will pray for Your solution,
And do the best we can,
And retain the Constitution.
I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

POINT OF PERSONAL PRIVILEGE

Senator Barnett rose on a Point of Personal Privilege to introduce Brian Hagen, Rose Hill High School; Nicholas Ediger and Aaron Slater, Hillsboro High School; Dan Rahe, Emporia High School; Mark McCoy; Chelsea Turkin, Lyndon High School; and Carolyn Cole, State Advisor, all representing the Technical Student Association.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 361. An act relating to motor vehicles; providing for the issuance of gold star family license plates; amending K.S.A. 2009 Supp. 8-1,141 and 8-1,147 and repealing the existing sections, by Senator Kelsey.

SB 362. An act concerning school districts; relating to contracts of employment; amending K.S.A. 72-5452 and K.S.A. 2009 Supp. 72-5437 and repealing the existing sections, by Committee on Ways and Means.

SB 363. An act concerning civil procedure; relating to bankruptcy; exempt property; earned income tax credit, by Committee on Ways and Means.

SB 364. An act concerning the state fair board; authorizing the purchase of workers compensation insurance; amending K.S.A. 2009 Supp. 44-575 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 354, SB 355, SB 358, SB 359.**

Judiciary: **SB 360.**

Public Health and Welfare: **SB 356.**

Ways and Means: **SB 357.**

REPORT ON ENROLLED BILLS

SR 1801, SR 1802 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 13, 2010.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, January 14, 2010.

Journal of the Senate

FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 14, 2010—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-five senators present.
Senators Brungardt, McGinn, Morris, Ostmeyer and Taddiken were excused.
Invocation by Chaplain Fred S. Hollomon:

Today I want to give you a prelude to my prayer....

This morning in the headlines read: BODIES LITTER STREETS, UNTOLD ARE TRAPPED. The subtitles told us that an earthquake had hit Port-Au-Prince in Haiti Tuesday. It laid waste to the president's palace, hospitals, schools, a prison, and entire neighborhoods.

Considered the poorest nation in the Western Hemisphere, Haiti is hardly equipped to deal with this catastrophe. One official said the death toll could reach 500,000 which would amount to ¼ of the capital's population.

Our president has promised an all-out rescue and humanitarian effort. An estimated three million of the nation's nine million residents could need aid.

Heavenly Father,

Our state has had its share of natural disasters, so our hearts go out to those who are mourning or in need.

Use our churches, Lord, to send those who are experienced in aiding nations in this kind of tragedy.

When You confronted Cain after he had killed his brother, Abel, Cain replied, "Am I my brother's keeper?"

Centuries later, Jesus answered Cain's question when he told how at the judgment of the nations He would tell the righteous, "Whatever you did for one of the least of these brothers of Mine, you did for Me."

Lord, inspire us to be faithful to respond to those in need.

I pray in the Name of Jesus Christ, AMEN.

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were introduced and read by title:

SB 365, An act concerning expense allowances for certain state officers and employees; limiting certain increases; amending K.S.A. 2009 Supp. 46-137a and repealing the existing section, by Committee on Ways and Means.

SB 366, An act concerning telecommunications; related to charges by local exchange carriers; amending K.S.A. 2009 Supp. 66-2005 and repealing the existing section, by Committee on Utilities.

SB 367, An act regulating traffic; concerning the operation of motorcycles and motorized bicycles; amending K.S.A. 8-1598 and repealing the existing section, by Committee on Judiciary.

SB 368, An act concerning driving under the influence of alcohol or drugs; amending K.S.A. 2009 Supp. 8-1567 and repealing the existing section; also repealing K.S.A. 8-1567, as amended by section 6 of chapter 107 of the 2009 Session Laws of Kansas, by Committee on Judiciary.

SB 369, An act repealing K.S.A. 2009 Supp. 45-221i; relating to open records, by Committee on Judiciary.

SB 370, An act concerning the Kansas consumer protection act; relating to certain victims; enhanced civil penalties; amending K.S.A. 50-676, 50-677, 50-678, 50-679 and 50-679a and repealing the existing sections, by Committee on Judiciary.

SB 371, An act concerning civil procedure; relating to property damage amount; amending K.S.A. 60-2006 and repealing the existing section, by Committee on Judiciary.

SB 372, An act concerning guardianship and conservatorship; relating to orders and petitions; amending K.S.A. 2009 Supp. 59-3058, 59-3059, 59-3060 and 59-3061 and repealing the existing sections, by Committee on Judiciary.

SB 373, An act concerning municipal courts; clarifying which municipal ordinance violations require payment of an assessment; amending K.S.A. 2009 Supp. 12-4117 and repealing the existing section, by Committee on Judiciary.

SB 374, An act concerning evidence in civil actions; expression of apology, sympathy, commiseration or condolence not admissible as evidence of an admission of liability or as evidence of an admission against interest, by Committee on Judiciary.

SB 375, An act concerning abolition of the death penalty; amending K.S.A. 21-3452, 21-4622, 21-4634, 21-4635, 21-4641, 21-4706, 22-3405, 22-3705 and 22-4210 and K.S.A. 2009 Supp. 21-4619, 22-3717, 22-4902, 38-2255, 38-2271, 38-2312, 38-2365, 39-970, 65-5117, 72-1397 and 75-52,148 and repealing the existing sections; also repealing K.S.A. 21-3439, 21-4623, 21-4624, 21-4625, 21-4626, 21-4627, 21-4629, 21-4630 and 21-4631, by Committee on Judiciary.

SB 376, An act concerning administrative procedure; amending K.S.A. 2-1011, 2-1206, 2-1222, 2-1232, 2-1423, 2-2215, 2-2452, 2-3312, 2-3317, 8-2410, 9-535, 9-1111, 9-1135, 9-1721, 9-1804, 9-2107, 9-2108, 12-16,106, 16a-6-414, 17-12a609, 17-5225d, 25-4185, 31-142, 39-7,143, 39-7,144, 39-7,145, 39-7,146, 39-7,150, 39-7,151, 39-931, 39-964, 40-205d, 40-251, 40-1621, 41-323, 42-703, 44-5,120, 44-829, 44-928, 44-1011, 44-1044, 44-1208, 46-243, 46-263, 46-292, 47-1216, 47-1507, 47-1708, 48-1608, 48-1613, 49-422a, 49-621, 55-164, 55-1,119, 55-443, 55-606, 55-1410, 58-1307, 58-1405, 58-3058, 58-3314, 58-3959, 58-4120, 58-4211, 65-170d, 65-171s, 65-1,207, 65-1,210, 65-1,211, 65-438, 65-440, 65-504, 65-6a34a, 65-785, 65-788, 65-1121a, 65-1431a, 65-1451, 65-1458, 65-1518, 65-1628, 65-1828, 65-2844, 65-2851a, 65-3312, 65-3412, 65-3417, 65-3419, 65-3424l, 65-3440, 65-3446, 65-3456a, 65-3458, 65-34,106, 65-34,122, 65-34,153, 65-4015, 65-4120, 65-4211, 65-4509, 65-5310, 65-5314, 65-5315, 65-5416, 65-5516, 65-5815, 65-6412, 65-6509, 65-7009, 65-7010, 65-7216, 66-118c, 66-1,164, 68-2213, 72-5430a, 74-719, 74-5337, 74-7028, 74-7030, 74-7315, 74-8813, 74-8815, 75-2748, 75-2929h, 75-3342, 75-4330, 75-4334, 75-5951, 76-12a13, 77-522, 77-536, 77-631, 82a-1211, 82a-1214, 82a-1217, 82a-1410 and 82a-1505 and K.S.A. 2009 Supp. 1-311, 1-312, 2-1008, 2-1201b, 2-2206, 2-2440e, 2-2511, 8-259, 8-1020, 8-2404, 8-2411, 8-2603, 8-2605, 8-2606, 9-1805, 12-5325, 12-5354, 16a-6-108, 17-2221a, 25-4713, 25-4715, 31-134, 31-144, 31-159, 31-606, 32-950, 32-1114, 36-509, 36-515b, 39-925, 39-944, 39-947, 39-948, 39-1412, 44-322a, 44-556, 44-612, 44-709, 44-710b, 47-624, 47-1706, 47-1707, 47-1809, 47-2101, 55-1639, 65-163, 65-163a, 65-171d, 65-1,234, 65-516, 65-6a24, 65-6a56, 65-1469, 65-2005, 65-2305, 65-2422d, 65-2912, 65-3008a, 65-3490, 65-34,113, 65-7313, 68-2240, 72-974, 74-596, 74-598, 74-2426, 74-32,173, 74-5369, 74-5616, 74-5617, 75-7c07, 75-2714, 75-2724, 75-2973, 75-3307b, 75-6207, 76-11a11, 79-4707, 82a-302, 82a-724, 82a-737, 82a-1038, 82a-1216, 82a-1901, 82a-2005, 83-501 and 83-502 and repealing the existing sections, by Committee on Judiciary.

SB 377, An act concerning the Kansas home inspectors professional competence and financial responsibility act; amending K.S.A. 2009 Supp. 58-4505 and 58-4512 and repealing the existing sections, by Committee on Business and Labor.

SB 378, An act concerning income taxation; relating to credits; expenditures for restoration and preservation of certain historic structures; amending K.S.A. 2009 Supp. 79-32,211 and repealing the existing section, by Committee on Ways and Means.

SB 379. An act concerning Chautauqua county; relating to financing of jail; retailers' sales tax; amending K.S.A. 2009 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 380. An act concerning wildlife, parks and recreation; relating to public use of cabins on state land, by Committee on Natural Resources.

SENATE CONCURRENT RESOLUTION No. 1621—

By Senator Kelsey

A CONCURRENT RESOLUTION concerning the expenditure of public moneys to finance certain litigation against the Legislature or the State of Kansas.

WHEREAS, The people have all governmental power and exercise it through the legislative branch of the government, the legislature is free to act except as it is restricted by the state constitution; and

WHEREAS, The constitution of the state of Kansas limits rather than confers power, hence, we look to it to see what it prohibits instead of what it authorizes; and

WHEREAS, Any power and authority not limited by the constitution remains with the people and their legislators; and

WHEREAS, The people have given the judiciary the obligation to interpret legislative action within the framework of the constitution; and

WHEREAS, If a legislative enactment is constitutional, it is not for the court to set policy or to substitute its opinion for that of the legislature; and

WHEREAS, In determining whether a statute is constitutional, courts must guard against substituting their views on economic or social policy for those of the legislature. Courts are concerned only with the legislative power to enact statutes and appropriate money, not with the wisdom behind those enactments or appropriations; and

WHEREAS, The determination of the amounts, sources and objectives of expenditures of public moneys, especially at the state level, presents issues of enormous practical and political complexity, and resolution appropriately is largely left to the interplay of the interests and forces directly involved and indirectly affected in the arenas of legislative and executive activity. This is of the very essence of our governmental and political polity. It normally would be inappropriate, therefore, for the courts to intrude upon such decision-making; and

WHEREAS, The court in *State ex rel. Stephan v. House of Representatives* 236 Kan. 45 (1984) provided a detailed discussion of the doctrine of separation of powers. The court recognized the doctrine and that through it “a dangerous concentration of power is avoided through the checks and balances each branch of government has against the other,” and that, generally speaking, “the legislative power is the power to make, amend, or repeal laws; the executive power is the power to enforce the laws; and the judicial power is the power to interpret and apply the laws in actual controversies.”; and

WHEREAS, Under article 2, section 24 of the constitution of the state of Kansas, the power of appropriation is vested exclusively in the legislative branch; and

WHEREAS, The judiciary is not free to exercise all state power; it may exercise only the judicial power. The confinement of appropriations to the legislative branches, both in our federal and state governments, was not random. It reflects our national ideal that the power of appropriation must be under the control of those whose money is being spent: Now, therefore,

Be it Resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That given the delegation of the appropriation powers under the constitution of the state of Kansas, any order of the court directing the legislature to appropriate a specific level of funding is viewed as advisory in nature; and

Be it further resolved: That with respect to the determination of specific amounts of appropriations, the legislature of the state of Kansas should act based solely upon its own deliberative judgment as to the proper public policy determination and the amount of funding to be provided; and

Be it further resolved: That the legislature hereby declares its view that courts lack the constitutional authority to order the legislature to make specific amounts of appropriations; and

Be it further resolved: That the legislature hereby declares that no public moneys or moneys derived from the imposition of any tax shall be expended to finance or support litigation challenging the constitutionality of the amount of any legislative appropriation.

SENATE CONCURRENT RESOLUTION No. 1622—

By Committee on Judiciary

A PROPOSITION to amend section 2 of article 5 of the constitution of the state of Kansas, relating to qualification of voters.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 2 of article 5 of the constitution of the state of Kansas is hereby amended to read as follows:

“**§ 2. Disqualification to vote.** The legislature may, by law, exclude persons from voting because of ~~mental illness or~~ commitment to a jail or penal institution. No person convicted of a felony under the laws of any state or of the United States, unless pardoned or restored to his civil rights, shall be qualified to vote.”

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

“*Explanatory statement.* This amendment would repeal the authority of the legislature to exclude persons with mental illness from voting.

“A vote for this amendment would ensure that the right to vote for persons with mental illness cannot be taken away by the legislature.

“A vote against this amendment would continue the current authority of the legislature to take away the right to vote for persons with mental illness.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2010.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Business and Labor: **SB 364.**

Education: **SB 362.**

Judiciary: **SB 363.**

Transportation: **SB 361.**

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **SB 348** be amended on page 5, preceding line 43, by inserting the following:

“(35) N-benzpiperazine 7493
Some trade or other names: BZP.”;

On page 6, in line 37, by striking “statute book” and inserting “Kansas register”;

In the title, in line 9, by striking “synthetic”; in line 10, by striking “cannabinoids” and inserting “schedule I drugs”; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, January 15, 2010.

Journal of the Senate

FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 15, 2010—8:00 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with twenty-seven senators present.
Senators Barnett, Brownlee, Brungardt, Colyer, Faust-Goudeau, Huntington, Lynn, Masterson, McGinn, Morris, Ostmeyer, Taddiken and Wagle were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As we complete our first week,
Give us some rest at home.
Help us to relax in the city
Or out where the buffalo roam.

May we not be asked questions
Whose answers we do not know.
And spend quality time with family
Away from mountains of snow.

Help us return on Tuesday
Rested and ready to go.
Lord, give us enthusiasm;
Help us apply what we know.

We pray by the end of next week,
We begin to see a small light.
Back at the end of the tunnel
Where it seems to be getting bright!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 381, An act concerning crimes, punishment and criminal procedure; relating to justified threat or use of force; amending K.S.A. 21-3211, 21-3212, 21-3214, 21-3215, 21-3216, 21-3217, 21-3218 and 21-3219 and repealing the existing sections, by Senators D. Schmidt and Petersen.

SB 382, An act concerning the housing loan deposit program; relating to requirements for borrowers; amending K.S.A. 2009 Supp. 75-4277 and 75-4279 and repealing the existing sections, by Committee on Ways and Means.

SB 383, An act concerning fire safety and fire prevention; relating to school buildings; amending K.S.A. 2009 Supp. 31-150 and repealing the existing section, by Committee on Education.

SB 384. An act concerning telecommunications; modifying requirements for telecommunications carriers and local exchange carriers; amending K.S.A. 2009 Supp. 66-2005 and repealing the existing section, by Committee on Utilities.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to Committees as indicated:

Assessment and Taxation: **SB 378, SB 379.**

Business and Labor: **SB 377.**

Judiciary: **SB 368, SB 369, SB 370, SB 371, SB 372, SB 373, SB 374, SB 375, SB 376; SCR 1621, SCR 1622.**

Natural Resources: **SB 380.**

Transportation: **SB 367.**

Utilities: **SB 366.**

Ways and Means: **SB 365.**

CHANGE OF REFERENCE

The Vice President withdrew **SB 179** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on Federal and State Affairs.

The Vice President withdrew **SB 250, SB 251, SB 258** and **SB 325** from the Committee on Commerce, and referred the bills to the Committee on Business and Labor.

REPORT ON ENROLLED BILLS

SCR 1620 reported correctly enrolled, properly signed and presented to the Secretary of State on January 15, 2010.

MESSAGE FROM THE GOVERNOR

The following executive orders were received from Governor Kathleen Sebelius:

Executive Order 07-27, establishing the Statewide Interoperability Executive Committee (“SIEC”).

Executive Order 08-07, declaring a Drought Warning for Grant, Hamilton, Morton, Stanton and Stevens counties in the Southwest and a Drought Watch for Greeley, Scott and Wichita counties in the West Central part of the state and in Finney, Haskell, Kearny, Meade and Seward in the Southwest. The order remains in effect for 60 days or until revised or rescinded by a subsequent Executive Order.

Executive Order 08-08, declaring the state will expand the current certification program to include additional certification for Women Business Enterprises (“WBEs”) and Minority Business Enterprises (“MBEs”).

Executive Order 08-09, continuing the moratorium on employee bonuses for Fiscal Year 2009 and maintaining the dollar amount limit that was established in Fiscal Year 2006.

Executive Order 08-10, authorizing all full-time, classified and unclassified employees in the Executive Branch of the State of Kansas to spend up to 90 minutes of regularly scheduled work time per pay period for the purpose of working with an approved mentoring program.

Executive Order 08-11, declaring a Drought Warning for Grant, Morton, Stanton and Stevens counties in the Southwest and a Drought Watch for Greeley and Wichita counties in the West Central part of the state and in Hamilton, Haskell, Kearny, Meade and Seward in the Southwest. The order remains in effect until October 31, 2008 or until revised or rescinded by a subsequent Executive Order.

Executive Order 08-12, establishing the Kansas Partnership for Accessible Technology (“Partnership”).

Executive Order 08-13, rescinding the force and effect of Executive Order No. 08-06 promulgated by the Governor of the State of Kansas and abolishing the Kansas Energy Council created by such Executive Order.

Executive Order 09-01, creating the Facilities Closure and Realignment Commission.

Executive Order 09-02, creating the Kansas Coalition for Children in Nature (“KCCN”).

The following executive orders were received from Governor Mark Parkinson:

Executive Order 09-03, supporting, encouraging and approving the mutually agreed-to cross-evaluation of programs between the state department of education and the state board of regents.

Executive Order 09-04, continuing the moratorium on employee bonuses for fiscal year 2010.

Executive Order 09-05, establishing the Kansas Mentors with the Kansas Mentors Leadership Council serving as the main advisory body.

Executive Order 09-06, continuing Governor's Military Council, through February 28, 2011, unless rescinded earlier or lengthened by executive order.

Executive Order 09-07, offering a reward of five thousand dollars (\$5,000) for information leading to the arrest and conviction of the individual or individuals who committed the homicide of Jeffrey Rogers.

Executive Order 09-08, adopting a Leave Advancement policy whereby agency appointing authorities may provide paid leave to employees who have exhausted their own accrued leave.

Executive Order 09-09, designating United Way of the Plains as the lead entity for 2-1-1 Kansas as identified in the Calling for 2-1-1 Act of 2009.

Executive Order 09-10, offering a reward of five thousand dollars (\$5,000) for information leading to the arrest and conviction of the individual or individuals who committed the homicide of Beverly Logan.

The above Executive Orders are on file in the office of the Secretary of the Senate and are available for review at anytime.

REMARKS BY SENATOR HALEY

Mr. President:

Thank you for allowing this written reiteration of this, my sixteenth (16) consecutive, plea to the Kansas Legislature that we, collectively as true stewards of public service, might bring greater and more sincere meaning to the Rev. Dr. Martin Luther King, Jr. Birthday Holiday.

As I have urged with an appeal to the reason of your leadership in each of your Districts, this observance, this uniquely *American* Holiday does not belong to my religion or to yours, it doesn't belong to my race or to my culture or to my generation or to my gender exclusively or to yours . . . it belongs to us all. The principles of non-violent dispute resolutions do not belong to a political party whose leadership starts a war against an undetermined country nor do these principles belong to a political party whose leadership ironically wins a "peace" prize while assigning massive troops into hostile conflict. No, we ALL have work to do in order to live out the dream of brotherhood and sisterhood of all of our earthly kin. The dream of Dr. King remains deeply rooted in the American psyche of life, liberty and the pursuit of happiness. The true beauty found in a qualified diversity and of inclusion so eloquently espoused in King's passage ". . . content of character and not color of skin . . ." and which my late uncle *Roots* author Alex Haley extols too in all of us to "Find the good . . . and Praise it."

I continue to hope the best for Kansas and too for America, the greatest state in the best country. We as the elected leaders, as ambassadors of our respective fellow Kansans if you will Mr. President, should not go throughout this Holiday with tongue-in-cheek or cast off appreciation of a time of reflection and of aspiration which will make our nation stronger. By so serving then one day it might be said of each of us that during our Time and in service to our State with God's grace we too actually did make a difference.

Please have and hold a reflective, a reverent, a safe and productive and an active King Day.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, January 19, 2010.

Journal of the Senate

SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 19, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

I dedicate this prayer to the memory of Dr. Martin Luther King, Jr.

Heavenly Father,

You know, O God, that I grew up
In total segregation.
I hardly knew anyone
Of a different coloration.

Schools were segregated,
Yes, and churches, too.
Separate fountains and restrooms
Blacks were forced to use.

But when I got to Seminary
You showed I had a need
To deal with any prejudice
So Your orders I could heed.

When I retired, my wife and I
Became an active part
Of a predominately black church
Who welcomed us from the start.

So when some people in another state
Want to stop observing
King's birthday anniversary,
To us it is unnerving.

Though Dr. King lost his life
To one resorting to terror,
His strategy of non-violence
Proved more powerful than ever.

And for that we have You to thank, O God.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 385, An act concerning school districts; enacting the temporary education economic recovery act, by Committee on Ways and Means.

SB 386, An act concerning criminal procedure; relating to discovery and inspection; amending K.S.A. 22-3212 and repealing the existing section; also repealing K.S.A. 22-3433, by Committee on Judiciary.

SB 387, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, by Joint Committee on Special Claims Against the State.

SB 388, An act concerning insurance; relating to risk-based capital requirements for insurers; amending K.S.A. 2009 Supp. 40-2c01 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 389, An act concerning dental benefits under health insurance, by Committee on Financial Institutions and Insurance.

SB 390, An act relating to health insurance; concerning genetic testing by insurance and health entities; amending K.S.A. 40-2259 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 391, An act concerning anatomical gifts; relating to first person donor registry; amending K.S.A. 65-3219 and K.S.A. 2009 Supp. 65-3225 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 392, An act establishing the on-line motor vehicle financial security verification and compliance system; amending K.S.A. 2009 Supp. 8-173 and repealing the existing section, by Committee on Transportation.

SB 393, An act concerning agriculture; relating to administrative hearings; amending K.S.A. 34-298, 65-6a34a, 83-308 and 83-407 and K.S.A. 2009 Supp. 2-2122, 2-2449, 2-2469, 2-2512, 2-3311, 65-780 and 74-596 and repealing the existing sections, by Committee on Agriculture.

SB 394, An act concerning pesticide education; amending K.S.A. 2-2459a and 2-2460a and repealing the existing sections, by Committee on Agriculture.

SB 395, An act concerning agriculture; relating to milk, milk products and dairy products; relating to fees and licensing requirements; amending K.S.A. 65-777 and K.S.A. 2009 Supp. 65-771, 65-778 and 65-781 and repealing the existing sections, by Committee on Agriculture.

SB 396, An act concerning the laboratory fee fund; amending K.S.A. 2009 Supp. 74-554 and repealing the existing section, by Committee on Agriculture.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 383**.

Financial Institutions & Insurance: **SB 382**.

Judiciary: **SB 381**.

Utilities: **SB 384**.

REFERRAL OF APPOINTMENT CHANGE

President Morris withdrew the appointment of Suchitra Padmanabhan to the Kansas Development Finance Authority from the Committee on Ways and Means and referred it to the Committee on Commerce.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS CRIMINAL CODE RECODIFICATION COMMISSION

December 16, 2009

Professor Tom Stacy, Chairman, and Ed Klumpp, Vice Chairman, submitted the 2010 Final Report to the Kansas Legislature for Volume I - Recodification and Volume II - Policy Recommendations.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1803—

A RESOLUTION congratulating and commending the members of the 2010 Kansas Teacher of the Year Team.

WHEREAS, The Kansas State Department of Education sponsors the Kansas Teacher of the Year program which identifies, recognizes and utilizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the program is to build and utilize a network of exemplary teachers who are leaders in the improvement of schools, student performance and the teaching profession; and

WHEREAS, Two Teachers— one elementary and one secondary— in each of the state's four United States congressional districts were selected as finalists for recognition as Kansas Teacher of the Year, the Kansas Teacher of the Year being chosen from among the eight finalists. The Kansas Teacher of the Year is awarded The Hubbard Foundation Kansas Teacher of the Year Ambassadorship which enables the person selected to devote significant time during the second semester to activities to support the mission of the program. The 2010 Kansas Teacher of the Year and finalists were honored at an awards banquet on November 21, 2009. All members received a cash award as well as mementos of the events; and

WHEREAS, The Kansas Teacher of the Year is nominated to represent Kansas in the National Teacher of the Year program, a project of the Council of Chief State School Officers presented by the ING Foundation; and

WHEREAS, The 2010 Kansas Teacher of the Year is Karen M. Tritt, Shawnee Mission USD 512, and the regional finalists are Arthur R. Commons, Baxter Springs USD 508; Cathy Durano, Andover USD 385; Jeline D. Harclerode, Emporia USD 253; Joan L. Moore, McPherson USD 418; Rose M. Nemchik, De Soto USD 232; Beth Slawson, Paola USD 368 and Tracey B. Repp, Andover USD 385: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the 2010 Kansas Teacher of the Year Team and wish Mrs. Tritt success in the national competition; and

Be it further resolved: That the Secretary of the Senate provide eight enrolled copies of this resolution to the Commissioner of Education for forwarding to the members of the 2010 Kansas Teacher of the Year Team.

On emergency motion of Senator Vratil **SR 1803** was adopted unanimously.

Senator Vratil rose on a Point of Personal Privilege to pay tribute to Karen M. Tritt, 2010 Kansas Teacher of the Year from Shawnee Mission West High School, Overland Park. Also acknowledged were the 2010 Kansas Regional Teachers of the Year as follows: Arthur R. Commons, Baxter Springs High School, Baxter Springs; Cathy Durano, Cottonwood Elementary School, Andover; Jeline D. Harclerode, Emporia Middle School, Emporia; Joan L. Moore, Lincoln Elementary School, McPherson; Rose M. Nemchik, Riverview Elementary School, Shawnee; Beth Slawson, Cottonwood Elementary School, Paola; and Tracey B. Repp, Andover Central Middle School, Andover. The teachers were congratulated on their achievements.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, January 20, 2010.

Journal of the Senate

SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 20, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-nine senators present.

Senator V. Schmidt was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Dr. George Washington Carver, an African American who became an Agricultural Chemist, and one of Your most loyal servants, produced hundreds of products made from the peanut, pecan, sweet potato, and soybean, shared eight cardinal virtues with one class of his departing students, which he said constituted a lady or a gentleman.

Although these virtues were aimed at college graduates, it seemed to me to apply to all of us...

1. Be clean both inside and outside.
2. Neither look up to the rich nor down on the poor.
3. Lose, if need be, without squealing.
4. Win without bragging.
5. Always be considerate of women, children, and old people.
6. Be too brave to lie.
7. Be too generous to cheat.
8. Take your share of the world and let others have theirs.

Lord, I close with the way he closed his letter: May God help you to carry out these eight cardinal virtues and peace and prosperity be yours through life.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 397. An act concerning the Fort Scott/Bourbon county riverfront authority; relating to taxation; Kansas retailers' sales tax act, political subdivisions thereunder; property tax exemptions; amending K.S.A. 2009 Supp. 79-201a and 79-3602 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 398. An act concerning corporations; relating to indemnification and advancement of expenses; amending K.S.A. 17-6305 and repealing the existing section, by Committee on Judiciary.

SB 399. An act concerning crimes, punishment and criminal procedure; relating to aggravated endangering a child; controlled substances; amending K.S.A. 2009 Supp. 21-3608a, 21-36a01, 21-36a05, 21-36a10 and 21-36a13 and repealing the existing sections, by Committee on Judiciary.

SB 400, An act concerning eminent domain; relating to notification of payment of appraisers' award; amending K.S.A. 26-510 and repealing the existing section, by Committee on Judiciary.

SB 401, An act concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; creating the Kansas agricultural opportunity act; amending K.S.A. 2009 Supp. 74-8734, 74-8741, 74-8744, 74-8747, 74-8751 and 74-8768 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 402, An act concerning telecommunications; relating to commercial mobile radio services providers; amending K.S.A. 2009 Supp. 66-2005 and repealing the existing section, by Committee on Utilities.

SB 403, An act concerning the legislature; relating to compensation for legislative officers; amending K.S.A. 46-137e and K.S.A. 2009 Supp. 46-137b and repealing the existing sections, by Committee on Ways and Means.

SB 404, An act concerning education; establishing the early high school graduation scholarship program; amending K.S.A. 2009 Supp. 72-6438 and repealing the existing section, by Committee on Ways and Means.

SB 405, An act concerning municipalities; concerning official newspapers and official municipality internet web sites; amending K.S.A. 12-1651 and 64-101 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 393**, **SB 394**, **SB 395**.

Education: **SB 385**.

Financial Institutions & Insurance: **SB 388**, **SB 389**, **SB 390**.

Judiciary: **SB 386**.

Public Health and Welfare: **SB 391**.

Transportation: **SB 392**.

Ways and Means: **SB 387**, **SB 396**.

CHANGE OF REFERENCE

The President withdrew **HB 2299** from the Committee on **Transportation**, and rereferred the bill to the Committee on **Assessment and Taxation**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS PAROLE BOARD

January 15, 2010

Pursuant to the provisions of KSA 22-3710, Robert Sanders, Chairman, submitted the annual report of the Kansas Parole Board for Fiscal Year 2009.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **HB 2283**, requests a conference, and has appointed Representatives Powell, Fund and Lukert as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Lee, Morris, Abrams, Apple, Barnett, Brownlee, Emler, Francisco, Haley, Huelskamp, Huntington, Kelly, Kultala, Lynn, Marshall, McGinn, Ostmeyer, Pilcher-Cook, Reitz, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1804—

A RESOLUTION congratulating and commending the pioneer class of the
Kansas Academy of Mathematics and Science.

WHEREAS, The Legislature of the state of Kansas enacted legislation in 2006 authorizing the establishment of the Kansas Academy of Mathematics and Science to promote mathematics and science education, increase retention of intellectual capital, and promote economic development; and

WHEREAS, The Legislature of the state of Kansas approved five years of funding for the Kansas Academy of Mathematics and Science in 2008; and

WHEREAS, Fort Hays State University is a forward-thinking liberal and applied arts university, and is recognized internationally for offering more than 60 degrees in a technology-rich environment. Fort Hays State University aggressively seeks innovative solutions to meet the educational needs of Kansans and enhance the economic future of the state; and

WHEREAS, The State Board of Regents selected Fort Hays State University as the site to host the Kansas Academy of Mathematics and Science in 2007; and

WHEREAS, Fort Hays State University established the Kansas Academy of Mathematics and Science allowing Kansas to become the sixteenth state in the country with an academic early-entry-to-college program offering a unique residential learning experience for high achieving high school juniors and seniors who are academically talented in science and mathematics; and

WHEREAS, The Kansas Academy of Mathematics and Science provides a unique, hands-on rigorous research environment with PhD. faculty that focuses on academics, research, leadership development and civic engagement allowing Fort Hays State University to cultivate future citizen-leaders; and

WHEREAS, Students who graduate from the Kansas Academy of Mathematics and Science will receive a high school diploma and 68 hours of college credit; and

WHEREAS, The pioneer class of the Kansas Academy of Mathematics and Science convened in the fall semester of 2009 with 26 students, representing all four Kansas congressional districts; and

WHEREAS, The pioneer class of the Kansas Academy of Mathematics and Science will graduate in 2011; and

WHEREAS, The members of the pioneer class of the Kansas Academy of Mathematics and Science who will graduate in 2011 are: Kaleb Beough, Salina; Amanda Berckefeldt, Paola; Leo Budy, Basehor; Emilie Clare, Wichita; Tyler Clark, St. John; Isaac Cook, Olathe; Alexandria Darden, Lansing; Ben Davis, Wichita; Bryant Davis, Wilson; Seth Gooding, Mt. Hope; Alexis Greb-Bonham, Wellington; Whitney Hersh, Topeka; Kassaundra Kirk, Hutchinson; Jaeton Martin, Silver Lake; William Morris, Kingman; William Robertson II, Liberal; Carlton E. Savage, Holcomb; Kathryn Schmidt, Atchison; Christian Sellers, Fort Scott; Jennifer Snyder, Kansas City; Bailey Sprickler, Overland Park; Erica Stacey, Great Bend; Mersadez Tanner, Hays and Nicholas Van Swol, Everest. Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the pioneer class of the Kansas Academy of Mathematics and Science as they approach graduation and wish them continued success in their academic and personal pursuits and encourage them to use their significant gifts to improve the future of their home state; and

Be it further resolved: That we express gratitude to the educators and support staff of the Kansas Academy of Mathematics and Science who, through their dedication and commitment to excellence in education in the fields of mathematics and science, have brought this program to fruition through the success of the pioneer class. The efforts of the educators and support staff of the Kansas Academy of Mathematics and Science are helping to forge the future for the state of Kansas; and

Be it further resolved: That the Secretary of the Senate provide 24 enrolled copies of this resolution to Ron Keller, the Director of the Kansas Academy of Mathematics and Science, for forwarding to each of the 2011 graduates of the Kansas Academy of Mathematics and Science plus 10 copies for the Director of the Kansas Academy of Mathematics, and Science.

On emergency motion of Senator Lee **SR 1804** was adopted unanimously.

Senator Lee introduced Dr. Edward H. Hammond, President of Ft. Hays State University. Also introduced were the following Kansas Academy of Math and Science Students from Ft. Hays State University: Kaleb Beough, Amanda Berckefeldt, Leo Budy, Emilie Clare, Tyler Clark, Isaac Cook, Alexandria Darden, Ben Davis, Bryant Davis, Seth Gooding, Alexis Greb-Bonham, Whitney Hersh, Kassandra Kirk, Jaeton Martin, William Morris, William Robertson II, Carlton E. Savage, Kathryn Schmidt, Christian Sellers, Jennifer Snyder, Bailey Spickler, Erica Stacey, Mersadez Tanner and Nicholas Van Swol. The students were congratulated on their achievements.

Committee on Utilities introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1805—

A RESOLUTION urging the leaders of the state of Kansas and the United States to address global climate change while safeguarding American jobs and America's global competitiveness.

WHEREAS, The greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and have surpassed the greenhouse gas emissions of the United States and other developed countries;

WHEREAS, Kansas's greenhouse gas emissions account for only 0.23% of global greenhouse gas emissions; and

WHEREAS, Any system to regulate greenhouse gas emissions must not eliminate American jobs nor diminish the ability of American industry to compete in the global marketplace; and

WHEREAS, Any system to regulate greenhouse gas emissions must reward, not punish, early adopters of energy efficient technologies and practices; and

WHEREAS, Any system to regulate greenhouse gas emissions must adopt an international component to prevent "emissions leakage" and ensure that emissions do not simply migrate to another state or nation; and

WHEREAS, The only manner to quantify these emissions is through a domestic and international greenhouse gas emissions registry that is uniform, transparent, and verifiable; and

WHEREAS, Any system to regulate greenhouse gas emissions must ensure that the adopted regime does not result in the off-shoring of international trade sensitive industries; and

WHEREAS, Manufacturing accounts for \$15.2 billion of Kansas's gross state product and is the number one contributor to the state's economy. Kansas has already lost 20,700 manufacturing jobs since 1998; and

WHEREAS, Any system to regulate greenhouse gas emissions must ensure the availability of sufficient, affordable energy, including clean energy, before restricting emissions in a manner that could reduce the volume of energy available to consumers; and

WHEREAS, Any system to regulate greenhouse gas emissions must provide credits or allowances to support operations that reduce greenhouse gas emissions: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate of the state of Kansas and the United States should combat global climate change and reduce greenhouse gas emissions in a manner that promotes American jobs, saves American citizens and industries from higher energy prices, rewards early adopters of efficient practices and technologies, prevents "emissions leakage" and champions the global competitiveness of American industry; and

Be it further resolved: That the Secretary of the Senate be directed to send enrolled copies of this resolution to the governor of the state of Kansas, Mark Parkinson, and the Kansas Congressional delegation.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Secretary of Kansas Department of Agriculture: K.S.A. Supp. 74-560

Joshua Svaty, serves at the pleasure of the Governor

Committee on **Assessment and Taxation** recommends **HB 2353**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2353,” as follows:

“SENATE Substitute for HOUSE BILL No. 2353

By Committee on Assessment and Taxation

“AN ACT concerning Chautauqua county; relating to financing of jail; retailers’ sales tax; amending K.S.A. 2009 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections.”;

and the substitute bill be passed.

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Secretary of Department on Aging: K.S.A. Supp. 75-5903

Martin A. Kennedy, serves at the pleasure of the Governor

Committee on **Ways and Means** recommends **HB 2222**, as amended by House Committee, be amended by substituting a new bill to be designated as “Senate Substitute for HOUSE BILL No. 2222,” as follows:

“SENATE Substitute for HOUSE BILL No. 2222

By Committee on Ways and Means

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing.”;

and the substitute bill be passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, January 21, 2010.

Journal of the Senate

EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 21, 2010—2:30 p.m.

The Senate was called to order by Vice President John Vratil.

The roll was called with forty senators present.

Vice President Vratil introduced as guest chaplain, Rev. Robert H. Meneilly, Pastor emeritus, Village Presbyterian Church, Prairie Village, Kansas, who delivered the invocation.

God of all peoples, whatever our faith or absence of faith, attend we pray, this solemn assembly of public servants.

Bless these who have been chosen by the citizens of Kansas that they may do their work in a spirit of wisdom, kindness and justice. Give to these women and men a stubborn determination to make for civility in politics, and a determination to work in a bipartisan way that our state may flourish. Especially in these trying times of insufficient funds and public discord, guide each of these, both the mind and heart, to discern your will and do it. Help them to exercise their authority to serve faithfully, and to promote the general welfare of all citizens alike, forever keeping our faith communities and public policy separate. Cause your will to come through loudly and clearly so that not one can miss what is right, just and true, so help us God.

Amen

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 406, An act concerning taxation; relating to delinquent taxes; establishing service fee for taxpayers on installment payment plans, by Committee on Assessment and Taxation.

SB 407, An act concerning the liquor enforcement tax; relating to violations of such law; prescribing penalties therefor; licensees and persons required to be licensed, by Committee on Assessment and Taxation.

SB 408, An act relating to vehicles; concerning the registration thereof; amending K.S.A. 2009 Supp. 8-145d and repealing the existing section, by Committee on Transportation.

SB 409, An act establishing the passenger rail service program; providing for powers and duties of the secretary of transportation; establishing the passenger rail service revolving fund, by Committee on Ways and Means.

SB 410, An act concerning certain electronic payments received by state agencies; imposing notice requirements and civil penalty; amending K.S.A. 2009 Supp. 75-30,100 and repealing the existing section, by Committee on Ways and Means.

SB 411, An act concerning crimes and punishment; relating to criminal possession of a firearm; amending K.S.A. 2009 Supp. 21-4204 and repealing the existing section, by Committee on Judiciary.

SB 412, An act concerning taxation upon certain tobacco products; relating to little cigars; amending K.S.A. 79-3371 and K.S.A. 2009 Supp. 79-3301 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 413, An act concerning taxation upon certain tobacco products; relating to moist snuff; amending K.S.A. 79-3371 and K.S.A. 2009 Supp. 79-3301 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 414, An act concerning the health care stabilization fund; amending K.S.A. 2009 Supp. 40-3403 and 40-3404 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 415, An act concerning certain municipalities; pertaining to investment in certain bonds; pertaining to investment of certain bond income; amending K.S.A. 10-131 and K.S.A. 2009 Supp. 10-1009 and 12-1675 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 416, An act concerning ethics and election related issues; relating to state educational employees; amending K.S.A. 2009 Supp. 46-247a and repealing the existing section, by Committee on Ethics and Elections.

SB 417, An act concerning ethics and election related issues; relating to campaign finance; amending K.S.A. 2009 Supp. 25-4148a and repealing the existing section, by Committee on Ethics and Elections.

SB 418, An act concerning campaign finance; relating to electioneering communication; establishing certain reporting requirements, by Committee on Ethics and Elections.

SB 419, An act concerning election of city officers; pertaining to filing requirements; amending K.S.A. 2009 Supp. 25-2110 and 25-2110a and repealing the existing sections, by Committee on Ethics and Elections.

SB 420, An act concerning county extension councils; pertaining to the date of election of the governing body; amending K.S.A. 2-624 and repealing the existing section, by Committee on Ethics and Elections.

SB 421, An act concerning election crimes; pertaining to the penalty for voting when not qualified; amending K.S.A. 25-2416 and repealing the existing section, by Committee on Ethics and Elections.

SB 422, An act concerning elections; pertaining to certain primary elections; amending K.S.A. 25-2102 and K.S.A. 2009 Supp. 25-2021, 25-2108a and 71-1415 and repealing the existing sections, by Committee on Ethics and Elections.

SB 423, An act concerning certain public officers and employees; relating to use of unexpended campaign funds; amending K.S.A. 25-4142 and K.S.A. 2009 Supp. 25-4143 and 25-4157a and repealing the existing sections, by Committee on Ethics and Elections.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Assessment and Taxation: **SB 397**.

Federal and State Affairs: **SB 401**.

Judiciary: **SB 398**, **SB 399**, **SB 400**.

Utilities: **SB 402**; **SR 1805**.

Ways and Means: **SB 403**, **SB 404**, **SB 405**.

CHANGE OF REFERENCE

The Vice President withdrew the appointment of Michael C. Moffet to the State Corporation Commission from the calendar under the heading of Consideration of Appointments and referred it to the Committee on **Utilities**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS DEPARTMENT ON AGING

Martin Kennedy, Acting Secretary, submitted the July 1, 2008 - June 30, 2009 Annual Report.

KANSAS CORPORATION COMMISSION

January 14, 2010

Thomas E. Wright, Chairman, submitted a report concerning the availability of Broadband services in the State of Kansas, as directed by the 2008 Legislature in KSA 66-1250 through 1254.

KANSAS HIGHWAY PATROL

January 15, 2010

Pursuant to KSA 60-4117, Terry L. Maple, Superintendent, Kansas Highway Patrol, submitted the annual report regarding state forfeiture funds.

KANSAS DEPARTMENT OF ADMINISTRATION

January 19, 2010

Kent E. Olson, Director, Division of Accounts and Reports, submitted a CD containing the 56th Annual Financial Report of the State of Kansas for the fiscal year ended June 30, 2009. This Comprehensive Annual Financial Report (CAFR) is not distributed in bound book form, but is available on line at <http://da.ks.gov/ar/finrept>.

The Vice President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5025**.

Also, announcing adoption of **HCR 5027**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5025, HCR 5027 were thereupon introduced and read by title.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor and Attorney General to the Senate for confirmation, were considered.

Senator D. Schmidt moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Kansas Electric Transmission Authority:

Timothy E. McKee, term expires March 15, 2013.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The appointment was confirmed.

On the appointment to the:

Kansas Health Policy Authority:

Dr. Vernon Mills, term expires March 15, 2013.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The appointment was confirmed.

On the appointment to the:

Kansas Parole Board:

Robert Sanders, term expires January 15, 2012.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The appointment was confirmed.

On the appointment to the:

Kansas Parole Board:

Michael "Thomas" Sawyer, term expires January 15, 2011.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The appointment was confirmed.

On the appointment to the:

State Board of Regents:

Christine L. Downey-Schmidt, term expires June 30, 2013.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The appointment was confirmed.

On the appointment to the:

State Board of Regents:

Robert Daniel Lykins, term expires June 30, 2013.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The appointment was confirmed.

On the appointment to the:

State Board of Regents:

Juana "Janie" Perkins, term expires June 30, 2013.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The appointment was confirmed.

On the appointment to the:

State Court of Tax Appeals:

Rebecca Crotty, term expires January 15, 2013.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Emler, Wagle.

The appointment was confirmed.

On the appointment to the:

Secretary of Department on Aging:

Martin A. Kennedy, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Emler, Wagle.

The appointment was confirmed.

On the appointment to the:

Secretary of Kansas Department of Agriculture:

Joshua Svaty, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Emler, Wagle.

The appointment was confirmed.

On the appointment to the:

University of Kansas Hospital Authority:

Betty T. Keim, term expires March 15, 2012.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Emler, Wagle.

The appointment was confirmed.

By the Attorney General:

On the appointment to the:

Crime Victims Compensation Board:

Nan Porter, term expires March 15, 2013.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook,

Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Emler, Wagle.
The appointment was confirmed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Morris, Abrams, Barnett, Brownlee, Brungardt, Emler, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, McGinn, Ostmeier, Owens, Reitz, V. Schmidt, Schodorf, Steineger, Taddiken, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1806—

A RESOLUTION declaring January as Kansas Mentoring Month.

WHEREAS, The citizens of Kansas recognize that our continued success depends on ensuring every child succeeds in school and attains their full potential in life and to accomplish this, young Kansans need a solid foundation of support to become well-educated, confident and productive citizens; and

WHEREAS, Mentoring is a proven, effective strategy that empowers children and young adults by matching them with a caring, responsible adult who can provide guidance and direction and build the child's confidence; and

WHEREAS, Mentors build character, encourage success, boost confidence, lift expectations and expand the universe of a child, serving as friends, role models, teachers and sources of stability and support during a critical time in a child's life and development; and

WHEREAS, Research shows mentoring has beneficial and long-term effects on youth, increasing their chances of high school graduation and college attendance and decreasing the likelihood of substance abuse and other high risk behaviors; and

WHEREAS, Mentoring strengthens Kansas' economic and social well-being by helping young people fulfill their potential while learning to maintain healthy families and promote more vibrant communities; and

WHEREAS, By serving as mentors, every day residents of Kansas make a profound difference in the lives of our young people, supported by many private and public sector organizations that offer mentoring opportunities for youth; and

WHEREAS, Thousands of Kansas children need a caring adult mentor in their lives and closing this mentoring gap will require greater investment, increased partnerships and more quality volunteers ready to make a difference in a child's life; and

WHEREAS, Kansas recognizes this need by supporting Kansas Mentors, a statewide mentoring partnership that works with over 175 mentoring programs to increase the number of young Kansans being served by quality mentoring relationships; and

WHEREAS, National Mentoring Month offers an opportunity to raise public awareness of the benefits of mentoring, recognize the dedicated individuals who serve as mentors and encourage more citizens to build a brighter future for Kansas youth through mentoring:
Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the month of January 2010 is hereby declared Kansas Mentoring Month and the people of Kansas are called upon to recognize the value of mentoring, to look for opportunities to serve as mentors in their communities and to observe this month with appropriate activities and programs.

On emergency motion of Senator Reitz **SR 1806** was adopted unanimously.

Bill Snyder was recognized for his dedication with the program. Also welcomed were several Kansas Mentors from throughout the state.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the President of the Senate:

Kansas Health Policy Authority: K.S.A. Supp. 75-7401

William Allen Reed, M.D., term expires March 15, 2012

By the Governor:

Long-Term Care Ombudsman: K.S.A. Supp. 75-7304

Belinda Sue Vierthaler, term expires March 15, 2012

University of Kansas Hospital Authority: K.S.A. Supp. 76-3304

Scott M. Slabotsky, term expires March 15, 2012

By the Kansas Health Policy Authority:

Kansas Health Policy Authority, Executive Director: K.S.A. Supp. 75-7402

Dr. Robert Andrew Allison, serves at the pleasure of the Kansas Health Policy Authority

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Barnett in the chair.

SB 348 be amended by adoption of the committee amendments, and the bill be passed as amended.

A motion to refer **SB 348** back to the Committee on Public Health and Welfare failed.

The following amendment by Senator Haley to **SB 348** was rejected:

On page 5, by striking all in lines 39 through 42; in line 43, by striking “(35)” and inserting “(33)”.

A second amendment by Senator Haley to **SB 348** was rejected: on page 6, in line 39, by striking “Kansas register” and inserting “statute book”.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 348** was advanced to Final Action and roll call.

SB 348, An act concerning controlled substances; relating to certain schedule I drugs; amending K.S.A. 2009 Supp. 65-4105 and repealing the existing section.

On roll call, the vote was: Yeas 36, Nays 1, Present and Passing 1, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Haley.

Present and Passing: Francisco.

Absent or Not Voting: Donovan, Wagle.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: As a physician, I have seen first-hand the effects of drug abuse in teens and young adults. I've seen good people make bad decisions and be lead down paths they wouldn't have taken if it were not for drugs. Today, we have the opportunity to step in front of a substance that will have nothing but negative effects on the children and young adults in this great State. Join me today in voting yes on **SB 348**, because even though it is an imitation drug, it is still a drug. Thank you. — JIM BARNETT

MR. VICE PRESIDENT: I voted “pass” on **SB 348** after my motion to send this bill back to committee failed. I believe that our current statutes (K.S.A. 65-657) allow for the prohibition of the sale of the synthetic cannabinoids as they are constituents of K2, which is an altered device that is being misbranded. Four substances are identified in **SB 348**. In contrast to “HU-210” and N-benzpiperazine which have DEA controlled substances codes that are called for in the statute, there are no codes for “JWH-018” and “JWH-073”. Including the two non-controlled substances in this bill is in conflict with both the delegation of authority by the legislature to the Board of Pharmacy and with K.S.A. 65-4102 (c): “The

Board shall not include any non-narcotic substance within a schedule if such substance may be lawfully sold over the counter without a prescription under the federal food, drug and cosmetic act.” My hope is that research on synthetic cannabinoids will produce drugs that will be effective in the treatment of neuroinflammatory disorders and other diseases and that actions of the Kansas legislature encourage rather than discourage such research. —

MARCI FRANCISCO

MR. VICE PRESIDENT: I proudly vote “NO on **SB 348**.”

When this measure is one day repealed, K-2 (an “alternate to marijuana”) will be perhaps proven less harmful to the human body and less addictive than tobacco, many currently prescribed drugs and alcohol. We should regulate this stuff and tax it as we do the others or at least continue to allow its proven medicinal to alleviate pain, nausea etc.

As youth and others continue to search for legal ways to explore their flights of fancy, I fear that they will encounter more dangerous ways to experiment and ultimately do their minds and bodies true harm.

Although I do not condone drug use in any form and, in fact, support the addition of “BZP” and “HU 210” to the schedule, I remember the admonitions of the public hysteria associated with the movie “Reefer Madness” which attributed, falsely, ill effects to the smoking of marijuana.

It would be hypocritical to know this and repeat with my vote today a condemnation of a substance which no other state but Kansas will now rush to make illegal. — DAVID HALEY

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, January 22, 2010.

Journal of the Senate

NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 22, 2010—8:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with twenty-nine senators present.
Senators Barnett, Brungardt, Colyer, Donovan, Kelsey, Masterson, Ostmeier, Petersen, Pyle, Schodorf and Steineger were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
I decided to take the elevator
Instead of climbing stairs,
My fellow passenger asked if I
Was the guy who prayed “funny prayers”.

I’ve been asked a lot of questions, Lord,
But this was not one of them.
So I stammered before I answered,
“I guess I could be him.”

It started me to thinking, Lord,
“Is this my reputation?”
“If so, will I be asked
To surrender my ordination?”

The fact is I have often heard
Laughter’s good for life.
Though I sometimes overdo it:
(You can ask my wife.)

So if I should say something
To make some Senators laugh;
It may just be the very thing
That postpones their epitaph.

I’m still praying in the Name of Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 424. An act concerning motor vehicle registrations; relating to insufficient payment to county treasurers; amending K.S.A. 8-145b and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 425. An act concerning motor vehicle fuel; relating to blending of fuels, by Committee on Agriculture.

SB 426, An act concerning elections; pertaining to methods of voting absentee ballots by uniformed and overseas citizens and federal service voters; amending K.S.A. 25-1215 and 25-1218 and K.S.A. 2009 Supp. 25-1216 and repealing the existing sections, by Committee on Ethics and Elections.

SB 427, An act concerning taxation; relating to willful failure to collect tax or to commit other violations; amending K.S.A. 79-32,107 and K.S.A. 2009 Supp. 79-2971, 79-32,100c and 79-3643 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 428, An act concerning taxation; relating to electronic filing of returns, reports or other documents, fees and penalties; credits, disallowance; intangibles tax, filing procedure; amending K.S.A. 12-1,104 and K.S.A. 2009 Supp. 75-5151, 75-5151a, 79-3220, 79-3298, 79-32,105, 79-3607 and 79-3609 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 429, An act concerning sales taxation; relating to streamlined sales and use tax agreement conformity; amending K.S.A. 2009 Supp. 79-3609, 79-3651, 79-3666 and 79-3672 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 430, An act concerning income taxation; relating to credits, limitations; amending K.S.A. 2009 Supp. 79-32,264 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Assessment and Taxation: **SB 406**.

Commerce: **HCR 5027**.

Ethics and Elections: **SB 416, SB 417, SB 418, SB 419, SB 420, SB 421, SB 422, SB 423**.

Federal and State Affairs: **SB 412, SB 413**.

Financial Institutions & Insurance: **SB 414, SB 415**.

Judiciary: **SB 407, SB 411**.

Transportation: **SB 408, SB 409**.

Ways and Means: **SB 410**.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, January 25, 2010.

Journal of the Senate

TENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 25, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Bruce and Lee were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Being elected to this job,
I'd like to do my very best.
But I don't think that will happen
Until by You I have been blest.

Looking to the Proverbs,
I discover what You say;
I hear from You, the Master,
The most revealing way.

If I cry aloud for wisdom,
And regard it as a treasure,
You have promised to provide it
More than I can measure.

You have told me I will understand
What is right and just and fair,
And if I go where You will lead me,
I will find great wisdom there.

Thank You, Lord, for loving me.
You have made it very clear
No other can supply my needs;
No other can erase my fears.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 431. An act concerning property tax; regarding delinquent property taxes; providing for the sale of tax receivables, by Committee on Assessment and Taxation.

SB 432. An act concerning property taxes; delinquent taxes; fees for outsourcing collections; amending K.S.A. 2009 Supp. 79-2401a and repealing the existing section, by Committee on Assessment and Taxation.

SB 433, An act concerning sales taxation; relating to exemptions; Kansas Wildscape Foundation; amending K.S.A. 2009 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 434, An act concerning crimes and punishment; relating to unlawful sexual relations; amending K.S.A. 21-3520 and repealing the existing section, by Committee on Judiciary.

SB 435, An act concerning criminal procedure; relating to search incident to arrest; amending K.S.A. 22-2501 and repealing the existing section, by Committee on Judiciary.

SB 436, An act concerning children in need of care; relating to runaways; amending K.S.A. 2009 Supp. 38-2231 and repealing the existing section, by Committee on Judiciary.

SB 437, An act concerning the secretary of state; relating to filing requirements for resident agents; amending K.S.A. 17-6204, 56a-1001 and 56a-1102 and repealing the existing sections, by Committee on Judiciary.

SB 438, An act concerning business trusts; relating to required filings with the office of the secretary of state; amending K.S.A. 17-2030 and repealing the existing section, by Committee on Judiciary.

SB 439, An act concerning the secretary of state; relating to the Kansas register; amending K.S.A. 75-431 and K.S.A. 2009 Supp. 75-430 and repealing the existing sections; also repealing K.S.A. 75-432, by Committee on Judiciary.

SB 440, An act concerning the office of secretary of state; relating to registration of insignias; repealing K.S.A. 75-421, 75-422, 75-423, 75-424, 75-425, 75-426 and 75-427, by Committee on Judiciary.

SB 441, An act concerning corporations and business entities; relating to the merger of limited partnerships; amending section 11 of chapter 47 of the 2009 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 56-1a609, by Committee on Judiciary.

SB 442, An act concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund; docket fees for expungement of records; amending K.S.A. 2009 Supp. 8-2107, 8-2110, 21-4619, 22-2410, 23-108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections, by Committee on Judiciary.

SB 443, An act concerning elections; relating to campaign finance; amending K.S.A. 25-4153 and repealing the existing section, by Committee on Education.

SB 444, An act establishing the child witness protection act, by Committee on Ways and Means.

SB 445, An act concerning property tax; relating to exemptions; pertaining to property held by the secretary of transportation; amending K.S.A. 2009 Supp. 79-201a and repealing the existing section, by Committee on Ways and Means.

SB 446, An act concerning the department of administration; relating to approval of state contracts; amending K.S.A. 20-156, 20-1a13, 74-8704, 74-8709, 75-2540, 75-4101a, 76-720 and 76-770 and K.S.A. 2009 Supp. 40-3403, 74-8705, 74-99b16, 75-37,143, 75-4101, 75-4105, 75-5288, 76-760, 76-769 and 76-786 and repealing the existing sections; also repealing K.S.A. 75-3744, by Committee on Ways and Means.

SB 447, An act concerning child care; relating to supervision of children in child care facilities and licensing and inspection of family child care homes; amending K.S.A. 39-7,129, 65-504, 65-506, 65-512, 65-523, 65-524, 65-530 and 65-531 and K.S.A. 2009 Supp. 59-29a11, 65-503, 65-516, 65-525 and 65-526 and repealing the existing sections; also repealing K.S.A. 65-517, 65-518, 65-519, 65-520, 65-521 and 65-522, by Committee on Public Health and Welfare.

SB 448, An act concerning use of vital statistics; relating to maternal and child health surveillance and monitoring; amending K.S.A. 2009 Supp. 65-2422d and repealing the existing section, by Committee on Public Health and Welfare.

SB 449, An act concerning audiologists; relating to educational requirements for licensure; amending K.S.A. 65-6505 and repealing the existing section, by Committee on Public Health and Welfare.

SB 450, An act concerning telecommunications; relating to the federal universal service fund, by Committee on Utilities.

SENATE CONCURRENT RESOLUTION No. 1623—

By Committee on Natural Resources

A CONCURRENT RESOLUTION urging the United States Congress to exempt, because of its unique ecosystem and historic significance, the tallgrass prairie in the Flint Hills, from a smoke management plan mandated by the United States Environmental Protection Agency.

WHEREAS, The Flint Hills region of Kansas contains the world's largest share of the remaining tallgrass prairie, and is the only place where that habitat is in landscape proportions. Only 4% of North America's pre-settlement tallgrass prairie survives to this day, and 80% is located in Kansas; and

WHEREAS, The Flint Hills region is also home to certain declining avian species such as the greater prairie chicken and Henslow's sparrow that cannot continue to exist without large expanses of native tallgrass prairie in an original state, Further, it is a significant corridor for migrating shorebirds such as the American Golden Plover, the Buff-breasted Sandpiper, and the Upland Sandpiper; and

WHEREAS, Beginning in the mid-19th century, cattlemen understood that the richness of the Flint Hills grasses depended on a good spring burn—something they learned from the Native Americans. Fire still thrives in the Flint hills because the ranchers, and others using the land, know that the natural ecosystem depends on fire; and

WHEREAS, Ranchers, land owners and conservation groups use prescribed burns to mimic the seasonal fires that have shaped the tallgrass prairie for thousands of years. Areas not burned for several years develop mature grasses and thicker, thatch-like vegetation which habitat is preferred by invasive species; and

WHEREAS, The Flint Hills is one of the few places in the United States where the prevailing agricultural system works essentially in tandem with an ancestral native ecosystem, preserving most of its complexity and the dynamic processes that helped shape it; and

WHEREAS, Because of the uniqueness of the Flint Hills tallgrass prairie and the historic manner in which the tallgrass prairie has been managed by fire, existing prescribed burn practices should be allowed to continue without a federally prescribed "smoke management plan": Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we urge the United States Congress to exempt the tallgrass prairie of the Flint Hills from a smoke management plan mandated by the United States Environmental Protection Agency; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, the Administrator of the United States Environmental Protection Agency, and each member of the Kansas Congressional delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 425.**

Assessment and Taxation: **SB 427, SB 428, SB 429, SB 430.**

Ethics and Elections: **SB 426.**

Financial Institutions & Insurance: **SB 424.**

MESSAGE FROM THE GOVERNOR

January 21, 2010

Pursuant to KSA 22-3703, Governor Mark Parkinson reported the only pardon granted by him for the preceding year was for Samuel Jarvis Hunt.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

COMMUNICATIONS FROM STATE OFFICERSSTATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

January 21, 2010

Pursuant to KSA 75-723, Lucy Mills, Coordinator, Abuse, Neglect and Exploitation Unit of the Office of Kansas Attorney General Steve Six, submitted its Annual Report to the Legislature for the period of July 1, 2008 to June 30, 2009. The report may be accessed on the website of Attorney General Six at <http://www.ksag.org/files/ANE>.

KANSAS HEALTH POLICY AUTHORITY

January 22, 2010

In compliance with KSA 75-6509 Mike Michael, Deputy Director, State Employee Health Plan, submitted a compact disc (cd) containing the Kansas State Employees Health Care Commission 2009 Annual Report.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator D. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1807—

A RESOLUTION congratulating Guy and Mae's Tavern.

WHEREAS, Guy and Mae's Tavern has been family owned and operated in Williamsburg, Kansas since 1973; and

WHEREAS, Various celebrities have enjoyed Guy and Mae's barbeque, including Jeff Gordon, George Brett, and Doc Severinsen, Johnny Carson's bandleader from the earlier days of "The Tonight Show"; and

WHEREAS, Guy and Mae's Tavern has been honored in Kansas! Magazine and People Magazine; and

WHEREAS, The most popular dish at Guy and Mae's Tavern is the pork spare ribs because they are tender, tasty, and have a slow cooked smoky hickory flavor; and

WHEREAS, The barbeque sauce at Guy and Mae's Tavern is a special secret family recipe developed by Mae many years ago; and

WHEREAS, Guy and Mae's Tavern has been honored by the Kansas Sampler Foundation as one of the 8 Wonders of Kansas cuisine: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Guy and Mae's Tavern in Williamsburg, Kansas for excellence in barbequing which resulted in being honored as one of the 8 Wonders of Kansas cuisine; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Derek Schmidt.

On emergency motion of Senator D. Schmidt **SR 1807** was adopted unanimously.

Senator D. Schmidt introduced Mae Kesner, owner of Guy and Mae's tavern in Williamsburg, Kansas. Also introduced were: Diana Macoubrie, Judy Simpson, Ty Thompson, Lori Thompson, Ernie Macoubrie and Amy Macoubrie, all affiliated with Guy and Mae's tavern.

REPORT ON ENGROSSED BILLS

SB 348 reported correctly engrossed January 22, 2010.

REPORT ON ENROLLED BILLS

SR 1803, SR 1804, SR 1806 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 25, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 360, SB 371** be passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, January 26, 2010.

Journal of the Senate

ELEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 26, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-nine senators present.

Senator Lee was excused.

President Morris introduced as guest chaplain, Jim Young, Southbridge Fellowship Church and President, Capitol Commission, Raleigh, North Carolina, who delivered the invocation:

“Thine, O Lord, is the greatness and the power and the glory and the victory and the majesty, indeed everything that is in the heavens and the earth; Thine is the dominion, O Lord, and Thou dost exalt Thyself as head over all.”

Both riches and honor come from Thee, and Thou dost rule overall, and in Thy hand is power and might; and it lies in Thy hand to make great, and to strengthen everyone.

“Now therefore, our God, we thank Thee, and praise Thy glorious name.”

Father as David’s prayer was from the depth of his heart, may our prayer today represent our hearts as well.

Father I thank you for these men and women who at the direction of Your will have chosen to serve the people of Kansas and in so doing serve our nation which You have uniquely blessed.

Father I ask that you give them and their families the measure of health that will keep them dependent on You, and the measure of wealth that will allow them to continue to serve and honor You.

May Your wisdom direct every decision that is made today and may we all remember the One to whom we owe our all.

We ask these things in the name of the Lord Jesus Christ.

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 451, An act concerning municipal bonds; amending K.S.A. 2009 Supp. 10-106 and repealing the existing section, by Committee on Local Government.

SB 452, An act concerning minors; relating to purchase or consumption of alcoholic beverages by a person less than 18 years of age; detention; amending K.S.A. 2009 Supp. 41-727 and repealing the existing section, by Committee on Federal and State Affairs.

SB 453, An act concerning alcoholic beverages; relating to packaging and warehousing facility permits, by Committee on Federal and State Affairs.

SB 454, An act concerning alcoholic beverages; relating to license fees, term of license and eligibility; amending K.S.A. 41-326, 41-2607 and 41-2629 and K.S.A. 2009 Supp. 41-308a, 41-310, 41-311, 41-317, 41-350, 41-2606, 41-2622 and 41-2623 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 455, An act concerning the civil commitment of sexually violent predators; relating to expert testimony; amending K.S.A. 59-29a03 and 60-456 and repealing the existing sections, by Committee on Judiciary.

SB 456, An act concerning consumer protection; creating the Kansas robo-call privacy act, by Committee on Judiciary.

SB 457, An act concerning compensation of attorneys of indigent defendants; amending K.S.A. 22-4507 and 22-4508 and repealing the existing sections, by Committee on Judiciary.

SB 458, An act concerning criminal procedure; relating to admissibility and certification of forensic examinations; allowing interactive video testimony in limited instances; amending K.S.A. 2009 Supp. 22-3437 and repealing the existing section, by Committee on Judiciary.

SB 459, An act concerning juvenile offenders; relating to right to jury trial; amending K.S.A. 2009 Supp. 38-2344, 38-2357, 38-2364, 38-2365 and 38-2373 and repealing the existing sections, by Committee on Judiciary.

SB 460, An act concerning children; relating to permanency; priority of certain orders; amending K.S.A. 38-1116 and 60-3103 and K.S.A. 2009 Supp. 38-1121, 38-2201, 38-2202, 38-2203, 38-2208, 38-2212, 38-2242, 38-2243, 38-2251, 38-2255, 38-2258, 38-2264, 38-2272, 38-2273, 38-2279, 38-2304, 38-2305, 38-2361 and 60-1610 and repealing the existing sections, by Committee on Judiciary.

SB 461, An act concerning district magistrate judges; relating to compensation thereof; amending K.S.A. 2009 Supp. 75-3120k and repealing the existing section, by Committee on Ways and Means.

SB 462, An act regulating traffic; concerning liability for damage to highway or structure; amending K.S.A. 8-1913 and repealing the existing section, by Committee on Transportation.

SB 463, An act concerning county bonded debt limits; amending K.S.A. 2009 Supp. 10-306 and repealing the existing section, by Committee on Local Government.

SB 464, An act concerning payment of taxes; amending K.S.A. 24-623 and 79-2301 and K.S.A. 2009 Supp. 8-173 and repealing the existing sections, by Committee on Local Government.

SB 465, An act concerning cities; relating to certain nuisance abatement procedures; amending K.S.A. 12-1617f and K.S.A. 2009 Supp. 12-1617e and repealing the existing sections, by Committee on Local Government.

SB 466, An act concerning elections; pertaining to voter identification; pertaining to advance voting; pertaining to HAVA compliance; pertaining to mail ballot elections; pertaining to party affiliation declarations; amending K.S.A. 25-2354 and 25-3304 and K.S.A. 2009 Supp. 25-433 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-1216, 25-2309, 25-2908 and 25-3002 and repealing the existing sections, by Committee on Ethics and Elections.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Assessment and Taxation: **SB 431, SB 432, SB 433, SB 445.**

Ethics and Elections: **SB 443.**

Judiciary: **SB 434, SB 435, SB 436, SB 437, SB 438, SB 439, SB 440, SB 441, SB 442, SB 444.**

Natural Resources: **SCR 1623.**

Public Health and Welfare: **SB 447, SB 448, SB 449.**

Utilities: **SB 450.**

Ways and Means: **SB 446.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Brungardt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1808—

A RESOLUTION congratulating Benedictine College for its 152 years of service to the people of Kansas.

WHEREAS, Benedictine College, located in Atchison, Kansas, is one of the oldest colleges in Kansas, founded in 1858 and it recently celebrated its sesquicentennial; and

WHEREAS, Benedictine College was renamed in 1971 as a result of the merger of St. Benedict's College for men founded in 1858 and Mount St. Scholastica College for women founded in 1923; and

WHEREAS, Benedictine College, (Mount St. Scholastica College) is the alma mater of 2004 Nobel Peace Prize winner Wangari Maathai, Class of 1964; and

WHEREAS, Benedictine College has achieved the highest undergraduate enrollment in its history at 1,430 full-time students; and

WHEREAS, Benedictine College has brought two national championships back to the state of Kansas, the 1954 and 1967 NAIA National Basketball Championships; and

WHEREAS, Benedictine College has been named one of the top Catholic colleges in America by the Newman Guide to Choosing a Catholic College; and

WHEREAS, Benedictine College has been named to the first tier of America's Best Colleges by U.S. News & World Report; and

WHEREAS, Benedictine College was named a leader in educational excellence in the book, Colleges of Distinction; and

WHEREAS, Benedictine College is one of only 82 colleges nationwide to be named a McGowan Scholar School; and

WHEREAS, Benedictine College was named a best buy in faithfulness and affordability by the Center for the Study of Catholic Higher Education; and

WHEREAS, The Benedictine Education Department received an exemplary rating and was nationally recognized by the National Council for the Accreditation of Teacher Education; and

WHEREAS, Benedictine College is home to the Discovery Program, a dynamic experiential learning program that fosters student research beyond the classroom; and

WHEREAS, Natural science majors at Benedictine College continue on to graduate and professional schools at nearly twice the national average; and

WHEREAS, Benedictine College athletes are consistently honored for their academics and sportsmanship; and

WHEREAS, The Benedictine College Chamber Singers, a select choir, has traveled to Italy many times, singing from Venice to Rome and performing for the Pope; and

WHEREAS, Benedictine College is one of the few Catholic liberal arts schools in the country to offer an engineering program and multiple engineering majors: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Benedictine College for its outstanding service to the people of Kansas for providing excellence in higher education for over 152 years.

On emergency motion of Senator Brungardt **SR 1808** was adopted unanimously.

Senator Brungardt introduced Steve Minnis, President of Benedictine College and Kim Shankman, Dean of Benedictine College. Also representing Benedictine College were the following: Tim Andrews, Linda Henry, Matt Jackson, Keith Jaloma, Steve Johnson, Courtney Marshall, Andy Morgentern, Rosemary Wilkerson and Joe Wurtz.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 388** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, January 27, 2010.

Journal of the Senate

TWELFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 27, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Goliath the giant was nine feet tall,
And carried a sword in his hand.
David, a young shepherd boy,
With a sling shot challenged the man.

Our giant is 400 million dollars,
Which our state budget lacks.
We're waiting on David to appear
With five smooth stones in his sack.

The reason David, the shepherd boy
Left the nine foot giant dead,
Was not because of his sling shot,
But because God aimed the stone at his head.

Will raising taxes slay our giant?
Or reducing the budget once more?
Combinations have been suggested
With opposition to all on the floor.

Some may say praying is out of place,
And that we better beware.
But I don't think separation of church and state
Means separation of state and prayer!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 467. An act concerning the practice of optometry; amending K.S.A. 2009 Supp. 65-1501 and 65-1501a and repealing the existing sections, by Committee on Federal and State Affairs.

SB 468. An act concerning grand juries; relating to summoning; amending K.S.A. 22-3001 and repealing the existing section, by Committee on Ways and Means.

SB 469. An act concerning civil procedure; relating to remote claim liens on commercial property; establishing the state construction registry; amending K.S.A. 60-1103, 60-1110 and 60-1111 and repealing the existing sections, by Committee on Ways and Means.

SB 470. An act enacting the Kansas uniform common interest owners bill of rights act; amending K.S.A. 58-3119 and 58-3120 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 58-3830, by Committee on Local Government.

SB 471. An act concerning crimes and punishment; relating to harassment by telephone; harassment by telecommunications; amending K.S.A. 21-4113 and repealing the existing section, by Committee on Judiciary.

SB 472. An act concerning income taxation; relating to certain credits; prohibiting future transferability thereof; repealing certain credits; amending K.S.A. 39-7,132 and 65-7107 and K.S.A. 2009 Supp. 74-5005, 74-50,201, 74-50,202, 74-50,203, 74-50,205, 74-8133, 79-32,199a, 79-32,199b, 79-32,211 and 79-32,261 and repealing the existing sections; also repealing K.S.A. 79-32,200 and K.S.A. 2009 Supp. 74-50,208, 79-32,197a, 79-32,204, 79-32,207 and 79-32,242, by Committee on Assessment and Taxation.

SB 473. An act concerning physical therapy; relating to evaluation and treatment of patients; amending K.S.A. 2009 Supp. 65-2921 and repealing the existing section, by Committee on Public Health and Welfare.

SB 474. An act concerning the employment security law; pertaining to the definition of wages; amending K.S.A. 2009 Supp. 44-703 and repealing the existing section, by Committee on Business and Labor.

SB 475. An act concerning funeral services; amending K.S.A. 2009 Supp. 65-1713 and repealing the existing section, by Committee on Ways and Means.

SB 476. An act concerning sales taxation; relating to imposition of tax on certain services; exemptions, repealed; fund-raising sales; amending K.S.A. 2009 Supp. 12-189a, 79-3602, 79-3603 and 79-3606 and repealing the existing sections, by Committee on Assessment and Taxation.

SENATE CONCURRENT RESOLUTION No. 1624—

By Committee on Assessment and Taxation

A CONCURRENT RESOLUTION establishing a three-year moratorium on the granting of new tax exemptions, tax credits or economic development incentive programs involving employer withholding taxes.

WHEREAS, State and local tax revenues of \$11.77 billion for FY 2009 were 3.63% less than state and local tax revenues of \$12.22 billion for FY 2008, and were also less than state and local tax revenues of \$11.81 billion for FY 2007; and

WHEREAS, The November 2009 Consensus Revenue Estimate of State General Fund receipts for FY 2010 is \$5.3 billion, which is 5.2% less than actual State General Fund receipts for FY 2009; and

WHEREAS, The November 2009 Consensus Revenue Estimate of State General Fund receipts for FY 2011 is \$5.18 billion, which is 2.3% less than the November 2009 Consensus Revenue Estimate of State General Fund receipts for FY 2010; and

WHEREAS, The number of new property tax exemptions, sales tax exemptions, tax credits, and economic incentive programs involving the use of employer withholding taxes enacted has escalated significantly within the past 15 years in both number and dollar amount; and

WHEREAS, The significant growth in such new exemptions, credits and programs must cease until the policies underlying such growth can be examined in depth; and

WHEREAS, During this time of unprecedented multi-year reductions in state and local tax revenues, the need is even more acute to halt such growth and review the current policies for granting new property tax and sales tax exemptions, tax credits and economic development incentive programs involving the use of employer withholding taxes; Now, therefore:

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That, for tax years 2010, 2011 and 2012, there shall be a moratorium on the granting of any new property tax exemptions, sales tax exemptions, tax credits or economic development incentive programs involving the use of employer withholding taxes by the Legislature of the State of Kansas; and

Be it further resolved: That any new property tax, sales tax exemption or tax credit granted thereafter shall include provisions for the sunset of such exemption within three years.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics and Elections: **SB 466**.

Federal and State Affairs: **SB 452, SB 453, SB 454**.

Judiciary: **SB 455, SB 456, SB 457, SB 458, SB 459, SB 460**.

Local Government: **SB 451, SB 463, SB 464, SB 465**.

Transportation: **SB 462**.

Ways and Means: **SB 461**.

MESSAGE FROM THE GOVERNOR

January 26, 2010

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 10-01 for your information.

MARK PARKINSON
Governor

The President announced Executive Order No. 10-01, concerning guidelines for the Secretary of the Department of Social and Rehabilitation to follow regarding Parsons State Hospital and the Kansas Neurological Institute, is on file in the office of the Secretary of the Senate and is available for review at anytime.

January 26, 2010

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 10-02 for your information.

MARK PARKINSON
Governor

The President announced Executive Order No. 10-02, establishing the Kansas Advisory Committee of the Blind and Visually Impaired with purposes and charges, is on file in the office of the Secretary of the Senate and is available for review at anytime.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2414**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2414 was thereupon introduced and read by title.

CONSIDERATION OF MOTIONS AND SENATE RESOLUTIONS

HOUSE CONCURRENT RESOLUTION No. 5025—

By Representative O'Neal

A CONCURRENT RESOLUTION amending joint rule 4 of the senate and house of representatives for the 2009-2010 biennium.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That joint rule 4 of the senate and house of representatives for the 2009-2010 biennium be amended to read as follows:

Joint rule 4. Deadlines for introduction and consideration of bills. The senate and house of representatives shall observe the following schedule of deadlines in making requests for drafting and in the introduction and consideration of bills.

(a) Bill request deadline for individual members. Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes

after the hour of 5:00 p.m. on January 26, 2009, during the 2009 regular session and on January 25, 2010, during the 2010 regular session.

(b) Bill introduction deadline for individual members. Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 4, 2009, during the 2009 regular session and on February ~~10~~ 3, 2010, during the 2010 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

(c) Bill request deadline for certain committees. Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on January 30, 2009, during the 2009 regular session and on February ~~4~~ 1, 2010, during the 2010 regular session.

(d) Bill introduction deadline for certain committees. Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 6, 2009, during the 2009 regular session and on February ~~12~~ 5, 2010, during the 2010 regular session.

(e) House of origin bill consideration deadline. No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on February 21, 2009, during the 2009 regular session and on February ~~27~~ 20, 2010, during the 2010 regular session.

(f) Second house bill consideration deadline. No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by the house, not the house of origin of such bill, after the hour of adjournment on March 25, 2009, during the 2009 regular session and March ~~31~~ 24, 2010, during the 2010 regular session.

(g) Exceptions to limitation of (d), (e) and (f); procedure. Specific exceptions to the limitations prescribed in subsections (d), (e) and (f) may be made in either house by resolution adopted by the affirmative vote of not less than a majority of the members of such house then elected (or appointed) and qualified.

(h) Deadline which falls on day neither house in session; effect. In the event that any deadline prescribed in this rule falls on a day that neither house of the legislature is in session, such deadline shall be observed on the next following day that either house is in session.

(i) Bills introduced in odd-numbered years after deadlines; effect. Bills may be introduced by members and committees in regular sessions occurring in an odd-numbered year after the times prescribed in (b) and (d) of this rule, but there shall be no final action thereon by either house during the session when introduced. Such bills shall be held over for consideration at the next succeeding regular session held in an even-numbered year.

(j) Modification of schedule of deadlines for introduction and consideration of bills; procedure. In any regular session a concurrent resolution may be adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified of each house setting forth a different schedule of deadlines for introduction and consideration of bills for that session and the provisions of such concurrent resolution shall apply to such session notwithstanding provisions of this rule to the contrary.

(k) Bill consideration deadline; exceptions. No bills shall be considered by the Legislature

after April 4, 2009, during the 2009 regular session and after April ~~10~~ 6, 2010, during the 2010 regular session except bills vetoed by the Governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702 and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

On emergency motion of Senator D. Schmidt **HCR 5025** was adopted by voice vote.

REPORT ON ENROLLED BILLS

SR 1807, SR 1808 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 27, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 393** be amended on page 1, in line 17, by striking "without notice or hearing in accordance with" and inserting "without a hearing and subject to the notice requirements of";

On page 3, in line 15, by striking the comma; and the bill be passed as amended.

Also, **SB 394** be amended on page 1, in line 14, after the second comma by inserting "any other educational institutions of this state or of any other state, state and federal agencies, or any other person,"; by striking all in line 15; in line 22, after "any" by inserting "other"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 391** be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 5; in line 6, by striking "Sec. 2." and inserting "Section 1.";

On page 3, following line 2, by inserting the following:

"Sec. 2. K.S.A. 2009 Supp. 65-3239 is hereby amended to read as follows: 65-3239. (a) Information obtained under K.S.A. 8-247 and 8-1325, and amendments thereto, from the division of vehicles by the Kansas federally designated organ procurement organization shall be used for the purpose of establishing a statewide organ and tissue donor registry accessible to in-state recognized cadaveric organ and cadaveric tissue agencies for the recovery or placement of organs and tissue and to procurement agencies in another state when a Kansas resident is a donor of an anatomical gift and is not located in Kansas at the time of death or immediately before the death of the donor. No organ or tissue donation organization may obtain information from the organ and tissue donor registry for the purposes of fund-raising. Organ and tissue donor registry information shall not be further disseminated unless authorized in this section or by federal law. Dissemination of organ and tissue donor registry information may be made by the Kansas federally designated organ procurement organization to a recognized in-state procurement agency for other tissue recovery, or an out-of-state federally designated organ procurement agency. *An individual who agrees to have such individual's name in the first person consent organ and tissue donor registry has given full legal consent to the donation of any of such individual's organs or tissues upon such individual's death as recorded in the registry.*

(b) The Kansas federally designated organ procurement organization may acquire donor information from sources other than the division of vehicles.

(c) All costs associated with the creation and maintenance of the organ and tissue donor registry shall be paid by the Kansas federally designated organ procurement organization. Such organization shall also pay the costs of providing and maintaining the written information and educational materials required to be distributed under subsection (g) of K.S.A. 8-247, and amendments thereto, and under subsection (b) of K.S.A. 8-1325, and amendments thereto.

(d) An individual does not need to participate in the organ and tissue donor registry to be a donor of organs or tissue. The registry is to facilitate organ and tissue donations and not inhibit Kansans from being donors upon death.

(e) This section shall be a part of and supplemental to the revised uniform anatomical gift act.";

And by renumbering remaining sections;

Also on page 3, in line 3, by striking “K.S.A. 65-3219 and”; also in line 3, after “65-3225” by inserting “and 65-3239”;

In the title, in line 10, by striking “K.S.A. 65-3219 and”; also in line 10, after “and” where it appears for the second time, by inserting “65-3239 and”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 357** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Brungardt in the chair.

On motion of Senator Brungardt the following report was adopted:

Recommended **SB 360**, **SB 371** be passed.

The Committee report on **HB 2353** recommending a **S Sub for HB 2353** be adopted, and the substitute bill be passed.

The Committee report on **HB 2222** recommending a **S Sub for HB 2222** be adopted, and the substitute bill be passed.

S Sub for HB 2222 was amended by motion of Senator Emler, on page 2, in line 35, by striking “any” and inserting “such”; in line 36, by striking “any committee”; also in line 36, before the period by inserting “: *Provided further*, That during the fiscal years ending June 30, 2010, and June 30, 2011, the aggregate amount of expenditures by the legislature from the state general fund and any special revenue fund or funds for the additional postage allotment for the president of the senate, the speaker of the house of representatives, the speaker pro tem of the house of representatives, the vice president of the senate, the majority and minority leaders of the senate and the house of representatives, the assistant majority leaders of the senate and house of representatives, and the assistant minority leaders of the senate and house of representatives, during calendar year 2010, shall not exceed \$2,500 for each such officer of the legislature”;

S Sub for HB 2222 was further amended by motion of Senator Barnett, on page 5, following line 27, by inserting the following material to read as follows:

“Sec. 13.

KANSAS HEALTH POLICY AUTHORITY

(a) During the fiscal year ending June 30, 2010, in addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2010 for the Kansas health policy authority as authorized by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, or by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2010 to evaluate and describe short-term and intermediate-term options, adjustments and improvements to the state medicaid plan and to the policies, contracts, waivers, procedures and other administrative actions to attain economies and efficiencies in the provision of aid and services under the state medicaid plan: *Provided*, That, in the development of plans for such short-term and intermediate-term adjustments and improvements, the Kansas health policy authority shall consult with the governor, the secretary of aging, the secretary of social and rehabilitation services, the legislature, and, to the extent practicable and appropriate within the time available to develop such adjustments and improvements, representatives of persons and entities receiving or providing aid or assistance under the state medicaid plan: *Provided further*, That, in addition, during the regular session of the legislature in 2010, the Kansas health policy authority also shall consult with and report short-term and intermediate-term options, adjustments and improvements to the state medicaid plan to the senate committee on public health and welfare, the appropriate subcommittees of the senate committee on ways and means, the house of representatives committee on health and human services, the house of representatives committee

on aging and long-term care, and the house of representatives social services budget committee, on or before March 1, 2010.”;

And by renumbering sections accordingly and **S Sub for HB 2222** be passed as further amended.

Senator Colyer moved to amend **S Sub for HB 2222**, on page 5, following line 27, by inserting the following material to read as follows:

“Sec. 13.

DEPARTMENT ON AGING

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

LTC medicaid assist targeted case management/frail elderly	\$39,494
LTC medicaid assist nursing facility	\$2,810,150
LTC medicaid assist home community based service/frail elderly	\$543,513
LTC medicaid assist PACE	\$36,943

Sec. 14.

KANSAS HEALTH POLICY AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Other medical assistance	\$12,524,313
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(b) During the fiscal year ending June 30, 2010, in addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2010 for the Kansas health policy authority as authorized by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, or by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2010 to evaluate and describe short-term and intermediate-term options, adjustments and improvements to the state medicaid plan and to the policies, contracts, waivers, procedures and other administrative actions to attain economies and efficiencies in the provision of aid and services under the state medicaid plan: *Provided*, That, in the development of plans for such short-term and intermediate-term adjustments and improvements, the Kansas health policy authority shall consult with the governor, the secretary of aging, the secretary of social and rehabilitation services, the legislature, and, to the extent practicable and appropriate within the time available to develop such adjustments and improvements, representatives of persons and entities receiving or providing aid or assistance under the state medicaid plan: *Provided further*, That, in addition, during the regular session of the legislature in 2010, the Kansas health policy authority also shall consult with and report short-term and intermediate-term options, adjustments and improvements to the state medicaid plan to the senate committee on public health and welfare, the appropriate subcommittees of the senate committee on ways and means, the house of representatives committee on health and human services, the house of representatives committee on aging and long-term care, and the house of representatives social services budget committee, on or before March 1, 2010.

Sec. 15.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Other medical assistance	\$2,275,543
Community based services	\$1,505,351
Mental health and retardation services aid and assistance	\$2,391,618

Sec. 16.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Purchase of services	\$626,505
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Sec. 17.

GOVERNOR'S DEPARTMENT

(a) In addition to the other purposes for which expenditures may be made by the governor's department from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2010 as authorized by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the governor's department as soon as practicable in order to take the following actions: (1) Determine appropriate reductions in appropriations for state agencies from the state general fund for fiscal year 2010 to finance the appropriations from the state general fund made by this act for the department on aging, the Kansas health policy authority, the department of social and rehabilitation services and the juvenile justice authority for fiscal year 2010, which are equal to an aggregate amount of \$22,753,430, to restore the 10% reduction in payment rates to service providers under the state medicaid plan for fiscal year 2010; (2) exercise such authority as is available to the governor to provide for the secretary of administration to apply an allotment system under K.S.A. 75-3722, and amendments thereto, or otherwise under law to exercise other gubernatorial power, to require state agencies, designated by the governor for this purpose, to reduce expenditures of specified amounts of moneys appropriated from the state general fund for fiscal year 2010, which are equal to an aggregate amount of \$22,753,430, to finance the appropriations from the state general fund made by this act for the department on aging, the Kansas health policy authority, the department of social and rehabilitation services and the juvenile justice authority for fiscal year 2010; and (3) take such actions as may be required to authorize and obtain the receipt of additional federal moneys allocated for Kansas under the Federal American Recovery and Reinvestment Act of 2009, as amended, for expenditure during fiscal year 2010 by the state agencies designated by the governor for state general fund expenditure reductions under clause (2) of this subsection, which are equal to an aggregate amount of \$22,753,430, to finance such reductions, to the extent appropriate, with such federal moneys during fiscal year 2010.”;

And by renumbering sections accordingly;

Upon the showing of five hands, a roll call vote was requested:

On roll call, the vote was: Yeas 16, Nays 24, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Kelsey, Lynn, Marshall, Ostmeyer, Petersen, Pilcher-Cook, Schmidt D, Schmidt V, Steineger.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kultala, Lee, Masterson, McGinn, Morris, Owens, Pyle, Reitz, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The motion failed and the amendment was rejected.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 360**, **SB 371**; **S Sub for HB 2222**, **S Sub for HB 2353** were advanced to Final Action and roll call.

SB 360, An act concerning small claims; amending K.S.A. 61-2714 and K.S.A. 2009 Supp. 61-2704 and 61-2707 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 371, An act concerning civil procedure; relating to property damage amount; amending K.S.A. 60-2006 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

S Sub for HB 2222, An act making and concerning appropriations for the fiscal years ending June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Colyer, Holland, Lynn, Pyle.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **HB 2222**. We are facing huge budget crisis of unprecedented proportions. This is a structural deficit created by increasing spending over the years. The only way we can solve this is to grow the economy. Some call this a rescission bill but the only cuts in it are \$3 million. It does not balance the budget and this bill leaves a \$19 million deficit. Instead it is a bill that borrows from the Highway Trust Fund and other funds for a total of \$92 million. This means future budgets will face a huge budget deficit. I would have reluctantly supported it, if we had a better way of dealing with future spending and Medicaid without hurting seniors. Unfortunately the Governor's proposals mean we will have larger deficits for years in the future. — JEFF COLYER

MR. PRESIDENT — I vote no on **S Sub for HB 2222** due to concerns over policy surrounding the transfer of moneys from the state highway fund of the Department of Transportation to the state general fund. Hardworking Kansans expect their taxes to be used for the purpose they were intended. — DENNIS PYLE

S Sub for HB 2353, An act concerning Chautauqua county; relating to financing of jail; retailers' sales tax; amending K.S.A. 2009 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, January 28, 2010.

Journal of the Senate

THIRTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 28, 2010—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-nine senators present.
Senator Masterson was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As we tackle this giant of a problem, please convince the chronic critics of the legislators . . .

1. That just because bills pass they don't like, and bills die they do like, that they don't solve anything by calling the legislators names.
2. That complaining about the money they are paid because most of them already have jobs, indicates a lack of understanding that somebody has to take care of their jobs while they are gone.
3. That most of them have families for whom they are still responsible while they are serving as legislators for about 70,000 people.
4. That instead of blaming all of them for things they don't like, to send a note of thanks when their legislator votes for something they wanted.
5. That many of them get the feeling that the old saying is still true: "When I'm right, no one remembers; when I'm wrong, no one forgets."
6. That the chronic critics will accomplish a lot more by praying for their legislators than by constantly criticizing them.

I ask this in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 477. An act concerning property taxation; relating to exemptions; newly constructed building or other structure on residential property; procedures; duties of county or district appraiser, by Committee on Assessment and Taxation.

SB 478. An act concerning the Kansas cigarette and tobacco products act; violations of act; amending K.S.A. 79-3304, 79-3309, 79-3371 and 79-3378 and K.S.A. 2009 Supp. 79-3301, 79-3302, 79-3303, 79-3310, 79-3311, 79-3312, 79-3316 and 79-3321 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 79-3310c, by Committee on Assessment and Taxation.

SB 479. An act concerning unclaimed property; regarding tax information; disclosure of information to the state treasurer for the purpose of locating unclaimed property owners; amending K.S.A. 2009 Supp. 79-3234 and repealing the existing section, by Committee on Ways and Means.

SB 480. An act regulating traffic; concerning license plates; amending K.S.A. 2009 Supp. 8-133 and 8-2118 and repealing the existing sections, by Committee on Ways and Means.

SB 481. An act concerning district magistrate judges; relating to the elimination or reassignment of positions upon vacancy; amending K.S.A. 5-417, 16a-6-116, 17-1775, 17-7301, 17-7307, 17-76,121, 17-76,129, 20-301, 20-327, 20-329, 20-331, 20-333, 20-336, 20-348, 20-354, 20-2908, 22-2602, 22-2603, 22-2604, 22-2605, 22-2606, 22-2607, 22-2608, 22-2609, 22-2610, 22-2611, 22-2612, 22-2613, 22-2614, 22-2615, 22-2616, 22-2617, 22-2902, 22-3428, 22-3428a, 38-1116, 43-162, 43-163, 43-164, 47-421, 50-110, 50-638, 55-1617, 56-1a502, 56-1a510, 59-2126, 59-2138, 59-2203, 59-2207, 59-2403, 60-242, 60-601, 60-602, 60-603, 60-604, 60-605, 60-606, 60-607, 60-608, 60-609, 60-611, 60-612, 60-613, 60-614, 60-4103, 61-2708, 61-3402, 61-3403, 61-3404, 61-3405, 61-3406, 61-3407, 61-3409, 66-118e, 75-6907, 77-609 and 77-624 and K.S.A. 2009 Supp. 8-259, 8-1020, 26-501, 38-2204, 38-2305, 40-218, 43-107, 43-158, 59-2136, 59-2971, 59-29b71 and 74-711 and repealing the existing sections; also repealing K.S.A. 20-301b, 20-338, 20-3107, 20-3108, 20-3109, 20-3110 and 72-6776 and K.S.A. 2009 Supp. 43-112a and 43-112b, by Committee on Ways and Means.

SB 482. An act concerning development and redevelopment of areas in the state; defining terms; financing projects; assessments; amending K.S.A. 2009 Supp. 12-6a27, 12-6a28, 12-6a29, 12-6a30, 12-6a31, 12-6a36, 12-1770a, 12-1774 and 12-17,142 and repealing the existing sections, by Committee on Commerce.

SB 483. An act relating to motor vehicles; concerning the use of safety belts; amending K.S.A. 2009 Supp. 8-2503 and 8-2504 and repealing the existing sections, by Committee on Transportation.

SB 484. An act relating to drivers' licenses; concerning restricted licenses and instructional permits; amending K.S.A. 2009 Supp. 8-296, 8-2,100 and 8-2,101 and repealing the existing sections, by Committee on Transportation.

SB 485. An act concerning postsecondary education; relating to private and out-of-state postsecondary educational institutions; amending K.S.A. 2009 Supp. 74-32,162, 74-32,163, 74-32,167, 74-32,168, 74-32,169, 74-32,170, 74-32,178 and 74-32,181 and repealing the existing sections, by Legislative Educational Planning Committee.

SB 486. An act concerning the employment security law; pertaining to certain payments required; amending K.S.A. 2009 Supp. 44-717 and repealing the existing section, by Committee on Business and Labor.

SENATE CONCURRENT RESOLUTION No. 1625—

By Joint Committee on Kansas Security

A CONCURRENT RESOLUTION urging the United States Congress to fund the construction of the National Bio and Agro-defense Facility (NBAF) and the Department of Homeland Security to advance the sale of Plum Island Animal Disease Center and fully fund.

WHEREAS, When it comes to the critically urgent work of protecting America's food supply, the NBAF offers the only long-term solution to secure the nation's food supply and agricultural economy through integrated biosafety research, testing, and evaluation of agricultural and public health threats; and

WHEREAS, Since 2004, the Department of Homeland Security (DHS) has reported on the defined capability gap in integrated biosafety research, development, testing, and evaluation of agricultural and public health threats posed by foreign animal, emerging, and zoonotic diseases in large livestock; and

WHEREAS, The NBAF will eliminate the capability gap outlined in 2004 by providing a domestic, modern, integrated high-containment facility containing BioSafety Level (BSL) 2/3/3Ag/4 laboratories for up to 350 scientists and support staff to safely and effectively address the accidental or intentional introduction of animal diseases into the United States; and

WHEREAS, In 2006, DHS implemented an exhaustive three-year selection process that chose Kansas as the best home on the merits for a new research facility to protect the American food supply and agriculture economy. Throughout the review, Kansas was noted for its internationally recognized animal health research expertise, state-of-the-art research

and industry infrastructure, and deep agricultural heritage — all of which will significantly accelerate research efforts; and

WHEREAS, In January 2009, the Department of Homeland Security sited the National Bio and Agro-defense Facility in Manhattan, Kansas on the campus of Kansas State University based upon the unanimous recommendation of a panel of biocontainment experts; and

WHEREAS, In its Record of Decision published in the *Federal Register* on January 16, 2009, the Department of Homeland Security noted that, “based on the numerous strengths” that were evident when evaluating the Manhattan Campus Site against the evaluation criteria, DHS found that this location best met the purpose and need to site, construct and operate the NBAF. Specifically, the site location near KSU provides site proximity to existing research capabilities that can be linked to NBAF mission requirements. Additionally, the site’s proximity to the KSU College of Veterinary Medicine, KSU College of Agriculture, and the Biosecurity Research Institute is relevant to the NBAF mission and a significant strength; and

WHEREAS, The bipartisan Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism’s October 2009 progress report called *The Clock is Ticking* defined the critical importance of the NBAF by concluding that bioterrorism is the most imminent threat to our homeland security and called for investment to limit the consequences of a bioweapons attack and improve our nation’s capabilities to recognize, respond and recover from such an attack; and

WHEREAS, The State of Kansas recognizes this threat and has committed to partner with the Department of Homeland Security and the United States Department of Agriculture to initiate NBAF related research during the construction of the NBAF in order to accelerate its critical mission of protecting our nation’s agriculture economy; and

WHEREAS, Once construction is completed, the NBAF will serve as the nation’s premier research facility for developing vaccines and countermeasures for diseases that threaten livestock and other animals, which agricultural and bioterrorism experts consider an urgent national priority; and

WHEREAS, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329) requires that, having chosen a site other than Plum Island New York, the Department of Homeland Security Secretary is to sell Plum Island through the General Services Administration. Proceeds of the sale shall be available for site acquisition, construction and costs related to the construction of the NBAF: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we recognize the vital role the National Bio and Agro-defense Facility will play in the future to securing our country from natural and deliberate threats to our food supply, agricultural economy and public health posed by dangerous foreign animal diseases; that we urge the federal government to act aggressively in addressing the threats of bioterrorism; and

Be it further resolved: The construction and operations of the National Bio and Agro-defense Facility must be accelerated to eliminate the capability gap outlined in 2004 by DHS, the 2009 *The Clock is Ticking* report, and provide the research, testing, and evaluation necessary to secure the nation’s food supply and agricultural economy.

Be it further resolved: That we urge the United States Congress provide for funding to ensure the timely construction and operations of the National Bio and Agro-defense Facility and that the Department of Homeland Security and the General Services Administration to move quickly to sell Plum Island; and

Be it further resolved: That copies of this resolution be provided to President Obama and Vice President Biden, Secretary Napolitano of the U.S. Department of Homeland Security, Secretary Vilsack of the U.S. Department of Agriculture, Secretary Sebelius of the U.S. Department of Health and Human Services, the U.S. House of Representatives and U.S. Senate homeland security appropriations subcommittees, the Kansas congressional delegation and Governor Mark Parkinson.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Assessment and Taxation: **SB 472, SB 476; SCR 1624.**
 Business and Labor: **SB 474.**
 Federal and State Affairs: **SB 475.**
 Judiciary: **SB 468, SB 469, SB 471.**
 Local Government: **SB 470.**
 Public Health and Welfare: **SB 467, SB 473.**
 Ways and Means: **HB 2414.**

MESSAGE FROM THE GOVERNOR

January 27, 2010

To the Senate of the State of Kansas:

Submitted herewith to the Senate by me, the Governor of the State of Kansas, pursuant to law, is the request that Michael Moffet be withdrawn for the following reappointment submitted August 4, 2009.

Commissioner, State Corporation Commission, Michael C. Moffet pursuant to the authority vested in me by KSA 74-601, effective upon the date of confirmation by the Senate, to serve a term of four years.

MARK PARKINSON
Governor

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Committee on Natural Resources introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1809—

A RESOLUTION opposing the United States Environmental Protection Agency's greenhouse gas regulation by rulemaking.

WHEREAS, The United States Environmental Protection Agency's decision to declare greenhouse gases a toxic pollutant and to further regulate greenhouse gases represents a stark deviation from the normal federal legislative process; and

WHEREAS, Lawmaking that impacts entire sections of the American economy should not be done by administrative fiat, but rather such laws and regulations should be made by elected members of the United States Congress who can act upon the views of their constituents and be held accountable for their votes by fair and frequent elections; and

WHEREAS, The United States Environmental Protection Agency, by creating such a unilateral ruling, has circumvented the Constitutionally required separation of powers and sets a dangerous precedent for our nation; and

WHEREAS, This ruling has far-reaching negative consequences both nationally, and for the state of Kansas; and

WHEREAS, The state of Kansas produces significant amounts of oil and natural gas as well as numerous agricultural products such as cattle, sheep, wheat, sorghum, soybeans, cotton, hogs and corn, all of which would be subject to strict regulation and would be harmed by increased input costs and other economic strains; and

WHEREAS, During strenuous economic times, ordinary Kansans cannot afford to be hit with onerous regulations on our most crucial economic sectors; and

WHEREAS, The state of Kansas joins with other states and officials in requesting the Environmental Protection Agency to withdraw its ruling so that economic impact of such a decision can be considered and so that the normal legislative process can be pursued: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the leaders of the state of Kansas urge the United States Environmental Protection Agency to withdraw its rule that declares greenhouse gases a "toxic pollutant" and further regulates such gases. The leaders of the state of Kansas urge that such lawmaking be done through the normal legislative process so that important economic concerns may be considered.

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to the governor of the state of Kansas, Mark Parkinson, and the Kansas Congressional delegation.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Kansas Technology Enterprise Corp.: K.S.A. Supp. 74-8101

Thomas M. Cohen, term expires January 15, 2011

Kansas Development Finance Authority: K.S.A. 74-8903

Suchitra Padmanabhan, term expires January 15, 2013

Committee on **Ethics and Elections** recommends **SB 421, SB 426** be passed.

Committee on **Judiciary** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Attorney General:

Crime Victims Compensation Board, Chairperson: K.S.A. 74-7303

Suzanne Valdez, term expires March 15, 2012

By the Governor:

State Board of Indigents' Defense Services: K.S.A. 22-4519

John Poertner, term expires January 15, 2011

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, January 29, 2010.

Journal of the Senate

FOURTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS

Friday, January 29, 2010—8:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-one senators present.

Senators Brownlee, Brungardt, Colyer, Faust-Goudeau, Masterson, Petersen, Pyle, Steinger and Wagle were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Today, O God, I want to wish my state a Happy Birthday.

When I dream of Kansas,
A thousand pictures form:
Pictures of now and then,
Of peaceful times, of storm.

Of waving wheat and rolling hills
And elevators tall;
Of blazing winter sunsets,
The cardinal's lilting call.

Names emerge adorning
The horizons of my mind:
Abilene and Hickok,
From the rough and tumble times.

Capper, White, and Earhart;
Turkey red and Hays.
Leavenworth and Wichita
Brighten Kansas' days.

I dream of frigid winters,
Of summers blistering hot.
I see the birth of character:
A prairie Camelot.

I sometimes cross its borders
To survey other scenes;
But my heart belongs to Kansas,
My land of pleasant dreams.

And I give You all the glory, O God, for creating this land.
I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 487, An act concerning teachers; relating to the issuance of special licenses, by Senator Hensley.

SB 488, An act concerning the secretary of health and environment; relating to powers and duties; fingerprinting and criminal history records checks for certain new employees; amending K.S.A. 65-2402 and repealing the existing section, by Committee on Judiciary.

SB 489, An act concerning contact lenses; amending K.S.A. 2009 Supp. 65-4967 and repealing the existing section, by Committee on Public Health and Welfare.

SB 490, An act concerning physical therapists licensure; amending K.S.A. 2009 Supp. 65-2910 and repealing the existing section, by Committee on Public Health and Welfare.

SB 491, An act concerning respiratory therapists; relating to special permits; amending K.S.A. 65-5508 and repealing the existing section, by Committee on Public Health and Welfare.

SB 492, An act concerning property valuation; regarding appeals; leased commercial and industrial property; amending K.S.A. 2009 Supp. 74-2433f, 74-2438, 79-1448, 79-1606, 79-1609 and 79-2005 and repealing the existing sections, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to Committees as indicated:

Assessment and Taxation: **SB 477**.

Business and Labor: **SB 486**.

Commerce: **SB 482**.

Education: **SB 485**.

Federal and State Affairs: **SB 478**.

Natural Resources: **SR 1809**.

Transportation: **SB 480**, **SB 483**, **SB 484**.

Ways and Means: **SB 479**, **SB 481**; **SCR 1625**.

CHANGE OF REFERENCE

The President withdrew **SB 475** from the Committee on **Federal and State Affairs**, and referred the bill to the Committee on **Public Health and Welfare**.

ORIGINAL MOTION

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **HB 2283**.

The President appointed Senators McGinn, Teichman and Francisco as conferees on the part of the Senate.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, February 1, 2010.

Journal of the Senate

FIFTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 1, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I would like to pray the prayer of Daniel after You had revealed
to him Your interpretation of King Nebuchadnezzar's dream:

Praise be to the name of God for ever and ever;

Wisdom and power are Yours.

You change times and seasons;

You set up kings and depose them.

You give wisdom to the wise

And knowledge to the discerning.

You reveal deep and hidden things;

You know what lies in darkness,

And light dwells with You.

I thank and praise you, O God of my fathers;

You have given me wisdom and power . . . Daniel 2:20-23a

I thank You in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 493, An act concerning sales taxation; relating to exemptions; Project Able, Inc.; amending K.S.A. 2009 Supp. 79-3606 and repealing the existing section, by Committee on Assessment on Taxation.

SB 494, An act concerning county officers; relating to undersheriffs; amending K.S.A. 19-804a and repealing the existing section, by Committee on Judiciary.

SB 495, An act concerning STAR bonds; concerning use of sales tax revenues; concerning approval of certain projects; amending K.S.A. 2009 Supp. 12-17,164 and 12-17,168 and repealing the existing sections, by Committee on Commerce.

SB 496, An act concerning water; relating to rural water districts; amending K.S.A. 82a-617 and repealing the existing section, by Committee on Natural Resources.

SB 497, An act concerning crimes and punishments; relating to the criminal use of weapons; amending K.S.A. 2009 Supp. 21-4201 and repealing the existing section, by Committee on Natural Resources.

SB 498, An act relating to transportation; providing for a transportation works for Kansas program; relating to the financing thereof; amending K.S.A. 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-143k, 8-195, 8-234b, 8-2409, 12-1775, 68-416, 68-20,120, 68-2320, 68-2321 and

68-2328 and K.S.A. 2009 Supp. 8-142, 8-143, 8-143j, 8-143l, 8-145, 8-172, 8-2406, 8-2425, 12-6a35, 12-6a36, 12-1774, 12-1774a, 12-17,148, 12-17,149, 68-2315, 68-2331, 75-5063, 75-5064, 75-5160, 79-3408c, 79-3491a, 79-3492b, 79-34,118, 79-34,141 and 79-34,142 and repealing the existing sections; also repealing K.S.A. 68-2314a, by Committee on Ways and Means.

SB 499, An act concerning school districts; relating to nutrition and health education guidelines; amending K.S.A. 2009 Supp. 72-5128 and repealing the existing section, by Committee on Public Health and Welfare.

SB 500, An act concerning the healing arts act; regarding an exception to prohibited acts; amending K.S.A. 65-2867 and repealing the existing section, by Committee on Public Health and Welfare.

SB 501, An act concerning the Kansas board of healing arts; relating to licensure and education of perfusionists; establishing perfusion council, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 492**.

Education: **SB 487**.

Judiciary: **SB 488**.

Public Health and Welfare: **SB 489, SB 490, SB 491**.

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **S Sub for HB 2353**, requests a conference, and has appointed Representatives Carlson, King and Menghini as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **S Sub for HB 2353**.

The President appointed Senators Donovan, D. Schmidt and Holland as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hensley, Kelly and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1810—

A RESOLUTION congratulating and commending Julie Hejtmanek on her election as President of Sertoma International and for her service to Topeka.

WHEREAS, Julie Hejtmanek, of Topeka, Kansas, was named Woman of the Year by the American Business Women's Association; and

WHEREAS, As a paralegal with over thirty years experience, Julie Hejtmanek has served her profession in various state and national leadership roles and is the author of numerous articles in paralegal publications; and

WHEREAS, Julie was recently elected President of Sertoma International for 2009 to 2010; and

WHEREAS, Sertoma International is a not-for-profit civic organization with community minded members in service clubs across the United States, Canada, Mexico and Puerto Rico. Each year, Sertoma clubs raise more than \$20 million for local community service projects; and

WHEREAS, Sertoma's primary service project is assisting the more than 50 million people with hearing health issues; and

WHEREAS, Sertoma also sponsors community projects to promote freedom and democracy, to assist youth and to benefit a variety of other local community needs, as identified by the individual clubs; and

WHEREAS, Julie Hejtmanek has been an esteemed member of Sertoma for 17 years and has demonstrated her dedication to Sertoma on both the international and local levels by serving the organization in a number of capacities; and

WHEREAS, In addition to serving as the current International President, Julie Hejtmanek has served as International Director, Distinguished District Governor, Gold Honor President, Regional Outstanding Secretary, Life Patron of the Sertoma Foundation and as BANC Chair, Club Ambassador, she ably assisted in building three clubs; and

WHEREAS, Julie is a Life Member of Sertoma International and is the recipient of Sertoma International's Lifetime Achievement Award; and

WHEREAS, In addition to her work with Sertoma, Julie Hejtmanek has also served her community through being a mentor to students at Washburn University and in Big Brothers/Big Sisters programs; and

WHEREAS, Julie evinces her devout religious faith as an active member of the First Presbyterian Church; and

WHEREAS, It is fitting that we should salute those citizens who, through their extraordinary efforts, have distinguished themselves as community leaders of whom we can all be proud: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and thank Julie Hejtmanek for her numerous contributions and service to the Topeka community; and

Be it further resolved: That the Secretary of the Senate be directed to provide two enrolled copies of this resolution to Senator Anthony Hensley.

On emergency motion of Senator Hensley **SR 1810** was adopted unanimously.

Senator V. Schmidt introduced Julie Hejtmanek and her husband Dan. Julie Hejtmanek was recognized on her election as President of Sertoma International and for her service to Topeka. Julie was also named Woman of the Year by the American Business Women's Association.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 375** be amended on page 3, in line 5, after "for" by inserting "commutation of sentence,"; in line 6, after the comma, where it appears for the third time, by inserting "functional incapacitation release pursuant to K.S.A. 22-3728, and amendments thereto,";

On page 12, after line 24, by inserting the following:

"Sec. 10. K.S.A. 2009 Supp. 21-4642 is hereby amended to read as follows: 21-4642. (a) An aggravated habitual sex offender shall be sentenced to imprisonment for life without the possibility of parole. Such offender shall spend the remainder of the offender's natural life incarcerated and in the custody of the secretary of corrections. An offender who is sentenced to imprisonment for life without the possibility of parole shall not be eligible for *commutation of sentence*, parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision, *functional incapacitation release pursuant to K.S.A. 22-3728, and amendments thereto*, or suspension, modification or reduction of sentence.

(b) Upon sentencing a defendant to imprisonment for life without the possibility of parole, the court shall commit the defendant to the custody of the secretary of corrections and the court shall state in the sentencing order of the judgment form or journal entry, whichever is delivered with the defendant to the correctional institution, that the defendant has been sentenced to imprisonment for life without the possibility of parole.

(c) As used in this section:

(1) "Aggravated habitual sex offender" means a person who, on and after July 1, 2006: (A) Has been convicted in this state of a sexually violent crime, as described in paragraphs (3)(A) through (3)(J) or (3)(L); and (B) prior to the conviction of the felony under subparagraph (A), has been convicted on at least two prior conviction events of any sexually violent crime.

(2) "Prior conviction event" means one or more felony convictions of a sexually violent crime occurring on the same day and within a single court. These convictions may result from multiple counts within an information or from more than one information. If a person

crosses a county line and commits a felony as part of the same criminal act or acts, such felony, if such person is convicted, shall be considered part of the prior conviction event.

(3) "Sexually violent crime" means:

- (A) Rape, K.S.A. 21-3502, and amendments thereto;
- (B) indecent liberties with a child, K.S.A. 21-3503, and amendments thereto;
- (C) aggravated indecent liberties with a child, K.S.A. 21-3504, and amendments thereto;
- (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505, and amendments thereto;
- (E) aggravated criminal sodomy, K.S.A. 21-3506, and amendments thereto;
- (F) indecent solicitation of a child, K.S.A. 21-3510, and amendments thereto;
- (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, and amendments thereto;
- (H) sexual exploitation of a child, K.S.A. 21-3516, and amendments thereto;
- (I) aggravated sexual battery, K.S.A. 21-3518, and amendments thereto;
- (J) aggravated incest, K.S.A. 21-3603, and amendments thereto;
- (K) any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent crime as defined in this section;
- (L) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of a sexually violent crime as defined in this section; or

(M) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification."

On page 13, in line 24, after the period by inserting "(a)"; in line 27, by striking "(a)" and inserting "(1)"; in line 28, by striking "or" and inserting "and not to"; in line 29, by striking all after "sentence"; by striking all in line 30; in line 31, by striking all before the semicolon; in line 32, by striking "(c)" and inserting "(2)"; in line 34, by striking "(d)" and inserting "(3)"; in line 35, by striking "(e)" and inserting "(4)"; after line 36, by inserting the following:

"(b) The governor shall not commute a sentence of life without the possibility of parole."

On page 22, after line 42, by inserting the following:

"Sec. 15. K.S.A. 22-3728 is hereby amended to read as follows: 22-3728. (a) (1) Upon application of the secretary of corrections, the Kansas parole board may grant release to any person deemed to be functionally incapacitated, upon such terms and conditions as prescribed in the order granting such release.

(2) The Kansas parole board shall adopt rules and regulations governing the procedure for initiating, processing, reviewing and establishing criteria for review of applications filed on behalf of persons deemed to be functionally incapacitated. Such rules and regulations shall include criteria and guidelines for determining whether the functional incapacitation precludes the person from posing a threat to the public.

(3) Subject to the provisions of subsections (a)(4) and (a)(5), a functional incapacitation release shall not be granted until at least 30 days after written notice of the application has been given to: (A) The prosecuting attorney and the judge of the court in which the person was convicted; and (B) any victim of the person's crime or the victim's family. Notice of such application shall be given by the secretary of corrections to the victim who is alive and whose address is known to the secretary, or if the victim is deceased, to the victim's family if the family's address is known to the secretary. Subject to the provisions of subsection (a)(4), if there is no known address for the victim, if alive, or the victim's family, if deceased, the board shall not grant or deny such application until at least 30 days after notification is given by publication in the county of conviction. Publication costs shall be paid by the department of corrections.

(4) All applications for functional incapacitation release shall be referred to the board. The board shall examine each case and may approve such application and grant a release. An application for release shall not be approved unless the board determines that the person is functionally incapacitated and does not represent a future risk to public safety. The board shall determine whether a hearing is necessary on the application. The board may request additional information or evidence it deems necessary from a medical or mental health practitioner.

(5) The board shall establish any conditions related to the release of the person. The release shall be conditional, and be subject to revocation pursuant to K.S.A. 75-5217, and amendments thereto, if the person's functional incapacity significantly diminishes, if the person fails to comply with any condition of release, or if the board otherwise concludes that the person presents a threat or risk to public safety. The person shall remain on release supervision until the release is revoked, expiration of the maximum sentence, or discharged by the board. Subject to the provisions of subsection (f) of K.S.A. 75-5217, and amendments thereto, the person shall receive credit for the time during which the person is on functional incapacitation release supervision towards service of the prison and postrelease supervision obligations of determinate sentences or indeterminate and off-grid sentences.

(6) The secretary of corrections shall cause the person to be supervised upon release, and shall have the authority to initiate revocation of the person at any time for the reasons indicated in subsection (a)(5).

(7) The decision of the board on the application or any revocation shall be final and not subject to review by any administrative agency or court.

(8) In determining whether a person is functionally incapacitated, the board shall consider the following: (A) The person's current condition as confirmed by medical or mental health care providers, including whether the condition is terminal;

(B) the person's age and personal history;

(C) the person's criminal history;

(D) the person's length of sentence and time the person has served;

(E) the nature and circumstances of the current offense;

(F) the risk or threat to the community if released;

(G) whether an appropriate release plan has been established; and

(H) any other factors deemed relevant by the board.

(b) Nothing in this section shall be construed to limit or preclude submission of an application for pardon or commutation of sentence pursuant to K.S.A. 22-3701, and amendments thereto.

(c) *This section does not apply to any person under sentence of death or life without the possibility of parole.*;

On page 50, in line 21, after "22-3705" by inserting ", 22-3728"; in line 22, after "21-4619," by inserting "21-4642,";

And by renumbering the sections accordingly;

In the title, in line 10, after "22-3705" by inserting ", 22-3728"; in line 11, after "21-4619," by inserting "21-4642,"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 451** be passed.

Also, **HB 2125**, as amended by House Committee of the Whole, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Natural Resources** recommends **SB 380** be passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, February 2, 2010.

Journal of the Senate

SIXTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 2, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-nine senators present.

Senator Emler was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

The story of Joseph in the book of Genesis reveals the key to real success.
Four times in the thirty-ninth chapter You tell us that “the Lord was with Joseph.”

Joseph was sold into slavery
By his jealous brothers.
But You accompanied Joseph, Lord,
Unlike the way of others.

Joseph had learned from You, O God,
How to overcome trials;
He simply bloomed where planted
With You guiding him all the while.

His master soon recognized
That God made Joseph the best.
Not only was *Joseph* successful,
But his master’s house was blessed.

Joseph overcame another trial,
And promptly was thrown into jail;
But even then God was with him,
And with God he never could fail.

To make a long story short,
Again Joseph bloomed where planted.
Once more God was with him,
And success was again granted.

He was made second in charge
Of the entire Egyptian nation.
All because he bloomed where planted,
With God with him for the duration.

The lesson for all of us
That the way to have true success
Is to invite Your presence, O God
And discover how You can bless.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 502, An act relating to the department of transportation; concerning railroad programs; amending K.S.A. 2009 Supp. 75-5046, 75-5048 and 75-5049 and repealing the existing sections, by Special Committee on Transportation.

SB 503, An act concerning payday and title loans; imposing a surcharge thereon and providing for the use of the revenue derived therefrom, by Committee on Education.

SB 504, An act concerning the personal and family protection act; amending K.S.A. 2009 Supp. 21-4218, 75-7c02, 75-7c03, 75-7c04, 75-7c05, 75-7c06, 75-7c07, 75-7c08, 75-7c10, 75-7c11 and 75-7c12 and repealing the existing sections, by Committee on Judiciary.

SB 505, An act concerning consumer nutritional information on the menu in food service establishments, by Committee on Public Health and Welfare.

SB 506, An act concerning the state board of mortuary arts, relating to crematory operations; licensure; fees; amending K.S.A. 65-1760, 65-1763, 65-1764, 65-1765, 65-1766 and 65-1768 and K.S.A. 2009 Supp. 65-1727 and 65-1762 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 507, An act concerning the blind and visually impaired; establishing the Kansas commission for the blind and visually impaired, by Committee on Public Health and Welfare.

SB 508, An act concerning discount cards; filing requirements with the secretary of state; amending K.S.A. 50-1,101 and 50-1,103 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 509, An act concerning public health; relating to reporting by in vitro fertilization and research facilities and oversight of the donation or selling of gametes, by Senator Pilcher-Cook.

SB 510, An act concerning water; relating to the beneficial use of water, by Committee on Agriculture.

SB 511, An act concerning small and disadvantaged businesses; enacting the Kansas small and disadvantaged business development act, by Committee on Commerce.

SB 512, An act concerning school districts; relating to medicaid replacement state aid; amending K.S.A. 2009 Supp. 72-998 and repealing the existing section, by Committee on Ways and Means.

SB 513, An act concerning certain political subdivisions; dealing with certain construction contracts; amending K.S.A. 2009 Supp. 19-216b, 19-216c, 19-216d, 19-216e and 19-216f and repealing the existing sections, by Committee on Ways and Means.

SB 514, An act concerning the Kansas unified school district alternative project delivery building construction procurement act; amending K.S.A. 2009 Supp. 72-6760f and 72-6760g and repealing the existing sections, by Committee on Ways and Means.

SB 515, An act relating to transportation; providing for a transportation works for Kansas program; relating to the financing thereof; amending K.S.A. 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-143k, 8-195, 8-234b, 8-2409, 12-1775, 68-416, 68-20,120, 68-2320, 68-2321 and 68-2328 and K.S.A. 2009 Supp. 8-142, 8-143, 8-143j, 8-143l, 8-143i, 8-145, 8-172, 8-2406, 8-2425, 12-6a35, 12-6a36, 12-1774, 12-1774a, 12-17,148, 12-17,149, 68-2315, 68-2331, 75-5063, 75-5064, 75-5160, 79-3408c, 79-3491a, 79-3492b, 79-34,118, 79-34,141, 79-34,142, 79-3606 and 79-3620 and repealing the existing sections; also repealing K.S.A. 68-2314a, by Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION No. 1626—

By Senators Pilcher-Cook, Abrams, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeier, Petersen, Pyle and Taddiken

A PROPOSITION to amend the constitution of the state of Kansas by adding a new article 16 thereto, concerning health care.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: The constitution of the state of Kansas is amended by adding a new article 16 thereto to read as follows:

“Article 16. — HEALTH CARE

“§ 1. **Health care.** (a) To preserve the freedom of Kansans to provide for their health care:

“(1) A law or rule shall not compel, directly or indirectly, any person, employer or health care provider to participate in any health care system or purchase health insurance.

“(2) A person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.

“(b) Subject to reasonable and necessary rules that do not substantially limit a person’s options, the purchase or sale of health insurance in private health care systems shall not be prohibited by law or rule.

“(c) This section does not:

“(1) Affect which health care services a health care provider or hospital is required to perform or provide.

“(2) Affect which health care services are permitted by law.

“(3) Prohibit care provided pursuant to the provisions relating to workers compensation.

“(4) Prohibit care provided pursuant to the provisions relating to state employee benefit programs.

“(5) Affect laws or rules in effect as of August 1, 2009.

“(6) Affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing or penalizing a person or employer for paying directly for lawful health care services or a health care provider or hospital for accepting direct payment from a person or employer for lawful health care services.

“(d) For the purposes of this section:

“(1) “Compel” includes penalties or fines.

“(2) “Direct payment or pay directly” means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.

“(3) “Health care system” means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants.

“(4) “Lawful health care services” means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services.

“(5) “Penalties or fines” means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee with a similar effect established by law or rule by a government established, created or controlled agency that is used to punish or discourage the exercise of rights protected under this section.”

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

“Explanatory statement. The purpose of this health care freedom amendment is to preserve constitutionally the right and freedom of Kansans to provide for their health care. This proposition would not affect which health care services a health care provider or hospital is required to perform or provide; would not affect which health care services are permitted by law; would not prohibit care provided pursuant to the general provisions relating to workers compensation; would not

prohibit care pursuant to the provisions relating to state employee benefit programs; would not affect laws or rules in effect as of August 1, 2009; or would not affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or employer for paying directly for lawful health care services. Nothing in this amendment is meant to discourage anyone from purchasing health insurance.

“A vote for this proposition would preserve constitutionally the right of a person, employer or health care provider to be free from laws or rules compelling participation in any health care system; preserve constitutionally the right of a person or employer to purchase lawful health care services directly from a health care provider; preserve constitutionally the right of a health care provider to accept direct payment from a person or employer for lawful health care services; and preserve constitutionally the right to have the ability to purchase or sell health insurance in private health care systems.

“A vote against this proposition would provide for no constitutional right of a person, employer or health care provider to be free from laws and rules compelling participation in any health care system; would provide for no constitutional right of a person or employer to purchase lawful health care services directly from a health care provider; would provide for no constitutional right of a health care provider to accept direct payment from a person or employer for lawful health care services; and would provide for no constitutional right to have the ability to purchase or sell health insurance in private health care systems.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2010 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 493**.

Commerce: **SB 495**.

Education: **SB 499**.

Judiciary: **SB 494**.

Natural Resources: **SB 496, SB 497**.

Public Health and Welfare: **SB 500, SB 501**.

Transportation: **SB 498**.

CHANGE OF REFERENCE

The President withdrew **SB 136** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on **Public Health and Welfare**.

The President withdrew **Sub SB 278** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Judiciary**.

The President withdrew **Sub SB 337** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Assessment and Taxation**.

The President withdrew **SB 308** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 329** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Commerce**.

COMMUNICATIONS FROM STATE OFFICERS**KANSAS CORPORATION COMMISSION**

February 1, 2010

Pursuant to KSA 2008 Supp. 66-2005, as amended by **SB 350** and **HB 2637**, Thomas E. Wright, Chairman, submitted a report on Price Deregulation.

February 1, 2010

Pursuant to the requirements of KSA 66-117b, Thomas E. Wright, Chairman, submitted the annual report regarding changes in rates and schedules for the fiscal year beginning July 1, 2008 and ending June 30, 2009. The report can be viewed on the website at http://kcc.ks.gov/10_legis_rpt.pdf.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor, Attorney General and the President of the Senate to the senate for confirmation, were considered.

Senator D. Schmidt moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Attorney General:

On the appointment to the:

Crime Victims Compensation Board, Chairperson:

Suzanne Valdez, term expires March 15, 2012.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kullala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The appointment was confirmed.

By the President of the Senate:

On the appointment to the:

Kansas Health Policy Authority:

William Allen Reed, M.D., term expires March 15, 2012.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kullala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas Development Finance Authority:

Suchitra Padmanabhan, term expires January 15, 2013.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kullala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-

Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The appointment was confirmed.

On the appointment to the:

Kansas Technology Enterprise Corp.:

Thomas M. Cohen, term expires January 15, 2011.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kullala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The appointment was confirmed.

On the appointment to the:

Long-Term Care Ombudsman:

Belinda Sue Vierthaler, term expires March 15, 2012.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kullala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The appointment was confirmed.

On the appointment to the:

State Board of Indigents' Defense Services:

John Poertner, term expires January 15, 2011.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kullala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The appointment was confirmed.

On the appointment to the:

University of Kansas Hospital Authority:

Scott M. Slabotsky, term expires March 15, 2012.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kullala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

SB 388 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

SB 388, An act concerning insurance; relating to risk-based capital requirements for insurers; amending K.S.A. 2009 Supp. 40-2c01 and repealing the existing section.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kullala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1811—

A RESOLUTION declaring the first week of February as Teen Dating Violence Awareness and Prevention Week.

WHEREAS, The youth of Kansas are one of this state's most precious resources and ensuring their safety, well-being, healthy development and positive growth is a priority and responsibility we all share; and

WHEREAS, The transitional adolescent years present new challenges and choices for teens as they experience dating relationships for the first time and, unfortunately, also are prey to associated pressures and expectations that can lead to abusive behavior; and

WHEREAS, The crime of teen dating violence, including physical, verbal and emotional abuse, sexual assault and harassment via texting, email or "instant messaging" is a reality for many teenagers in Kansas and other states; and

WHEREAS, Nationwide surveys examined teen dating relationships and experiences and found that 30% of teens in a dating relationship have been text-messaged 10-30 times an hour by a partner to find out where they are, what they are doing or who they are with; and

WHEREAS, The findings also indicate that nearly one in five teens has been slapped, hit or pushed by their partner; and

WHEREAS, Dating violence is occurring at increasingly younger ages as evidenced by more young victims utilizing domestic violence programs and by studies indicating that of youth 11 to 14 years of age are in a dating relationship and that, of those, 62% experienced verbal abuse and one in five experienced physical abuse; and

WHEREAS, Studies also indicate that long-term effects of violent relationships can be serious and put victims at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide and adult re-victimization: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That February 1st through 7th, 2010, is declared Teen Dating Violence Awareness and Prevention Week. This observance is offered to encourage statewide youth, families, schools, law enforcement communities, government agencies, elected officials, civic organizations and other interested groups to sponsor and participate in related programs and activities and for parents with teens to recommit to discussing dating and the potential for dating violence.

On emergency motion of Senator Faust-Goudeau **SR 1811** was adopted unanimously.

Senator Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1812—

A RESOLUTION urging parents to become more actively involved in their children's education and urging the State Board of Education to develop strategies to be used to develop active parental involvement in the education of their children.

WHEREAS, There is consistent, positive and convincing evidence that families have a major influence on their children's achievement in school; and

WHEREAS, It has been found in the publication "A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement" that students with involved parents are more likely to succeed in school because those students attend

school regularly, earn higher grades and are more likely to continue on to the postsecondary educational level; and

WHEREAS, Schools attended by students with involved parents are more successful than schools attended by students whose parents are not involved; and

WHEREAS, Congress has found that research studies consistently show a positive relationship between parental involvement and student achievement regardless of the economic, racial, ethnic, educational background or ages of the student; and

WHEREAS, Parents are the first and most important educators of their children; and

WHEREAS, Parents and teachers should work together in an equal partnership that is both positive and cooperative; and

WHEREAS, Teachers and parents, in support of each other, form the future citizens of the world; and

WHEREAS, Parents who participate in their children's education and formation, at school and at home, not only exemplify parenting skills, but also serve as a model of community stewardship and public service leadership; and

WHEREAS, Through active parental involvement, parents who support their children's education directly by developing personally, communicating effectively, contributing authentically and education collaboratively; and

WHEREAS, Effective communication is established through respectful, constructive and on-going contact: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That Parents collaborate with teachers in the education of their children by knowing the curricular standards, establishing and sharing expectations and goals with both their children and their children's teachers, supervising their children's academic progress, attending parent-teacher conferences and maintaining weekly contact with their children's teachers; and

Be it further resolved: That Parents are encouraged to attend all mandatory classroom parent meetings, become a room parent, provide coaching to school teams, become recess monitors, assist with student clubs, help coordinate school fund-raising activities and offer other volunteer service at school; and

Be it further resolved: That Parents are encouraged to demonstrate regular involvement in the school building, at school functions and on decision-making school committees through participation in Parent Teacher Associations (PTA) and other school organizations such as Home and School, School Board meetings and Partners in Education; and

Be it further resolved: That the State Board of Education is urged to develop strategies to be used to develop active parental involvement in the education of their children; and

Be it further resolved: That the Secretary of the Senate be directed to send enrolled copies of this resolution to the Chairperson of the State Board of Education.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SCR 1625** be adopted.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Brownlee in the chair.

On motion of Senator Brownlee the following report was adopted:

Recommended **SB 357**, **SB 421** be passed.

The Committee recommended **SB 426** be passed.

A motion by Senator Francisco to amend **SB 426** failed and the following amendment was rejected: on page 1, lines 32 and 33, by striking all words on those lines and insert after line 33 "April 30 occurring in the calendar year following the calendar year in which the application is made."

SB 391, **SB 393**, **SB 394** be amended by adoption of the committee amendments, and the bills be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 357**, **SB 391**, **SB 393**, **SB 394**, **SB 421**, **SB 426** were advanced to Final Action and roll call.

SB 357, An act concerning the Beloit juvenile correctional facility; authorizing the secretary of the department of administration to convey a certain tract of real estate for and on behalf of the juvenile justice authority; amending K.S.A. 2009 Supp. 38-2302 and 72-978 and repealing the existing sections; also repealing K.S.A. 76-2201, 76-2202, 76-2219 and 76-2220 and K.S.A. 2009 Supp. 76-2201a.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultura, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The bill passed.

SB 391, An act concerning anatomical gifts; relating to first person donor registry; amending K.S.A. 2009 Supp. 65-3225 and 65-3239 and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultura, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The bill passed, as amended.

SB 393, An act concerning agriculture; relating to administrative hearings; amending K.S.A. 34-298, 65-6a34a, 83-308 and 83-407 and K.S.A. 2009 Supp. 2-2122, 2-2449, 2-2469, 2-2512, 2-3311, 65-780 and 74-596 and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultura, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The bill passed, as amended.

SB 394, An act concerning pesticide education; amending K.S.A. 2-2459a and 2-2460a and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultura, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The bill passed, as amended.

SB 421, An act concerning election crimes; pertaining to the penalty for voting when not qualified; amending K.S.A. 25-2416 and repealing the existing section.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The bill passed.

SB 426. An act concerning elections; pertaining to methods of voting absentee ballots by uniformed and overseas citizens and federal service voters; amending K.S.A. 25-1215 and 25-1218 and K.S.A. 2009 Supp. 25-1216 and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The bill passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, February 3, 2010.

Journal of the Senate

SEVENTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 3, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-nine senators present.

Senator Emler was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

May I be so bold as to suggest some characteristics of a faithful Senator?

S	teadfast in my convictions	I Corinthians 15:58
E	ncouraging to the discouraged	Deuteronomy 3:28
N	oble in my relationships	Acts 17:11
A	ttentive to the Word of God	Luke 19:47-48
T	rue to my word	I Kings 22:16
O	bedient to God	Exodus 24:7
R	epent of my sins	Luke 13:3

I humbly suggest these behaviors in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 516, An act concerning taxation; relating to tax upon cigarettes and tobacco products, rates; rate of sales taxation; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2009 Supp. 79-3301, 79-3310, 79-3310c, 79-3311, 79-3312, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 517, An act amending the Kansas automobile injury reparation act; concerning certain reinstatement fees; amending K.S.A. 2009 Supp. 40-3104 and 40-3118 and repealing the existing sections, by Senator Faust-Goudeau.

SB 518, An act relating to motor vehicles; concerning vehicle identification number inspection fees; amending K.S.A. 2009 Supp. 8-116a and repealing the existing section, by Committee on Federal and State Affairs.

SB 519, An act concerning courts; relating to electronic communication and payment; amending K.S.A. 19-4716, 20-365, 22-2502, 22-2504 and 59-2203 and K.S.A. 2009 Supp. 8-2118, 28-172a and 38-2305 and repealing the existing sections, by Committee on Judiciary.

SB 520, An act concerning criminal procedure; relating to employment of county and city prisoners; amending K.S.A. 22-4603 and repealing the existing section, by Committee on Judiciary.

SB 521, An act concerning the secretary of corrections; relating to qualifications; amending K.S.A. 2009 Supp. 75-5203 and repealing the existing section, by Committee on Judiciary.

SB 522. An act concerning stepparent adoptions; relating to consent of a parent; amending K.S.A. 2009 Supp. 59-2136 and repealing the existing section, by Committee on Judiciary.

SB 523. An act concerning crimes, punishment and criminal procedure; enacting the Kansas racketeer influenced and corrupt organization act; amending K.S.A. 2009 Supp. 60-4104 and repealing the existing section, by Senators Petersen and Schodorf.

SB 524. An act concerning crimes, punishment and criminal procedure; relating to unlawful sexual relations; sentencing; offender registration; traffic in contraband in a correctional institution; amending K.S.A. 21-3520 and K.S.A. 2009 Supp. 21-3826, 21-4704 and 22-4902 and repealing the existing sections, by Legislative Post Audit Committee.

SB 525. An act concerning the fair hospital charges act, by Committee on Public Health and Welfare.

SB 526. An act concerning the department of administration; concerning competitive bids; preferring bids from within the state; amending K.S.A. 2009 Supp. 75-3740 and repealing the existing section, by Committee on Ways and Means.

SB 527. An act concerning retirement and pensions; relating to the Kansas public employees retirement system and certain systems thereunder; federal nontaxable distributions to certain retirees, by Committee on Ways and Means.

SB 528. An act concerning property valuation; regarding appeals; burden of proof; amending K.S.A. 2009 Supp. 74-2433f, 74-2438, 79-1448, 79-1606, 79-1609 and 79-2005 and repealing the existing sections, by Committee on Ways and Means.

SB 529. An act concerning the employment security law; pertaining to the maximum weekly benefit; amending K.S.A. 2009 Supp. 44-704 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to Committees as indicated:

Commerce: **SB 511.**

Education: **SB 514; SR 1812.**

Federal and State Affairs: **SB 513.**

Financial Institutions & Insurance: **SB 503.**

Judiciary: **SB 504; SCR 1626.**

Natural Resources: **SB 510.**

Public Health and Welfare: **SB 505, SB 506, SB 508, SB 509.**

Transportation: **SB 502, SB 515.**

Ways and Means: **SB 507, SB 512.**

CHANGE OF REFERENCE

The President withdrew **SB 514** from the Committee on **Education**, and referred the bill to the Committee on **Federal and State Affairs**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2411, HB 2500, HB 2503.**

The House adopts the conference committee report on **HB 2195.**

Announcing passage of **Substitute SB 48** as amended by **House Substitute for Substitute SB 48.**

Also, announcing rejection of **SB 298.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2411, HB 2500, HB 2503; House Substitute for Substitute SB 48 were thereupon introduced and read by title.

ORIGINAL MOTION

Pursuant to Senate Rule 75, President Morris determined **House Substitute for Substitute SB 48**, as amended by the House, to be materially changed.

President Morris referred the bill to the Committee on **Utilities.**

REPORT ON ENGROSSED BILLS

SB 391, SB 393, SB 394 reported correctly engrossed February 3, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 376** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also **SCR 1621** be adopted.

SCR 1615 be amended on page 1, in line 29, by striking “2009” and inserting “2010”;

On page 2, in line 20, after “Senate,” by inserting “the Majority Leader of the United States Senate,”; and the concurrent resolution be adopted as amended.

Committee on **Public Health and Welfare** recommends **SB 449** be amended on page 1, preceding line 14, by inserting the following:

“Section 1. K.S.A. 65-6504 is hereby amended to read as follows: 65-6504. (a) On or after September 1, 1992, it shall be unlawful for any person to engage in the practice of speech-language pathology or audiology in the state of Kansas unless such person has been issued a valid license pursuant to this act or is specifically exempted from the provisions of this act. It shall be unlawful for any person to hold oneself out to the public as a “speech pathologist,” “speech therapist,” “speech correctionist,” “speech clinician,” “language pathologist,” “voice therapist,” “voice pathologist,” “logopedist,” “communicologist,” “aphasiologist,” “phoniatrist,” “audiologist,” “audiometrist,” “hearing therapist,” “hearing clinician,” “hearing aid audiologist,” or any variation, unless such person is licensed under this act as a speech-language pathologist or audiologist.

(b) No person licensed under this act shall be authorized to engage in the practice of dispensing and fitting hearing aids as defined under K.S.A. 74-5807 and amendments thereto unless such person is also licensed or holds a certificate of endorsement under the hearing aid act to engage in the practice of dispensing and fitting hearing aids.

(c) Persons licensed under this act to engage in the practice of speech-language pathology or audiology shall not be deemed to be engaged in the practice of the healing arts when practicing under and in accordance with this act.

(d) *Persons licensed under this act to engage in the practice of audiology with doctorate degrees shall use the appropriate words or letters, such as “AuD,” “PhD,” “EdD” and “ScD,” when using the letters or term “Dr.” or “Doctor” to identify themselves.*;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 14, by striking “Section” and inserting “Sec.”; in line 17, by striking “Possession” and inserting “Except as otherwise provided in subsection (b), possession”; in line 25, preceding “completion” by inserting “except as otherwise provided in subsection (c).”; in line 35, following “(a)” by inserting “(1)”; in line 38, preceding “(3)” by inserting “(a)”; in line 39, by striking “65-6505 is” and inserting “65-6504 and 65-6505 are”;

In the title, in line 10, following “licensure” by inserting “and representation”; also in line 10, following “K.S.A.” by inserting “65-6504 and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2414** be amended on page 3, in line 3, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, February 4, 2010.

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 4, 2010—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-six senators present.
Senators Emler, Morris, Schodorf and Steineger were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Don't let my life revise the 23rd Psalm; don't let me think...

I am my shepherd, I will never want anything.
I make myself lie down wherever I want.
I spend my own time by the still waters.
I bless my self.
I walk down the paths of pleasure for my comfort's sake.
Though I walk through the valley of temptation,
I will not fear anything, for I can take care of myself.
My pleasure and my possessions, they comfort me.
I set my own table full of expensive delicacies...
In the presence of all my friends.
I provide myself with all my needs.
My pride overflows.
Surely pleasure and prosperity will follow me all the days of my life,
And I will dwell in the house I built forever and ever.

Do not let this ever be my 23rd Psalm.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 530, An act concerning sales taxation; relating to exemptions; repealing all sales tax exemptions; amending K.S.A. 12-3418 and K.S.A. 2009 Supp. 12-189a, 41-501, 79-3602, 79-3603, 79-3606 and 82a-2101 and repealing the existing sections; also repealing K.S.A. 74-8721 and 79-3606d and K.S.A. 2009 Supp. 76-784, 79-3606e and 79-3606f, by Committee on Assessment and Taxation.

SB 531, An act enacting the radon certification law; amending K.S.A. 48-1625 and repealing the existing section, by Committee on Federal and State Affairs.

SB 532, An act concerning alcoholic beverages; relating to licenses and eligibility; amending K.S.A. 2009 Supp. 41-311 and repealing the existing section, by Committee on Federal and State Affairs.

SB 533. An act concerning crimes and criminal procedure; providing for electronic citations, complaints and notices to appear; amending K.S.A. 2009 Supp. 40-3104 and repealing the existing section, by Committee on Judiciary.

SB 534. An act concerning criminal procedure; relating to the correctional supervision fee; pretrial supervision fee; amending K.S.A. 21-4610a and 22-2814 and repealing the existing sections, by Committee on Judiciary.

SB 535. An act concerning crimes, punishment and criminal procedure; relating to parole and postrelease supervision for violent offenders and sex offenders; conditions; amending K.S.A. 2009 Supp. 22-3717 and repealing the existing section, by Committee on Judiciary.

SB 536. An act relating to motor vehicles; concerning recreational off-highway vehicles; amending K.S.A. 2009 Supp. 8-126, 8-128, 8-197, 8-198, 8-1486, 8-1493, 8-1494 and 8-2118 and repealing the existing sections, by Committee on Transportation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 516, SB 528.**

Business and Labor: **SB 529.**

Financial Institutions & Insurance: **SB 517; HB 2500.**

Judiciary: **SB 519, SB 520, SB 521, SB 522, SB 523, SB 524; HB 2411, HB 2503.**

Public Health and Welfare: **SB 525.**

Transportation: **SB 518.**

Ways and Means: **SB 526, SB 527.**

CHANGE OF REFERENCE

The Vice President withdrew **SB 528** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Judiciary**.

The Vice President withdrew **SCR 1626** from the Committee on **Judiciary**, and referred separately to the Committee on **Public Health and Welfare** and to the Committee on **Judiciary**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2082, HB 2160, HB 2412, HB 2440, HB 2476.**

The House reconsidered its action to adopt the conference committee report on **HB 2195**. Upon reconsideration the House not adopts the conference committee report on **HB 2195**, requests a conference and appoints Representatives Morrison, Kinzer and Pauls as second conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2082, HB 2160, HB 2412, HB 2440, HB 2476 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **HB 2195**.

The Vice President appointed Senators Vratil, McGinn and Kelly as second conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1813—

A RESOLUTION congratulating and commending Shawnee Heights math teacher Bradley Nicks for being honored as a Milken Family National Educator.

WHEREAS, Bradley Nicks has been a devoted teacher of mathematics, head coach of the track team, and assistant coach to both the varsity and junior varsity football teams; and

WHEREAS, Mr. Nicks has been an extremely popular and influential teacher to the students of Shawnee Heights High School for the past ten years; and

WHEREAS, The Milken Educator award is a highly prestigious distinction that has been likened to “the Oscars of teaching”; and

WHEREAS, Mr. Nicks is the only Kansas educator in 2009 to win the award, and joins an elite group of 57 Kansas teachers who have received the award since 2002; and

WHEREAS, Mr. Nicks is a brilliant example of the excellent caliber of teachers that lend their talent and passion to the Kansas public education system; and

WHEREAS, Excellent teachers like Mr. Nicks are needed to ensure that the youth of Kansas continue to reach their full potential and become the leaders of their generations; and

WHEREAS, Mr. Nicks will receive a cash award of \$25,000 and an all-expense paid trip to Los Angeles to participate in the annual Milken Education Forum: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Bradley Nicks for being named a Milken Family National Educator, and applaud his continued dedication to the students of Shawnee Heights High School; and

Be it further resolved: That the Secretary of the Senate be directed to provide three enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1813** was adopted unanimously.

Senator Hensley introduced and congratulated Bradley Nicks, math teacher from Shawnee Heights, for being honored as a Milken Family National Educator. Also introduced was Dr. Martin Stessman, Superintendent of Shawnee Heights Schools.

Senators V. Schmidt, Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, D. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1814—

A RESOLUTION encouraging participation in the American Heart Association’s Go Red for Women campaign.

WHEREAS, Diseases of the heart are the nation’s leading cause of death and stroke is the third leading cause of death; and

WHEREAS, Cardiovascular disease claims the lives of nearly 460,000 American females each year, approximately one death per minute; and

WHEREAS, The estimated direct and indirect costs of cardiovascular diseases for 2010 in the United States, including stroke, is estimated to be \$503.2 billion; and

WHEREAS, Each year, 53% of all deaths due to cardiovascular disease and 61% of stroke deaths are women; and

WHEREAS, Many women die each year because they are unaware of the risk that heart disease poses and that heart disease is the number one cause of death for women; and

WHEREAS, Nearly as many women die of heart disease, stroke, and all other cardiovascular diseases than the next five leading causes of death combined, including all cancers; and

WHEREAS, Only 21% of women consider cardiovascular disease their greatest health risk; and

WHEREAS, February is designated as American Heart Month in Kansas by a proclamation signed by Governor Parkinson; and

WHEREAS, Go Red For Women is the American Heart Association’s national call to increase awareness about heart disease, the leading cause of death for women, and to inspire women to take charge of their heart health; and

WHEREAS, All women should learn their own personal risk for heart disease, using tools such as the American Heart Association’s Go Red For Women Heart CheckUp, the Go Red For Women Better U and by talking to their healthcare provider; and

WHEREAS, Making the right choices relating to proper nutrition, physical activity and other healthy lifestyle choices are essential to living a heart healthy life; and

WHEREAS, By choosing to Speak Up about heart disease, we can save lives using the power of our very own voices; and

WHEREAS, The color red and the red dress symbol have become linked with the ability all women have to improve their heart health, the American Heart Association is encouraging everyone to wear red on February 5 in support of all women who have experienced heart disease or stroke: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we support the efforts of the American Heart Association in reducing women's heart health problems and urge all Kansas citizens to show their support for women and the fight against heart disease by commemorating this day by the wearing of the color red. By increasing awareness, speaking up about heart disease, and empowering women to reduce their risk for cardiovascular disease, we can save thousands of lives each year; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Linda J. De Coursey, American Heart Association, 5375 SW 7th Street, Topeka, KS 66606.

On emergency motion of Senator V. Schmidt **SR 1814** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 342** be passed.

Also, **SB 169** be amended on page 6, in line 21, by striking "2008" and inserting "2009"; in the title, in line 12, by striking "2008" and inserting "2009"; and the bill be passed as amended.

SB 452 be amended on page 3, in line 1, after "facility" by inserting ", juvenile correctional facility"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 368** be passed.

Committee on **Ways and Means** recommends **SB 446** be passed.

Also, **SB 410** be amended on page 1, in line 40, after "75-3044" by inserting a comma; in line 41, before the period by inserting ", but shall not include the Kansas payment center operating pursuant to K.S.A. 23-4,118, and amendments thereto"; preceding line 42, by inserting the following:

"Sec. 2. K.S.A. 16a-2-403 is hereby amended to read as follows: 16a-2-403. No seller or lessor in any sales or lease transaction or any credit card issuer may impose a surcharge on a card holder who elects to use a credit *or debit* card in lieu of payment by cash, check or similar means. A surcharge is any additional amount imposed at the time of the sales or lease transaction by the merchant, seller or lessor that increases the charge to the buyer or lessee for the privilege of using a credit *or debit* card."

And by renumbering the remaining sections accordingly;

On page 2, in line 24, before "K.S.A." by inserting "K.S.A. 16a-2-403 and"; also in line 24, by striking "is" and inserting "are";

In the title, in line 10, after "amending" by inserting "K.S.A. 16a-2-403 and"; in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, February 5, 2010.

Journal of the Senate

NINETEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 5, 2010—8:00 a.m.

The Senate was called to order by Vice President John Vratil.

The roll was called with twenty-two senators present.

Senators Abrams, Barnett, Brungardt, Colyer, Emler, Faust-Goudeau, Kelsey, Kultala, Lynn, Masterson, McGinn, Morris, Petersen, Pyle, Schodorf, Steineger, Teichman and Wagle were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

When Solomon became king, You told him to “ask for whatever you want me to give you.” Solomon wisely asked for wisdom, which You gave him plus much more.

The evidence of Solomon’s wisdom are the 370 proverbs we find in Chapters 10 through 22 in the book of Proverbs.

I have chosen seven to share with the Senators:

For lack of guidance a nation falls, but many advisors make victory sure. 11:14

Righteousness exalts a nation, but sin is a disgrace to any people. 14:34

The Lord is far from the wicked but he hears the prayer of the righteous. 15:29

Commit to the Lord whatever you do, and your plans will succeed. 16:3

In his heart a man plans his course, but the Lord determines his steps. 16:9

Pride goes before destruction, a haughty spirit before a fall. 16:18

Better a patient man than a warrior, a man who controls his temper than one who takes a city. 16:32

I thank You, Lord, for these examples of wisdom in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were introduced and read by title:

SB 537, An act concerning liens and claims against real or personal property; amending K.S.A. 58-4301 and repealing the existing section, by Committee on Judiciary.

SENATE CONCURRENT RESOLUTION No. 1627—

By Senators Kelly and Vratil, Abrams, Barnett, Brownlee, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Owens, Petersen, Pilcher-Cook, Reitz, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger and Wagle

A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, concerning a budget stabilization fund in the state treasury.

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

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

“§ 14. Budget Stabilization Fund.

(a) On July 1, 2011, a budget stabilization fund shall be established and maintained in the state treasury.

(b) When state general fund revenue for a fiscal year increases by more than three percent over state general fund revenue for the preceding fiscal year, up to the next one percent of state general fund revenue collected in excess of three percent shall be deposited in the budget stabilization fund. Nothing in this subsection shall require state general fund revenue to be deposited in the budget stabilization fund when the budget stabilization fund balance exceeds seven and one-half percent of the current fiscal year's state general fund budget as enacted by the legislature and approved by the governor.

(c) The legislature may provide, by law, for additional amounts of state general fund revenue to be deposited in the budget stabilization fund.

(d) (1) Based upon the most recent estimate of state general fund revenue as provided by law, withdrawals from the budget stabilization fund may occur only to provide for:

(A) The current fiscal year's estimated state general fund revenues to be less than the amount of actual state general fund revenue collected or otherwise received in the preceding fiscal year, when the decrease in the current estimated state general fund revenue was not created, in whole or in part, by any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year; or

(B) the ensuing fiscal year's estimated state general fund revenues to be less than the amount of estimated state general fund revenues in the current fiscal year, when the decrease in the ensuing fiscal year's estimated state general fund revenues was not created, in whole or in part, by any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year.

(2) The attorney general shall be responsible for certifying whether any kind of tax reduction legislation was enacted by the legislature and approved by the governor. Any withdrawal authorized by this subsection shall be enacted in a separate bill that does not include any other matter except a statement that the conditions prescribed by this subsection exist and authorize the transfer of a specific amount of money from the budget stabilization fund to the state general fund.

(e) Pursuant to subsection (d), the legislature shall provide by law for the transfer of a specific amount of money from the budget stabilization fund to the state general fund.

(f) Amounts in the budget stabilization fund may be invested as provided by law and the earnings thereon shall be retained in the budget stabilization fund.

(g) The legislature shall define “state general fund revenue” by law and may enact other laws to carry out the purposes of this section.”

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

“Explanatory statement. The purpose of this amendment is to establish a budget stabilization fund in the state treasury starting on July 1, 2011.

“A vote for this amendment will:

- (1) Require that annually, when state general fund revenue for a fiscal year increases by more than three percent over the state general fund revenue for the preceding fiscal year, up to the next one percent of state general fund revenue collected in excess of three percent shall be deposited in the budget stabilization fund. Nothing in this amendment shall require state general fund revenue to be deposited in the budget stabilization fund when the budget stabilization fund balance exceeds seven and one-half percent of the current fiscal year’s state general fund budget as enacted by the legislature and approved by the governor.
- (2) Allow the legislature, by law, to provide for additional amounts of state general fund revenue to be deposited in the budget stabilization fund.
- (3) Allow, by a separate act of the legislature, withdrawals from the budget stabilization fund to occur only to provide that the:
 - (A) Current fiscal year’s estimated state general fund revenues are less than the amount of actual state general fund revenues collected or otherwise received in the preceding fiscal year, when the decrease in current estimated state general fund revenue was not created, in whole or in part, by any kind of tax reduction legislation enacted by the legislature and approved by the governor in the preceding fiscal year; or
 - (B) ensuing fiscal year’s estimated state general fund revenues are less than the amount of estimated state general fund revenues in the current fiscal year, when the decrease in the ensuing fiscal year’s estimated state general fund revenue was not created, in whole or in part, by any kind of tax reduction legislation enacted by the legislature and approved by the governor in the preceding fiscal year. The attorney general is responsible for determining whether tax reduction legislation was enacted and approved.

“A vote against this amendment will make no changes in current law concerning the State’s finances.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The Secretary of State shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the State at the general election in the year 2010 unless a special election is called at a sooner date by concurrent resolution of the Legislature, in which case it shall be submitted to the electors of the State at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 530**.

Federal and State Affairs: **SB 531, SB 532**.

Financial Institutions & Insurance: **HB 2160**.

Judiciary: **SB 533, SB 534, SB 535; HB 2082, HB 2412, HB 2440, HB 2476**.

Transportation: **SB 536**.

REPORT ON ENROLLED BILLS

SR 1810, SR 1811, SR 1813, SR 1814 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 5, 2010.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, February 8, 2010.

Journal of the Senate

TWENTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 8, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Faust-Goudeau and Ostmeyer were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Sometimes we are reminded
When tempers start to flare
About a rule we have which says,
“Please address the chair.”

When colleagues irritate us
And we almost start to swear,
It makes it much less personal
When we address the chair.

One lesson we could learn from this
When we are on a tear
Is to stop and take some time
To address the Heavenly Chair.

If speaking to our chairperson
Seems to cool the air,
It would accomplish even more
To address the Heavenly Chair.

So the next time we get angry
Instead of acting like a bear,
Help us take a moment, Lord,
To address the Heavenly Chair.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were referred to Committees as indicated:

Judiciary: **SB 537**.

Ways and Means: **SCR 1627**.

CHANGE OF REFERENCE

The President withdrew **SB 518** from the Committee on **Transportation**, and referred the bill to the Committee on **Assessment and Taxation**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2418, HB 2501**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2418, HB 2501 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1815—

A RESOLUTION congratulating Avery Clifton for being an outstanding Kansas high school athlete and student.

WHEREAS, Washburn Rural High School senior Avery Clifton was named the Gatorade Cross County Runner of the Year for Kansas for the second year in a row; and

WHEREAS, Gatorade State Players of the Year are selected based upon outstanding athletic excellence accompanied by high standards of academic achievement and exemplary personal character demonstrated on and off the field; and

WHEREAS, Avery Clifton was the May 2009 6A State Track and Field Champion, winning the 1600 and 3200 meter runs; and

WHEREAS, Avery Clifton was the 6A State Cross Country champion for 2009; and

WHEREAS, Avery Clifton took 8th place in the 2009 Footlocker Midwest Regional Cross Country meet; and

WHEREAS, Avery Clifton took 24th place in the 2009 Footlocker National Cross Country Championship meet; and

WHEREAS, Avery Clifton is a member of the 2009 Washburn Rural High School team which became the Topeka City Champions, Centennial League Champions, Regional Champions and took 5th place at the 6A State Cross Country meet; and

WHEREAS, Avery Clifton managed to maintain a 4.25 grade point average while performing at an exceptionally high level in sports; and

WHEREAS, Avery Clifton's ability to maintain exceptional grades while excelling at a difficult and competitive sport makes her accomplishments truly extraordinary: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Avery Clifton for being the Gatorade Cross Country Runner of the Year for Kansas for the second year in a row and for her outstanding athletic and scholastic achievements; and

Be it further resolved: That the Secretary of the Senate be directed to provide three enrolled copies of this resolution to Senator Vicki Schmidt.

On emergency motion of Senator V. Schmidt **SR 1815** was adopted unanimously.

Senator V. Schmidt introduced Avery Clifton for being named the Gatorade Cross Country Runner of the Year for Kansas for the second year in a row from Washburn Rural High School. Also representing Washburn Rural High School were the following: Brenda Dietrich, Superintendent; Ed Raines, Principal and Penny Lane, Athletic Director.

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1816—

A RESOLUTION congratulating the Washburn Rural High School volleyball team for winning the 2009 Class 6A State Volleyball Championship.

WHEREAS, The Washburn Rural High School volleyball team won the 2009 Class 6A State Volleyball Championship; and

WHEREAS, The Washburn Rural Lady Blues won the title by defeating Blue Valley West for the fourth consecutive year in the championship game by scores of 17—25, 25—18 and 25—18; and

WHEREAS, The Lady Blues finished the 2009-10 season with a record of 41—4 en route to winning the 6A State Championship, as well as the Derby Tournament, Emporia Tournament and the Class 6A Sub-State Tournament; and

WHEREAS, The Washburn Rural High School volleyball team made its 13th consecutive appearance at the KSHSAA State Tournament and its 11th consecutive Final Four appearance at the State Tournament; and

WHEREAS, The team members are seniors Alexa Bordewick, Kelsey Lewis; juniors Kylie Pease, Emily Conklin, Liz Mariner; sophomores Peyton Evans, Dani Musselman, Whitney Gifford, Sarah Williams; freshmen Alyssa Carney, Erika Lane, and Sarah Vicory; and

WHEREAS, The Lady Blues' dedication to teamwork resulted in success for many of the members. These honors include Alexa Bordewick being selected to the First Team 6A All-State Tournament Team, First Team 6A All-State, First Team All-Centennial League and First Team All-City; Kelsey Lewis being selected to the First Team 6A All-State Tournament Team, First Team 6A All-State, First Team All-Centennial League, First Team All-City, Topeka City and Centennial League Most Valuable Player; and Sarah Vicory being selected to the First Team 6A All-State Tournament Team, Second Team 6A All-State, First Team All-Centennial League and First Team All-City; Dani Musselman being named 6A All-State Honorable Mention, First Team All-City and All-League; Emily Conklin being named Second Team All-City and Second Team All-League; and Alyssa Carney being named Second Team All-City and Second Team All-League; and Erika Lane being named Second Team All-City and Second Team All-League; and Kylie Pease being selected as All-City Honorable Mention and All-League Honorable Mention; and

WHEREAS, Seniors Kelsey Lewis and Alexa Bordewick have become the first four-time state champions in a team sport in Topeka history; and

WHEREAS, The Lady Blues are led by coach Kevin Bordewick and assistant coach Nikki Noe, whose dedication and leadership have guided the Blues to their fourth straight 6A State Championship and their fifth title in the last six years: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Washburn Rural High School volleyball team for its successful season and for winning the 2009 Class 6A State Volleyball Championship; and

Be it further resolved: That the Secretary of the Senate provide 20 enrolled copies of this resolution to Senator Vicki Schmidt.

On emergency motion of Senator V. Schmidt **SR 1816** was adopted unanimously.

Senator V. Schmidt introduced and congratulated the Washburn Rural High School volleyball team for winning the 2009 Class 6A state volleyball championship. The following were the Washburn Rural High School volleyball team: Alexa Bordewick, Kelsey Lewis, Kylie Pease, Emily Conklin, Liz Mariner, Peyton Evans, Dani Musselman, Whitney Gifford, Sarah Williams, Alyssa Carney, Erika Lane and Sarah Vicory. Also in attendance were Coach Kevin Bordewick and Coach Scott Shufelberger.

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1817—

A RESOLUTION congratulating the Washburn Rural High School boys' soccer team for winning the 2009 Class 6A State Soccer Championship.

WHEREAS, The Washburn Rural High School boys' soccer team won the Class 6A State Soccer Championship; and

WHEREAS, The Washburn Rural Junior Blues won the title by defeating Lawrence Free State in the championship game by a score of 3—0; and

WHEREAS, The Junior Blues finished the 2009-10 season with a record of 20—1 en route to winning the 6A State Championship, as well as the KA-MO Tournament, Centennial League Championship, and the Class 6A Regional Tournament, and finished ranked 11th in the national rankings in the NSCAA/Adidas soccer poll; and

WHEREAS, The team members are seniors Haden Beardmore, Levi Brunton, Brahm Cohen, Grant Copeland, Nick Golden, Justin Ives, Austin Jackson, Eric Semjenow, Jeffery Veatch; juniors Keenan Ankerholz, Daniel De Zamacona, Collin Erbert, Harrison Petrik, Ethan Speake, Ben Sullivan, Keven Thomas; sophomores Nick Gideon, Craig Harding, Allan McFarland, Addison Schile, Anthony Schmiedeler, Joey Welch; and

WHEREAS, The Junior Blues' dedication to teamwork resulted in success for many of the members. These honors include Nick Golden being selected to the First Team 6A All-

State Team, First Team All-Region, First Team All-Centennial League, and First Team All-City, NSCAA All-Region VII, NSCAA Honorable Mention All-American; Justin Ives being selected to the First Team 6A All-State, First Team All-Region, First Team All-Centennial League and First Team All-City; and Austin Jackson selected to the First Team 6A All-State Team, First Team All-Region, First Team All-Centennial League and First Team All-City; Grant Copeland selected to First Team All-City, First Team All-League and First Team All-Region; Ethan Speake selected to First Team All-City, First Team All-League and First Team All-Region; and Levi Brunton selected to First Team All-City; and

WHEREAS, The Junior Blues are led by coach Brian Hensyel and assistant coaches Brian Bell, David Chooncharoen and Andy Vogel, whose dedication and leadership have guided the Junior Blues to the school's second 6A State Soccer Title: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Washburn Rural High School boys' soccer team for winning their impressive 2009-10 season and for winning the 2009 Class 6A State Soccer Championship; and

Be it further resolved: That the Secretary of the Senate provide 27 enrolled copies of this resolution to Senator Vicki Schmidt.

On emergency motion of Senator V. Schmidt **SR 1817** was adopted unanimously.

Senator V. Schmidt introduced and congratulated the Washburn Rural High School boy's soccer team for winning the 2009 Class 6A state soccer championship. The following is the Washburn Rural High School soccer team: Haden Beardmore, Levi Brunton, Brahms Cohen, Grant Copeland, Nick Golden, Justin Ives, Austin Jackson, Eric Semjenow, Jeffrey Veatch, Keenan Ankerholz, Daniel DeZamacona, Collin Erbert, Harrison Petrik, Ethan Speake, Ben Sullivan, Keven Thomas, Nick Gideon, Craig Harding, Allan McFarland, Addison Schile, Anthony Schmiedeler and Joey Welch. Also in attendance were coach Brian Hensyel and assistant coaches: Brian Bell, David Chooncharoen and Andy Vogel.

Senators Hensley and Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1818—

A RESOLUTION honoring the Boy Scouts of America's contributions to society and vision for the future and congratulating the Boy Scouts of America on its 100th Anniversary.

WHEREAS, The Boy Scouts of America was established in 1910 to teach patriotism, courage, self-reliance and kindred values; and

WHEREAS, The Boy Scouts of America today is the largest youth service organization in America, with nearly 3 million members learning responsible citizenship, character development, and self-reliance through participation in a wide range of outdoor activities, educational programs and career-oriented programs in partnership with community organizations; and

WHEREAS, The Boy Scouts of America will celebrate its 100th Anniversary on February 8, 2010; and

WHEREAS, A core value of the Boy Scouts of America is service to others; and

WHEREAS, The Boy Scouts of America is celebrating Scouting's 100th Anniversary with the theme "Celebrating the Adventure, Continuing the Journey"; and

WHEREAS, Membership in the Boy Scouts of America has been shown to improve a Scout's likelihood for success as an adult and enhance the quality of life in the community where he resides: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we do hereby recognize the impact of this great organization and the importance of its 100 years of service to the citizens of this community and communities across America by proclaiming February 8, 2010 as Boy Scouts of America 100 Years of Scouting Day; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Jeffrey R. Moe, Scout Executive, Jayhawk Area Council, 1020 S.E.

Monroe St., Topeka, KS 66612; Timothy C. Bugg, Scout Executive, Heart of America Council, 10210 Holmes Rd., Kansas City, MO 64131; Mike Johnson, Scout Executive, Quivira Council, 1555 E. 2nd St., Wichita, KS 67214; Stacy Huff, Scout Executive, Coronado Area Council, 644 S. Ohio, PO Box 912, Salina, KS 67402; John Hogg, Scout Executive, Santa Fe Trail Council, 1513 E. Fulton Ter., Garden City, KS 67846; Alan Franks, Scout Executive, Pony Express Council, 1704 Buckingham St., St. Joseph, MO 64506; Dean Ertel, Scout Executive, Ozark Trails Council, 1616 S. Eastgate, Springfield, MO 65809.

On emergency motion of Senator Hensley **SR 1818** was adopted unanimously.

Senator Hensley introduced Samuel Mazas, Cub Scout, Chandler R. Emslie, Boy Scout, and Jacob Bures, Eagle Scout and congratulated the Boy Scouts of America on its 100th Anniversary and contributions to Society. Also introduced representing the Boy Scouts of America were: Jeffrey R. Moe, Scout Executive, David A. Nolle, Assistant Scout Executive, Jill Garrard, Scout Executive and John Emslie, Scout Leader.

REMARKS

MR. PRESIDENT: These precepts have served as a personal guide to this “Star” Boy Scout throughout my life.

“On my honor, I will do my best
To do my duty
To God and my country
And to obey the scout law:
To help other people at all times
To keep myself physically strong
Mentally awake
And morally straight.”

“A scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.”

One hundred years! May God continue to bless the Boy Scouts of America.—DAVID HALEY

REPORTS OF STANDING COMMITTEES

Committee on **Local Government** recommends **SB 463** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **SB 479** be amended on page 3, in line 38, by striking “individuals” and inserting “persons”; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, February 9, 2010.

Journal of the Senate

TWENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 9, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Steineger was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

We were elected by a majority
Who believed we are the best,
And we are those they hope
Will prove we pass the test.

Lord, help us not to be content
With being what they see,
But help us to become
All that we can be.

You have made it clear, O God,
That You're the only One
Who can make each one of us
Your daughter or Your son.

Help us, Lord, to trust You
With all our heart and soul
So we can serve our people
With a wisdom to behold!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 538. An act regulating traffic; concerning school buses; amending K.S.A. 8-2009a and repealing the existing section, by Committee on Federal and State Affairs.

SB 539. An act concerning school finance; repealing K.S.A. 72-6406, 72-6408, 72-6411, 72-6415, 72-6416, 72-6418, 72-6419, 72-6420, 72-6422, 72-6423, 72-6424, 72-6427, 72-6429, 72-6432, 72-6436, 72-6437, 72-6444, 72-6446, 72-6447, 72-7105a and 72-8237 and K.S.A. 2009 Supp. 72-3715, 72-3716, 72-6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6415b, 72-6417, 72-6421, 72-6425, 72-6426, 72-6428, 72-6430, 72-6431, 72-6433, 72-6433d, 72-6434, 72-6434b, 72-6435, 72-6438, 72-6439, 72-6439a, 72-6441, 72-6442b, 72-6443, 72-6445a, 72-6448, 72-6449, 72-6450, 72-6451, 72-6452, 72-6453, 72-6454, 72-6455, 72-6456, 72-6457, 72-6458, 72-6459, 72-64b01, 72-64c01,

72-64c03, 72-64c04, 72-8238, 72-8248, 72-8249, 72-8250, 72-9509 and 72-9609, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Financial Institutions & Insurance: **HB 2501**.

Judiciary: **HB 2418**.

MESSAGE FROM THE GOVERNOR

January 8, 2010

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Mark Parkinson
Governor

Commissioner, State Corporation Commission, Thomas Wright, pursuant to the authority vested in me by KSA 74-601, effective upon the date of confirmation by the Senate, to serve a term of four years.

January 11, 2010

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Mark Parkinson
Governor

Secretary, Department of Commerce, William R. Thornton, pursuant to the authority vested in me by KSA 74-5002, effective upon the date of confirmation by the Senate, to serve at the Pleasure of the Governor.

January 21, 2010

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Mark Parkinson
Governor

State Librarian of Kansas, Joanne M. Budler, pursuant to the authority vested in me by KSA 75-2535, to be effective upon the date of confirmation by the Senate, to serve at the Pleasure of the Governor.

January 28, 2010

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Mark Parkinson
Governor

Member, Kansas Parole Board, Patricia Ann Biggs, pursuant to the authority vested in me by KSA 22-3707, effective upon the date of confirmation by the Senate, to serve a four year term expiring January 15, 2014.

Member, State Board of Indigent Services, Lawrence P. Daniels, pursuant to the authority vested in me by KSA 22-4519 et seq, effective upon the date of confirmation by the Senate, to serve a term of three years, expiring March 15, 2012.

Member, University of Kansas Hospital Authority, Mark R. Jorgenson, pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate, to serve a four year term expiring March 15, 2012.

Member, Kansas Development Finance Authority, Audrey Langworthy, pursuant to the authority vested in me by KSA 74-8903, effective upon the date of confirmation by the Senate, to serve a term of three years expiring January 15, 2013.

Member, Public Employee Relations Board, Keith A. Lawing, pursuant to the authority vested in me by KSA 75-4323, effective upon the date of confirmation by the Senate, to serve a term of four years expiring March 15, 2013.

Member, State Banking Board, James Needham, pursuant to the authority vested in me by KSA 74-3004, effective upon the date of confirmation by the Senate, to serve a term of three years expiring March 15, 2012.

Administrator, Credit Union, John P. Smith, pursuant to the authority vested in me by KSA 17-2233, effective upon the date of confirmation by the Senate, to serve a four year term expiring December 31, 2013.

Member, Kansas Technology Enterprise Corporation, Steven F. Warren, pursuant to the authority vested in me by KSA 74-8101, effective upon the date of confirmation by the Senate, to serve a four year term expiring March 15, 2014.

Member, University of Kansas Hospital Authority, Deryl Wynn, pursuant to the authority vested in me by KSA 76-3304, effective upon the date of confirmation by the Senate, to serve a four year term expiring March 15, 2013.

February 3, 2010

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

Mark Parkinson
Governor

Member, Kansas State Board of Regents, A. E. McKechnie, pursuant to the authority vested in me by KSA 3202a, effective upon the date of confirmation by the Senate, to fulfill a term of four years expiring June 30, 2010.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2353**, 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 as Senate Substitute for House Bill No. 2353, as follows:

On page 10, in line 1, by striking “of either .25%, .5%, .75% or 1%” and inserting “not to exceed 1% and shall be fixed in increments of .25%, and”;

On page 1, in the title, in line 10, before “amending” by inserting “certain rate limitations;”;

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

LES DONOVAN
DEREK SCHMIDT
TOM HOLLAND
Conferees on part of Senate

RICHARD CARLSON
JEFF KING
JULIE MENGHINI
Conferees on part of House

Senator Donovan moved the Senate adopt the Conference Committee Report on **S Sub for HB 2353**.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Pilcher-Cook.

Absent or Not Voting: Steineger.

The Conference Committee report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 382** be amended on page 1, in line 29, after "building" by inserting "new houses or rehabilitating existing"; and the bill be passed as amended.

Also, **SB 414** be amended on page 12, in line 32, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 464** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **SB 387** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Teichman in the chair.

On motion of Senator Teichman the following report was adopted:

Recommended **SB 380**, **SB 451** be passed.

SB 449; **HB 2414** be amended by adoption of the committee amendments, and the bills be passed as amended.

SCR 1625 be adopted.

SB 368 be amended by motion of Senator Pilcher-Cook on page 1, after line 14, by inserting the following:

"Section 1. K.S.A. 2009 Supp. 8-1014 is hereby amended to read as follows: 8-1014. (a) Except as provided by subsection (e) and K.S.A. 8-2,142, and amendments thereto, if a person refuses a test, the division, pursuant to K.S.A. 8-1002, and amendments thereto, shall:

(1) On the person's first occurrence, suspend the person's driving privileges for one year and at the end of the suspension, restrict the person's driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device;

(2) on the person's second occurrence, suspend the person's driving privileges for two years;

(3) on the person's third occurrence, suspend the person's driving privileges for three years;

(4) on the person's fourth occurrence, suspend the person's driving privileges for 10 years; and

(5) on the person's fifth or subsequent occurrence, revoke the person's driving privileges permanently.

(b) (1) Except as provided by subsections (c) and (e) and K.S.A. 8-2,142, and amendments thereto, if a person fails a test or has an alcohol or drug-related conviction in this state, the division shall:

(A) On the person's first occurrence, suspend the person's driving privileges for 30 days, then restrict the person's driving privileges as provided by K.S.A. 8-1015, and amendments thereto, for an additional 330 days;

(B) on the person's second, third or fourth occurrence, suspend the person's driving privileges for one year and at the end of the suspension, restrict the person's driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device; and

(C) on the person's fifth or subsequent occurrence, the person's driving privileges shall be permanently revoked.

(2) Except as provided by subsection (e) and K.S.A. 8-2,142, and amendments thereto, if a person fails a test or has an alcohol or drug-related conviction in this state and the person's blood or breath alcohol concentration is .15 or greater, the division shall:

(A) on the person's first occurrence, suspend the person's driving privileges for one year and at the end of the suspension, restrict the person's driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device;

(B) on the person's second occurrence, suspend the person's driving privileges for one year and at the end of the suspension, restrict the person's driving privileges for two years to driving only a motor vehicle equipped with an ignition interlock device;

(C) on the person's third occurrence, suspend the person's driving privileges for one year and at the end of the suspension restrict the person's driving privileges for three years to driving only a motor vehicle equipped with an ignition interlock device;

(D) on the person's fourth occurrence, suspend the person's driving privileges for one year and at the end of the suspension, restrict the person's driving privileges for four years to driving only a motor vehicle equipped with an ignition interlock device; and

(E) on the person's fifth or subsequent occurrence, the person's driving privileges shall be permanently revoked.

~~(3) Whenever a person's driving privileges have been restricted to driving only a motor vehicle equipped with an ignition interlock device, proof of the installation of such device, for the entire restriction period, shall be provided to the division before the person's driving privileges are fully reinstated.~~

(c) Except as provided by subsection (e) and K.S.A. 8-2,142, and amendments thereto, if a person who is less than 21 years of age fails a test or has an alcohol or drug-related conviction in this state, the division shall:

(1) On the person's first occurrence, suspend the person's driving privileges for one year. If the person's blood or breath alcohol concentration is .15 or greater, the division shall at the end of the suspension, restrict the person's driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device;

(2) on the person's second and subsequent occurrences, penalties shall be imposed pursuant to subsection (b).

(d) Whenever the division is notified by an alcohol and drug safety action program that a person has failed to complete any alcohol and drug safety action education or treatment program ordered by a court for a conviction of a violation of K.S.A. 8-1567, and amendments thereto, the division shall suspend the person's driving privileges until the division receives notice of the person's completion of such program.

(e) Except as provided in K.S.A. 8-2,142, and amendments thereto, if a person's driving privileges are subject to suspension pursuant to this section for a test refusal, test failure or alcohol or drug-related conviction arising from the same arrest, the period of such suspension shall not exceed the longest applicable period authorized by subsection (a), (b) or (c), and such suspension periods shall not be added together or otherwise imposed consecutively. In addition, in determining the period of such suspension as authorized by subsection (a), (b) or (c), such person shall receive credit for any period of time for which such person's driving privileges were suspended while awaiting any hearing or final order authorized by this act.

If a person's driving privileges are subject to restriction pursuant to this section for a test failure or alcohol or drug-related conviction arising from the same arrest, the restriction periods shall not be added together or otherwise imposed consecutively. In addition, in determining the period of restriction, the person shall receive credit for any period of suspension imposed for a test refusal arising from the same arrest.

(f) If the division has taken action under subsection (a) for a test refusal or under subsection (b) or (c) for a test failure and such action is stayed pursuant to K.S.A. 8-259, and amendments thereto, or if temporary driving privileges are issued pursuant to K.S.A. 8-1020, and amendments thereto, the stay or temporary driving privileges shall not prevent the division from taking the action required by subsection (b) or (c) for an alcohol or drug-related conviction.

(g) Upon restricting a person's driving privileges pursuant to this section, the division shall issue a copy of the order imposing the restrictions which is required to be carried by the person at any time the person is operating a motor vehicle on the highways of this state.

(h) Any person whose license is restricted to operating only a motor vehicle with an ignition interlock device installed may operate an employer's vehicle without an ignition interlock device installed during normal business activities, provided that the person does not partly or entirely own or control the employer's vehicle or business.

Sec. 2. K.S.A. 2009 Supp. 8-1015 is hereby amended to read as follows: 8-1015. (a) When subsection (b)(1) of K.S.A. 8-1014, and amendments thereto, requires or authorizes the division to place restrictions on a person's driving privileges, the division shall restrict the person's driving privileges to driving only under the circumstances provided by subsections (a)(1), (2), (3) and (4) of K.S.A. 8-292 and amendments thereto.

(b) In lieu of the restrictions set out in subsection (a), the division, upon request of the person whose driving privileges are to be restricted, may restrict the person's driving privileges to driving only a motor vehicle equipped with an ignition interlock device, approved by the division and obtained, installed and maintained at the person's expense. ~~Prior to issuing such restricted license, the division shall receive proof of the installation of such device.~~

(c) When a person has completed the one-year suspension pursuant to subsection (b)(2) of K.S.A. 8-1014, and amendments thereto, the division shall restrict the person's driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device, approved by the division and maintained at the person's expense. ~~Proof of the installation of such device, for the full year of the restricted period, shall be provided to the division before the person's driving privileges are fully reinstated.~~

(d) Upon expiration of the period of time for which restrictions are imposed pursuant to this section, the licensee may apply to the division for the return of any license previously surrendered by the licensee. If the license has expired, the person may apply to the division for a new license, which shall be issued by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless the person's driving privileges have been suspended or revoked prior to expiration.”;

And by renumbering the remaining sections accordingly;

On page 10, in line 35, by striking “is” and inserting “and K.S.A. 2009 Supp. 8-1014 and 8-1015 are”;

In the title, in line 9, after “concerning” by inserting “driving; relating to”; in line 10, after “Supp.” by inserting “8-1014, 8-1015 and”; also in line 10, by striking “section” and inserting “sections” , and **SB 368** be passed as amended.

SB 410 be amended by adoption of the committee amendments, be further amended by motion of Senator V. Schmidt on page 2, in line 4, after “credit” by inserting “or debit”;

In the title, in line 10, by striking “certain”; also in line 10, by striking “received by state agen-”; in line 11, by striking “cies”; also in line 11, after “imposing” by inserting “limitations,” and **SB 410** be passed as further amended.

SCR 1621 be passed over and retain a place on the calendar.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, February 10, 2010.

Journal of the Senate

TWENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 10, 2010—2:30 p.m.

The Senate was called to order by Vice President John Vratil.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I'm sure that You have noticed, Lord,
We're quick to place the blame
On everyone else except
The person with our name!

Who brought on the deficit?
Who's responsible for recession?
Who collapsed the stock market?
We're waiting for a confession.

We blame it all on Bush;
We blame it on Obama.
I would not be surprised
If we blame it on our mama!

We blame it on Congress;
We blame it on the Courts.
We blame it on the wars
As a last resort.

We blame it on the banks;
We blame it on Fannie Mae.
We even blame it on the weather
When we have a cloudy day!

Some of us look to heaven
And blame it all on God.
While others look downward
And the devil gets the nod!

We have heard it said before,
"There's enough to go around."
If we take a look in the mirror,
The guilty may be found.

You have told us in the Bible, Lord,
"If my people who are called by
my name, will humble themselves
and pray and seek My face and
turn from their wicked ways, then
will I hear from heaven and forgive
their sin, and will heal their land."

We may say that we are blameless,
 But if that is what we say,
 Can we honestly confess
 We have taken time to pray?

I pray in the Name of Jesus Christ,
 AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 540. An act concerning utilities; concerning the Kansas underground utilities damage prevention act; amending K.S.A. 66-1811 and repealing the existing section, by Committee on Ways and Means.

SB 541. An act concerning the court of appeals; relating to the number of judges; amending K.S.A. 2009 Supp. 20-3002 and repealing the existing section, by Committee on Ways and Means.

SB 542. An act concerning elections; relating to changing the date of primary elections from April to August; amending K.S.A. 12-1004, 12-1005a, 12-1005b, 12-1005c, 12-1036d, 12-1037, 14-1204, 19-3507, 24-412, 25-1115, 25-2006, 25-2007, 25-2010, 25-2018, 25-2023, 25-2102, 25-2107, 25-2109, 25-2120, 25-2311, 25-2502, 25-3503, 71-1413 and 71-1414 and K.S.A. 2009 Supp. 14-201, 25-1122 and 25-2108a and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Education: **SB 538**, **SB 539**.

REFERRAL OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred to Committees as indicated:

Administrator, Credit Union:

John P. Smith, effective upon the date of confirmation by the Senate, to serve a four year term expiring December 31, 2013.

(Financial Institutions and Insurance)

Secretary, Department of Commerce:

William R. Thornton, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

(Commerce)

Member, Kansas Development Finance Authority:

Audrey Langworthy, effective upon the date of confirmation by the Senate, to serve a term of three years expiring January 15, 2013.

(Commerce)

Member, Kansas Parole Board:

Patricia Ann Biggs, effective upon the date of confirmation by the Senate, to serve a four year term expiring January 15, 2014.

(Judiciary)

Member, Kansas State Board of Regents:

A. E. McKechnie, effective upon the date of confirmation by the Senate, to fulfill a term of four years expiring June 30, 2010.

(Education)

Member, Kansas Technology Enterprise Corporation:

Steven F. Warren, effective upon the date of confirmation by the Senate, to serve a four year term expiring March 15, 2014.

(Commerce)

Member, Public Employee Relations Board:

Keith A. Lawing, effective upon the date of confirmation by the Senate, to serve a term of four years expiring March 15, 2013.

(Business and Labor)

Member, State Banking Board:

James Needham, effective upon the date of confirmation by the Senate, to serve a term of three years expiring March 15, 2012.

(Financial Institutions and Insurance)

Member, State Board of Indigent Services:

Lawrence P. Daniels, effective upon the date of confirmation by the Senate, to serve a term of three years, expiring March 15, 2012.

(Judiciary)

Commissioner, State Corporation Commission:

Thomas Wright, effective upon the date of confirmation by the Senate, to serve a term of four years.

(Utilities)

State Librarian of Kansas:

Joanne M. Budler, to be effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

(Federal and State Affairs)

Member, University of Kansas Hospital Authority:

Mark R. Jorgenson, effective upon the date of confirmation by the Senate, to serve a four year term expiring March 15, 2012.

(Public Health and Welfare)

Member, University of Kansas Hospital Authority:

Deryl Wynn, effective upon the date of confirmation by the Senate, to serve a four year term expiring March 15, 2013.

(Public Health and Welfare)

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2433, HB 2436, HB 2437, HB 2455, HB 2456, HB 2486, HB 2535, HB 2553.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2433, HB 2436, HB 2437, HB 2455, HB 2456, HB 2486, HB 2535, HB 2553 were thereupon introduced and read by title.

FINAL ACTION ON CONSENT CALENDAR

SB 376; HB 2125 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 376. An act concerning administrative procedure; amending K.S.A. 2-1011, 2-1206, 2-1222, 2-1232, 2-1423, 2-2215, 2-2452, 2-3312, 2-3317, 8-2410, 9-535, 9-1111, 9-1135, 9-1721, 9-1804, 9-2107, 9-2108, 12-16.106, 16a-6-414, 17-12a609, 17-5225d, 25-4185, 31-142, 39-7.143, 39-7.144, 39-7.145, 39-7.146, 39-7.150, 39-7.151, 39-931, 39-964, 40-205d, 40-251, 40-1621, 41-323, 42-703, 44-5.120, 44-829, 44-928, 44-1011, 44-1044, 44-1208, 46-243, 46-263, 46-292, 47-1216, 47-1507, 47-1708, 48-1608, 48-1613, 49-422a, 49-621, 55-164, 55-1.119, 55-443, 55-606, 55-1410, 58-1307, 58-1405, 58-3058, 58-3314, 58-3959, 58-4120, 58-4211, 65-170d, 65-171s, 65-1.207, 65-1.210, 65-1.211, 65-438, 65-440, 65-504, 65-6a34a, 65-785, 65-788, 65-1121a, 65-1431a, 65-1451, 65-1458, 65-1518, 65-1628, 65-1828, 65-2844, 65-2851a, 65-3312, 65-3412, 65-3417, 65-3419, 65-3424l, 65-3440, 65-3446, 65-3456a, 65-3458, 65-34.106, 65-34.122, 65-34.153, 65-4015, 65-4120, 65-4211, 65-4509, 65-5310, 65-5314, 65-5315, 65-5416, 65-5516, 65-5815, 65-6412, 65-6509, 65-7009, 65-7010, 65-7216, 66-118c, 66-1.164, 68-2213, 72-5430a, 74-719, 74-5337, 74-7028, 74-7030, 74-7315, 74-8813, 74-8815, 75-2748, 75-2929h, 75-3342, 75-4330, 75-4334, 75-5951, 76-12a13, 77-522, 77-536, 77-631, 82a-1211, 82a-1214, 82a-1217, 82a-1410 and 82a-1505 and K.S.A. 2009 Supp. 1-311, 1-312, 2-1008, 2-1201b, 2-2206, 2-2440e, 2-2511, 8-259, 8-1020,

8-2404, 8-2411, 8-2603, 8-2605, 8-2606, 9-1805, 12-5325, 12-5354, 16a-6-108, 17-2221a, 25-4713, 25-4715, 31-134, 31-144, 31-159, 31-606, 32-950, 32-1114, 36-509, 36-515b, 39-925, 39-944, 39-947, 39-948, 39-1412, 44-322a, 44-556, 44-612, 44-709, 44-710b, 47-624, 47-1706, 47-1707, 47-1809, 47-2101, 55-1639, 65-163, 65-163a, 65-171d, 65-1.234, 65-516, 65-6a24, 65-6a56, 65-1469, 65-2005, 65-2305, 65-2422d, 65-2912, 65-3008a, 65-3490, 65-34,113, 65-7313, 68-2240, 72-974, 74-596, 74-598, 74-2426, 74-32,173, 74-5369, 74-5616, 74-5617, 75-7c07, 75-2714, 75-2724, 75-2973, 75-3307b, 75-6207, 76-11a11, 79-4707, 82a-302, 82a-724, 82a-737, 82a-1038, 82a-1216, 82a-1901, 82a-2005, 83-501 and 83-502 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2125, An act concerning registers of deeds; pertaining to duties regarding plats; amending K.S.A. 19-1207, 58-3115 and 58-3707 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

SB 368, An act concerning driving; relating to driving under the influence of alcohol or drugs; amending K.S.A. 2009 Supp. 8-1014, 8-1015 and 8-1567 and repealing the existing sections; also repealing K.S.A. 8-1567, as amended by section 6 of chapter 107 of the 2009 Session Laws of Kansas, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Schmidt D.

Present and Passing: Francisco.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "Pass" on **Senate Bill 368** because of my concern that the amendment adopted by the Senate of the Whole does not simply allow for an individual who does not own a car to reinstate their license. Instead it does away with the requirement that, prior to issuing a license that would restrict driving privileges to driving only a motor vehicle equipped with an ignition interlock device upon the request of the person whose driving privileges are to be restricted, the division receives proof of the installation of such device. — MARCI FRANCISCO

SB 380, An act concerning wildlife, parks and recreation; relating to public use of cabins on state land, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Pyle, Schmidt D.
The bill passed.

SB 410, An act concerning electronic payments; imposing limitations, notice requirements and civil penalty; amending K.S.A. 16a-2-403 and K.S.A. 2009 Supp. 75-30,100 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 449, An act concerning audiologists; relating to educational requirements for licensure and representation; amending K.S.A. 65-6504 and 65-6505 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 451, An act concerning municipal bonds; amending K.S.A. 2009 Supp. 10-106 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SCR 1625, A resolution urging the United States Congress to fund the construction of the National Bio and Agro-defense Facility (NBAF) and the Department of Homeland Security to advance the sale of Plum Island Animal Disease Center and fully fund, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The resolution was adopted.

HB 2414, An act authorizing the state board of regents to convey certain real estate, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kel-

sey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Lee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1819—

A RESOLUTION recommending Kevin Saunders for the position of Chairman of the President's Council on Physical Fitness and Sports.

WHEREAS, Kevin Saunders, despite being badly injured and handicapped in a grain elevator explosion in 1981, has dedicated his life to motivating others and demonstrating the importance of physical fitness; and

WHEREAS, Mr. Saunders is now an actor, author and internationally acclaimed motivational speaker, and has been named one of the top 100 motivational speakers in the country; and

WHEREAS, Mr. Saunders has amassed a truly impressive list of accolades and achievements, including:

- Appointed by President H.W. Bush and President Clinton to serve on the President's Council on Physical Fitness and Sports (PCPFS), of which he is a former senior member
- Commended for his help in the creation of the National Initiative on Physical Fitness for Children and Youth with Disabilities, or the "I Can Do It, You Can Do It" program
- Named as the "Greatest All-around Wheelchair Athlete in the World"
- Worked with the Kansas State University football team, serving as a motivational coach during what was to become known as "The greatest turnaround in college football history"
- Pushed his wheelchair across America, spanning over 2,500 miles on behalf of PCPFS and the American Medical Association
- Pushed his hand cycle through five countries in Europe while serving as an international ambassador for health and fitness; and

WHEREAS, when asked what he felt was the greatest thing about his success, Mr. Saunders stated, "It's having the opportunity to share my story with people of all ages and encourage them to reach for higher and greater goals than ever before. The only thing that's better than winning a gold medal is watching someone that you've helped transcend their current limitations and reach for new levels of excellence." Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we applaud Kevin Saunders for all he has accomplished, and for the inspiration he has provided to everyone around him, and proudly support and recommend him for the position of Chairman of the President's Council on Physical Fitness and Sports.

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Janis Lee.

On emergency motion of Senator Lee **SR 1819** was adopted unanimously.

Senator Lee and members of the Senate welcomed and recognized Kevin Saunders with a standing ovation, for his outstanding accomplishments in the field of physical fitness. His wife Dora, guests Dan Lykins, Coach Bill Snyder, family and friends were acknowledged.

Committee on **Transportation** introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1821—

A RESOLUTION supporting visually impaired pedestrian safety.

WHEREAS, Technological advances in motor vehicles have led to the increased popularity of alternative fuel motorized road vehicles, such as hybrid and electric vehicles and to quiet roadway and tire technologies; and

WHEREAS, These new technologies are changing the way pedestrians, especially the blind and visually impaired, utilize audible cues to cross streets and move through traffic

because the engines in these vehicles operate with significantly less sound than the traditional combustion engine, resulting in a reduction of the warning time that blind or visually impaired pedestrians have to get across an intersection; and

WHEREAS, When vision, as a means of understanding and interpreting the environment, is reduced or completely eliminated, hearing takes over as the main information channel. Those who are blind or visually impaired have learned to rely on hearing to judge when it is safe to cross the street. Hearing also helps them verify they are within a crosswalk following a straight pathway and not veering into hazardous vehicular areas; and

WHEREAS, Traffic noise is a primary source of auditory information because the sounds of traffic give the blind or visually impaired pedestrians information about location, direction and flow which enables them to determine when they can safely cross a street; and

WHEREAS, Such sounds allow blind or visually impaired pedestrians to determine the geometric shape of an intersection and the presence of approaching vehicles. When there is silence, it is interpreted as a safe time to cross an intersection; and

WHEREAS, These environmentally friendly vehicles are extremely difficult and often impossible to hear for the blind or visually impaired. This is a threat to the ability of the blind or visually impaired pedestrians to move with independence and safety: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate of the State of Kansas appeals to the Federal Department of Transportation, the Congress of the United States of America and the Kansas Congressional Delegation to protect visually impaired pedestrians by researching and identifying strategies to ensure that all motor vehicles, regardless of engine type or configuration, emit sound sufficient to be heard and located by pedestrians, including those who are blind or visually impaired.

Be it further resolved: That the Secretary of the Senate be directed to send enrolled copies of this resolution to the Federal Department of Transportation and the Kansas Congressional Delegation.

REPORT ON ENGROSSED BILLS

SB 368, SB 410, SB 449 reported correctly engrossed February, 10, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 395** be passed.

Committee on **Business and Labor** recommends **SB 377** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Federal and State Affairs** recommends **SB 222** be amended on page 1, in line 13, by striking “may” and inserting “shall”; in line 34, after “the” by inserting “emergency medical services”; in line 36, before “criminal” by inserting “emergency medical services”; and the bill be passed as amended.

Also, **SB 453** be amended on page 1, in line 13, by striking “or” where it appears for the first time and inserting a comma; also in line 13, after “supplier” by inserting “or broker”; after line 39, by inserting:

“(f) For purposes of this section, the term “broker” means a person located in this state, other than a retailer, who solicits or accepts orders for alcoholic liquor to be shipped from this state and delivered to residents located outside this state.”;

Also on page 1, in line 40, by striking “(f)” and inserting “(g)” and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 424** be passed.

Committee on **Judiciary** recommends **SB 234, SB 363, SB 369, SB 373** be passed.

Also, **SB 353** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 353,” as follows:

“Substitute for SENATE BILL No. 353

By Committee on Judiciary

“AN ACT concerning trafficking; relating to human trafficking; aggravated human trafficking; forfeiture; amending K.S.A. 21-3446, 21-3447, 21-4643 and 22-4906 and K.S.A.

2009 Supp. 22-4902, 38-2361, 60-4104, 75-451, 75-452 and 75-453 and repealing the existing sections.”;

and the substitute bill be passed.

SCR 1622 be adopted.

Committee on **Transportation** recommends **SB 483** be passed.

Also, **SB 367** be amended on page 1, in line 22, by striking “operate” and inserting “: (1) Operate”; in line 24, after “(a)” by inserting “; or (2) operate a motorcycle or to ride as a passenger upon a motorcycle without being in compliance with the provisions of subsection (c)”; in line 25, after “(c)” by inserting “(1)”; after line 30, by inserting the following:

“(2) No person under the age of 18 years shall ride as a passenger on a motorcycle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant.”; and the bill be passed as amended.

SB 408 be amended on page 1, in line 28, after “operations” by inserting “and if a registration facility is not located within such courthouse or such administrative office, then at least one of the registration facilities established by the county treasurer shall not charge such registration fee”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 512** be passed.

Also **SB 461** be amended on page 1, in line 36, after the period by inserting “As used in this section, employer contributions shall include, and the county or counties shall be required to contribute, employer contributions required pursuant to K.S.A. 20-2605, and amendments thereto, and employee contributions required pursuant to K.S.A. 20-2603, and amendments thereto, for any district magistrate judge who is a member of the retirement system for judges.”; in line 43, by striking “as the salary or other compensation payable”;

On page 2, by striking all in line 1; in line 2, by striking “trate judges”; in line 3, by striking “retirement or other”; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, February 11, 2010.

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 11, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Omniscient Father,

Help us to know who is telling the truth. One side tells us one thing, and the other just the opposite.

And if neither side is telling the truth, we would like to know that, too.

And if each side is telling half the truth, give us wisdom to put the right halves together.

In Jesus' Name,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 543, An act concerning telecommunications; relating to the authorization of certain programs; amending K.S.A. 66-1,190 and repealing the existing section, by Committee on Ways and Means.

SB 544, An act concerning the metropolitan transit authority act; definitions; amending K.S.A. 12-2802 and repealing the existing section, by Committee on Ways and Means.

SB 545, An act concerning employment security law; relating to benefits and employer contributions; amending K.S.A. 2009 Supp. 44-703, 44-705 and 44-706 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 44-704c, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Commerce: **HB 2553**.

Education: **HB 2433**.

Ethics and Elections: **SB 542**.

Judiciary: **HB 2455**, **HB 2456**.

Transportation: **SR 1821**; **HB 2436**, **HB 2437**, **HB 2486**, **HB 2535**.

Utilities: **SB 540**.

Ways and Means: **SB 541**.

CHANGE OF REFERENCE

The President withdrew **SB 510** from the Committee on **Natural Resources**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 538** from the Committee on **Education**, and referred the bill to the Committee on **Transportation**.

The President withdrew **SB 418** from the Committee on **Ethics and Elections**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 369** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on **Judiciary**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2454**, **HB 2469**.

Also, passage of **Senate Substitute for HB 2222**, as amended.

The House adopts the conference committee report on **HB 2353**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2454, **HB 2469** were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Emler the Senate nonconcurred in the House amendments to **Senate Substitute for HB 2222** and requested a conference committee be appointed.

The President appointed Senators Emler, McGinn and Kelly as a conference committee on the part of the Senate.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **Senate Substitute for HB 2222** and has appointed Representatives Yoder, Merrick and Feuerborn as conferees on the part of the House.

FINAL ACTION ON CONSENT CALENDAR

SB 463 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

SB 463, An act concerning county bonded debt limits; amending K.S.A. 2009 Supp. 10-306 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Barnett and Colyer and Abrams, Apple, Brownlee, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1820—

A RESOLUTION supporting current guidelines for breast cancer screening.

WHEREAS, Breast cancer is the most common cancer among women and 1,790 new cases were diagnosed in Kansas in 2009; and

WHEREAS, 370 Kansas women died of breast cancer in 2009; and

WHEREAS, The survival rate for breast cancer detected early before it has spread is 98%, but with late detection, when the cancer has spread to distant parts of the body, the chance of survival is reduced to 27%; and

WHEREAS, In November, the United States Preventive Services Task Force recommended a change in the guidelines for breast self examination and routine screening for women; and

WHEREAS, The United States Department of Health and Human Services and the American Cancer Society continue to strongly support lifesaving breast cancer screening; and

WHEREAS, The American Cancer Society reports that 22% of breast cancer deaths occur in women diagnosed in their fifties, and 17% of breast cancer deaths occur in women in their forties and women over 75: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we reiterate our support for breast self examination and for lifesaving breast cancer screening through routine mammography; and

Be it further resolved: That we commend the commitment of the American Cancer Society to educate women of the benefits of mammograms and self breast examinations, and to make women aware of their options in treatment, reconstruction and recovery in the event of a diagnosis of breast cancer; and

Be it further resolved: That the Secretary of the Senate be directed to present enrolled copies of this resolution to Tina Herold, Deba Brant and Lorene Colyer, and to send three copies of this resolution to the American Cancer Society.

On emergency motion of Senator Barnett **SR 1820** was adopted unanimously.

Senator Barnett introduced Debra Brant and Tina Herold for recognition of their support of breast cancer screening. Others in attendance were acknowledged for their support of the program.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 430** be amended on page 1, after line 13, by inserting the following:

“Section 1. K.S.A. 2009 Supp. 74-50,154 is hereby amended to read as follows: 74-50,154.

(a) As used in this act: (1) “Business support services” means business counseling, technical assistance and business planning services provided to existing or prospective small businesses or entrepreneurs;

(2) “contributions” means and includes the donation of cash or property other than used clothing in an amount or value of \$250 or more. Contributions shall be valued as follows:

(A) Stocks and bonds contributed shall be valued at the stock market price on the date of transfer;

(B) personal property items contributed shall be valued at the lesser of the item’s fair market value or cost to the donor and may be inclusive of costs incurred in making the contribution. Such value shall not include sales tax;

(C) contributions of real estate are allowable for credit only when title of such real estate is in fee simple absolute and is clear of any encumbrances; and

(D) the amount of credit allowable shall be based upon the lesser of two current independent appraisals conducted by state licensed appraisers;

(3) “department” means the department of commerce;

(4) “entrepreneur” means an individual creating a new business, service or product;

(5) “region” means multi-county areas as defined by the secretary of commerce;

(6) “regional business development fund” means an authorized and audited fund that is created by taxpayer contributions, interest income and investment income and is managed by the regional foundation board of directors for the purposes of economic and leadership development in the region;

(7) “regional foundation” means any organization in Kansas that demonstrates capacity to provide economic development services to regions as defined by this act, and: (A) Has obtained a ruling from the internal revenue service of the United States department of treasury that such organization is exempt from income taxation under the provisions of section 501(c)(3) or 501(c)(6) of the federal internal revenue code;

(B) has been designated as a certified development company by the United States small business administration;

(C) has been designated as an economic development district by the United States department of commerce's economic development administration;

(D) has been organized as a regional planning commission under K.S.A. 12-744 et seq., and amendments thereto, or its predecessor, K.S.A. 12-716 et seq., and amendments thereto; or

(E) is incorporated in the state of Kansas as a nonstock, nonprofit corporation;

(8) "regional leadership development" means training and education that enable a region to develop community leadership that strengthens the economic and social environment in that region;

(9) "rural community" means any city having a population of fewer than 50,000 or except as otherwise provided, any unincorporated area. Unincorporated areas within any county having a population of more than 100,000 are not eligible;

(10) "secretary" means the secretary of the department of commerce;

(11) "small business" means an independently owned and operated business having fewer than 100 full-time equivalent employees;

(12) "taxpayer" means: (A) Any business entity authorized to do business in the state of Kansas which is subject to the state income tax imposed by the provisions of the Kansas income tax act;

(B) any individual subject to the state income tax imposed by the provisions of the Kansas income tax act;

(C) any national banking association, state bank, trust company or savings and loan association paying an annual tax on its net income pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated; or

(D) any insurance company paying the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto; and

(13) "technology improvements" means a project that results in the ability of the region to enhance service in areas, including broadband access, web site creation, wireless internet services, computer programming, computer servers, computer networks, computer databases, electronic training modules, electronic media and any other technological areas deemed eligible by the secretary.

(b) For taxable years commencing after December 31, 2004, any taxpayer contributing to a regional foundation designated by the secretary of commerce, shall be allowed a credit, as provided in this act, against the tax imposed by the Kansas income tax act, the tax on net income of national banking associations, state banks, trust companies or savings and loan associations imposed under article 11 of chapter 79 of the Kansas Statutes Annotated, or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, if the proposal of the regional foundation is approved pursuant to this act.

(c) (1) On December 31, 2007, June 30, 2008, and each June 30 thereafter, each regional foundation shall transfer 5% of funds raised in the previous fiscal year from the marketing of the rural business tax credits to be credited to the enterprise facilitation fund created in K.S.A. 2009 Supp. 74-50,155, and amendments thereto.

(2) The secretary of commerce may adopt rules and regulations for the disbursement of regional foundation funds to the enterprise facilitation fund.

(d) (1) The secretary of commerce is hereby authorized to adopt rules and regulations for establishing criteria for evaluating proposals to designate regional foundations as defined by this act with the assistance of the secretary of revenue.

(2) The proposal shall set forth the program to be conducted, why the program is needed, the estimated amount to be invested in the program, composition of the board that shall be making investment decisions, policies stating the organization shall offer services to all counties in that region and the plans for implementing the program.

(3) The secretary of commerce shall select regional foundations pursuant to rules and regulations adopted pursuant to subsection (d)(1) to use the sale of credits to establish regional business development funds.

(4) The total amount of credits allowed under this act shall not exceed \$2,500,000 for fiscal year 2005; \$2,500,000 for fiscal year 2006; ~~and~~ \$2,000,000 per year for fiscal years 2007 through, and including, 2010, *and fiscal year 2012, and \$1,800,000 for fiscal year 2011.* Each region as defined by this act shall receive an equal share of this allocation.

(5) Any credits not sold by such regional foundations shall be reclaimed by the secretary from such region and redistributed to other regions that sold all credits previously issued.

(6) The secretary shall annually review and approve or disapprove the proposal of each designated regional foundation for continued eligibility for tax credits. The department of commerce retains that right to reclaim credits in such cases the regional foundation closes or there is demonstrated violation of the organization's policies. Changes to the investment policies of each regional foundation are subject to approval of the secretary.

(e) Each regional foundation shall administer a regional business development fund. The sums generated by contributions to each regional business development fund are intended to be distributed to qualified entrepreneurs for the purposes of economic and leadership development in the region. Such sums shall be allocated by each regional foundation as follows:

(1) Not less than 60% of such funds may be allocated for job creation or retention;

(2) not more than 10% of such funds shall be allocated for administrative costs in overseeing particular projects; and

(3) the remaining funds may be allocated towards other eligible activities as provided in subsection (f) in a manner that fits the region's priorities and needs.

(f) Funds in the regional business development funds may be utilized by the regional foundation for one or more of the following eligible activities:

(1) Business start-ups;

(2) business expansion;

(3) business retention;

(4) business support services;

(5) regional leadership development;

(6) technology improvements; and

(7) administrative services.

(g) All interest generated on idle funds administered by the regional foundation shall be used by the foundation's board in accordance with subsections (e) and (f).

(h) Any regional foundation may increase or decrease the allocation percentages set forth in subsection (e) only upon approval of such adjustments by the secretary.

(i) (1) The amount of credit allowed pursuant to this act, shall not exceed 75% of the total amount contributed during the taxable year by the taxpayer to a regional foundation approved pursuant to this act.

(2) If the amount of the credit allowed by this act, exceeds the taxpayer's income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer.

(j) The provisions of this act shall be applicable to all taxable years beginning after December 31, 2004.

Sec. 2. K.S.A. 2009 Supp. 79-32,211 is hereby amended to read as follows: 79-32,211. (a) For all taxable years commencing after December 31, 2006, there shall be allowed a tax credit against the income, privilege or premium tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, or the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, in an amount equal to 25% of qualified expenditures incurred in the restoration and preservation of a qualified historic structure pursuant to a qualified rehabilitation plan by a qualified taxpayer if the total amount of such expenditures equal \$5,000 or more; or in an amount equal to 30% of qualified expenditures incurred in the restoration and preservation of a qualified historic structure which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code and which is not income producing pursuant to a qualified rehabilitation plan by a qualified taxpayer if the total amount of such expenditures equals \$5,000 or more. ~~In no event shall the total amount of credits allowed under this section exceed \$3,750,000 for fiscal years 2010 and 2011.~~ If the amount of such tax credit exceeds the qualified taxpayer's income, privilege or premium tax liability for the year in which the qualified rehabilitation plan was placed in service, as defined by section 47(b)(1) of the federal internal revenue code and federal regulation section 1.48-12(f)(2),

such excess amount may be carried over for deduction from such taxpayer's income, privilege or premium tax liability in the next succeeding year or years until the total amount of the credit has been deducted from tax liability, except that no such credit shall be carried over for deduction after the 10th taxable year succeeding the taxable year in which the qualified rehabilitation plan was placed in service.

(b) As used in this section, unless the context clearly indicates otherwise:

(1) "Qualified expenditures" means the costs and expenses incurred by a qualified taxpayer in the restoration and preservation of a qualified historic structure pursuant to a qualified rehabilitation plan which are defined as a qualified rehabilitation expenditure by section 47(c)(2) of the federal internal revenue code;

(2) "qualified historic structure" means any building, whether or not income producing, which is defined as a certified historic structure by section 47(c)(3) of the federal internal revenue code, is individually listed on the register of Kansas historic places, or is located and contributes to a district listed on the register of Kansas historic places;

(3) "qualified rehabilitation plan" means a project which is approved by the cultural resources division of the state historical society, or by a local government certified by the division to so approve, as being consistent with the standards for rehabilitation and guidelines for rehabilitation of historic buildings as adopted by the federal secretary of interior and in effect on the effective date of this act. The society shall adopt rules and regulations providing application and approval procedures necessary to effectively and efficiently provide compliance with this act, and may collect fees in order to defray its approval costs in accordance with rules and regulations adopted therefor; and

(4) "qualified taxpayer" means the owner of the qualified historic structure or any other person who may qualify for the federal rehabilitation credit allowed by section 47 of the federal internal revenue code.

If the taxpayer is a corporation having an election in effect under subchapter S of the federal internal revenue code, a partnership or a limited liability company, the credit provided by this section shall be claimed by the shareholders of such corporation, the partners of such partnership or the members of such limited liability company in the same manner as such shareholders, partners or members account for their proportionate shares of the income or loss of the corporation, partnership or limited liability company, or as the corporation, partnership or limited liability company mutually agree as provided in the bylaws or other executed agreement. Credits granted to a partnership, a limited liability company taxed as a partnership or other multiple owners of property shall be passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among the partners, members or owners documenting any alternate distribution method.

(c) Any person, hereinafter designated the assignor, may sell, assign, convey or otherwise transfer tax credits allowed and earned pursuant to subsection (a). The taxpayer acquiring credits, hereinafter designated the assignee, may use the amount of the acquired credits to offset up to 100% of its income, privilege or premiums tax liability for either the taxable year in which the qualified rehabilitation plan was first placed into service or the taxable year in which such acquisition was made. Unused credit amounts claimed by the assignee may be carried forward for up to five years, except that all such amounts shall be claimed within 10 years following the tax year in which the qualified rehabilitation plan was first placed into service. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the cultural resources division of the state historical society in writing within 90 calendar days following the effective date of the transfer and shall provide any information as may be required by such division to administer and carry out the provisions of this section. The amount received by the assignor of such tax credit shall be taxable as income of the assignor, and the excess of the value of such credit over the amount paid by the assignee for such credit shall be taxable as income of the assignee.;

And by renumbering sections accordingly;

Also on page 1, in line 14, by striking "Section" and inserting "Sec.;" in line 20, before "79-32,212" by inserting "79-32,211,;" in line 42, by striking "74-50,154,;"

On page 2, in line 1, after the comma, by inserting “and for tax year 2009, for the tax credit provided under K.S.A. 2009 Supp. 74-50,154, and amendments thereto.”; by striking all in line 28, and inserting the following:

“Sec. 4. K.S.A. 2009 Supp. 74-50,154, 79-32,211 and 79-32,264 are hereby repealed.”;

On page 1, in the title, in line 10, after “Supp.” by inserting “74-50,154, 79-32,211 and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Also, **SB 518** be amended on page 1, in line 29, by striking “of \$20” and inserting “fixed by the superintendent of the Kansas highway patrol by rules and regulations in an amount not to exceed \$25”

On page 2, in line 23, following “designee” by inserting “or new vehicle dealer”; in line 25, following “designee” by inserting “or new vehicle dealer”; and the bill be passed as amended.

Committee on **Education** recommends **SB 354, SB 355** passed.

Also, **SB 362** be amended on page 1, by striking all in lines 33 through 43;

On page 2, by striking all in lines 1 through 7 and inserting the following:

“(c) A board may adopt a resolution under which written notice of the board’s intention to not renew a contract may be given to any teacher after May 1 but no later than June 1 of the school year. If a resolution is adopted pursuant to this subsection, a teacher shall give written notice to the board that the teacher does not desire continuation of a contract no later than June 15 or, if applicable, not later than 15 days after the issuance of a unilateral contract as authorized by K.S.A. 72-5428a, and amendments thereto, whichever is the later date.”;

Also on page 2, by striking all in lines 21 through 35 and inserting the following:

“(c) A board may adopt a resolution under which written notice of a board’s intention to not renew the contract of employment of an administrator may be given to the administrator after May 1 but no later than June 1 of the year in which the term of the administrator’s contract expires. If a resolution is adopted under this subsection, an administrator shall give written notice to the board of the administrator’s rejection of renewal of a contract of employment on or before June 15 of such school year.”; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 420, SB 423** be passed.

Also, **SB 416** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 416,” as follows:

“Substitute for SENATE BILL No. 416

By Committee on Ethics and Elections

“AN ACT concerning governmental ethics; eliminating the filing requirements for certain faculty of state education institutions; amending K.S.A. 2009 Supp. 46-247 and repealing the existing section; also repealing K.S.A. 2009 Supp. 46-247a.”;

and the substitute bill be passed.

SB 417 be amended on page 1, in line 17, before “of” by inserting “and employer”; in line 19, by striking “industry” and inserting “employer”; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 389** be amended on page 1, in line 26, by striking all after “include”; in line 27, by striking “corporation” and inserting “:

- (1) Any subscription agreement issued by a nonprofit dental service corporation.
- (2) Any policy of health insurance purchased by an individual.
- (3) To the extent permitted by law, the health insurance plan for Kansas children established pursuant to K.S.A. 38-2001 et seq. and amendments thereto.
- (4) To the extent permitted by law, the state medical assistance program under medicaid established pursuant to K.S.A. 39-708c and amendments thereto”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 437, SB 438, SB 439, SB 440, SB 441** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Also, **SB 305**, as amended by Senate Committee, be amended on page 2, in line 20, by striking “: (1) Officers, directors,”; by striking all in lines 21 through 25; in line 26, by striking “(2)”; in line 33, by striking “(A)” and inserting “(1)”; in line 43, by striking “(B)” and inserting “(2)”;;

On page 3, in line 3, by striking “(C)” and inserting “(3)”; in line 16, by striking “(D)” and inserting “(4)”; and the bill be passed as amended.

SB 398 be amended on page 3, in line 6, by striking “certificate” and inserting “articles”; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 489** be amended on page 1, in line 17, by striking “distributes” and inserting “mails or delivers, using commercial courier or overnight or other delivery services.”; and the bill be passed as amended.

Also, **SB 490** be amended on page 4, in line 11, after “or” by inserting “K.S.A. 2009 Supp.”; and the bill be passed as amended.

SB 491 be amended on page 1, in line 30, by striking “30” and inserting “90”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 396** be amended on page 1, in line 20, by striking “will” and inserting “shall”; in line 21, after “(c)” by inserting “on June 30”; in line 23, after “The” by inserting “following”; also in line 23, after “funds” by inserting “are”; also in line 23, by striking “are”; by striking all in lines 42 and 43;

And by relettering the remaining subsections according;

On page 2, in line 1, by striking “When” and inserting “In any fiscal year.”; also in line 1, by striking “deposited”; also in line 1, by striking “is equal to or”; in line 2, by striking “exceeds” and inserting “shall not exceed”; also in line 2 by striking “, the secretary shall not request transfer of fees as pro-”; in line 3, by striking “vided in subsection (b)”; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Donovan in the chair.

On motion of Senator Donovan the following report was adopted:

Recommended **SB 342**, **SB 387**, **SB 446** be passed.

SCR 1615 be amended by the adoption of the committee amendments, and the resolution be adopted as amended.

SB 452 be amended by adoption of the committee amendments, be further amended by motion of Senator Brungardt on page 2, in line 35, after “violates” by inserting “only”;

On page 3, in line 1, after “adjudicated” by inserting “only” and **SB 452** be passed as further amended.

SB 479 be amended by adoption of the committee amendments, be further amended by motion of Senator D. Schmidt on page 3, in line 38, by striking “This includes, but is not” and inserting “Such information shall be”; also in line 38, by striking the comma after “to” and **SB 479** be passed as further amended.

SB 382, **SB 414** be passed over and retain a place on the calendar.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 342**, **SB 387**, **SB 446**, **SB 452**, **SB 479**; **SCR 1615** were advanced to Final Action and roll call.

SB 342, An act concerning cigarette lighters; prohibiting the sale of novelty cigarette lighters.

On roll call, the vote was: Yeas 32, Nays 8, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, McGinn, Morris, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Steinger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Bruce, Huelskamp, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Wagle.

The bill passed.

SB 387, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 446, An act concerning the department of administration; relating to approval of state contracts; amending K.S.A. 20-156, 20-1a13, 74-8704, 74-8709, 75-2540, 75-4101a, 76-720 and 76-770 and K.S.A. 2009 Supp. 40-3403, 74-8705, 74-99b16, 75-37,143, 75-4101, 75-4105, 75-5288, 76-760, 76-769 and 76-786 and repealing the existing sections; also repealing K.S.A. 75-3744.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 452, An act concerning minors; relating to purchase or consumption of alcoholic beverages by a person less than 18 years of age; detention; amending K.S.A. 2009 Supp. 41-727 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 479, An act concerning unclaimed property; regarding tax information; disclosure of information to the state treasurer for the purpose of locating unclaimed property owners; amending K.S.A. 2009 Supp. 79-3234 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SCR 1615, A CONCURRENT RESOLUTION claiming sovereignty under the Tenth Amendment to the Constitution of the United States over certain powers; serving notice to the federal government to cease and desist certain mandates; providing that certain federal legislation be prohibited or repealed; and directing distribution.

On roll call, the vote was: Yeas 33, Nays 7, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Huelskamp, Huntington, Kelly, Kelsey, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Vratil, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kultala, Umbarger.

The resolution was adopted, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote “No” on **SCR 1615**. I recognize along with many citizens and legislators the importance of recognizing the value of the Tenth Amendment of the U.S. Constitution. However I have specific objections to wording in this resolution, believing that the findings in *New York v. United States*, rather than holding that “Congress may not simply commandeer the legislative and regulatory processes of the state” more specifically found that Congress could, if it wished, pre-empt entirely state regulation in this area and that Congress may not commandeer the States’ legislative processes by directly compelling them to enact and enforce a federal regulatory program, but must exercise legislative authority directly upon individuals. The resolution states “WHEREAS, Many federal laws are in direct violation of the Tenth Amendment to the Constitution of the United States”, yet there was no testimony regarding any specific laws that are in violation, and that “*Be it further resolved: That all compulsory federal legislation which directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed*” calls for repeal of much legislation that we, as American citizens, embrace.—MARCI FRANCISCO

MR. PRESIDENT: I am pleased to vociferously vote “NO” on **SCR 1615**. As a native Kansan and a proud American, who pledges allegiance practically every day to the flag of the United States of America, even “mere” words of sedition from the indivisibility of our great, though sometimes imperfect, country disappoint and even alarm me.

Kansas, though sovereign, is a part of a federal system which is the strongest nation on the face of the planet.

David Haley, as citizen and as Kansas Senator, will proudly defend the sanctity of this Union against any adversary . . . foreign, or domestic. May God bless Kansas and may God bless the United States of America.—DAVID HALEY

MR. PRESIDENT: I vote NO on **Senate Concurrent Resolution 1615**.

I have grave concerns about this resolution’s third resolve clause: “Be it further resolved: That all compulsory federal legislation which directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed.”

This language appears to advocate for the repeal of “all compulsory federal legislation,” that could very well include the repeal of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Even though the resolution is non-binding, I cannot in good conscience go on the record as if supporting the repeal of these two federal laws, which granted fundamental rights of U.S. citizenship to African-Americans.—ANTHONY HENSLEY

Senators Faust-Goudeau, Haley, Holland, Kultala and Umbarger request the record to show they concur with the “Explanation of Vote” offered by Senator Hensley on **SCR 1615**.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, February 12, 2010.

Journal of the Senate

TWENTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 12, 2010—8:00 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-one senators present.
Senators Barnett, Colyer, Holland, Huelskamp, Kelsey, Lynn, Masterson, Pyle and Steinger were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Today we celebrate the two hundred and first birthday anniversary of Abraham Lincoln, President of the United States.

In September of 1862, in the darkest moment of the war, after losing the Second Battle of Bull Run, Lincoln wrote his “Meditation on the Divine Will:”

“The will of God prevails. In great contests each party claims to act in accordance with the will of God. Both may be, and one must be wrong. God cannot be for and against the same thing at the same time. In the present civil war it is quite possible that God’s purpose is something different from the purpose of either party—and yet the human instrumentalities, working just as they do, are of the best adaptation to effect His purpose.”

We thank You, Lord, for giving Lincoln such insight into Your will, which no doubt accounts for the survival of our nation. His leadership will never be forgotten because he sought Your will throughout the trials and tribulations.

I thank You in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Business and Labor: **SB 545**.

Judiciary: **HB 2454**, **HB 2469**.

Transportation: **SB 544**.

Utilities: **SB 543**.

REPORT ON ENROLLED BILLS

SR 1815, **SR 1816**, **SR 1817**, **SR 1818**, **SR 1819**, **SR 1820** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 12, 2010.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, February 15, 2010.

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 15, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Today is Presidents' Day, but since I pray for Washington and Lincoln on their birthday anniversaries, I am continuing to pray for our current President on this day.....

So I offer, O God,
This petition:
That President Obama
Will use his position

To carry out
Your perfect will,
So Your desires
Will be fulfilled.

I intercede
On his behalf
For him to use
His handicraft

To thank You
In advance, O Lord,
For how You'll
Accomplish one accord.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 546. An act providing for assessments on certain nursing facilities; prescribing powers, duties and functions for the Kansas health policy authority; creating the quality care assessment fund; providing for implementation and administration, by Committee on Ways and Means.

SB 547. An act concerning workers compensation; pertaining to disability benefits; pertaining to medical benefits; pertaining to notice requirements; amending K.S.A. 44-510c, 44-510d, 44-510e, 44-510f, 44-510j and 44-520 and K.S.A. 2009 Supp. 44-510h and repealing the existing sections, by Committee on Ways and Means.

SB 548, An act concerning taxation; relating to technical colleges; authority of county or counties to impose and levy sales and property taxes for support thereof; procedures, by Committee on Federal and State Affairs.

CHANGE OF REFERENCE

The President withdrew **SB 418** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Ethics and Elections**.

The President withdrew **SB 510** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Natural Resources**.

The President withdrew **SB 458, SB 459, SB 460, SB 488, SB 519, SB 533** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **HB 2411** from the Committee on **Judiciary**, and referred the bill to the Committee on **Public Health and Welfare**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2226, HB 2364, HB 2435, HB 2445, HB 2468, HB 2482, HB 2484, HB 2491; Substitute HB 2528; HB 2551, HB 2554**.

The House concurs in Senate amendments to **HB 2414**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2226, HB 2364, HB 2435, HB 2445, HB 2468, HB 2482, HB 2484, HB 2491; Substitute HB 2528; HB 2551, HB 2554 were thereupon introduced and read by title.

REPORT ON ENGROSSED BILLS

SB 452, SB 479; SCR 1615 reported correctly engrossed February 12, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HCR 5027** be adopted.

Committee on **Judiciary** recommends **SB 411** be passed.

Also, **SB 369** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

SB 346 be amended on page 1, after line 13, by inserting the following:

“Section 1. K.S.A. 21-4632 is hereby amended to read as follows: 21-4632. (a) If the defendant is to be sentenced to the custody of the secretary of corrections, the court may prepare a judgment form which shall be signed by the court and filed with the clerk. If prepared, the judgment form shall reflect the conviction, the sentence and the commitment, and shall contain the following:

(1) The pronouncement of guilt including:

- (A) The title of the crime;
- (B) the statute violated; and
- (C) the date the offense occurred.

(2) The sentence imposed including:

(A) The severity level of the crime of conviction, criminal history designation and grid block or departure sentence;

(B) if applicable, a description of any increase in sentence because of departure criteria;

(C) if applicable, a statement that this defendant has been convicted of severity levels 1 through 5 by reason of aiding, abetting, advising or counseling another to commit a crime, or by reason of the principle provided in subsection (2) of K.S.A. 21-3205 and amendments thereto;

(D) a statement of the effective date of the sentence indicating whether it is the date of imposition or some date earlier to give credit for time confined pending disposition of the case pursuant to K.S.A. 21-4614 and amendments thereto or credit for time on probation or assignment to community corrections pursuant to K.S.A. 21-4614a and amendments thereto.

(3) The order of commitment to the custody of the secretary, if not issued as a separate order.

(b) The court may attach to or include in the judgment form any of the following:

(1) A statement of reasons for imposing a departure sentence;
 (2) a description of aggravating or mitigating circumstances the court took into consideration when ordering the commitment;

(3) the copy of the evidence from trial or part thereof transmitted pursuant to K.S.A. 75-5219 and amendments thereto.

(c) The court shall forward a copy of all *complaints, supporting affidavits, county and district attorney reports*, presentence investigation reports and other diagnostic reports on the offender received by the district court, including any reports received from ~~the Topeka correctional facility—east~~ or the state security hospital, to the officer having the offender in custody for delivery with the offender to the correctional institution.”;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 16, by striking “three” and inserting “four”;

On page 2, in line 15, by striking “offender shall remain in the custody of the sheriff until the”; by striking all in lines 16 and 17; in line 18, by striking all before the period and inserting “secretary may order the offender discharged from the prison portion of the sentence”; in line 19, before “K.S.A.” by inserting “K.S.A. 21-4632 and”; also in line 19, by striking “is” and inserting “are”;

In the title, in line 10, before “K.S.A.” by inserting “K.S.A. 21-4632 and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

SB 370 be amended on page 1, in line 21, after “means” by inserting “parent,”; after line 24, by inserting the following:

“(e) ”Member of the military“ means a member of the armed forces or national guard on active duty or a member of an active reserve unit in the armed forces or national guard.”;

And by relettering the remaining subsections accordingly;

On page 2, in line 1, by striking “person on active military de-”; in line 2, by striking “ployment” and inserting “member of the military”; in line 15, after “America” by inserting “and separated from the armed forces under honorable conditions”; and the bill be passed as amended.

SB 381 be amended on page 1, following line 14, by inserting the following:

“New Section 1. The provisions of this act are to be construed and applied retroactively.”;

And by renumbering remaining sections accordingly;

Also on page 1, in line 15, by striking “Section” and inserting “Sec.”; in line 33, following the period, by inserting “There shall be a rebuttable presumption that such person had a reasonable belief that such threat or use of force was necessary to prevent or terminate such other’s unlawful entry into or attack upon such person’s dwelling or occupied vehicle.”; in line 38, following the period, by inserting “There shall be a rebuttable presumption that such person had a reasonable belief that such threat or use of deadly force was necessary to prevent imminent death or great bodily harm to such person or another.”;

On page 2, in line 34, following “involving” by inserting “death or”; and the bill be passed as amended.

SB 386 be amended on page 2, in line 7, after the comma by inserting “the prosecuting attorney shall request and”; in line 8, after “defendant” by inserting “or any other person”; and the bill be passed as amended.

SB 434 be amended on page 2, in line 36, after “employed” by inserting “and the offender has knowledge that such person is a student enrolled at the school where the offender is employed”;

On page 3, in line 1, after “the” where it appears the first time, by inserting “direct”; also in line 1, by striking “court services and the”; by striking all in lines 2 and 3; in line 4, by striking all before the semicolon and inserting “the offender”; in line 11, after “the” by inserting “direct”; also in line 11, by striking “community corrections and”; by striking all in lines 12 and 13; in line 14, by striking all before the period and inserting “the offender”; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 497** be passed.

Committee on **Transportation** recommends **SB 409** be passed.

Also, **SR 1821** be adopted.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator McGinn in the chair.

On motion of Senator McGinn the following report was adopted:

Recommended **SB 234, SB 363, SB 395** be passed.

SB 222, SB 305, SB 367, SB 398, SB 408, SB 453, SB 489, SB 490, SB 491 be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 353** recommending a **Sub SB 353** be adopted, and the substitute bill be passed.

SB 424 be amended by motion of Senator Teichman on page 1, in line 16, after "credit" by inserting "or debit"; in line 17, after "credit" by inserting "or debit"; in line 22, after "credit" by inserting "or debit"; in line 26, after "credit" by inserting "or debit" and **SB 424** be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, February 16, 2010.

Journal of the Senate

TWENTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 16, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
Legislators are fair game
For almost everyone.
I think I've heard them called
Everything under the sun.

In addition they disagree
On many important bills.
A lot of patience is required
To keep from getting shrill.

Constituents get quite angry
About how their Senator votes.
Not to mention many times
They're victims of misquotes.

Give them lots of patience, Lord,
And also keen insight.
Add a lot of peace of mind
To help them rest at night.

I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 548**.
Business and Labor: **SB 547**.
Commerce: **HB 2551**, **HB 2554**.
Federal and State Affairs: **HB 2445**.
Financial Institutions & Insurance: **HB 2491**.
Judiciary: **HB 2226**, **HB 2364**, **HB 2435**, **HB 2468**; Sub **HB 2528**.
Transportation: **HB 2482**, **HB 2484**.
Ways and Means: **SB 546**.

CHANGE OF REFERENCE

The President withdrew **SB 517** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 458, SB 459, SB 460, SB 488, SB 519, SB 533** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Judiciary**.

The President withdrew **SB 443** from the Committee on **Ethics and Elections**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 470** from the Committee on **Local Government**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 366, SB 384, SB 402, SB 450** from the Committee on **Utilities**, and referred the bills to the Committee on **Ways and Means**.

MESSAGE FROM THE GOVERNOR

February 8, 2010

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 10-405 for your information.

Mark Parkinson
Governor

The President announced Executive Directive No. 10-405, Authorizing Expenditure of Federal Funds, is on file in the office of the Secretary of the Senate and is available for review at anytime.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2434, HB 2473, HB 2485, HB 2492, HB 2548**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2434, HB 2473, HB 2485, HB 2492, HB 2548 were thereupon introduced and read by title.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2195**, 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 3, in line 6, by striking "2008" and inserting "2009"; in line 30, by striking "2008" and inserting "2009";

On page 9, by striking all in lines 28 through 43;

By striking all of page 10;

On page 11, by striking all in lines 1 through 7 and inserting the following:

"Sec. 8. K.S.A. 2009 Supp. 59-29b71 is hereby amended to read as follows: 59-29b71.

(a) At any time after the petition provided for in K.S.A. 59-29b57, and amendments thereto, has been filed venue may be transferred in accordance with this section.

(1) Prior to trial required by K.S.A. 59-29b65, and amendments thereto, and before the expiration of two full working days following the probable cause hearing held pursuant to K.S.A. 59-29b59 or 59-29b62, and amendments thereto, the district court then with jurisdiction, on its own motion or upon the written request of any person, may transfer the venue of the case to the district court of the county where the patient is being detained, evaluated or treated in a treatment facility under the authority of an order issued pursuant to K.S.A. 59-29b58, 59-29b59 or 59-29b64, and amendments thereto. Thereafter the district court may on its own motion or upon the written request of any person transfer venue to another district court only for good cause shown. When an order changing venue is issued, the district court issuing the order shall immediately send to the district court to which venue is changed a facsimile or electronic copy of the entire file of the case. The district court shall also immediately send a facsimile or electronic copy of the order transferring venue to the treatment facility where the patient is being detained, evaluated or treated.

(2) After the trial required by K.S.A. 59-29b65, and amendments thereto, the district court may on its own motion or upon the written request of any person transfer venue to another district court for good cause shown. When an order changing venue is issued, the

district court issuing the order shall immediately send to the district court to which venue is changed a facsimile or electronic copy of the entire file of the case. The transferring district court shall also immediately send a facsimile or electronic copy of the order transferring venue to the treatment facility where the patient is being detained, evaluated or treated. Upon request of the receiving district court or upon an order of the district court transferring venue, the transferring district court shall send to the receiving district court the entire original file of the case by mail.

(b) The district court issuing an order transferring venue, if not in the county of residence of the proposed patient, shall transmit to the district court in the county of residence of the proposed patient a statement of any court costs incurred by the county of the district court issuing the order and, if the county of residence is not the receiving county, a facsimile or electronic copy of the entire file of the case.

(c) Any district court to which venue is transferred shall proceed in the case as if the petition had been originally filed therein and shall cause notice of the change of venue to be given to the persons named in and in the same manner as provided for in K.S.A. 59-29b63, and amendments thereto. In the event that notice of a change of location of a hearing due to a change of venue cannot be served at least 48 hours prior to any hearing previously scheduled by the transferring court or because of scheduling conflicts the hearing can not be held by the receiving court on the previously scheduled date, then the receiving court shall continue the hearing for up to seven full working days to allow adequate time for notice to be given and the hearing held.

(d) Any district court to which venue is transferred, if not in the county of residence of the patient, shall transmit to the district court in the county of residence of the patient a statement of any court costs incurred and a facsimile or electronic copy of all pleadings and orders entered in the case after transfer.”;

On page 13, by striking all in lines 25 through 43;

By striking all of page 14;

On page 15, by striking all in lines 1 through 3 and inserting:

“Sec. 10. K.S.A. 2009 Supp. 59-2971 is hereby amended to read as follows: 59-2971.

(a) At any time after the petition provided for in K.S.A. 59-2957, and amendments thereto, has been filed venue may be transferred in accordance with this section.

(1) Prior to trial required by K.S.A. 59-2965, and amendments thereto, *and* before the expiration of two full working days following the probable cause hearing held pursuant to K.S.A. 59-2959 or 59-2962, and amendments thereto, the district court then with jurisdiction, on its own motion or upon the written request of any person, may transfer the venue of the case to the district court of the county where the patient is being detained, evaluated or treated in a treatment facility under the authority of an order issued pursuant to K.S.A. 59-2958, 59-2959 or 59-2964, and amendments thereto. Thereafter the district court may on its own motion or upon the written request of any person transfer venue to another district court only for good cause shown.

When an order changing venue is issued, the district court issuing the order shall immediately send to the district court to which venue is changed a facsimile or electronic copy of the entire file of the case. The district court shall also immediately send a facsimile or electronic copy of the order transferring venue to the treatment facility where the patient is being detained, evaluated or treated.

(2) After trial required by K.S.A. 59-2965, and amendments thereto, the district court may on its own motion or upon the written request of any person transfer venue to another district court for good cause shown. When an order changing venue is issued, the district court issuing the order shall immediately send to the district court to which venue is changed a facsimile or electronic copy of the entire file of the case. The transferring district court shall also immediately send a facsimile or electronic copy of the order transferring venue to the treatment facility where the patient is being detained, evaluated or treated.

(b) The district court issuing an order transferring venue, if not in the county of residence of the proposed patient, shall transmit to the district court in the county of residence of the proposed patient a statement of any court costs incurred by the county of the district court issuing the order and, if the county of residence is not the receiving county, a facsimile or electronic copy of the entire file of the case.

(c) Any district court to which venue is transferred shall proceed in the case as if the petition had been originally filed therein and shall cause notice of the change of venue to be given to the persons named in and in the same manner as provided for in K.S.A. 59-2963, and amendments thereto. In the event that notice of a change of location of a hearing due to a change of venue cannot be served at least 48 hours prior to any hearing previously scheduled by the transferring court or because of scheduling conflicts the hearing can not be held by the receiving court on the previously scheduled date, then the receiving court shall continue the hearing for up to seven full working days to allow adequate time for notice to be given and the hearing held.

(d) Any district court to which venue is transferred, if not in the county of residence of the patient, shall transmit to the district court in the county of residence of the patient a statement of any court costs incurred and a facsimile or electronic copy of all pleadings and orders entered in the case after transfer.”;

Also on page 15, in line 4, after “45-406,” by inserting “59-2967.”; also in line 4, by striking all after “59-29b67.”; by striking all in line 5; in line 6, by striking all before “are” and inserting “and 75-3519 and K.S.A. 2009 Supp. 38-2305, 59-2971, 59-29a08 and 59-29b71”;

In the title, in line 14, after “45-406,” by inserting “59-2967.”; in line 15, by striking all after “59-29b67.”; in line 16, by striking all before “and” where it appears for the last time and inserting “and 75-3519 and K.S.A. 2009 Supp. 38-2305, 59-2971, 59-29a08 and 59-29b71”;

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

JOHN VRATIL
CAROLYN MCGINN
LAURA KELLY

Conferees on part of Senate

JAMES F. MORRISON
LANCE KINZER
JANICE L. PAULS

Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2195**.
On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting

0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointment, submitted by the Kansas Health Policy Authority to the senate for confirmation, was considered.

Senator D. Schmidt moved the following appointment be confirmed as recommended by the Standing Senate Committee:

By the Kansas Health Policy Authority:

On the appointment to the:

Kansas Health Policy Authority, Executive Director:

Dr. Robert Andrew Allison, serves at the pleasure of the Kansas Health Policy Authority.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting

0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

SB 377, SB 437, SB 438, SB 439, SB 440, SB 441, SB 464 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 377, An act concerning the Kansas home inspectors professional competence and financial responsibility act; amending K.S.A. 2009 Supp. 58-4505 and 58-4512 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 437, An act concerning the secretary of state; relating to filing requirements for resident agents; amending K.S.A. 17-6204, 56a-1001 and 56a-1102 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 438, An act concerning business trusts; relating to required filings with the office of the secretary of state; amending K.S.A. 17-2030 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 439, An act concerning the secretary of state; relating to the Kansas register; amending K.S.A. 75-431 and K.S.A. 2009 Supp. 75-430 and repealing the existing sections; also repealing K.S.A. 75-432.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 440, An act concerning the office of secretary of state; relating to registration of insignias; repealing K.S.A. 75-421, 75-422, 75-423, 75-424, 75-425, 75-426 and 75-427, by Committee on Judiciary.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen,

Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 441, An act concerning corporations and business entities; relating to the merger of limited partnerships; amending section 11 of chapter 47 of the 2009 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 56-1a609.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 464, An act concerning payment of taxes; amending K.S.A. 24-623 and 79-2301 and K.S.A. 2009 Supp. 8-173 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 222, An act concerning emergency medical services; criminal history record checks, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 234, An act concerning civil procedure; relating to garnishment; amending K.S.A. 60-740, 61-3507 and 61-3510 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 305, An act concerning the Kansas tort claims act; relating to charitable health care providers; amending K.S.A. 2008 Supp. 75-6102 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub SB 353, An act concerning trafficking; relating to human trafficking; aggravated human trafficking; forfeiture; amending K.S.A. 21-3446, 21-3447, 21-4643 and 22-4906 and K.S.A. 2009 Supp. 22-4902, 38-2361, 60-4104, 75-451, 75-452 and 75-453 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

SB 363, An act concerning civil procedure; relating to bankruptcy; exempt property; earned income tax credit, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Donovan, Pilcher-Cook, Wagle.

The bill passed.

SB 367, An act regulating traffic; concerning the operation of motorcycles and motorized bicycles; amending K.S.A. 8-1598 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 29, Nays 11, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brownlee, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Lynn, Marshall, McGinn, Morris, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Bruce, Donovan, Huelskamp, Kelsey, Masterson, Ostmeyer, Pilcher-Cook, Pyle, Steineger, Taddiken.

The bill passed, as amended.

SB 395, An act concerning agriculture; relating to milk, milk products and dairy products; relating to fees and licensing requirements; amending K.S.A. 65-777 and K.S.A. 2009 Supp. 65-771, 65-778 and 65-781 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 29, Nays 11, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Barnett, Brownlee, Colyer, Haley, Huelskamp, Lynn, Masterson, Pilcher-Cook, Pyle, Steineger, Wagle.

The bill passed.

SB 398, An act concerning corporations; relating to indemnification and advancement of expenses; amending K.S.A. 17-6305 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 408, An act relating to vehicles; concerning the registration thereof; amending K.S.A. 2009 Supp. 8-145d and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Huelskamp, Pilcher-Cook, Pyle.

The bill passed, as amended.

SB 424, An act concerning motor vehicle registrations; relating to insufficient payment to county treasurers; amending K.S.A. 8-145b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 453, An act concerning alcoholic beverages; relating to packaging and warehousing facility permits, was considered on final action.

On roll call, the vote was: Yeas 35, Nays 5, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Lynn, Masterson, Pilcher-Cook, Pyle.

The bill passed, as amended.

SB 489, An act concerning contact lenses; amending K.S.A. 2009 Supp. 65-4967 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 490, An act concerning physical therapists licensure; amending K.S.A. 2009 Supp. 65-2910 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 491, An act concerning respiratory therapists; relating to special permits; amending K.S.A. 65-5508 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

REPORT ON ENGROSSED BILLS

SB 222, SB 305, SB 367, SB 398, SB 408, SB 424, SB 453, SB 489, SB 490, SB 491 reported correctly engrossed February 16, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 425** be amended on page 1, by striking all in lines 12 through 19;

And by renumbering the remaining sections accordingly;

On page 2, in line 15, by striking “, any” and inserting “:

(1) Any”;

Also on page 2, by striking all in lines 20 and 21; in line 22, by striking “by motor vehicle,” and inserting the following:

“(2)”;

And by relettering the remaining subsections accordingly;

On page 4, in line 5, by striking “deposited in the state treasury and credited” and inserting “remitted by the secretary 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 and credit”; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **SB 427, SB 429, SB 432** be passed.

Also, **SB 406** be amended on page 1, in line 15, by striking all after “and”; by striking all in line 16; in line 17, by striking “application” and inserting “entering into an agreement with the department providing for an installment payment plan allowing the pay off of such liability in a time period in excess of 90 days from the date when such agreement is entered into shall be assessed a”; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 482** be amended on page 1, after line 20, by inserting the following:

“(b) Assessed value of the land area” means the assessed value of the real property, which includes both the land and the improvements, as reflected in the records of the county in which the real property is located as of the last appraisal performed preceding the filing of the petition.”;

And by relettering the remaining subsections accordingly;

Also on page 1, in line 42, before “by” by inserting “of not to exceed 5% of the total cost of the project or the cost of work done”;

On page 4, in line 1, by striking “real location” and inserting “reallocation”; in line 31, by striking “excluding the assessed value of improvements”;

On page 6, in line 12, by striking “Property” and inserting “As an alternative to the other methods described in this act for modifying an existing district, property”; in line 14, after “district” where it appears the first time, by inserting “and by all property owners that signed the petition creating the original district”; and the bill be passed as amended.

Also, **SB 495** be amended on page 2, in line 37, by striking “The revenues used for”; by striking all in lines 38 through 42; in line 43, by striking all before the period and inserting “After the initial approval of a STAR bond project by the secretary, then any addition to or expansion of such STAR bond project or new project within such STAR bond project district shall be financed solely from the tax increment revenues, as defined in subsection (dd) of K.S.A. 2009 Supp. 12-17,162, and amendments thereto, generated from such addition to or expansion of such STAR bond project or new project within such STAR bond project district. The proceeds of such additional STAR bond financing may only be used to pay for such

addition to or expansion of such STAR bond project. This provision shall apply to all existing STAR bond projects"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 513** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 513," as follows:

"Substitute for SENATE BILL No. 513

By Committee on Federal and State Affairs

"AN ACT concerning alternative project delivery building construction; amending K.S.A. 2009 Supp. 19-216b, 19-216c, 19-216d, 19-216e, 19-216f, 72-6760d, 72-6760f and 72-6760g and repealing the existing sections.";

and the substitute bill be passed.

Also, **SB 478** be amended on page 2, by striking all in lines 24 and 25;

And by relettering subsections accordingly;

On page 3, in line 4, by striking "water"; in line 5, by striking "applied gummed paper or"; also in line 5, before "pressure" by inserting "heat process or"; in line 7, by striking "or meter imprints";

On page 7, in line 20, by striking "or revoked";

On page 8, in line 16, by striking "shall be sold"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 390** be amended on page 1, in line 22, by striking "Except as permitted by subsection (c), an" and inserting "An";

On page 2, by striking all in lines 8 through 39; in line 40, by striking "(d)" and inserting "(c)"; in line 42, by striking "(e)" and inserting "(d)"; and the bill be passed as amended.

Also, **SB 415** be amended on page 1, in line 25, by striking "or any obligation"; in line 26, by striking all before the semicolon; in line 31, by striking "or the"; in line 32, by striking all before the semicolon and inserting ", the federal home loan mortgage corporation or the government national mortgage association";

On page 5, in line 1, by striking "or (7)" and inserting ", (7) or (8)"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 345**, **SB 455** be passed.

Also, **SB 67** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 67," as follows:

"Substitute for SENATE BILL No. 67

By Committee on Judiciary

"AN ACT concerning crimes and punishment; relating to mistreatment of a dependent adult; amending K.S.A. 21-3437 and repealing the existing section.";

and the substitute bill be passed.

SB 374 be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 374," as follows:

"Substitute for SENATE BILL No. 374

By Committee on Judiciary

"AN ACT enacting the Kansas adverse medical outcome transparency act; concerning evidence in civil actions; expression of apology, sympathy, compassion or benevolent acts by health care providers not admissible as evidence of an admission of liability or as evidence of an admission against interest.";

and the substitute bill be passed.

HB 2476, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2476," as follows:

"SENATE Substitute for HOUSE BILL No. 2476

By Committee on Judiciary

"AN ACT concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund; docket fees for expungement of records; amending K.S.A. 2009 Supp. 8-2107, 8-2110, 21-4619, 22-2410, 23-108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections.";

and the substitute bill be passed.

SB 351 be amended on page 1, after line 22, by inserting the following:

“ “Handheld wireless communication device” does not include a voice-operated or hands-free device.”;

Also on page 1, in line 26, after the period, by inserting: “ “Text messaging” shall not include an emergency, traffic or weather alert or message related to the operation or navigation of a motor vehicle.”; in line 35, after “state” by inserting “, except to activate or deactivate a feature or function of a voice-operated or hands-free device”; after line 43, by inserting the following:

“(4) if the person reads, selects or enters a telephone number or name in a handheld wireless communication device for the purpose of making or receiving a phone call.”;

On page 2, in line 1, by striking “(4)” and inserting “(5)”; in line 2, by striking “(5)” and inserting “(6)”; in line 5, by striking all after “(b)”; in line 6, by striking “conviction.”; also in line 6, by striking “class C misdemeanor” and inserting “traffic infraction”; in line 10, by striking “bodily”; by striking all in lines 22 through 42;

And by renumbering the remaining section accordingly;

In the title, in line 10, by striking all after “vehicle”; in line 11, by striking all before the period; and the bill be passed as amended.

SB 456 be amended on page 1, in line 32, by striking “, parents or employees” and inserting “enrolled in such district, parents or guardians of such students or employees of such district; (2) messages from private or public schools to students attending such school, parents or guardians of such students or employees of such school”; in line 33, by striking “(2)” and inserting “(3)”; in line 34, by striking “(3)” and inserting “(4)”; in line 35, by striking “(4)” and inserting “(5)”;;

On page 2, in line 6, after the semicolon by inserting “and”; in line 7, by striking all after the “(c)”; by striking all in line 8; in line 9, by striking “(d)”; in line 23, after the comma, where it appears the second time, by inserting “except civil penalties recovered in a private cause of action.”; and the bill be passed as amended.

SB 471 be amended on page 1, in line 16, by striking “telecommunications” and inserting “a telecommunications device”; in line 23, before “making” by inserting “making or transmitting any comment, request, suggestion, proposal, image or text with intent to abuse, threaten or harass any person at the receiving end;

(3)”;;

Also on page 1, in line 29, by striking “(3)” and inserting “(4)”; in line 33, by striking “(4)” and inserting “(5)”; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Apple in the chair.

On motion of Senator Apple the following report was adopted:

Recommended **SB 354**, **SB 420**, **SB 483** be passed.

SCR 1622 be adopted.

SR 1821 be adopted.

SB 362, **SB 396**, **SB 430**, **SB 518** be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 497 be amended by motion of Senator Francisco on page 1, in line 22, after “a” by inserting “pocket”; in line 25, by striking “in” and inserting “through”; in line 31, by striking “knife not prohibited” and inserting “pocket knife specifically exempted”; in line 32, after “(a)” by inserting “(1)” and **SB 497** be passed as amended.

HCR 5027 be amended by motion of Senator Huelskamp on page 1, line 36, by striking “because climate change has become a global challenge, as a collaborative partner of the United States on a wide range of public issues, Taiwan should be afforded the opportunity to participate in the global efforts aimed at reducing carbon emissions, preventing global warming and natural disasters.” and **HCR 5027** be adopted as amended.

SB 417 be amended by adoption of the committee amendments, be further amended by motion of Senator Wagle on page 1, in line 18, by striking “and employer”; in line 20, by

striking “and”; also in line 20, by striking “employer” and **SB 417** be passed as further amended.

Senator McGinn withdrew an amendment on **SB 417**.

The Committee report on **SB 416** recommending a **Sub SB 416** be adopted, and the substitute bill be passed.

Having voted on the prevailing side, Senator Hensley moved the Senate reconsider its action on **Sub SB 416**. The motion carried. Senator McGinn moved to amend the bill on page 2, after line 16, by inserting the following:

“Sec. 2. K.S.A. 46-269 is hereby amended to read as follows: 46-269. Each report required to be filed by K.S.A. 46-268, and amendments thereto, is a public record and shall be open to public inspection upon request. Such report shall disclose the following:

(a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist during the period reported.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist’s employer for or in direct relation to lobbying during the reporting period, if such expenditures exceed \$100. Individual expenditures of less than \$2 shall not be required to be reported under this subsection. Every lobbyist shall keep detailed accounts of all expenditures required to be reported pursuant to K.S.A. 46-268, and amendments thereto. Such expenditures shall be reported according to the following categories of expenditures:

- (1) Food and beverages provided as hospitality;
- (2) entertainment, gifts, honoraria or payments;
- (3) mass media communications;
- (4) recreation provided as hospitality;
- (5) communications for the purpose of influencing legislative or executive action; and
- (6) all other reportable expenditures made in the performance of services as a lobbyist.

With regard to expenditures for entertainment or hospitality which is primarily recreation, food and beverages, only amounts expended on a state officer or employee or on such officer or employee’s spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this subsection and subsection (d), no lobbyist shall be responsible to report any expenditure by the lobbyist’s employer of which such person has no knowledge.

(c) (1) In addition to the information reported pursuant to subsection (b), each lobbyist expending an aggregate amount of \$100 or more for lobbying in any reporting period shall report any gift, entertainment or hospitality provided to members of the legislature, members of the judicial branch of government and any employees of the legislature or judicial branch of government. Such report shall disclose the full name of the legislator, member of the judicial branch and employee who received such gift, entertainment or hospitality and the *date and the* amount expended on such gift, entertainment or hospitality.

(2) No report shall be required to be filed pursuant to this subsection (c) for the following:

- (A) Meals, the provision of which is motivated by a personal or family relationship;
- (B) meals provided at public events in which the person is attending in an official capacity;
- (C) meals provided to a person subject to this section when it is obvious such meals are not being provided because of the person’s official position;
- (D) food such as soft drinks, coffee or snack foods not offered as part of a meal; and
- (E) entertainment or hospitality in the form of recreation, food and beverages provided at an event to which the following have been invited:
 - (i) All members of the legislature or all members of either house of the legislature; or
 - (ii) all members of a political party caucus of the legislature or all members of a political party caucus of either house of the legislature.

(d) Except as provided by subsection (c), whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only the aggregate amount or value of the expenditure contributed by such lobbyist.

(e) Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular

expenditure or gift, honoraria or payment. No expenditure or gift, honoraria or payment required to be reported by this section shall be reported by more than one lobbyist.

(f) All accounts, records and documents of the lobbyist which relate to every expenditure reported or which should have been reported shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission.”;

And by renumbering sections accordingly;

Also on page 2, in line 17, before “K.S.A.” by inserting “K.S.A. 46-269 and”;

In the title, in line 9, by striking all after the semicolon; in line 10, by striking all before “amending”; in line 11, before “K.S.A.” by inserting “K.S.A. 46-269 and”; also in line 11, by striking “section” and inserting “sections” and **Sub SB 416** be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 354, SB 362, SB 396; Sub SB 416; SB 417, SB 420, SB 430, SB 483, SB 497, SB 518; SCR 1622, SR 1821; HCR 5027** were advanced to Final Action and roll call.

SB 354. An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6441, 72-6449 and 72-6451 and repealing the existing sections.

On roll call, the vote was: Yeas 31, Nays 9, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, McGinn, Morris, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Brownlee, Donovan, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Pilcher-Cook, Pyle.

The bill passed.

SB 362. An act concerning school districts; relating to contracts of employment; amending K.S.A. 72-5452 and K.S.A. 2009 Supp. 72-5437 and repealing the existing sections.

On roll call, the vote was: Yeas 30, Nays 10, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Huelskamp, Huntington, Kelsey, Lynn, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Lee, Marshall, Steineger.

The bill passed, as amended.

SB 396. An act concerning the laboratory fee fund; amending K.S.A. 2009 Supp. 74-554 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub SB 416. An act concerning governmental ethics; amending K.S.A. 46-269 and K.S.A. 2009 Supp. 46-247 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 46-247a.

On roll call, the vote was: Yeas 27, Nays 13, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brownlee, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Bruce, Colyer, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Taddiken.

The substitute bill passed, as amended.

SB 417, An act concerning ethics and election related issues; relating to campaign finance; amending K.S.A. 2009 Supp. 25-4148a and repealing the existing section.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Hensley, Huntington, Lynn.

The bill passed, as amended.

SB 420, An act concerning county extension councils; pertaining to the date of election of the governing body; amending K.S.A. 2-624 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 430, An act concerning income taxation; relating to credits, limitations; amending K.S.A. 2009 Supp. 74-50,154, 79-32,211 and 79-32,264 and repealing the existing sections.

On roll call, the vote was: Yeas 29, Nays 7, Present and Passing 4, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Holland, Huelskamp, Kelsey, Kultala, Lynn, Marshall, Masterson, McGinn, Morris, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Wagle.

Nays: Hensley, Huntington, Kelly, Owens, Pilcher-Cook, Umbarger, Vratil.

Present and Passing: Bruce, Emler, Lee, Ostmeyer.

The bill passed, as amended.

SB 483, An act relating to motor vehicles; concerning the use of safety belts; amending K.S.A. 2009 Supp. 8-2503 and 8-2504 and repealing the existing sections.

On roll call, the vote was: Yeas 26, Nays 14, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brownlee, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Nays: Abrams, Bruce, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Steineger, Taddiken, Wagle.

The bill passed.

SB 497, An act concerning crimes and punishments; relating to the criminal use of weapons; amending K.S.A. 2009 Supp. 21-4201 and repealing the existing section.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Owens, Reitz.

Present and Passing: Brungardt.

The bill passed, as amended.

SB 518, An act relating to motor vehicles; concerning vehicle identification number inspection fees; amending K.S.A. 2009 Supp. 8-116a and repealing the existing section.

On roll call, the vote was: Yeas 35, Nays 5, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley, Hensley, Huelskamp, Pilcher-Cook, Pyle.

The bill passed, as amended.

SCR 1622, A PROPOSITION to amend section 2 of article 5 of the constitution of the state of Kansas, relating to qualification of voters.

On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Brownlee.

Present and Passing: Wagle.

A two-thirds constitutional majority having voted in favor of the resolution **SCR 1622** was adopted.

SR 1821, A resolution supporting visually impaired pedestrian safety.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Pilcher-Cook, Pyle.

The resolution was adopted.

HCR 5027, A CONCURRENT RESOLUTION endorsing Taiwan's participation as an observer in the International Civil Aviation Organization (ICAO) and United Nations Framework Convention on Climate Change (UNFCCC).

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The resolution was adopted, as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, February 17, 2010.

Journal of the Senate

TWENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 17, 2010—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Recently when I listened
To the Senate's proceedings,
A thought occurred to me
Which I had been needing.

After Senators explain a bill
They want to have passed,
They report it "favorable for passage."
And hope it passes fast.

When we appear before You, Father,
We believe Your Son will say,
"Favorable for passage . . .
Your faith has paved the way."

May we prepare for that occasion
With our faith in Your Son,
And "favorable for passage"
Means our victory has been won.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 549, An act creating a private cause of action for victims of child pornography, by Committee on Federal and State Affairs.

SB 550, An act concerning alcoholic beverages; relating to retailer's licenses under the Kansas liquor control act; amending K.S.A. 41-308 and 41-713 and K.S.A. 2009 Supp. 41-102, 41-311, 41-313 and 41-710 and repealing the existing sections; also repealing K.S.A. 41-103 and 41-711, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Financial Institutions & Insurance: **HB 2473**, **HB 2492**.

Natural Resources: **HB 2434**, **HB 2548**.

Transportation: **HB 2485**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 517** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

The Vice President withdrew **SB 443** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Ethics and Elections**.

The Vice President withdrew **SB 470** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Local Government**.

The Vice President withdrew **SB 366, SB 384, SB 402, SB 450** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Utilities**.

The Vice President withdrew **SB 476, SB 516** from the Committee on **Assessment and Taxation**, and referred the bills to the Committee on **Ways and Means**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2415, HB 2442**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2415, HB 2442 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Schodorf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1822—

A RESOLUTION congratulating and commending the 2010 Horizon Award Program educators.

WHEREAS, Thirty-one beginning educators from across the state have been named as Kansas Horizon Award Program educators; and

WHEREAS, The Kansas Horizon Award Program, sponsored by Kansas State Department of Education, identifies and recognizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the Kansas Horizon Award Program is to recognize exemplary first-year teachers who perform in a way that distinguishes them as outstanding; and

WHEREAS, The Kansas Horizon Award Program, currently in its eighth year, allows all school districts in the state an opportunity to nominate one elementary and one secondary teacher for the award. To be eligible for a Kansas Horizon Award, teachers must have successfully completed their first year of teaching and have performed in such a way as to distinguish themselves as outstanding. The Kansas Horizon Award Program is a regional competition with four regions corresponding to the state's United States congressional districts. Four elementary and four secondary classroom teachers may be selected for the award from each district; and

WHEREAS, This year's recipients are: Region 1: Jesse Ediger, Graber Elementary School, Hutchinson USD 308; Cole Fredrickson, Marysville Jr/Sr High School, Marysville USD 364; Grant Geis, Emporia High School, Emporia USD 253; Kevin Poland, Salina High School South, Salina USD 305; Kristy Randel, Grant F. Timmerman Elementary School, Emporia USD 253; Anastasia Riedel, Schilling Elementary School, Salina USD 305; Scott Schoenfeld, Southeast of Saline Elementary School, Southeast of Saline USD 306; Alex Underwood, Russell High School, Russell County USD 407; and

Region 2: Amy Bartlow, George Nettels Elementary School, Pittsburg USD 250; Ashley Beason, Washburn Rural Middle School, Auburn Washburn USD 437; Abby Burnett, Paola Middle School, Paola USD 368; Benjamin George, Manhattan High School, Manhattan-Ogden USD 383; Laura Hammond, Shawnee Heights Elementary School, Shawnee Heights USD 450; Jenna Jones, Louisburg High School, Louisburg USD 416; Kala Robinson, Guthridge Elementary School, Parsons USD 503; Sarah Smith, Broadmoor Elementary School, Louisburg USD 416; and

Region 3: Andrew Bricker, Lawrence High School, Lawrence USD 497; Kylee Dardine, Nike Elementary School, Gardner Edgerton USD 231; Lindsay Frazier, Santa Fe Trail Elementary School, Shawnee Mission USD 512; Michael Karlin, Gardner Edgerton High

School, Gardner Edgerton USD 231; Megan McMillian, Indian Valley Elementary School, Blue Valley USD 229; Kathy Pickens, Heatherstone Elementary School, Olathe USD 233; Alisa Stevenson, Pleasant Ridge Middle School, Blue Valley USD 229; Tara Wycoff, Lexington Trails Middle School, DeSoto USD 232; and

Region 4: Jarrod Craig, Nelson Elementary School, Haysville USD 261; Shanda Day, Amelia Earhart Elementary School, Goddard USD 265; Eryn Elder, Wichita High School South, Wichita USD 259; Joe Gehrer, Meadowlark Elementary School, Andover USD 385; Taylor Harrison, Valley Center Middle School, Valley Center USD 262; Heidi Johnson, Santa Fe Middle School, Newton USD 373; Joshua Kelly, Tri-City Day School, Haysville USD 261: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2010 Kansas Horizon Award Program educators for outstanding performance in their chosen career; and

Be it further resolved: That the Secretary of the Senate provide 31 enrolled copies of this resolution to the Commissioner of Education for forwarding to each educator so honored plus one copy for the Commissioner of Education.

On emergency motion of Senator Schodorf **SR 1822** was adopted unanimously.

Senator Schodorf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1823—

A RESOLUTION congratulating and commending the 2009 Kansas National Board Certified Teachers.

WHEREAS, Twenty-four of Kansas' finest educators have satisfied the highest professional qualifications of the National Board for Professional Teaching Standards to be designated as National Board Certified Teachers. They will be recognized as such at a program on February 25; and

WHEREAS, The 2009 Kansas National Board Certified Teachers are: Tamela Biswell, Wamego High School, Wamego USD 320; Marilyn Clark, Indian Creek Elementary School, Olathe USD 233; Dorothy Coleman, Sheridan Elementary School, Geary County USD 475; Jill Cundiff, Lakewood Middle School, Blue Valley USD 229; Amanda Davis, Blue Valley West High School, Blue Valley USD 229; Janel Fenster, Newton Sr High School, Newton USD 373; Eileen Hackley, Westwood Elementary School, Geary County USD 475; Megan Hankins, Chisholm Trail Jr High School, Olathe USD 233; Phillip Holmes, Pioneer Trail Jr High School, Olathe USD 233; Jennifer Holt, Eugene Ware Elementary School, Kansas City USD 500; Janet Kellogg, Northview Elementary School, Manhattan-Ogden USD 383; Rebecca Leake, Manchester Park Elementary School, Olathe USD 233; Ann Lee, Manhattan High School West/East Campus, Manhattan-Ogden USD 383; Kimberly Lilley, Blue Valley West High School, Blue Valley USD 229; Marlene McDaniel, Washburn Rural Middle School, Auburn Washburn USD 437; Suzanne Oertel, Washburn Rural High School, Auburn Washburn USD 437; Joel Schaefer, Andover High School, Andover USD 385; Stephanie Sullivan, Emporia Alternative School, Emporia USD 253; Amy Swan, Cedar Creek Elementary School, Olathe USD 233; Stacy Vandemark, Pleasant Ridge Elementary School, Olathe USD 233; Melissa Vanzant, Trailridge Middle School, Shawnee Mission USD 512; Melinda Vicin, Cloud Elementary School, Wichita USD 259; Jennifer Wilson, Wichita North High School, Wichita USD 259; Kimberly Zeller, Rochester Elementary School, Seaman USD 345; and

WHEREAS, National Board Certification, a voluntary process established by the National Board for Professional Teaching Standards, is a symbol of professional teaching excellence. It is achieved through a performance-based assessment process that measures a teacher's practice against high and rigorous advanced standards to demonstrate accomplished practice. Through a series of assessments, teachers demonstrate their subject matter knowledge, provide evidence that they know how to teach their subjects to students most effectively, and demonstrate their ability to manage and measure student learning; and

WHEREAS, The National Board for Professional Teaching Standards is an independent, nonprofit, non-partisan and non-governmental organization. Its mission is to advance the quality of teaching and learning by: Maintaining high and rigorous standards for what ac-

complished teachers should know and be able to do; providing a national voluntary system certifying teachers who meet these standards; and advocating related education reforms to integrate National Board Certification in American education and to capitalize on the expertise of National Board Certified Teachers: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend each of these outstanding educators who have attained the status of National Board Certified Teachers; and

Be it further resolved: That the Secretary of the Senate provide 24 enrolled copies of this resolution to the Commissioner of Education for forwarding to each of the teachers so honored plus a copy to the Commissioner of Education.

On emergency motion of Senator Schodorf **SR 1823** was adopted unanimously.

Senator Teichman introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1824—

A RESOLUTION honoring Larry W. Magill, Jr.

WHEREAS, Larry W. Magill, Jr. passed away on January 6, 2010; and

WHEREAS, Larry served the Kansas Association of Insurance Agents (KAIA) in several executive and managerial roles for over 25 years; and

WHEREAS, Before returning to KAIA in June of 2000, Larry was CEO of AMS Users' Group, an 11,000 member national organization with 19 staff members; and

WHEREAS, Larry initiated the formation of KAIA's for-profit entity and helped develop their non-dues revenue programs to include multi-line public entity safety groups, miscellaneous errors and omissions programs and a group workers compensation fund with the Kansas Chamber of Commerce and Industry along with member E&O and group medical programs; and

WHEREAS, Larry managed the Independent Insurance Agents of America's (IIAA) for-profit operations for three years with responsibility for all IIAA's insurance programs including their immensely successful member errors and omissions professional liability program, flood, personal lines Eagle Agency, employment practices liability, directors and officers liability, group medical, dental, life, disability and a full range of retirement programs; and

WHEREAS, Larry began his insurance career first as a bond underwriter for the USF&G insurance company, then as an independent broker for Gilbert-Magill Co. and finally as a marketing representative for Fireman's Fund; and

WHEREAS, During his career Larry earned the Chartered Property Casualty Underwriter (CPCU) and Chartered Life Underwriter (CLU) designations followed by the Accredited Advisor in Insurance (AAI) designation; and

WHEREAS, Larry has served as the President of the Kansas Society of Association Executives (KSAE), chaired the Big I state association executives' organization (IAAE) and earned his Certified Association Executive (CAE); and

WHEREAS, Larry served on the Board of Directors of the Topeka Independent Business Association (TIBA) and as Chairman for the Kansas Insurance Education Foundation (KIEF) Board of Trustees; and

WHEREAS, Larry has taught both insurance courses as well as association management courses for KSAE and was honored with the Agent of Merit Award by the Kansas Insurance Agents/1752 Club in 2009, the Ron Stryker Key Member Award by TIBA in 2008, the KIEF Hall of Fame Award in 1995, and the CPCU Society's Pace Setter Award in 1994; and

WHEREAS, Larry was a mainstay in the hallways of the Kansas Capitol for many years, always diligently representing the interests of the independent insurance agent; and

WHEREAS, Larry was an avid outdoor sportsman; and

WHEREAS, Larry founded the Capitol Classic Fishing Tournament which is in its fourth consecutive year and enjoyed by all participants; and

WHEREAS, Larry, being a fishing and hunting enthusiast was a strong supporter of the Kansas Sportsmen's Caucus: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend and honor Larry W. Magill, Jr. for his professional and charitable accomplishments; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Carrie Magill, 3600 SW Randolph Square, #40, Topeka, Kansas, 66611.

On emergency motion of Senator Teichman **SR 1824** was adopted unanimously.

Senator Teichman recognized Larry W. Magill Jr., who passed away January 6, 2010. Mr. Magill served the Kansas Association of Insurance Agents in several executive roles over 25 years. His wife Carrie, Daniel Magill, Natalie Magill, Marge Haub, Tess Magill, Pam Clutter, Mike Clutter, Don Johnston, Alice Ann Johnston and Will Larson were acknowledged with a standing ovation.

REPORT ON ENGROSSED BILLS

SB 362, SB 396; Sub SB 416; SB 417, SB 430, SB 497, SB 518 reported correctly engrossed February 17, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 445** be passed.

Committee on **Education** recommends **SB 485** be amended on page 2, in line 37, by striking “by solicitation within this state at any place”;

On page 3, in line 21, by striking “An institution shall not be required to obtain a”; by striking all in line 22; in line 23, by striking “institution” where it appears for the last time and inserting “campus”; in line 24, by striking “institution” and inserting “campus”; in line 25, by striking “institution” and inserting “campus”;

On page 4, in line 26, by striking “and”; in line 33, by striking the period and inserting “; and”; in line 34, by striking “All institutions shall” and inserting “institutions”; in line 35, by striking “The procedure shall include use of written”; by striking all in lines 36 and 37; in line 38, by striking “process was completed.”;

On page 7, in line 33, by striking “site fees, for each site:” and inserting “campus site fees, for each branch campus site:”; in line 36, by striking “site fees, for each site:” and inserting “campus site fees, for each branch campus site:”; in line 39, after “On-site” by inserting “branch campus”;

On page 8, in line 28, by striking “site fees, for each site:” and inserting “campus site fees, for each branch campus site:”; in line 31, by striking “site fees, for each site:” and inserting “campus site fees, for each branch campus site:”; in line 34, after “On-site” by inserting “branch campus”;

On page 9, by striking all in lines 9 through 14;

And by relettering the remaining subsections accordingly; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 419** be amended on page 1, in line 32, by striking all before the colon; by striking all in lines 33 through 35 and inserting the following:

“(1) The city clerk; or

(2) the county election officer of the county in which the person resides.”;

On page 2, in line 9, by striking “three” and inserting “two”; in line 42, by striking “the county election officer of”; by striking all in lines 43;

On page 3, by striking all in lines 1 and 2 and inserting the following:

“(1) The city clerk; or

(2) the county election officer of the county in which the person resides.”;

Also on page 3, in line 21, by striking “three” and inserting “two”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 301** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 301,” as follows:

“Substitute for SENATE BILL No. 301

By Committee on Federal and State Affairs

“AN ACT concerning land surveys; relating to monumentation of corners and recording of surveys; amending K.S.A. 58-2001 and 58-2005 and repealing the existing sections.”; and the substitute bill be passed.

Also, **SB 514** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 514,” as follows:

“Substitute for SENATE BILL No. 514

By Committee on Federal and State Affairs

“AN ACT concerning alcoholic beverages; relating to eligibility for license for club and drinking establishments; amending K.S.A. 2009 Supp. 41-2623 and repealing the existing section.”;

and the substitute bill be passed.

SB 531 be amended on page 1, in line 30, after “soil” where it appears for the first time, by inserting “, water”; in line 31, by striking “cause” and inserting “source”; after line 37, by inserting:

“(h) “Radon measurement laboratory” means a business that performs laboratory analysis of radon measurement devices or samples, but does not include the field analysis of continuous radon monitors or continuous working level monitors.

(i) “Department” means the department of health and environment.”;

On page 2, by striking all in line 41; in line 42, by striking all before “such”;

On page 3, in line 13, before the semicolon, by inserting “; provided, the testing is not performed in association with or related to the transfer of real property”; in line 14, before the period, by inserting “; provided, the testing is not performed in association with or related to the transfer of real property”; in line 25, by striking “within”; by striking all in line 26; in line 27, by striking all before “such”;

On page 4, in line 8, after “direct” by inserting “on-site”; in line 10, after “direct” by inserting “on-site”; in line 25, after “remuneration” by inserting “, and not performed for the purposes of transferring real property.”;

On page 5, in line 16, by striking “and” and inserting a comma; also in line 16, after “(e)” by inserting “and (g)”;

On page 6, after line 6, by inserting the following:

“(g) If no contract is entered into by a certified radon measurement business and a client, the results of the radon testing shall be reported to the department in accordance with subsection (a).”; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Credit Union Administrator: K.S.A. 17-2233

John P. Smith, term expires December 31, 2013

State Banking Board: K.S.A. 74-3004

James Needham, term expires March 15, 2012

Committee on **Judiciary** recommends **SB 372**, **SB 533** be passed.

Also, **SB 458** be amended on page 2, in line 2, after “paragraph” by inserting “(3)”; and the bill be passed as amended.

SB 459 be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 43;

On page 3, by striking all in lines 1 through 7;

And by renumbering remaining sections;

On page 7, in line 42, by striking “38-2344, 38-2357.”;

In the title, in line 9, by striking all after the semicolon; in line 10, by striking “38-2344, 38-2357.”; and the bill be passed as amended.

SB 460 be amended on page 5, in line 40, by striking “and article 31a of chapter 60 of the Kansas”; by striking all in line 41; in line 42, by striking “(act).”;

On page 49, by striking all in lines 14 through 29 and inserting the following:

“Sec. 22. K.S.A. 60-3107 is hereby amended to read as follows: 60-3107. (a) The court may approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children or grant any of the following orders:

(1) Restraining the defendant from abusing, molesting or interfering with the privacy or rights of the plaintiff or of any minor children of the parties. Such order shall contain a

statement that if such order is violated, such violation may constitute assault as provided in K.S.A. 21-3408, and amendments thereto, battery as provided in K.S.A. 21-3412, and amendments thereto, domestic battery as provided in K.S.A. ~~2005 Supp.~~ 21-3412a, and amendments thereto and violation of a protective order as provided in K.S.A. ~~2005 Supp.~~ 21-3843, and amendments thereto.

(2) Granting possession of the residence or household to the plaintiff to the exclusion of the defendant, and further restraining the defendant from entering or remaining upon or in such residence or household, subject to the limitation of subsection (d). Such order shall contain a statement that if such order is violated, such violation shall constitute criminal trespass as provided in subsection (c) of K.S.A. 21-3721, and amendments thereto, and violation of a protective order as provided in K.S.A. ~~2005 Supp.~~ 21-3843, and amendments thereto. The court may grant an order, which shall expire 60 days following the date of issuance, restraining the defendant from cancelling utility service to the residence or household.

(3) Requiring defendant to provide suitable, alternate housing for the plaintiff and any minor children of the parties.

(4) Awarding temporary custody and residency and establishing temporary parenting time with regard to minor children.

(5) Ordering a law enforcement officer to evict the defendant from the residence or household.

(6) Ordering support payments by a party for the support of a party's minor child, if the party is the father or mother of the child, or the plaintiff, if the plaintiff is married to the defendant. Such support orders shall remain in effect until modified or dismissed by the court or until expiration and shall be for a fixed period of time not to exceed one year. On the motion of the plaintiff, the court may extend the effect of such order for 12 months.

(7) Awarding costs and attorney fees to either party.

(8) Making provision for the possession of personal property of the parties and ordering a law enforcement officer to assist in securing possession of that property, if necessary.

(9) Requiring any person against whom an order is issued to seek counseling to aid in the cessation of abuse.

(10) Ordering or restraining any other acts deemed necessary to promote the safety of the plaintiff or of any minor children of the parties.

(b) No protection from abuse order shall be entered against the plaintiff unless:

(1) The defendant properly files a written cross or counter petition seeking such a protection order;

(2) the plaintiff had reasonable notice of the written cross or counter petition by personal service as provided in subsection (d) of K.S.A. 60-3104, and amendments thereto; and

(3) the issuing court made specific findings of abuse against both the plaintiff and the defendant and determined that both parties acted primarily as aggressors and neither party acted primarily in self-defense.

(c) Any order entered under the protection from abuse act shall not be subject to modification on ex parte application or on motion for temporary orders in any action filed pursuant to K.S.A. 60-1601 et seq., or K.S.A. 38-1101 et seq., and amendments thereto. Orders previously issued in an action filed pursuant to K.S.A. 60-1601 et seq., or K.S.A. 38-1101 et seq., and amendments thereto, shall be subject to modification under the protection from abuse act only as to those matters subject to modification by the terms of K.S.A. 60-1610 et seq., and amendments thereto, and on sworn testimony to support a showing of good cause. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause. If an action is filed pursuant to K.S.A. 60-1610 et seq., or K.S.A. 38-1101 et seq., and amendments thereto, during the pendency of a proceeding filed under the protection from abuse act or while an order issued under the protection from abuse act is in effect, the court, on final hearing or on agreement of the parties, may issue final orders authorized by K.S.A. 60-1610 and amendments thereto, that are inconsistent with orders entered under the protection from abuse act. Any inconsistent order entered pursuant to this subsection shall be specific in its terms, reference the protection from abuse order and parts thereof being modified and a copy thereof shall be filed in both actions. The court shall consider whether the actions should be consolidated in accordance with K.S.A. 60-242

and amendments thereto. *Any custody or parenting time order, or order relating to the best interests of a child, issued pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code, shall be binding and shall take precedence over any such custody or parenting order involving the same child issued under the protection from abuse act, until jurisdiction under the revised Kansas code for care of children or the revised Kansas juvenile justice code is terminated. Any inconsistent custody or parenting order issued in the revised Kansas code for care of children case or the revised Kansas juvenile justice code case shall be specific in its terms, reference any preexisting protection from abuse order and the custody being modified, and a copy of such order shall be filed in the preexisting protection from abuse case.*

(d) If the parties to an action under the protection from abuse act are not married to each other and one party owns the residence or household, the court shall not have the authority to grant possession of the residence or household under subsection (a)(2) to the exclusion of the party who owns it.

(e) Subject to the provisions of subsections (b), (c) and (d), a protective order or approved consent agreement shall remain in effect until modified or dismissed by the court and shall be for a fixed period of time not to exceed one year, except that, on motion of the plaintiff, such period may be extended for one additional year.

(f) The court may amend its order or agreement at any time upon motion filed by either party.

(g) No order or agreement under the protection from abuse act shall in any manner affect title to any real property.

(h) If a person enters or remains on premises or property violating an order issued pursuant to subsection (a)(2), such violation shall constitute criminal trespass as provided in subsection (c) of K.S.A. 21-3721, and amendments thereto, and violation of a protective order as provided in K.S.A. ~~2005 Supp.~~ 21-3843, and amendments thereto. If a person abuses, molests or interferes with the privacy or rights of another violating an order issued pursuant to subsection (a)(1), such violation may constitute assault as provided in K.S.A. 21-3408, and amendments thereto, battery as provided in K.S.A. 21-3412, and amendments thereto, domestic battery as provided in K.S.A. ~~2005 Supp.~~ 21-3412a, and amendments thereto, and violation of a protective order as provided in K.S.A. ~~2005 Supp.~~ 21-3843, and amendments thereto.”;

Also on page 49, in line 30, by striking “60-3103” and inserting “60-3107”;

In the title, in line 10, by striking “60-3103” and inserting “60-3107”; and the bill be passed as amended.

SB 468 be amended on page 1, in line 23, after “petition” by inserting “the chief judge or the chief judge’s designee in”; in line 26, by striking “or 4” and inserting “, 4 or 5”; in line 27, by striking “judge or judges of” and inserting “chief judge or the chief judge’s designee in”; in line 28, after the second comma by inserting “as set forth in this subsection.”; in line 32, by striking “10%” and inserting “5%”; and the bill be passed as amended.

SB 488 be amended on page 1, in line 24, by striking “The selected applicant for a position” and inserting “Any person offered a position of employment”; also in line 24, after “statistics” by inserting “, subject to a criminal history records check,”; in line 26, by striking “candidate” and inserting “applicant”; and the bill be passed as amended.

SB 519 be amended on page 10, in line 12, by striking “via telephone lines”; and the bill be passed as amended.

SB 537 be amended on page 1, in line 17, after “prove” by inserting “by a preponderance of the evidence”; in line 38, after “(g)” by inserting “(1)”; after line 41, by inserting the following:

“(2) A contempt action under this section may be brought by any person aggrieved by a violation of any order set forth in subsection (e) regardless of whether such person was a party to the original civil action brought pursuant to this section.”; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 475** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 475,” as follows:

“Substitute for SENATE BILL No. 475

By Committee on Public Health and Welfare

“AN ACT concerning funeral directors; amending K.S.A. 65-1714 and K.S.A. 2009 Supp. 65-1713 and repealing the existing sections.”;

and the substitute bill be passed.

Also, **SCR 1626** be reported without recommendation.

SB 448 be amended on page 1, following line 13, by inserting the following:

“Section 1. K.S.A. 65-177 is hereby amended to read as follows: 65-177. The term “data” as used in this act shall be construed to include all facts, information, records of interviews, written reports, statements, notes, or memoranda secured in connection with an authorized medical research study.

The secretary of health and environment may receive data secured in connection with medical research studies conducted for the purpose of reducing morbidity or mortality from maternal, perinatal and anesthetic causes. Such studies may be conducted by the secretary of health and environment and his staff or with other qualified persons, agencies or organizations. Where authorization to conduct such a study is granted by the secretary of health and environment, all data voluntarily made available to the secretary of health and environment in connection with such study shall be treated as confidential and shall be used solely for purposes of medical research. Research files and opinions expressed upon the evidence found in such research shall not be admissible as evidence in any action in any court or before any other tribunal: *Provided, however*, That any statistics or tables resulting from such data shall be admissible as evidence: *Provided*, That this act shall not affect the right of any patient or his guardians, representatives or heirs to require hospitals, physicians, sanatoriums, rest homes, nursing homes or other persons or agencies to furnish his hospital record to his representatives upon written authorization, or the admissibility in evidence thereof.

No employee of the secretary of health and environment shall interview any patient named in any such report, nor any relative of any such patient, *unless otherwise provided in K.S.A. 65-2422d, and amendments thereto: Provided*, That nothing in this act shall prohibit the publication by the secretary of health and environment or a duly authorized cooperating person, agency or organization, of final reports or statistical compilations derived from morbidity or mortality studies, which reports or compilations do not identify individuals, associations, corporations or institutions which were the subjects of such studies, or reveal sources of information.”;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 14, by striking “Section” and inserting “Sec.”;

On page 2, in line 18, preceding “consent”, by inserting “or informed”;

On page 3, in line 18, preceding “K.S.A.”, by inserting “K.S.A. 65-177 and”; also in line 18, by striking “is” and inserting “are”;

On page 1, in the title, in line 10, preceding “K.S.A.” by inserting “K.S.A. 65-177 and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

SB 500 be amended on page 1, in line 32, before “such” by inserting “the use of”; in line 33, by striking “are not used with the intent of representing or” and inserting “is not”; and the bill be passed as amended.

SB 508 be amended on page 2, in line 17, by striking “trustee and account number of the surety account.”;

On page 3, in line 8, by striking “(8)” and inserting “(c)”; in line 17, by striking “The supplier” and inserting “(1) The supplier who sells any discount card”; following line 20, by inserting the following:

“(2) Any supplier who markets, promotes, advertises or otherwise distributes any discount card in Kansas shall designate a resident agent who is a resident of Kansas for service of process and such resident agent shall register with the secretary of state pursuant to K.S.A. 60-306, and amendments thereto, on forms that are prescribed by the secretary of state.”;

And the bill be passed as amended.

Committee on **Transportation** recommends **SB 462** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 462,” as follows:

“Substitute for SENATE BILL No. 462

By Committee on Transportation

“AN ACT regulating traffic; concerning liability for damage to highway or structure; amending K.S.A. 8-1913 and repealing the existing section.”; and the substitute bill be passed.

Also, **SB 484** be amended on page 1, following line 13, by inserting the following:

“Section 1. K.S.A. 2009 Supp. 8-234a is hereby amended to read as follows: 8-234a. (a) As used in the motor vehicle drivers’ license act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(1) “Drivers’ license examiner” or “examiner” means a drivers’ license examiner of the division of vehicles or any person whom the director of vehicles has authorized, pursuant to the authority granted by this act, to accept applications for drivers’ licenses and administer the examinations required for the issuance or renewal of drivers’ licenses. Any county treasurer authorized to accept applications for drivers’ licenses or administer drivers’ license examinations shall be deemed to be acting as an agent of the state of Kansas;

(2) “nonresident” means every person who is not a resident of this state. For the purposes of the motor vehicle drivers’ license act any person who owns, rents or leases real estate in Kansas as such person’s residence and engages in a trade, business or profession within Kansas or registers to vote in Kansas or enrolls such person’s children in a school in this state or purchases Kansas registration for a motor vehicle, shall be deemed a resident of the state of Kansas 90 days after the conditions stated in this subsection commence, except that military personnel on active duty and their military dependents who are residents of another state, shall not be considered residents of the state of Kansas for the purpose of this act;

(3) “patrol” means the state highway patrol;

(4) “address of principal residence” means: (A) The place where a person makes his or her permanent principal home; (B) place where a person resides, has an intention to remain and where they intend to return following an absence; or (C) place of habitation to which, whenever the person is absent, the person intends to return. If a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person’s address of principal residence;

(5) “state” means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of Northern Mariana Islands; ~~and~~

(6) “wireless communication device” means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer; *and*

(7) “religious organization” means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a weekly basis and has been determined to be organized and created as a bona fide religious organization.

(b) As used in this act, the words and phrases defined by the sections in article 14 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall have the meanings respectively ascribed to them therein, unless a different meaning is ascribed to any such word or phrase by subsection (a) of this section.”;

And by renumbering remaining sections accordingly;

Also on page 1, in line 14, by striking “Section” and inserting “Sec.”; in line 28, following the semicolon, by inserting “or”; by striking all in lines 29 and 30; in line 31, by striking “(D)” and inserting “(C)”; in line 42, following “function”, by inserting “held by a religious organization”;

On page 5, by striking all in line 18; in line 19, by striking “(D)” and inserting “(C)”; in line 23, by striking “(E)” and inserting “(D)”; in line 35, following “function”, by inserting “held by a religious organization”;

On page 6, in line 25, following “function”, by inserting “held by a religious organization”;

On page 8, in line 11, following “Supp.”, by inserting “8-234a.”;
 In the title, in line 10, following “Supp.”, by inserting “8-234a.”; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Taddiken in the chair.

On motion of Senator Taddiken the following report was adopted:

Recommended **SB 345, SB 355, SB 409, SB 423, SB 512** be passed.

A motion to amend **SB 423** by Senator Kelly on page 7, in line 21, before “its” by inserting “January 1, 2011, and”, failed.

SB 370, SB 381, SB 386, SB 389, SB 461, SB 471, SB 482 be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2476** recommending a **S Sub for HB 2476** be adopted, and the substitute bill be passed.

SB 427 be amended by motion of Senator Kultula on page 6, following line 10, by inserting the following:

“New Sec. 5. (a) As used in this section:

(1) “Taxing subdivision” means any county, city, township, taxing district, political subdivision or any other state or local governmental entity that is authorized to levy taxes on real property.

(2) “Tax receivable” means the right to receive revenue from a tax, assessment, or other charge on real property that has become delinquent in whole or in part, including all penalties and interest on such taxes, assessments or other charges accrued pursuant to law.

(3) “Tax sale” means a sale conducted pursuant to the provisions of K.S.A. 79-2804, and amendments thereto.

(b) Any taxing subdivision by resolution of its governing body may elect to sell its tax receivables to public or private parties. The county treasurer must certify to the governing body the treasurer’s consent to administer the program, except that upon a two-thirds vote of the governing body of the taxing subdivision, this certification shall not be necessary. All interest and penalties imposed by law shall continue to accrue on the unpaid original amount of the tax in the same manner as if such tax receivables had not been sold. Sales of tax receivables may be by individual parcel or in bulk. The taxing subdivision may establish such criteria for eligible purchasers of tax receivables and may make such sales pursuant to negotiated sale for such prices as the taxing subdivision determines to be in the best interest of the taxing subdivision.

(c) A taxing subdivision may enter into purchase and sale agreements for the sale of tax receivables, which purchase and sale agreements may, consistent with the provisions of this section, contain such terms, covenants, representations and warranties as, in the judgment of the taxing subdivision, shall be necessary or desirable. The agreement may require the taxing subdivision to repurchase a tax receivable, or to substitute another tax receivable of equivalent value, for prices and under conditions specified in the agreement. Upon the execution of a purchase and sale agreement for the sale of tax receivables by the appropriate officer of the taxing subdivision, a taxing subdivision may enter into an agreement with the county treasurer to act as the taxing subdivision’s agent in connection with the administration of such purchase and sale agreements and of the related tax receivables.

(d) The order of priority of the application of tax receivables with respect to a particular property shall not be changed by reason of the sale of all or a portion of such tax receivables. All amounts collected on account of the tax receivables shall be promptly paid by the taxing subdivision to the holder of the tax receivable, except that the taxing subdivision shall have the right to retain all amounts that are charged and collected as trustee’s fees, attorney’s fees and costs of collection or that are otherwise collected in excess of the amount due on the tax receivables sold.

(e) Unless provided otherwise in the purchase and sale agreement with respect to tax receivables sold:

(1) The amount bid in a tax sale on behalf of governmental entities for which the taxes are owing shall include the amount of all tax receivables sold, including the costs incident to the collection thereof;

(2) In the event that the tax receivable is not redeemed by the end of the redemption period prescribed by K.S.A. 79-2401a, and amendments thereto, and is acquired by a governmental entity in a tax sale, then the governmental entity shall promptly offer the property for sale to private purchasers by appropriate means and shall make diligent efforts to sell the same at its reasonable market value, unless the governmental entity pays to the purchasers of the tax receivables the full amount of the tax receivables then due and unpaid;

(3) After a tax sale to a governmental entity, penalties and interest pursuant to K.S.A. 79-2968, and amendments thereto, shall continue to accrue on any tax receivables sold until paid in full, except that under no circumstances shall the cost of redemption be greater than if the receivable had not been sold; and

(4) No governmental entity shall have the power to discharge, reduce, delay or otherwise compromise the payment of any tax receivables that have been sold unless the governmental entity pays to the purchasers of the tax receivables the amount of the tax receivable payments that have been reduced, delayed or otherwise compromised.

(f) Tax receivables and the penalties and interest accrued thereon shall be exempt from taxation by any governmental entity. The real property affected by any tax receivable shall not be exempt from taxation by reason of this section.

(g) It shall be the duty of the treasurer and all other state, county and municipal officers to continue to enforce the collection of tax receivables that have been sold pursuant to this section in the same manner as if such tax receivables had not been sold. Nothing in this subsection shall be construed to require of the treasurer or its employees, agents or attorneys a standard of performance of their statutory or contractual duties in the collection of a tax receivable that is different from the standard of performance otherwise required of those persons.”;

And by renumbering remaining sections accordingly;

On page 1, in line 10, following the semicolon, by inserting “delinquent property taxes, sale of tax receivables;” and **SB 427** be passed as amended.

SB 390 be amended by adoption of the committee amendments, be further amended by motion of Senator Wagle on page 1, after line 14, by inserting the following:

“New Section 1. (a) Any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization, municipal group-funded pool and the state employee health care benefits plan which provides coverage for prescription drugs and which is delivered, issued for delivery, amended or renewed on and after July 1, 2011, shall provide coverage for a prescribed, orally administered anticancer medication used to kill or slow the growth of cancerous cells on a basis no less favorable than intravenously administered or injected cancer medications that are covered as medical benefits.

(b) Any policy, provision, contract, plan or agreement under this section may apply the same deductibles, coinsurance and other limitations as apply to other covered services.

(c) (1) From and after the effective date of this act, the provisions of this section shall apply to the state employees health care benefits program.

(2) Pursuant to the provisions of K.S.A. 40-2249a, and amendments thereto, on or before March 1, 2011, the state health care benefits commission shall submit to the president of the senate and to the speaker of the house of representatives, a report indicating the impact the provisions of this section has had on the state health care benefits program, including data on the utilization and costs of such coverage. Such report shall also include a recommendation whether such coverage should continue for the state health care benefits program or whether additional utilization and cost data is required.

Sec. 2. K.S.A. 2009 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, inclusive, 40-2250, K.S.A. 2009 Supp. 40-2,105a and 40-2,105b and section 1, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within

or outside of this state or used within this state by or for an individual who resides or is employed in this state.

Sec. 3. K.S.A. 2009 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 to 74, inclusive, of chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2009 Supp. 40-2,105a ~~and~~ 40-2,105b *and section 1*, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

On page 3, in line 9, by striking “is” and inserting “and K.S.A. 2009 Supp. 40-2,103 and 40-19c09 are”;

In the title, in line 11, after the semicolon by inserting “providing reimbursement for orally administered anticancer medications;”; also in line 11, after “and” where it appears the second time, by inserting “K.S.A. 2009 Supp. 40-2,103 and 40-19c09 and”; in line 12, by striking “section” and inserting “sections” and **SB 390** be passed as further amended.

SB 346; be passed over and retain a place on the calendar.

The committee report on **Sub SB 374** was adopted, and the bill be passed over and retain a place on the calendar.

REFERRED TO COMMITTEE

The Vice President withdrew **Sub SB 374** from the Calendar under the heading of General Orders and referred the bill to the Committee on **Ways and Means**.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Thursday, February 18, 2010.

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 18, 2010—10:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

In honor of Armed Forces Day, President Morris introduced as guest chaplain, the Fort Leavenworth Garrison Chaplain Mike Thompson, who delivered the invocation:

Most Holy and Gracious God, we boldly, but humbly, come before your throne of grace and ask for your presence and blessing upon this governing body, as they meet today and conduct state business, on behalf of the citizens of Kansas. Along with your blessings, I ask that you give them wisdom and discernment for the present, and a vision for the future. Guide them as they continue to build a great state, and a great place to live, for generations to come.

Thank you, Lord, for each member here. I thank you for their service, loyalty, commitment, and dedication to the residents of Kansas. As they are here in this session, watch over and bless their families; keep them safe.

Now . . . may the Lord bless you, and keep you.
May the Lord make His face shine on you, and be gracious to you.
May the Lord lift up His countenance on you, and give you peace.

It is in your most holy name we pray, Amen.

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 550**.

Judiciary: **SB 549**.

Ways and Means: **HB 2415, HB 2442**.

CHANGE OF REFERENCE

The President withdrew **SB 476, SB 516** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Assessment and Taxation**.

The President withdrew **SB 359, SB 499** from the Committee on **Education**, and rereferred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 506** from the Committee on **Public Health and Welfare**, and rereferred the bill to the Committee on **Ways and Means**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Senate Substitute for HB 2222**, 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, following line 7, by inserting the following material to read as follows:

“(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Legislative reserve \$550,000

Provided, That the legislative coordinating council is hereby authorized to transfer moneys from the legislative reserve account of the legislative coordinating council to the legislative coordinating council — operations account, office of revisor of statutes — operations account, legislative research department — operations account, operations (including legislative post audit committee) account of the division of post audit, and operations (including official hospitality) account of the legislature: *Provided further*, That, the legislative coordinating council shall certify to the director of accounts and reports the amount of each such transfer of moneys from the legislative reserve account: *And provided further*, That, at the same time as each such certification, the legislative coordinating council shall transmit a copy of each such certification to the director of the budget.”;

And by redesignating subsections (a), (b) and (c) as (b), (c) and (d), respectively;

On page 3, by striking all in lines 19 through 43;

On page 4, by striking all in line 1;

On page 5, in line 25, by striking “February 1, 2010” and inserting “the effective date of this act”;

On page 8, in line 36, following “contributions” by inserting “other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto.”; in line 41, following “research” by inserting “and upon certification to the director of accounts and reports”;

On page 9, in line 14, following “reduced” by inserting “by 5%”; following line 19, by inserting the following material to read as follows:

“(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by the state finance council on each special revenue fund in the state treasury is hereby decreased for fiscal year 2010 by the amount equal to 5% of the amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2010 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports.”;

And by redesignating subsection (c) as subsection (d);

Also on page 9, in line 37, by striking “or em-”; in line 38, by striking “ployee”; in line 39, by striking “office or”; in line 40, by striking “state officer” and inserting “officer of the state”; in line 41, preceding “section” by inserting “section 15 of article 1 or”; in line 43, preceding “section” by inserting “section 15 of article 1 or”;

On page 10, in line 2, by striking “wages, including”; in line 3, by striking the comma;

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

JAY SCOTT EMLER
CAROLYN MCGINN
LAURA KELLY
Conferees on part of Senate

KEVIN W. YODER
RAY MERRICK
BILL FEUERBORN
Conferees on part of House

Senator Emler moved the Senate adopt the Conference Committee Report on **S Sub for HB 2222**.

On roll call, the vote was: Yeas 33, Nays 6, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Masterson, McGinn, Morris, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Colyer, Faust-Goudeau, Haley, Marshall, Owens, Reitz.

Present and Passing: Francisco.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **HB 2222**. We are facing huge budget crisis of unprecedented proportions. We should lead by example. I am voluntarily cutting my own pay an actual 10% unlike the gimmicks in this bill which cuts actual legislative pay by less than 1.6%. This is a structural deficit created by giant increases in spending over the years. The only way we can solve this is to grow the economy. Some call this a recession bill but it does not cut spending. It does not balance the budget and leaves a \$39 million deficit right now. Furthermore it borrows from the Highway Trust Fund and other funds for a total of \$92 million. This means future budgets and highways in particular will face a huge budget deficit. Unfortunately, the Governor's spending plans guarantee larger deficits for years in the future. — JEFF COLYER

MR. PRESIDENT: As a citizen legislator, I have always believed in leading by example. Thus I fully support reducing legislative and executive salaries as contained in this bill. Additionally, I call upon my fellow legislators to join me in reducing their office and travel expenditures. For if we expect the rest of state government to tighten their belts and eliminate unnecessary spending, we must be willing to do the same. — TIM HUELSKAMP

MR. PRESIDENT: I vote no on **HB 2222**. We are facing huge budget crisis of unprecedented proportions. We should lead by example. This is a structural deficit created by giant increases in spending over the years. The only way we can solve this is to grow the economy. Some call this a recession bill but it does not cut spending. It does not balance the budget and leaves a \$39 million deficit right now. Furthermore it borrows from the Highway Trust Fund and other funds for a total of \$92 million. This means future budgets and highways in particular will face a huge budget deficit. Unfortunately, the Governor's spending plans guarantee larger deficits for years in the future. — BOB MARSHALL

FINAL ACTION ON CONSENT CALENDAR

SB 369 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

SB 369, An act repealing K.S.A. 2009 Supp. 45-221i; relating to open records.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 345, An act concerning criminal procedure; relating to the probation services fee and the community correctional services fee; amending K.S.A. 21-4610a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen,

Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 355, An act concerning teachers; relating to teachers' contracts; amending K.S.A. 2009 Supp. 72-5437 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 20, Nays 20, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Bruce, Brungardt, Colyer, Emler, Huelskamp, Huntington, Lynn, Masterson, McGinn, Morris, Pilcher-Cook, Pyle, Schmidt D, Schmidt V, Teichman, Vratil, Wagle.

Nays: Brownlee, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kelsey, Kultala, Lee, Marshall, Ostmeyer, Owens, Petersen, Reitz, Schodorf, Steineger, Taddiken, Umbarger.

A constitutional majority having failed to vote in favor of the bill, **SB 355** did not pass.

EXPLANATION OF VOTE

MR. PRESIDENT: **SB 355** removes the last right retired working teachers have left — the right of timely notification that they have a job the next year.

Legislation several years ago stripped these teachers of collective bargaining agreements and due process rights.

It was said here that these teachers traded rights to return to work in any district including the one they retired from. Teachers long had the right to return to another district; they never had the right to return to the district from which they retire as a full-time teacher.

They traded nothing. When we passed a KPERS bill requiring the employer to pay the KPERS rate for retirees who return to work, school districts got a loophole. Retired teachers lost collective bargaining so districts could reduce their salary to offset the KPERS surcharge.

But they still return to work when we can't find a math teacher, science teacher, or language arts teacher. We know how important it is to have them come back to help.

We don't need to remove this last limited right for these retired working teachers. We should show them we still value and respect them. I vote no on **SB 355**. — ANTHONY HENSLEY

SB 370, An act concerning the Kansas consumer protection act; relating to certain victims; enhanced civil penalties; amending K.S.A. 50-676, 50-677, 50-678, 50-679 and 50-679a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 381, An act concerning crimes, punishment and criminal procedure; relating to justified threat or use of force; amending K.S.A. 21-3211, 21-3212, 21-3214, 21-3215, 21-3216, 21-3217, 21-3218 and 21-3219 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 386, An act concerning criminal procedure; relating to discovery and inspection; amending K.S.A. 22-3212 and repealing the existing section; also repealing K.S.A. 22-3433, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 389, An act concerning dental benefits under health insurance, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 390, An act relating to health insurance; concerning genetic testing by insurance and health entities; providing reimbursement for orally administered anticancer medication; amending K.S.A. 40-2259 and K.S.A. 2009 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 35, Nays 3, Present and Passing 2, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Umbarger, Vratil, Wagle.

Nays: Colyer, Haley, Steineger.

Present and Passing: Francisco, Teichman.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I reluctantly vote YES on **SB 390** as amended by the Committee of the Whole. While I support the underlying bill and want to find solutions to the high cost of oral cancer medication, I support the committee process to be a cornerstone of sound lawmaking. — JIM BARNETT

Senator Colyer requests the record to show he concurs with the "Explanation of Vote" offered by Senator Barnett on **SB 390**.

SB 409, An act establishing the passenger rail service program; providing for powers and duties of the secretary of transportation; establishing the passenger rail service revolving fund, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Pilcher-Cook, Pyle.

The bill passed.

SB 423, An act concerning certain public officers and employees; relating to use of unexpended campaign funds; amending K.S.A. 25-4142 and K.S.A. 2009 Supp. 25-4143 and 25-4157a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 27, Nays 12, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Haley, Huntington, Kelsey, Lynn, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt V, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Colyer, Francisco, Hensley, Holland, Huelskamp, Kelly, Kultala, Lee, Masterson, Pilcher-Cook, Pyle, Schodorf.

Present and Passing: Schmidt D.

The bill passed.

SB 427, An act concerning taxation; relating to willful failure to collect tax or to commit other violations; delinquent property taxes, sale of tax receivables; amending K.S.A. 79-32,107 and K.S.A. 2009 Supp. 79-2971, 79-32,100c and 79-3643 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 32, Nays 8, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Barnett, Brownlee, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, McGinn, Morris, Ostmeyer, Owens, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Apple, Bruce, Lynn, Masterson, Petersen, Pilcher-Cook, Pyle, Schmidt D.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I participated in hearings on **SB 427** in Senate Tax. Although I support the underlying concept of allowing municipalities greater local control and to find alternatives to filling budget holes in an uncertain economy. However, I believe that this bill provides many opportunities for unintended consequences and uncertainties that could have an overall negative effect on local budgets and is questionable public policy. — JULIA LYNN

SB 461, An act concerning district magistrate judges; relating to compensation thereof; amending K.S.A. 2009 Supp. 75-3120k and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 471, An act concerning crimes and punishment; relating to harassment by telephone; harassment by telecommunications; amending K.S.A. 21-4113 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 482, An act concerning development and redevelopment of areas in the state; defining terms; financing projects; assessments; amending K.S.A. 2009 Supp. 12-6a27, 12-6a28, 12-6a29, 12-6a30, 12-6a31, 12-6a36, 12-1770a, 12-1774 and 12-17,142 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Pilcher-Cook.

The bill passed, as amended.

SB 512, An act concerning school districts; relating to medicaid replacement state aid; amending K.S.A. 2009 Supp. 72-998 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

S Sub for HB 2476, An act concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund; docket fees for expungement of records; amending K.S.A. 2009 Supp. 8-2107, 8-2110, 21-4619, 22-2410, 23-108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 35, Nays 5, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Colyer, Huelskamp, Kelsey, Pilcher-Cook, Pyle.

The substitute bill passed.

REPORT ON ENGROSSED BILLS

SB 370, SB 381, SB 386, SB 389, SB 390, SB 427, SB 461, SB 471, SB 482 reported correctly engrossed February 18, 2010.

REPORT ON ENROLLED BILLS

SR 1821, SR 1822, SR 1823, SR 1824 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 18, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 532** be amended on page 1, following line 13, by inserting:

“Section 1. K.S.A. 2009 Supp. 41-308a is hereby amended to read as follows: 41-308a.

(a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 41-2645, and amendments thereto, and caterers;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(6) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

(7) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; ~~and~~

(8) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2009 Supp. ~~41-345~~ 41-350, and amendments thereto; *and*

(9) if the licensee is also licensed as a microbrewery pursuant to K.S.A. 41-308b, and amendments thereto, those activities permitted under K.S.A. 41-308b, and amendments thereto, for a microbrewery licensee.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; and

(3) the manufacture of domestic table wine and domestic fortified wine and the storage thereof; provided, that the aggregate quantity of wine produced by the farm winery licensee, including all winery outlets, shall not exceed 100,000 gallons per year.

(c) Not less than 60% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The label of domestic wine and domestic fortified wine shall indicate that a majority of the products utilized in the manufacture of the wine at such winery were grown in Kansas.

(d) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 12 noon and 6 p.m. on Sunday. If authorized by subsection (a), a farm winery may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(e) The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(f) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

(i) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 2. K.S.A. 2009 Supp. 41-308b is hereby amended to read as follows: 41-308b. (a) A microbrewery license shall allow:

(1) The manufacture of not less than 100 nor more than 15,000 barrels of domestic beer during the license year and the storage thereof;

(2) the sale to beer distributors of beer, manufactured by the licensee;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of beer manufactured by the licensee;

(4) the serving *free of charge* on the *licensed* premises of samples of beer manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic beer and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; ~~and~~

(6) if the licensee is also licensed as a caterer, the sale of domestic beer and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act; *and*

(7) *if the licensee is also licensed as a farm winery pursuant to K.S.A. 41-308a, and amendments thereto, those activities permitted under K.S.A. 41-308a, and amendments thereto, for a farm winery licensee.*

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microbrewery licensee, the director may issue not to exceed one microbrewery packaging and warehousing facility license to the microbrewery licensee. A microbrewery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microbrewery to the licensed premises of the microbrewery packaging and warehousing facility, of beer manufactured by the licensee, for the purpose of packaging or storage, or both; and

(2) the transfer, from the licensed premises of the microbrewery packaging and warehousing facility to the licensed premises of the microbrewery, of beer manufactured by the licensee; or

(3) the removal from the licensed premises of the microbrewery packaging and warehousing facility of beer manufactured by the licensee for the purpose of delivery to a licensed beer wholesaler.

(c) A microbrewery may sell domestic beer in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a microbrewery may serve samples of domestic beer and serve and sell domestic beer and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(d) The director may issue to the Kansas state fair or any bona fide group of brewers a permit to import into this state small quantities of beer. Such beer shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such beer shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of beer to be imported, the quantity to be imported, the tasting programs for which the beer is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the

importation of beer pursuant to this subsection and the conduct of tasting programs for which such beer is imported.

(e) A microbrewery license or microbrewery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(f) No microbrewery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(g) Whenever a microbrewery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.”;

And by renumbering remaining sections;

On page 2, in line 30, by striking “a licensee” and inserting “an applicant for a retailer's license”; also in line 30, after “license” by inserting “, microbrewery license, or both,”; also in line 30, by striking “they”; in line 31, by striking “do” and inserting “the spouse does”;

On page 3, in line 16, by striking all before “licensed”;

On page 4, in line 20, by striking “manufacturer or”; in line 21, by striking all after “act”; in line 22, by striking all before the semicolon; in line 25, before the semicolon by inserting “, except that the spouse of an applicant for a microbrewery or farm winery license may own and hold a retailer's license if the spouse does not hold a microbrewery or farm winery license issued under this act”;

On page 5, in line 20, after “Supp.” by inserting “41-308a, 41-308b and”; also in line 20, by striking “is” and inserting “are”;

In the title, in line 10, after “Supp.” by inserting “41-308a, 41-308b and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Emler in the chair.

The morning session recommended:

SB 372, SB 373, SB 411, SB 429 be passed.

The committee report on **SB 67** recommending a **Sub SB 67** be adopted, and the substitute bill be passed.

The committee report on **SB 462** recommending a **Sub SB 462** be adopted, and the substitute bill be passed.

SB 406, SB 415, SB 459 be amended by adoption of the committee amendments, and the bills be passed as amended.

Having adopted the committee report on **SB 346** on Wednesday, February 17, 2010, Senator Reitz moved to further amend the bill on page 1, after line 14, by inserting the following:

“Section 1. K.S.A. 19-4444 is hereby amended to read as follows: 19-4444. (a) Except as provided by subsection (b), the agency shall approve all expenditures to be made by and claims to be paid on behalf of such agency and the law enforcement department and shall certify the same to the board of county commissioners of the county to be allowed from the funds provided for the operation of such agency and department.

(b) (1) If a person is stopped by or is in the custody of a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, who is an employee of the state and such person is injured by the officer while acting within the scope of such officer's authority,

costs incurred for medical care and treatment of the person shall be paid by the state if such care and treatment is required due to the injury and a determination has been made that the person has no other resources. When such medical expenses have been paid by the state, the state may seek reimbursement of such expenses from the prisoner. If the state determines that the prisoner is covered under a current individual or group accident and health insurance policy, medical service plan contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization contract, then the state may require the prisoner or the provider rendering health care services to the prisoner to submit a claim for such health care services rendered in accordance with the prisoner's policy or contract.

(2) *Except as provided in K.S.A. 75-5220, and amendments thereto*, all other costs incurred by the agency or department for medical care and treatment of prisoners held within the county shall be paid from the county general fund when a determination has been made that the prisoner has no other resources. When medical expenses have been paid out of the county general fund of any county in this state adopting the provisions of K.S.A. 19-4424 et seq., and amendments thereto, for a prisoner held within such county, the county may seek reimbursement of such expenses from the prisoner. If the county determines that a prisoner of the county jail is covered under a current individual or group accident and health insurance policy, medical service plan contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization contract, then the county may require the prisoner of such county jail or the provider rendering health care services to the prisoner to submit a claim for such health care services rendered in accordance with the prisoner's policy or contract.”;

And by renumbering the remaining sections accordingly;

On page 3, after line 21, by inserting the following:

“(g) All costs incurred for medical care and treatment of the offender while in the custody of the secretary of corrections shall be the responsibility of the secretary of corrections.”;

Also on page 3, in line 22, after “K.S.A.” by inserting “19-4444 and”;

In the title, in line 10, by striking “department” and inserting “secretary”; also in line 10, by striking “the” where it appears the second time, and inserting “costs of offenders in custody;”; in line 11, after “K.S.A.” by inserting “19-4444 and” and **SB 346** be passed as further amended.

SB 448 be amended by adoption of the committee amendments.

Senator Pilcher-Cook moved to amend the bill on page 2, following line 7, by inserting:

“Sec. 2. K.S.A. 65-2401 is hereby amended to read as follows: 65-2401. As used in this act: (1) “Vital statistics” includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to birth, adoption, legitimation, death, stillbirth, marriage, divorce, annulment of marriage, induced termination of pregnancy, and data incidental thereto.

(2) “Live birth” means ~~the complete expulsion or extraction from its mother of a product of human conception~~ *a living individual organism of the species homo sapiens*, irrespective of the duration of pregnancy, which, after ~~such~~ expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(3) “Stillbirth” means ~~any complete expulsion or extraction from its mother of a product of human conception~~ *the weight of which is in excess of 350 grams a living individual organism of the species homo sapiens, who dies in utero*, irrespective of the duration of pregnancy, resulting in other than a live birth, as defined in this act, and which is not an induced termination of pregnancy.

(4) “Induced termination of pregnancy” means the purposeful interruption of pregnancy with the intention other than to produce a ~~live-born infant~~ *live birth* or to remove a ~~dead fetus~~ *stillbirth* and which does not result in a live birth.

(5) “Dead body” means a lifeless human body or such parts of a human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

(6) "Person in charge of interment" means any person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.

(7) "Secretary" means the secretary of health and environment.

Sec. 3. K.S.A. 65-2412 is hereby amended to read as follows: 65-2412. (a) A death certificate or stillbirth certificate for each death or stillbirth *where the fetus weighs more than 250 grams* which occurs in this state shall be filed with the state registrar within three days after such death and prior to removal of the body from the state and shall be registered by the state registrar if such death certificate or stillbirth certificate has been completed and filed in accordance with this section. *If the fetus weight is less than or equal to 250 grams, the mother shall have the option of choosing whether or not a stillbirth certificate shall be filed.* If the place of death is unknown, a death certificate shall be filed indicating the location where the body was found as the place of death. A certificate shall be filed within three days after such occurrence; if death occurs in a moving conveyance, the death certificate shall record the location where the dead body was first removed from such conveyance as the place of death.

(b) The funeral director or person acting as such who first assumes custody of a dead body or fetus shall file the death certificate. Such person shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification of cause of death from the physician last in attendance prior to burial. The death certificate filed with the state registrar shall be the official death record, except that a funeral director licensed pursuant to K.S.A. 65-1714, and amendments thereto, may verify as true and accurate information pertaining to a death on a form provided by the state registrar, and any such form, verified within 21 days of date of death, shall be prima facie evidence of the facts therein stated for purposes of establishing death. The secretary of health and environment shall fix and collect a fee for each form provided a funeral director pursuant to this subsection. The fee shall be collected at the time the form is provided the funeral director and shall be in the same amount as the fee for a certified copy of a death certificate.

(c) When death occurred without medical attendance or when inquiry is required by the laws relating to postmortem examinations, the coroner shall investigate the cause of death and shall complete and sign the medical certification within 24 hours after receipt of the death certificate or as provided in K.S.A. 65-2414, and amendments thereto.

(d) In every instance a certificate shall be filed prior to interment or disposal of the body.";
And by renumbering remaining sections accordingly;

On page 4, in line 12, after "65-177" by inserting ", 65-2401 and 65-2412";

In the title, in line 10, after "relating" by inserting "to certificates and"; in line 11, after "65-177" by inserting ", 65-2401 and 65-2412"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 20, Nays 16, Present and Passing 4, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, McGinn, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Taddiken, Wagle.

Nays: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Owens, Reitz, Schmidt V, Steineger, Teichman, Vratil.

Present and Passing: Emler, Morris, Schodorf, Umbarger.

The motion carried and the amendment was adopted.

SB 448 be passed as further amended.

The Committee rose and reported progress. (See Committee of the Whole, afternoon session).

On motion of Senator D. Schmidt, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2408, HB 2506, HB 2508; Substitute HB 2509; HB 2510, HB 2547, HB 2555, HB 2566, HB 2572, HB 2585, HB 2604, HB 2608, HB 2609, HB 2638, HB 2650, HB 2652.**

Also, passage of **SB 357.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2408, HB 2506, HB 2508; Substitute HB 2509; HB 2510, HB 2547, HB 2555, HB 2566, HB 2572, HB 2585, HB 2604, HB 2608, HB 2609, HB 2638, HB 2650, HB 2652 were thereupon introduced and read by title.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Emler in the chair.

On motion of Senator Emler the report for the morning and the following afternoon report were adopted:

Recommended **SB 432** be passed.

SB 419, SB 458, SB 484, SB 485, SB 500, SB 519, SB 537 be amended by adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Haley to amend **SB 458** failed and the following amendment was rejected: on page 1, after line 15, by inserting the following:

“New Section 1. (a) As used in this section:

(1) “Custodial interrogation” retains the meaning prescribed to it by the United States and Kansas Constitutions.

(2) “Place of detention” means a building under the control of a law enforcement unit, a courthouse holding facility for defendants in the custody of a jail or prison, a city or county jail or work release facility, a state prison, or a state security hospital or a facility operated by the department of social and rehabilitation services for the purposes provided for under K.S.A. 59-29a02 et seq., and amendments thereto.

(3) “Video recording” means to capture the visual and audio components of an event in a manner that allows the event to be observed through that medium.

(b) (1) Effective July 1, 2010, except as provided in subsection (c), if a place of detention is equipped with one or more rooms capable of making a video recording, a video recording shall be made of a custodial interrogation conducted in such place of detention when the interrogation concerns an off-grid felony, a nondrug severity level 1 through 5 felony or a drug severity level 1 felony crime. The recording shall include the advice of rights. The recording shall not end until the interrogation is concluded. If the defendant elects to make or sign a written statement during the course of a custodial interrogation, the making and signing of the writing shall be recorded.

(2) Effective July 1, 2011, except as provided in subsection (c), a video recording shall be made of a custodial interrogation conducted in any place of detention when the interrogation concerns an off-grid felony, a nondrug severity level 1 through 5 felony or a drug severity level 1 felony crime. The recording shall include the advice of rights. The recording shall not end until the interrogation is concluded. If the defendant elects to make or sign a written statement during the course of a custodial interrogation, the making and signing of the writing shall be recorded.

(c) A video recording of a statement under subsection (b) is not required if the oral, written or sign language statement was made:

(1) During an interrogation that was not recorded as required by subsection (b) because video recording was not feasible;

(2) spontaneously and not in response to a question;

(3) voluntarily, whether or not the result of an interrogation, and the statement has a bearing on the credibility of the accused as a witness;

- (4) after questioning that is routinely asked during the processing of the arrest of a suspect;
- (5) in an interrogation outside the state of Kansas;
- (6) at a time when the interrogators are unaware that an offense covered by subsection (b) has occurred; or
- (7) at a time when the person being interrogated is not a suspect for the offense to which the statement relates while the person is being interrogated for an offense other than an offense specified in subsection (b).

(d) If the court finds by a preponderance of the evidence that the defendant was subjected to an interrogation in violation of this section, the defendant shall be entitled to a jury instruction on the failure to record the interrogation. If the defendant requests such an instruction, the court shall instruct the jury that it is the law of Kansas to make a video recording of a custodial interrogation of a person suspected of committing the offense charged.

(e) Every video recording required under this section shall be preserved until the defendant's conviction for an offense relating to the statement is final and all direct appeals are exhausted, or until the prosecution of offenses related to the recorded statement is barred by law, whichever occurs later.

(f) Every video recording of any statement as required by this section shall be confidential and exempt from the Kansas open records act in accordance with K.S.A. 45-221, and amendments thereto.”;

And by renumbering sections accordingly;

In the title, in line 10, after “concerning” by inserting “crimes, punishment and”; also in line 10, after “to” by inserting “evidence and videotaping of felony interrogations;”

The committee report on **SB 475** recommending a **Sub for SB 475** be adopted, and the substitute bill be passed.

The committee report on **SB 514** recommending a **Sub for SB 514** be adopted, and the substitute bill be passed.

SB 382 be amended by adoption of the committee amendments, be further amended by motion of Senator Teichman on page 1, in line 33, before “the” where it appears the first time, by inserting “80% of”; also in line 33, after “price” by inserting “safe harbor”; in line 36, by striking “as in effect on the effective date of this act” and **SB 382** be passed as further amended.

SB 434 be amended by adoption of the committee amendments, be further amended by motion of Senator Bruce on page 1, in line 30, by striking “or” where it appears the first time, and inserting a comma; in line 31, by striking “under the direct supervision and control of the offender” and inserting “and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is an inmate who has been released and is currently on parole, conditional release or postrelease supervision”;

On page 3, in line 4, by striking “direct”; in line 7, by striking “the offender” and inserting “court services and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of court services”; in line 15, by striking “direct”; in line 19, by striking “the offender” and inserting “community corrections and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of community corrections”

SB 434 was further amended by motion of Senator D. Schmidt on page 4, after line 13, by inserting the following:

“Sec. 2. K.S.A. 2009 Supp. 21-3826 is hereby amended to read as follows: 21-3826. (a) Traffic in contraband in a correctional institution or care and treatment facility is introducing or attempting to introduce into or upon the grounds of any correctional institution or care and treatment facility or taking, sending, attempting to take or attempting to send from any correctional institution or care and treatment facility or any unauthorized possession while in any correctional institution or care and treatment facility or distributing within any correctional institution or care and treatment facility, any item without the consent of the administrator of the correctional institution or care and treatment facility.

(b) *Traffic in contraband in a correctional institution or care and treatment facility is a:*

- (1) *Severity level 6, nonperson felony, except as provided in subsection (b)(2) or (b)(3);*
- (2) *severity level 5, nonperson felony if such items are:*
 - (A) *Firearms, ammunition, explosives or a controlled substance which is defined in K.S.A. 2009 Supp. 21-36a01, and amendments thereto, except as provided in subsection (b)(3);*
 - (B) *defined as contraband by rules and regulations adopted by the secretary of corrections, in a correctional institution by an employee of a correctional institution, except as provided in subsection (b)(3); or*
 - (C) *defined as contraband by rules and regulations adopted by the secretary of social and rehabilitation services, in a care and treatment facility by an employee of a care and treatment facility, except as provided in subsection (b)(3); and*
- (3) *severity level 4, nonperson felony if such items are firearms, ammunition or explosives, in a correctional institution by an employee of a correctional institution or in a care and treatment facility by an employee of a care and treatment facility.*
- (c) *The provisions of subsection (b)(2)(A) shall not apply to the possession of a firearm or ammunition by a person licensed under the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, in a parking lot open to the public if the firearm or ammunition is carried on the person while in a vehicle or while securing the firearm or ammunition in the vehicle, or stored out of plain view in a locked but unoccupied vehicle.*

~~(b)~~ (d) For purposes of this section:

- (1) "Correctional institution" means any state correctional institution or facility, conservation camp, juvenile correctional facility, community correction center or facility for detention or confinement, juvenile detention facility or jail.
- (2) "Care and treatment facility" means the state security hospital provided for under K.S.A. 76-1305 et seq., and amendments thereto, and a facility operated by the department of social and rehabilitation services for the purposes provided for under K.S.A. 59-29a02 et seq., and amendments thereto.

~~(c) (1) Traffic in contraband in a correctional institution or care and treatment facility of firearms, ammunition, explosives or a controlled substance which is defined in K.S.A. 2009 Supp. 21-36a01, and amendments thereto, is a severity level 5, nonperson felony. This paragraph shall not apply to the possession of a firearm or ammunition by a person licensed under the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, in a parking lot open to the public if the firearm or ammunition is carried on the person while in a vehicle or while securing the firearm or ammunition in the vehicle, or stored out of plain view in a locked but unoccupied vehicle.~~

~~(2) Traffic in any contraband, as defined by rules and regulations adopted by the secretary, in a correctional institution by an employee of a correctional institution is a severity level 5, nonperson felony.~~

~~(3) Traffic in any contraband, as defined by rules and regulations adopted by the secretary of social and rehabilitation services, in a care and treatment facility by an employee of a care and treatment facility is a severity level 5, nonperson felony.~~

~~(d) Except as provided in subsection (c), traffic in contraband in a correctional institution or care and treatment facility is a severity level 6, nonperson felony.~~

Sec. 3. K.S.A. 2009 Supp. 21-4704 is hereby amended to read as follows: 21-4704. (a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Non-Probation
Presumptive Imprisonment

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sentence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) The sentence for the violation of K.S.A. 21-3415, and amendments thereto, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or K.S.A. 21-3411, and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered a departure and shall not be subject to appeal.

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall be as provided by the specific mandatory

sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, except that the term of imprisonment for felony violations of K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: (A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (ii) at the time of the conviction under paragraph (A) (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government; or (B) (i) has been convicted of rape, K.S.A. 21-3502, and amendments thereto; and (ii) at the time of the conviction under paragraph (B) (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in paragraph (2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies or felony violations of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of subsection (a) of K.S.A. 21-3715 and amendments thereto when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715 or 21-3716 and amendments thereto shall be presumed imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or subsection (d) of K.S.A. 21-3812, and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism, such program is

available and the offender can be admitted to such program within a reasonable period of time; or

(2) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence pursuant to this section shall not be considered a departure and shall not be subject to appeal.

(n) The sentence for a third or subsequent violation of subsection (b) of K.S.A. 21-3705, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) The sentence for a felony violation of K.S.A. 21-3701 or 21-3715, and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, and amendments thereto; or the sentence for a felony violation of K.S.A. 21-3701, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, and amendments thereto; or the sentence for a felony violation of K.S.A. 21-3715, and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of subsection (f)(1) of K.S.A. 21-4729, and amendments thereto, shall apply to a defendant sentenced under this subsection.

The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of K.S.A. 21-3701, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716 and amendments thereto, or the sentence for a violation of K.S.A. 21-3715, and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision.

The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q) The sentence for a violation of subsection (a)(2) of K.S.A. 21-3413, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(r) *The sentence for a violation of K.S.A. 21-3520, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.*

Sec. 4. K.S.A. 2009 Supp. 22-4902 is hereby amended to read as follows: 22-4902. As used in ~~this~~ *the Kansas offender registration act*, unless the context otherwise requires:

(a) "Offender" means: (1) A sex offender as defined in subsection (b);
 (2) a violent offender as defined in subsection (d);
 (3) a sexually violent predator as defined in subsection (f);
 (4) any person who, on and after ~~the effective date of this act~~ *May 29, 1997*, is convicted of any of the following crimes when the victim is less than 18 years of age:

(A) Kidnapping as defined in K.S.A. 21-3420 and amendments thereto, except by a parent;

(B) aggravated kidnapping as defined in K.S.A. 21-3421 and amendments thereto; or

(C) criminal restraint as defined in K.S.A. 21-3424 and amendments thereto, except by a parent;

(5) any person convicted of any of the following criminal sexual conduct if one of the parties involved is less than 18 years of age:

(A) Adultery as defined by K.S.A. 21-3507, and amendments thereto;

(B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-3505, and amendments thereto;

(C) promoting prostitution as defined by K.S.A. 21-3513, and amendments thereto;

(D) patronizing a prostitute as defined by K.S.A. 21-3515, and amendments thereto; or

(E) lewd and lascivious behavior as defined by K.S.A. 21-3508, and amendments thereto; ~~or~~

~~(F) unlawful sexual relations as defined by K.S.A. 21-3520, and amendments thereto;~~

(6) any person who has been required to register under any federal, military or other state's law or is otherwise required to be registered;

(7) any person who, on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;

(8) any person who has been convicted of an offense in effect at any time prior to ~~the effective date of this act~~ *May 29, 1997*, that is comparable to any crime defined in subsection (4), (5), (7) or (11), or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in subsection (4), (5), (7) or (11);

(9) any person who has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in subsection (4), (5), (7) or (10);

(10) any person who has been convicted of aggravated trafficking as defined in K.S.A. 21-3447, and amendments thereto; or

(11) any person who has been convicted of: (A) Unlawful manufacture or attempting such of any controlled substance or controlled substance analog as defined by K.S.A. 65-4159, prior to its repeal or K.S.A. 2009 Supp. 21-36a03, and amendments thereto, unless the court makes a finding on the record that the manufacturing or attempting to manufacture such controlled substance was for such person's personal use;

(B) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance as defined by K.S.A. 65-7006, prior to its repeal or K.S.A. 2009 Supp. 21-36a09 or 21-36a10, and amendments thereto, unless the court makes a finding on the record that the possession of such product was intended to be used to manufacture a controlled substance for such person's personal use; or

(C) K.S.A. 65-4161, prior to its repeal or K.S.A. 2009 Supp. 21-36a05, and amendments thereto.

Convictions which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this section. A conviction from another state shall constitute a conviction for purposes of this section.

(b) "Sex offender" includes any person who, ~~after the effective date of this act on or after April 14, 1994,~~ is convicted of any sexually violent crime set forth in subsection (c) or is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c).

(c) "Sexually violent crime" means:

- (1) Rape as defined in K.S.A. 21-3502 and amendments thereto;
- (2) indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto;
- (3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto;
- (4) criminal sodomy as defined in subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;
- (5) aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto;
- (6) indecent solicitation of a child as defined by K.S.A. 21-3510 and amendments thereto;
- (7) aggravated indecent solicitation of a child as defined by K.S.A. 21-3511 and amendments thereto;
- (8) sexual exploitation of a child as defined by K.S.A. 21-3516 and amendments thereto;
- (9) sexual battery as defined by K.S.A. 21-3517 and amendments thereto;
- (10) aggravated sexual battery as defined by K.S.A. 21-3518 and amendments thereto;
- (11) aggravated incest as defined by K.S.A. 21-3603 and amendments thereto; ~~or~~
- (12) electronic solicitation as defined by K.S.A. 21-3523, and amendments thereto, committed on ~~and after the effective date of this act or after April 17, 2008;~~
- (13) ~~unlawful sexual relations as defined by K.S.A. 21-3520, and amendments thereto, committed on or after July 1, 2010;~~
- ~~(13)~~ (14) any conviction for an offense in effect at any time prior to ~~the effective date of this act April 29, 1993,~~ that is comparable to a sexually violent crime as defined in subparagraphs (1) through (11), or any federal, military or other state conviction for an offense that under the laws of this state would be a sexually violent crime as defined in this section;
- ~~(14)~~ (15) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of a sexually violent crime, as defined in this section; or
- ~~(15)~~ (16) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Violent offender" includes any person who, ~~after the effective date of this act on or after May 29, 1997,~~ is convicted of any of the following crimes:

- (1) Capital murder as defined by K.S.A. 21-3439 and amendments thereto;
 - (2) murder in the first degree as defined by K.S.A. 21-3401 and amendments thereto;
 - (3) murder in the second degree as defined by K.S.A. 21-3402 and amendments thereto;
 - (4) voluntary manslaughter as defined by K.S.A. 21-3403 and amendments thereto;
 - (5) involuntary manslaughter as defined by K.S.A. 21-3404 and amendments thereto;
- or
- (6) any conviction for an offense in effect at any time prior to ~~the effective date of this act May 29, 1997,~~ that is comparable to any crime defined in this subsection, or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or
 - (7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in this subsection.

(e) “Law enforcement agency having jurisdiction” means the sheriff of the county in which the offender expects to reside upon the offender’s discharge, parole or release.

(f) “Sexually violent predator” means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq. and amendments thereto.

(g) “Nonresident student or worker” includes any offender who crosses into the state or county for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, for the purposes of employment, with or without compensation, or to attend school as a student.

(h) “Aggravated offenses” means engaging in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence, or engaging in sexual acts involving penetration with victims less than 14 years of age, and includes the following offenses:

(1) Rape as defined in subsection (a)(1)(A) and subsection (a)(2) of K.S.A. 21-3502, and amendments thereto;

(2) aggravated criminal sodomy as defined in subsection (a)(1) and subsection (a)(3)(A) of K.S.A. 21-3506, and amendments thereto; and

(3) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in this subsection.

(i) “Institution of higher education” means any post-secondary school under the supervision of the Kansas board of regents.”;

And by renumbering the remaining sections accordingly;

Also on page 4, in line 14, by striking “is” and inserting “and K.S.A. 2009 Supp. 21-3826, 21-4704 and 22-4902 are”;

In the title, in line 10, by striking “and” and inserting a comma; also in line 10, after “punishment” by inserting “and criminal procedure”; in line 11, after “relations” by inserting “; sentencing; offender registration; trafficking in contraband in a correctional institution”; also in line 11, after “21-3520” by inserting “and K.S.A. 2009 Supp. 21-3826, 21-4704 and 22-4902”; also in line 11, by striking “section” and inserting “sections” and **SB 434** passed as further amended.

The committee report on **SB 468** was adopted.

SB 468 be passed over and retain a place on the calendar.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **Sub SB 67; SB 346, SB 372, SB 373, SB 382, SB 406, SB 411, SB 415, SB 419, SB 429, SB 432, SB 434, SB 448, SB 458, SB 459; Sub SB 462, Sub SB 475, SB 484, SB 485, SB 500; Sub SB 514, SB 519, SB 537** were advanced to Final Action and roll call.

Sub SB 67, An act concerning crimes and punishment; relating to mistreatment of a dependent adult; amending K.S.A. 21-3437 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

SB 346, An act concerning the secretary of corrections; relating to costs of offenders in custody; transfer of certain offenders; amending K.S.A. 19-4444 and 21-4632 and K.S.A. 2009 Supp. 75-5220 and repealing the existing sections.

On roll call, the vote was: Yeas 29, Nays 11, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Barnett, Brownlee, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, Mas-

terson, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Apple, Bruce, Colyer, Huelskamp, Lynn, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Wagle.

The bill passed, as amended.

SB 372, An act concerning guardianship and conservatorship; relating to orders and petitions; amending K.S.A. 2009 Supp. 59-3058, 59-3059, 59-3060 and 59-3061 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 373, An act concerning municipal courts; clarifying which municipal ordinance violations require payment of an assessment; amending K.S.A. 2009 Supp. 12-4117 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 382, An act concerning the housing loan deposit program; relating to requirements for borrowers; amending K.S.A. 2009 Supp. 75-4277 and 75-4279 and repealing the existing sections.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Nays: Pilcher-Cook, Pyle, Taddiken.

The bill passed, as amended.

SB 406, An act concerning taxation; relating to delinquent taxes; establishing service fee for taxpayers on installment payment plans.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 411, An act concerning crimes and punishment; relating to criminal possession of a firearm; amending K.S.A. 2009 Supp. 21-4204 and repealing the existing section.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Taddiken.

The bill passed.

SB 415, An act concerning certain municipalities; pertaining to investment in certain bonds; pertaining to investment of certain bond income; amending K.S.A. 10-131 and K.S.A. 2009 Supp. 10-1009 and 12-1675 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 419, An act concerning election of city officers; pertaining to filing requirements; amending K.S.A. 2009 Supp. 25-2110 and 25-2110a and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 429, An act concerning sales taxation; relating to streamlined sales and use tax agreement conformity; amending K.S.A. 2009 Supp. 79-3609, 79-3651, 79-3666 and 79-3672 and repealing the existing sections.

On roll call, the vote was: Yeas 32, Nays 8, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Brownlee, Huelskamp, Kelsey, Lynn, Masterson, Pilcher-Cook, Pyle.

The bill passed.

SB 432, An act concerning property taxes; delinquent taxes; fees for outsourcing collections; amending K.S.A. 2009 Supp. 79-2401a and repealing the existing section.

On roll call, the vote was: Yeas 20, Nays 20, Present and Passing 0, Absent or Not Voting 0.

Yeas: Barnett, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Huntington, Kelly, Kultala, Lee, Marshall, McGinn, Morris, Owens, Reitz, Schmidt V, Steineger, Teichman, Vratil.

Nays: Abrams, Apple, Brownlee, Bruce, Colyer, Haley, Holland, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schodorf, Taddiken, Umbarger, Wagle.

A constitutional majority having failed to vote in favor of the bill, **SB 432** did not pass.

EXPLANATION OF VOTE

MR. PRESIDENT: In today's economy many families are struggling financially. **SB 432** places an additional burden on families that are just trying to make ends meet and keep their homes. Therefore I vote "NO" on **SB 432**. — PAT APPLE

Senators Lynn, Petersen, Schodorf and Umbarger request the record to show they concur with the "Explanation of Vote" offered by Senator Apple.

SB 434, An act concerning crimes, punishment and criminal procedure; relating to unlawful sexual relations; sentencing; offender registration; trafficking in contraband in a correctional institution; amending K.S.A. 21-3520 and K.S.A. 2009 Supp. 21-3826, 21-4704 and 22-4902 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 448, An act concerning use of vital statistics; relating to certificates and to maternal and child health surveillance and monitoring; amending K.S.A. 65-177, 65-2401 and 65-2412 and K.S.A. 2009 Supp. 65-2422d and repealing the existing sections.

On roll call, the vote was: Yeas 20, Nays 18, Present and Passing 2, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, McGinn, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Owens, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil. Present and Passing: Francisco, Morris.

A constitutional majority having failed to vote in favor of the bill, **SB 448** did not pass.

SB 458, An act concerning criminal procedure; relating to admissibility and certification of forensic examinations; allowing interactive video testimony in limited instances; amending K.S.A. 2009 Supp. 22-3437 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 459, An act concerning juvenile offenders; amending K.S.A. 2009 Supp. 38-2364, 38-2365 and 38-2373 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub SB 462, An act regulating traffic; concerning liability for damage to highway or structure; amending K.S.A. 8-1913 and repealing the existing section.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Pilcher-Cook.

The substitute bill passed.

Sub SB 475, An act concerning funeral directors; amending K.S.A. 65-1714 and K.S.A. 2009 Supp. 65-1713 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen,

Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

SB 484, An act relating to drivers' licenses; concerning restricted licenses and instructional permits; amending K.S.A. 2009 Supp. 8-234a, 8-296, 8-2,100 and 8-2,101 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 485, An act concerning postsecondary education; relating to private and out-of-state postsecondary educational institutions; amending K.S.A. 2009 Supp. 74-32,162, 74-32,163, 74-32,167, 74-32,168, 74-32,169, 74-32,170, 74-32,178 and 74-32,181 and repealing the existing sections.

On roll call, the vote was: Yeas 31, Nays 9, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Lynn, Marshall, McGinn, Morris, Ostmeyer, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Brownlee, Donovan, Huelskamp, Kelsey, Masterson, Petersen, Pilcher-Cook, Pyle.

The bill passed, as amended.

SB 500, An act concerning the healing arts act; regarding an exception to prohibited acts; amending K.S.A. 65-2867 and repealing the existing section, by Committee on Public Health and Welfare.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub SB 514, An act concerning alcoholic beverages; relating to eligibility for license for club and drinking establishments; amending K.S.A. 2009 Supp. 41-2623 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

SB 519, An act concerning courts; relating to electronic communication and payment; amending K.S.A. 19-4716, 20-365, 22-2502, 22-2504 and 59-2203 and K.S.A. 2009 Supp. 8-2118, 28-172a and 38-2305 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen,

Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 537, An act concerning liens and claims against real or personal property; amending K.S.A. 58-4301 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

CHANGE OF REFERENCE

The President withdrew **Sub SB 374** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Judiciary**.

The President withdrew **SB 399, SB 407, SB 435, SB 436, SB 494, SB 504, SB 520, SB 521, SB 522, SB 523, SB 524, SB 534** from the Committee on **Judiciary**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 536** from the Committee on **Transportation**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 447, SB 501, SB 505, SB 509, SB 525** from the Committee on **Public Health and Welfare**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 468, SB 495** from the Calendar under the heading of General Orders, and referred the bills to the Committee on **Ways and Means**.

On motion of Senator D. Schmidt the Senate adjourned until 9:00 a.m., Friday, February 19, 2010.

Journal of the Senate

TWENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 19, 2010—9:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Since Armed Forces Day and Veteran's Day do not normally occur during the session, I would like to pray today for men and women in the armed forces who are stationed in Iraq and Afghanistan and other locations in harm's way.

Lord, watch over our military
Located in dangerous places.
No doubt some of the Senators
Are visualizing some faces.

We pray for Your watch care
Over each and every one;
That casualties will be few,
Even better . . . none.

We pray for families waiting for
Siblings, daughters, sons
And for spouses and parents
Exposed to bombs and guns.

We pray for those who've lost
Loved ones in combat.
Comfort them as they gaze
At a chair where they once sat.

I close, O God, with a prayer
For victory in this war,
So families can welcome home
Those they've waited for.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 551. An act concerning the employment security law; creating an assessment for the payment of interest on advances received from the federal government; amending K.S.A. 2009 Supp. 44-717 and repealing the existing section, by Committee on Ways and Means.

SB 552, An act concerning the employment security law; pertaining to payment of benefits; pertaining to negative account balance employers; pertaining to amount of employer contributions; amending K.S.A. 2009 Supp. 44-703, 44-704 and 44-710a and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2566**.

Financial Institutions & Insurance: **HB 2608, HB 2609**.

Judiciary: **HB 2506, HB 2508; Sub HB 2509; HB 2585, HB 2604**.

Natural Resources: **HB 2638**.

Transportation: **HB 2510, HB 2547, HB 2555, HB 2650**.

Utilities: **HB 2652**.

Ways and Means: **HB 2408, HB 2572**.

CHANGE OF REFERENCE

The President withdrew **SB 359, SB 499** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Education**.

The President withdrew **SB 506** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Public Health and Welfare**.

The President withdrew **SB 399, SB 407, SB 435, SB 436, SB 494, SB 504, SB 520, SB 521, SB 522, SB 523, SB 524, SB 534** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Judiciary**.

The President withdrew **SB 536** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Transportation**.

The President withdrew **SB 447, SB 501, SB 505, SB 509, SB 525** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Public Health and Welfare**.

The President withdrew **SB 468** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Judiciary**.

The President withdrew **SB 495** from the Committee on **Ways and Means**, and placed the bill on General Orders.

The President withdrew **SB 392** from the Committee on **Transportation**, and referred the bill to the Committee on **Ways and Means**.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Brungardt in the chair.

On motion of Senator Brungardt the following report was adopted:

Recommended **SB 455, SB 533** be passed.

SB 425, SB 508, SB 531 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 375 be amended by the adoption of the committee amendments, and the bill be passed as amended.

A motion by Senator Bruce to return **SB 375** to the Committee on **Judiciary** was rejected.

Senator D. Schmidt moved to amend **SB 375** on page 1, by striking all in lines 18 through 22; by striking all in lines 24 through 43;

By striking all on pages 2 through 11;

On page 12, by striking all in lines 1 through 27 and inserting the following:

"Section 1. K.S.A. 21-3439 is hereby amended to read as follows: 21-3439. (a) Capital murder is the:

(1) Intentional and premeditated killing of any person in the commission of kidnapping, as defined in K.S.A. 21-3420 and amendments thereto, or aggravated kidnapping, as defined in K.S.A. 21-3421 and amendments thereto, when the kidnapping or aggravated kidnapping was committed with the intent to hold such person for ransom;

(2) intentional and premeditated killing of any person pursuant to a contract or agreement to kill such person or being a party to the contract or agreement pursuant to which such person is killed;

(3) intentional and premeditated killing of any person by an inmate or prisoner confined in a state correctional institution, community correctional institution or jail or while in the custody of an officer or employee of a state correctional institution, community correctional institution or jail;

(4) intentional and premeditated killing of the victim of one of the following crimes in the commission of, or subsequent to, such crime: Rape, as defined in K.S.A. 21-3502 and amendments thereto, criminal sodomy, as defined in subsections (a)(2) or (a)(3) of K.S.A. 21-3505 and amendments thereto or aggravated criminal sodomy, as defined in K.S.A. 21-3506 and amendments thereto, or any attempt thereof, as defined in K.S.A. 21-3301 and amendments thereto;

(5) intentional and premeditated killing of a law enforcement officer, as defined in K.S.A. 21-3110 and amendments thereto;

(6) intentional and premeditated killing of more than one person as a part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct. *Each such intentional and premeditated killing as a part of the same act or transaction or in two or more acts or transactions shall be considered separate and independent. Each such killing shall be charged as a single count and shall not merge into one count of aggravated murder;* or

(7) intentional and premeditated killing of a child under the age of 14 in the commission of kidnapping, as defined in K.S.A. 21-3420 and amendments thereto, or aggravated kidnapping, as defined in K.S.A. 21-3421 and amendments thereto, when the kidnapping or aggravated kidnapping was committed with intent to commit a sex offense upon or with the child or with intent that the child commit or submit to a sex offense.

(b) For purposes of this section, "sex offense" means rape, as defined in K.S.A. 21-3502 and amendments thereto, aggravated indecent liberties with a child, as defined in K.S.A. 21-3504 and amendments thereto, aggravated criminal sodomy, as defined in K.S.A. 21-3506 and amendments thereto, prostitution, as defined in K.S.A. 21-3512 and amendments thereto, promoting prostitution, as defined in K.S.A. 21-3513 and amendments thereto or sexual exploitation of a child, as defined in K.S.A. 21-3516 and amendments thereto.

(c) Notwithstanding subsections (2)(a) or (b) of K.S.A. 21-3107, and amendments thereto, when the same conduct of a defendant may establish the commission of aggravated murder and the commission of another crime under the laws of this state, the defendant may be prosecuted and sentenced for each of such crimes.

~~(d)~~ (d) Capital murder is an off-grid person felony.

~~(e)~~ (e) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 2. K.S.A. 21-4624 is hereby amended to read as follows: 21-4624. (a) If a defendant is charged with capital murder, the county or district attorney shall file written notice if such attorney intends, upon conviction of the defendant, to request a separate sentencing proceeding to determine whether the defendant should be sentenced to death. Such notice shall be filed with the court and served on the defendant or the defendant's attorney not later than five days after the time of arraignment. If such notice is not filed and served as required by this subsection, the county or district attorney may not request such a sentencing proceeding and the defendant, if convicted of capital murder, shall be sentenced to life without the possibility of parole, and no sentence of death shall be imposed hereunder.

(b) Except as provided in K.S.A. 21-4622 and 21-4623, and amendments thereto, upon conviction of a defendant of capital murder, the court, upon motion of the county or district attorney, shall conduct a separate sentencing proceeding to determine whether the defendant shall be sentenced to death. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If any person who served on the trial jury is unable to serve on the jury for the sentencing proceeding, the court shall substitute an alternate juror who has been impaneled for the trial jury. If there are insufficient alternate jurors to replace trial jurors who are unable to serve at the sentencing proceeding, the trial judge may summon a special jury of 12 persons which shall determine the question of whether a sentence of death shall be imposed. Jury selection procedures, qualifications of jurors and grounds

for exemption or challenge of prospective jurors in criminal trials shall be applicable to the selection of such special jury. The jury at the sentencing proceeding may be waived in the manner provided by K.S.A. 22-3403 and amendments thereto for waiver of a trial jury. If the jury at the sentencing proceeding has been waived or the trial jury has been waived, the sentencing proceeding shall be conducted by the court.

(c) In the sentencing proceeding, evidence may be presented concerning any matter that the court deems relevant to the question of sentence and shall include matters relating to any of the aggravating circumstances enumerated in K.S.A. 21-4625 and amendments thereto and any mitigating circumstances. Any such evidence which the court deems to have probative value may be received regardless of its admissibility under the rules of evidence, provided that the defendant is accorded a fair opportunity to rebut any hearsay statements. Only such evidence of aggravating circumstances as the state has made known to the defendant prior to the sentencing proceeding shall be admissible, and no evidence secured in violation of the constitution of the United States or of the state of Kansas shall be admissible. No testimony by the defendant at the sentencing proceeding shall be admissible against the defendant at any subsequent criminal proceeding. At the conclusion of the evidentiary presentation, the court shall allow the parties a reasonable period of time in which to present oral argument.

(d) At the conclusion of the evidentiary portion of the sentencing proceeding, the court shall provide oral and written instructions to the jury to guide its deliberations.

(e) If, by unanimous vote, the jury finds beyond a reasonable doubt that one or more of the aggravating circumstances enumerated in K.S.A. 21-4625 and amendments thereto exist and, further, that the existence of such aggravating circumstances is not outweighed by any mitigating circumstances which are found to exist, the defendant shall be sentenced to death; otherwise, the defendant shall be sentenced to life without the possibility of parole. The jury, if its verdict is a unanimous recommendation of a sentence of death, shall designate in writing, signed by the foreman of the jury, the statutory aggravating circumstances which it found beyond a reasonable doubt. If, after a reasonable time for deliberation, the jury is unable to reach a verdict, the judge shall dismiss the jury and impose a sentence of life without the possibility of parole and shall commit the defendant to the custody of the secretary of corrections. In nonjury cases, the court shall follow the requirements of this subsection in determining the sentence to be imposed.

(f) Notwithstanding the verdict of the jury, the trial court shall review any jury verdict imposing a sentence of death hereunder to ascertain whether the imposition of such sentence is supported by the evidence. If the court determines that the imposition of such a sentence is not supported by the evidence, the court shall modify the sentence and sentence the defendant to life without the possibility of parole, and no sentence of death shall be imposed hereunder. Whenever the court enters a judgment modifying the sentencing verdict of the jury, the court shall set forth its reasons for so doing in a written memorandum which shall become part of the record.

(g) A defendant who is sentenced to imprisonment for life without the possibility of parole shall spend the remainder of the defendant's natural life incarcerated and in the custody of the secretary of corrections. A defendant who is sentenced to imprisonment for life without the possibility of parole shall not be eligible for *commutation of sentence*, parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision, *functional incapacitation release pursuant to K.S.A. 22-3728*, and amendments thereto, or suspension, modification or reduction of sentence. Upon sentencing a defendant to imprisonment for life without the possibility of parole, the court shall commit the defendant to the custody of the secretary of corrections and the court shall state in the sentencing order of the judgment form or journal entry, whichever is delivered with the defendant to the correctional institution, that the defendant has been sentenced to imprisonment for life without the possibility of parole.”;

On page 14, by striking all in lines 4 through 32;

On page 15, in line 21, by striking “section 3, and amendments thereto;” in line 29, by striking “prior to its repeal” and inserting “and amendments thereto;” in line 35, by striking “and” where it appears the second time, and inserting a comma;

On page 16, in line 16, by striking “section 3” and inserting “K.S.A. 21-4624, and amendments thereto, or K.S.A. 21-4642”;

On page 26, by striking all in lines 28 through 43;

By striking all on pages 27 through 52;

On page 53, by striking all in lines 1 through 31; in line 32, by striking all after “21-3439.”; by striking all in lines 33 through 35; in line 36, by striking all before “are” and inserting “21-4624, 22-3405, 22-3705, 22-3728 and 22-4210 and K.S.A. 2009 Supp. 21-4642 and 22-3717”;

In the title, in line 10, by striking all after “concerning”; by striking all in lines 11 through 16 and inserting “crimes, criminal procedure and punishment; amending K.S.A. 21-3439, 21-4624, 22-3405, 22-3705, 22-3728 and 22-4210 and K.S.A. 2009 Supp. 21-4642 and 22-3717 and repealing the existing sections.”

Upon the showing of five hands a roll call was requested:

On roll call, the vote was: Yeas 20, Nays 20, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Holland, Huelskamp, Huntington, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pyle, Schmidt D, Schodorf, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Kelly, Kultala, Lee, McGinn, Morris, Owens, Pilcher-Cook, Reitz, Schmidt V, Steineger, Taddiken, Teichman, Umbarger, Vratil.

The motion failed and the amendment was rejected.

SB 351 be amended by adoption of the committee amendments, be further amended by motion of Senator Vratil on page 2, in line 14, after “(d) (1)” by striking “A” and inserting “Except as provided further, a” ; in line 16, after “(2)” by striking “A” and inserting “Except as provided further, a”;

On page 3, after line 8, by inserting the following:

“Sec. 2. K.S.A. 2009 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made by mail or in person and may be by personal check. The traffic citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a preliminary breath test	8-1012	\$90
Unsafe speed for prevailing conditions	8-1557	\$60
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558	1-10 mph over the limit, \$30
	to	
	8-1560	11-20 mph over the limit, \$30 plus \$6 per mph over
	8-1560a	10 mph over the limit;
	or 8-1560b	21-30 mph over the limit, \$90 plus \$9 per mph over 20 mph over the limit;

		31 and more mph over the limit, \$180 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$60
Violating traffic control signal	8-1508	\$60
Violating pedestrian control signal	8-1509	\$30
Violating flashing traffic signals	8-1510	\$60
Violating lane-control signal	8-1511	\$60
Unauthorized sign, signal, marking or device	8-1512	\$30
Driving on left side of roadway	8-1514	\$60
Failure to keep right to pass oncoming vehicle	8-1515	\$60
Improper passing; increasing speed when passed	8-1516	\$60
Improper passing on right	8-1517	\$60
Passing on left with insufficient clearance	8-1518	\$60
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$60
Driving on left in no-passing zone	8-1520	\$60
Unlawful passing of stopped emergency vehicle	8-1520a	\$60
Driving wrong direction on one-way road	8-1521	\$60
Improper driving on laned roadway	8-1522	\$60
Following too close	8-1523	\$60
Improper crossover on divided highway	8-1524	\$30
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$60
Failure to yield to approaching vehicle when turning left	8-1527	\$60
Failure to yield at stop or yield sign	8-1528	\$60
Failure to yield from private road or driveway	8-1529	\$60
Failure to yield to emergency vehicle	8-1530	\$180
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$90
Failure to comply with restrictions in road construction zone	8-1531a	\$30
Disobeying pedestrian traffic control device	8-1532	\$30
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$60
Improper pedestrian crossing	8-1534	\$30
Failure to exercise due care in regard to pedestrian	8-1535	\$30
Improper pedestrian movement in crosswalk	8-1536	\$30
Improper use of roadway by pedestrian	8-1537	\$30
Soliciting ride or business on roadway	8-1538	\$30
Driving through safety zone	8-1539	\$30
Failure to yield to pedestrian on sidewalk	8-1540	\$30
Failure of pedestrian to yield to emergency vehicle	8-1541	\$30
Failure to yield to blind pedestrian	8-1542	\$30
Pedestrian disobeying bridge or railroad signal	8-1544	\$30
Improper turn or approach	8-1545	\$60
Improper "U" turn	8-1546	\$60
Unsafe starting of stopped vehicle	8-1547	\$30

Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$60
Improper method of giving notice of intention to turn	8-1549	\$30
Improper hand signal	8-1550	\$30
Failure to stop or obey railroad crossing signal	8-1551	\$180
Failure to stop at railroad crossing stop sign	8-1552	\$120
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$180
Improper moving of heavy equipment at railroad crossing	8-1554	\$60
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$60
Improper passing of school bus; improper use of school bus signals	8-1556	\$300
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$180
Impeding normal traffic by slow speed	8-1561	\$30
Speeding on motor-driven cycle	8-1562	\$60
Speeding in certain vehicles or on posted bridge	8-1563	\$30
Improper stopping, standing or parking on roadway	8-1569	\$30
Parking, standing or stopping in prohibited area	8-1571	\$30
Improper parking	8-1572	\$30
Unattended vehicle	8-1573	\$30
Improper backing	8-1574	\$30
Driving on sidewalk	8-1575	\$30
Driving with view or driving mechanism obstructed	8-1576	\$30
Unsafe opening of vehicle door	8-1577	\$30
Riding in house trailer	8-1578	\$30
Improper driving in defiles, canyons, or on grades	8-1579	\$30
Coasting	8-1580	\$30
Following fire apparatus too closely	8-1581	\$60
Driving over fire hose	8-1582	\$30
Putting glass, etc., on highway	8-1583	\$90
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$30
Improper operation of snowmobile on highway	8-1585	\$30
Parental responsibility of child riding bicycle	8-1586	\$30
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$30
Clinging to other vehicle	8-1589	\$30
Improper riding of bicycle on roadway	8-1590	\$30
Carrying articles on bicycle; one hand on handlebars	8-1591	\$30
Improper bicycle lamps, brakes or reflectors	8-1592	\$30
Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$30
Improper operation of motorcycle on laned roadway	8-1595	\$60
Motorcycle clinging to other vehicle	8-1596	\$30

Improper motorcycle handlebars or passenger equipment	8-1597	\$60
Motorcycle helmet and eye-protection requirements	8-1598	\$30
Unlawful riding on vehicle	8-1578a	\$60
Unlawful operation of all-terrain vehicle	8-15,100	\$60
Unlawful operation of low-speed vehicle	8-15,101	\$60
Littering	8-15,102	\$100
Disobeying school crossing guard	8-15,103	\$60
Unlawful operation of micro utility truck	8-15,106	\$60
Failure to remove vehicles in accidents	8-15,107	\$60
Unlawful operation of golf cart	8-15,108	\$60
Unlawful operation of work-site utility vehicle	8-15,109	\$60
<i>Unlawful text messaging</i>	<i>section 1</i>	<i>\$100</i>
Equipment offenses that are not misdemeanors	8-1701	\$60
Driving without lights when needed	8-1703	\$30
Defective headlamps	8-1705	\$30
Defective tail lamps	8-1706	\$30
Defective reflector	8-1707	\$30
Improper stop lamp or turn signal	8-1708	\$30
Improper lighting equipment on certain vehicles	8-1710	\$30
Improper lamp color on certain vehicles	8-1711	\$30
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$30
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$30
No lamp or flag on projecting load	8-1715	\$60
Improper lamps on parked vehicle	8-1716	\$30
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$30
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$30
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
Improper lamps or lights on emergency vehicle	8-1720	\$30
Improper stop or turn signal	8-1721	\$30
Improper vehicular hazard warning lamp	8-1722	\$30
Unauthorized additional lighting equipment	8-1723	\$30
Improper multiple-beam lights	8-1724	\$30
Failure to dim headlights	8-1725	\$60
Improper single-beam headlights	8-1726	\$30
Improper speed with alternate lighting	8-1727	\$30
Improper number of driving lamps	8-1728	\$30
Unauthorized lights and signals	8-1729	\$30
Improper school bus lighting equipment and warning devices	8-1730	\$30
Unauthorized lights and devices on church or day-care bus	8-1730a	\$30
Improper lights on highway construction or maintenance vehicles	8-1731	\$30
Defective brakes	8-1734	\$30
Defective or improper use of horn or warning device	8-1738	\$30

Defective muffler	8-1739	\$30
Defective mirror	8-1740	\$30
Defective wipers; obstructed windshield or windows	8-1741	\$30
Improper tires	8-1742	\$30
Improper flares or warning devices	8-1744	\$30
Improper use of vehicular hazard warning lamps and devices	8-1745	\$30
Improper air-conditioning equipment	8-1747	\$30
Improper safety belt or shoulder harness	8-1749	\$30
Improper wide-based single tires	8-1742b	\$60
Improper compression release engine braking system	8-1761	\$60
Defective motorcycle headlamp	8-1801	\$30
Defective motorcycle tail lamp	8-1802	\$30
Defective motorcycle reflector	8-1803	\$30
Defective motorcycle stop lamps and turn signals	8-1804	\$30
Defective multiple-beam lighting	8-1805	\$30
Improper road-lighting equipment on motor-driven cycles	8-1806	\$30
Defective motorcycle or motor-driven cycle brakes	8-1807	\$30
Improper performance ability of brakes	8-1808	\$30
Operating motorcycle with disapproved braking system	8-1809	\$30
Defective horn, muffler, mirrors or tires	8-1810	\$30
Unlawful statehouse parking	75-4510a	\$15
Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight up to 1000 \$25 1001 to 2000 3¢ per pound 2001 to 5000 5¢ per pound 5001 to 7500 7¢ per pound 7501 and over ... 10¢ per pound
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000 \$25 1001 to 2000 3¢ per pound 2001 to 5000 5¢ per pound 5001 to 7500 7¢ per pound 7501 and over ... 10¢ per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$272
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$122
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$122
No authority as private or common carrier	66-1,111	\$122
Violation of motor carrier safety rules and regulations, except for violations specified in subsection (b)(2) of K.S.A. 66-1,130, and amendments thereto	66-1,129	\$100

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto.

Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1 1/2 times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2 1/2 times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under subsection (a)(4) of K.S.A. 8-1560, and amendments thereto.

Sec. 3. K.S.A. 2009 Supp. 8-2118 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 10, by striking “relating to crimes and punishment” and inserting “regulating traffic”; in line 11, after “vehicle” by inserting “; amending K.S.A. 2009 Supp. 8-2118 and repealing the existing section” and **SB 351** be passed as further amended.

SB 414 be amended by adoption of the committee amendments, be further amended by motion of Senator Emler on page 7, in line 5, by striking “Upon” and inserting “Subject to the provisions of paragraph (7) of this subsection (j), upon”; in line 12, by striking “Upon” and inserting “Subject to the provisions of paragraph (7) of this subsection (j), upon”;

On page 8, after line 35, by inserting the following:

“(7) The funds required to be transferred from the state general fund to the health care stabilization fund pursuant to paragraphs (1) and (2) of this subsection (j) for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013, shall not be transferred prior to July 1, 2013. The director of accounts and reports shall maintain a record of the amounts certified by the board of governors pursuant to paragraphs (1) and (2) of this subsection (j) for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013. Beginning July 1, 2013, in addition to any other transfers required pursuant to subsection (j), the state general fund transfers which are deferred pursuant to this paragraph shall be transferred from the state general fund to the health care stabilization fund in the following manner: On July 1, 2013, and annually thereafter through July 1, 2017, an amount equal to 20% of the total amount of state general fund transfers deferred pursuant to this paragraph for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013. The amounts deferred pursuant to this paragraph shall not accrue interest thereon.” and **SB 414** be passed as further amended.

SB 456 be amended by the adoption of the committee amendments, followed by a motion to amend **SB 456** by Senator Huelskamp on page 1, in line 40, by striking “or”; in line 41, after “victims” by inserting “; or (6) messages for political purposes”.

Upon the showing of five hands a roll call was requested:

On roll call, the vote was: Yeas 20, Nays 18, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, McGinn, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schodorf, Taddiken, Wagle.

Nays: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Morris, Owens, Reitz, Schmidt V, Steineger, Teichman, Umbarger, Vratil.

Present and Passing: Emler.

Absent or Not Voting: Schmidt D.

The motion carried and the amendment was adopted.

SB 456 be passed as further amended.

SB 445 be passed over and retain a place on the calendar.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 351, SB 375, SB 414, SB 425, SB 455, SB 456, SB 508, SB 531, SB 533** were advanced to Final Action and roll call.

SB 351, An act regulating traffic; prohibiting text messaging while operating a moving motor vehicle; amending K.S.A. 2009 Supp. 8-2118 and repealing the existing section.

On roll call, the vote was: Yeas 34, Nays 6, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Brownlee, Huelskamp, Pilcher-Cook, Pyle, Steineger, Wagle.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **SB 351** which prohibits texting while driving. Clearly this is a dangerous habit and something that should not be done. However, this bill is poorly written and needs more work. A prohibition of distracted driving and appropriate penalties would be more effective. — KARIN BROWNLEE

SB 375, An act concerning abolition of the death penalty; amending K.S.A. 21-3452, 21-4622, 21-4634, 21-4635, 21-4641, 21-4706, 22-3405, 22-3705, 22-3728 and 22-4210 and K.S.A. 2009 Supp. 21-4619, 21-4642, 22-3717, 22-4902, 38-2255, 38-2271, 38-2312, 38-2365, 39-970, 65-5117, 72-1397 and 75-52,148 and repealing the existing sections; also repealing K.S.A. 21-3439, 21-4623, 21-4624, 21-4625, 21-4626, 21-4627, 21-4629, 21-4630 and 21-4631.

On roll call, the vote was: Yeas 20, Nays 20, Present and Passing 0, Absent or Not Voting 0.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Kelly, Kultala, Lee, McGinn, Morris, Owens, Pilcher-Cook, Reitz, Schmidt V, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Holland, Huelskamp, Huntington, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pyle, Schmidt D, Schodorf, Wagle.

A constitutional majority having failed to vote in favor of the bill, **SB 375** did not pass.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **SB 375** which would abolish the Kansas death penalty. Under threat of the Kansas death penalty, the killer of Kelsey Smith pled guilty and spared her family the agony of a trial or they may still be awaiting that trial.

I believe human life is created by God and therefore of immeasurable value. Yes I can say I am prolife and vote to protect unborn life which is totally innocent and not had the opportunity to wrong anyone. Yet I also believe that it is just punishment to allow the death penalty in limited cases when someone has unjustly and violently taken another's life.— KARIN BROWNLEE

Senator Lynn requests the record to show she concurs with the "Explanation of Vote" offered by Senator Brownlee.

MR. PRESIDENT: The people of my Senate district elected me to represent their views on the great issues of the day. It is an honor and a privilege to be elected to represent them. I have lived with, listened to, and discussed many issues with my constituents. This is one of the fundamental issues where I must represent their views. And while there are many issues pro and con, the people of my Senate district have made it clear that they support the death penalty for the most heinous of crimes.—JEFF COLYER

Senator Ostmeyer requests the record to show he concurs with the “Explanation of Vote” offered by Senator Colyer on **SB 375**.

MR. PRESIDENT: I vote “AYE” on **SB 375**. The record kept by my secretary shows that every one of my constituents who contacted me on this issue asked me to support the bill. The concerns they raised varied widely: the terrible possibility of executing an innocent person, prolonging the suffering of a victim’s family, the need to maintain respect for human dignity, the ineffectiveness of the death penalty as a deterrent or way to get a plea bargain, the estimated 70% greater cost of a case taken to execution vs. lifetime incarceration, and the requirement that the death penalty should reflect the “conscience of the community” which may not be possible if a significant percentage of potential jurors are not permitted to serve on a capital case because they oppose the death penalty. I appreciate the Senate Judiciary Committee working out the details and moving this bill forward, the Majority Leader scheduling the debate, and the committee chair carrying the bill. It made it possible for me to express the wishes of my constituents to live in a state that does not allow for the death penalty, no matter how limited. — MARCI FRANCISCO

Senator Hensley requests the record to show he concurs with the “Explanation of Vote” offered by Senator Francisco on **SB 375**.

MR. PRESIDENT: In time.....Over the course of Time will always come reflection and that reflection will bring Abiding Confirmation or Deep Regret.

May God have mercy on the souls of these “justice” seeking Americans today.

And always.

In this Time and in this hallowed Place, with God’s abiding Grace . . . we almost made a real *Difference*. — DAVID HALEY

MR. PRESIDENT: The death penalty has been on and off Kansas statutes since the late 1800’s. Although placed back on the books in 1994, no one has been executed since 1965. The death penalty has not been applied equitably across the state. The issue of justice is mirrored in two ways, some seeing justice when a murderer is executed, others when he is locked up without any amenities and with time to think about the horrible crime he committed. Many family members of murder victims who are against the death penalty would prefer life without parole.

Having a death penalty was low on the list of priorities of the National Poll of Police Chiefs for preventing crimes. Dollars spent would be better used to prevent future heinous crimes, preventing the wrong people from walking the streets. Dollars could be spent on law enforcement, corrections, parole, drug and alcohol programs, or invested in pre- and post-natal programs.

This is a very emotional and controversial issue; people on both sides feel strongly. Although we may have liked to avoid the discussion, as a legislature we have the responsibility to deal with issues and allow our constituents who want repeal of the death penalty the opportunity to make their case. — CAROLYN MCGINN

Senators Faust-Goudeau, Kelly, Kultala, Morris, Owens, Umbarger and Vratil request the record to show they concur with the “Explanation of Vote” offered by Senator McGinn on **SB 375**.

MR. PRESIDENT: I vote NO on **SB 375**. The people who elected me to represent them in the 40th Senate District expect me to vote their views. It is an honor to have been elected by them, and I take that privilege very seriously. Although this is a very deeply felt issue on my part, I hold my Catholic faith very dear, my constituents have always trusted my judgment. Without giving them an opportunity to respond with such short notice on this issue, I feel I can explain the no vote. The majority of my constituents prior to today’s debate, have made it clear they support the death penalty for the most heinous of crimes.
— RALPH OSTMEYER

MR. PRESIDENT: I have thought *many years* about the efficacy and effectiveness of the death penalty. For many years I have believed that the death penalty *has no deterrent effect* what so ever. I also believe there is clear and compelling evidence that innocent men have been put to death. I have *defended the death penalty as a tool* for prosecutors to use to gain cooperation from those accused of crime.

However, the advocacy for the repeal of the death penalty by Therese Bangert, John Vratil, Carolyn McGinn, David Haley, and others have convinced me to move on from those *outdated* positions.

I enjoy freedom . . . to be outdoors, to travel, to be with my family and friends. For me, the more cruel punishment is life in prison, *alive* but without freedom.

It is true that we Americans, by keeping the death penalty, remain in league with nations, such as Iran, Yemen, North Korea, and Saudi Arabia.

I prefer to join the nations who have attained universal health care for their citizens, established comprehensive early childhood education, resisted the economic burden of the military-industrial complex, and ended the death sentence. — CHRIS STEINEGER

SB 414, An act concerning the health care stabilization fund; amending K.S.A. 2009 Supp. 40-3403 and 40-3404 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 425, An act concerning motor vehicle fuel; relating to blending of fuels.

On roll call, the vote was: Yeas 23, Nays 16, Present and Passing 1, Absent or Not Voting 0.

Yeas: Apple, Barnett, Bruce, Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Lynn, Marshall, McGinn, Morris, Ostmeyer, Owens, Schmidt V, Steineger, Taddiken, Vratil.

Nays: Abrams, Brownlee, Colyer, Donovan, Emler, Huelskamp, Kelsey, Masterson, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schodorf, Umbarger, Wagle.

Present and Passing: Teichman.

The bill passed, as amended.

SB 455, An act concerning the civil commitment of sexually violent predators; relating to expert testimony; amending K.S.A. 59-29a03 and 60-456 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 456, An act concerning consumer protection; creating the Kansas robo-call privacy act.

On roll call, the vote was: Yeas 13, Nays 27, Present and Passing 0, Absent or Not Voting 0.

Yeas: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Lee, Owens, Reitz, Schmidt D, Schodorf.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Emler, Huelskamp, Huntington, Kelsey, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt V, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

A constitutional majority having failed to vote in favor of the bill, **SB 456** did not pass.

EXPLANATION OF VOTE

MR. PRESIDENT: **SB 456** is a blatant restriction on Free speech. Although the amendment adopted by the committee of the Whole creating an exemption for political speech undermined the bills original intent - that being the silencing of specific politically active organizations that rely heavily on ADAD phone calls - the bill is still offensive to the Constitution.

Certain types of organizations are allowed to use ADAD calls, i.e. veteran groups, but may only do so for soliciting clothing. No other type of group can use ADAD for soliciting any type of donation, nor could a veteran group even solicit funds for the purchasing of clothing. These results are inconsistent and not content neutral.

Any legitimate concern to address the perceived intrusion of a ADAD phone call could be achieved in a more specific, narrowly tailored, way by requiring those callers using ADAD technology to abide by an expanded no call list. As such, I continue to oppose this legislation.

— TERRY BRUCE

SB 508, An act concerning discount cards; filing requirements with the secretary of state; amending K.S.A. 50-1,101 and 50-1,103 and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Masterson.

The bill passed, as amended.

SB 531, An act enacting the radon certification law; amending K.S.A. 48-1625 and repealing the existing section.

On roll call, the vote was: Yeas 34, Nays 6, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Brownlee, Huelskamp, Masterson, Pilcher-Cook, Pyle, Wagle.

The bill passed, as amended.

SB 533, An act concerning crimes and criminal procedure; providing for electronic citations, complaints and notices to appear; amending K.S.A. 2009 Supp. 40-3104 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

CHANGE OF REFERENCE

The President withdrew **SB 392** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Transportation**.

The President withdrew **SB 445** from the Calendar under the heading of General Orders, and referred the bill to the Committee on **Ways and Means**.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, February 23, 2010.

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 23, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-six senators present.
Senators Emler, Kelsey, Petersen and Steineger were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

In almost every session I have thanked You for George Washington on his birthday anniversary.

This time I praise You for revealing to him Your providential intercession during the war in which he served as Commander in Chief.

These are only a few of his many references to the intervention of the Providence of God...

On September 26, 1780 he said, "...the Liberties of America are the object of Divine Protection."

On October 19, 1781 at the surrender of the British troops at Yorktown, Washington called for a service to render thanksgiving to God—asking that troops not on duty should attend with....the gratitude of heart which the recognition of such....astonishing interposition of Providence demands of us.

On December 23, 1783 Washington said, "My gratitude for the interposition of Providence....increases with every review of the momentous contest..."

On April 30, 1789 when he took the office of President of the United States he said, "No people can be bound to acknowledge and adore the Invisible hand which conduct the affairs of men more than the people of the United States."

Earlier, on August 20, 1778 Washington wrote a letter to a friend in which he said, "The hand of Providence has been so conspicuous in all (the course of the war), that he must be worse than an infidel that lacks faith, and more wicked that has not gratitude to acknowledge his obligations..."

Thanks again for George Washington, dear God.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 553, An act concerning natural gas storage; relating to recovery of migrating gas; amending K.S.A. 55-1,115, 55-1201 and 55-1210 and repealing the existing sections, by Committee on Ways and Means.

SB 554, An act concerning insurance; providing coverage for autism spectrum disorder; amending K.S.A. 2009 Supp. 75-6501 and repealing the existing section, by Committee on Ways and Means.

SB 555, An act making and concerning appropriations for the fiscal years ending June 30, 2011, and June 30, 2012, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

SB 556, An act making and concerning appropriations for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, and June 30, 2015, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2009 Supp. 2-223, 12-5256, 40-3403, 55-193, 72-8814, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-34,156, 79-34,171, 79-4801 and 82a-953a and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Business and Labor: **SB 551**, **SB 552**.

CHANGE OF REFERENCE

The President withdrew **SB 445** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Assessment and Taxation**.

REPORT ON ENGROSSED BILLS

SB 346, **SB 382**, **SB 406**, **SB 415**, **SB 419**, **SB 434**, **SB 458**, **SB 459**, **SB 484**, **SB 485**, **SB 500**, **SB 519**, **SB 537** reported correctly engrossed February 19, 2010.

SB 351, **SB 414**, **SB 425**, **SB 508**, **SB 531** reported correctly engrossed February 23, 2010.

REPORT ON ENROLLED BILLS

SB 357 reported correctly enrolled, properly signed and presented to the Governor on February 23, 2010.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, February 24, 2010.

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 24, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Emler and Teichman were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
Listening to the public
It's obvious and it's true;
Most people do not realize
All we have to do.

They wonder why we take the time
For things that never matter.
We're supposed to balance the budget,
And stop the "chitter-chatter".

But everything we do up here
Matters to some folks.
They appreciate the attention,
And don't treat it as a joke.

None of us think we're perfect, Lord,
We disagree, it's true;
That's why there's no dictator
To tell us what to do.

The truth is there are routine things
Which just have to be done;
And both houses must consider them
Not just up to one.

Lord, there's an old saying
Which I think is still true:
"Walk in the other's shoes a while,
Before you tell him what to do."

I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 557. An act concerning certain employees of schools; relating to licensure, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Financial Institutions & Insurance: **SB 554**.

Natural Resources: **SB 553**.

Ways and Means: **SB 555, SB 556**.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2238; HB 2239, HB 2280, HB 2410, HB 2432, HB 2448; Substitute HB 2453; HB 2471, HB 2472, HB 2478; Substitute HB 2517; HB 2540, HB 2552, HB 2557, HB 2561; Substitute HB 2575; HB 2577, HB 2581, HB 2582, HB 2584, HB 2588, HB 2589, HB 2595, HB 2601, HB 2605, HB 2619, HB 2631, HB 2637, HB 2656, HB 2660, HB 2661, HB 2667, HB 2668, HB 2676**.

Also, passage of **HCR 5026**.

The House adopts the conference committee report on **HB 2195**.

The House adopts the conference committee report on **Senate Substitute for HB 2222**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2238; HB 2239, HB 2280, HB 2410, HB 2432, HB 2448; Substitute HB 2453; HB 2471, HB 2472, HB 2478; Substitute HB 2517; HB 2540, HB 2552, HB 2557, HB 2561; Substitute HB 2575; HB 2577, HB 2581, HB 2582, HB 2584, HB 2588, HB 2589, HB 2595, HB 2601, HB 2605, HB 2619, HB 2631, HB 2637, HB 2656, HB 2660, HB 2661, HB 2667, HB 2668, HB 2676; HCR 5026 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator D. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1825—

A RESOLUTION congratulating and commending Paul Sasse, City Manager of Independence, Kansas, upon his retirement after nearly 33 years of service.

WHEREAS, Paul Sasse has served the citizens of Independence, Kansas, for nearly 33 years as City Manager; and

WHEREAS, Paul has been instrumental in maintaining the fiscal integrity of the city of Independence, Kansas; and

WHEREAS, Paul has played key roles in numerous economic development projects benefiting the city of Independence including the Cessna Aircraft Company expansion in 2004; and

WHEREAS, Paul has led efforts to pass several local sales tax increases to support city infrastructure, quality of life and economic development projects; and

WHEREAS, Paul has served as Assistant City Manager in the cities of Manhattan and Parsons; and

WHEREAS, Paul has served on the board of the Independence Chamber of Commerce, the Montgomery County Action Council, the Southeast Kansas Regional Planning Commission, the Kansas Water Authority, the Kansas Commission on Emergency Planning and Response and numerous other boards and commissions; and

WHEREAS, Paul received a bachelor of science degree and a masters degree in public administration from the University of Kansas in 1967 and 1969, respectively; and

WHEREAS, Paul was awarded the career achievement award from the Kansas Association of City and County Management in 2009; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and thank Paul Sasse for his nearly 33 years of outstanding service to the city of Independence, Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to provide two enrolled copies of this resolution to Senator D. Schmidt.

On emergency motion of Senator D. Schmidt **SR 1825** was adopted unanimously.

Senator D. Schmidt introduced and congratulated Paul Sasse upon his retirement as City Manager of Independence, Kansas after nearly 33 years of service. His wife Mary, Matthew

Sasse, Jacob Sasse, Andrew Johanson, Corey Sasse, DeDe Swanson, Dillon Swanson, Jessica Runberg, Amy Spellman, Kent Spellman, Ashlee Muninger, Kevon Abshier, Jill Abshier, Mason Abshier, Hailey Abshier and Tristan Willis were also introduced.

REPORTS OF STANDING COMMITTEES

Committee on **Education** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

State Board of Regents: Article 6, Section 3 of Kansas Constitution and K.S.A. 74-3202a

Arthur Edwin "Ed" McKechnie III, term expires June 30, 2010

Committee on Federal and State Affairs begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

State Librarian: K.S.A. 2009 Supp. 75-2535

Joanne M. Budler, serves at the pleasure of the Governor

Committee on **Public Health and Welfare** recommends **HB 2411**, as amended by House Committee, be passed.

Also, **HB 2323**, as amended by House Committee, be amended on page 1, in line 16, by striking "2008" and inserting "2009";

On page 4, in line 23, by striking "2008" and inserting "2009";

On page 5, in line 36, by striking "2008" and inserting "2009";

On page 9, in line 2, by striking "2008" and inserting "2009";

On page 10, in line 13, by striking "2008" and inserting "2009";

In the title, in line 12, by striking "2008" and inserting "2009"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 541** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Lynn in the chair.

On motion of Senator Lynn the following report was adopted:

SB 460, **SB 478**, **SB 532** be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 513** recommending a **Sub SB 513** be adopted, and the substitute bill be passed.

SB 488 be amended by adoption of the committee amendments, be further amended by motion of Senator Barnett on page 1, following line 15, by inserting the following:

"Section 1. K.S.A. 65-177 is hereby amended to read as follows: 65-177. The term "data" as used in this act shall be construed to include all facts, information, records of interviews, written reports, statements, notes, or memoranda secured in connection with an authorized medical research study.

The secretary of health and environment may receive data secured in connection with medical research studies conducted for the purpose of reducing morbidity or mortality from maternal, perinatal and anesthetic causes. Such studies may be conducted by the secretary of health and environment and his staff or with other qualified persons, agencies or organizations. Where authorization to conduct such a study is granted by the secretary of health and environment, all data voluntarily made available to the secretary of health and environment in connection with such study shall be treated as confidential and shall be used solely for purposes of medical research. Research files and opinions expressed upon the evidence found in such research shall not be admissible as evidence in any action in any court or before any other tribunal: *Provided, however*, That any statistics or tables resulting from such data shall be admissible as evidence: *Provided*, That this act shall not affect the right of any patient or his guardians, representatives or heirs to require hospitals, physicians, sanatoriums, rest homes, nursing homes or other persons or agencies to furnish his hospital

record to his representatives upon written authorization, or the admissibility in evidence thereof.

No employee of the secretary of health and environment shall interview any patient named in any such report, nor any relative of any such patient, *unless otherwise provided in K.S.A. 65-2422d, and amendments thereto: Provided*, That nothing in this act shall prohibit the publication by the secretary of health and environment or a duly authorized cooperating person, agency or organization, of final reports or statistical compilations derived from morbidity or mortality studies, which reports or compilations do not identify individuals, associations, corporations or institutions which were the subjects of such studies, or reveal sources of information.”;

And renumbering remaining sections accordingly;

Also on page 1, in line 16, by striking “Section” and inserting “Sec.”; by striking line 43 and inserting the following:

“Sec. 3. K.S.A. 2009 Supp. 65-2422d is hereby amended to read as follows: 65-2422d. (a) The records and files of the division of health pertaining to vital statistics shall be open to inspection, subject to the provisions of this act and rules and regulations of the secretary. It shall be unlawful for any officer or employee of the state to disclose data contained in vital statistical records, except as authorized by this act and the secretary, and it shall be unlawful for anyone who possesses, stores or in any way handles vital statistics records under contract with the state to disclose any data contained in the records, except as authorized by law.

(b) No information concerning the birth of a child shall be disclosed in a manner that enables determination that the child was born out of wedlock, except upon order of a court in a case where the information is necessary for the determination of personal or property rights and then only for that purpose, or except that employees of the office of child support enforcement of the federal department of health and human services shall be provided information when the information is necessary to ensure compliance with federal reporting and audit requirements pursuant to title IV-D of the federal social security act or except that the secretary of social and rehabilitation services or the secretary’s designee performing child support enforcement functions pursuant to title IV-D of the federal social security act shall be provided information and copies of birth certificates when the information is necessary to establish parentage in legal actions or to ensure compliance with federal reporting and audit requirements pursuant to title IV-D of the federal social security act. Nothing in this subsection shall be construed as exempting such employees of the federal department of health and human services or the secretary of social and rehabilitation services or the secretary’s designee from the fees prescribed by K.S.A. 65-2418, and amendments thereto.

(c) Except as provided in subsection (b), and amendments thereto, the state registrar shall not permit inspection of the records or issue a certified copy or abstract of a certificate or part thereof unless the state registrar is satisfied the applicant therefor has a direct interest in the matter recorded and the information contained in the record is necessary for the determination of personal or property rights. The state registrar’s decision shall be subject, however, to review by the secretary or by a court in accordance with the act for judicial review and civil enforcement of agency actions, subject to the limitations of this section.

(d) The secretary shall permit the use of data contained in vital statistical records for research purposes only, but no identifying use of them shall be made. *The secretary shall permit the use of birth, death and still birth certificates as identifiable data for purposes of maternal and child health surveillance and monitoring. The secretary or the secretary’s designee may interview individuals for purposes of maternal and child health surveillance and monitoring only with an approval of the health and environmental institutional review board as provided in title 45, part 46 of the code of federal regulations. The secretary shall inform such individuals that the participation in such surveillance and monitoring is voluntary and may only be conducted with the written consent of the person who is the subject of the information or with the informed consent of a parent or legal guardian if the person is under 18 years of age. Informed consent is not required if the person who is the subject of the information is deceased.*

(e) Subject to the provisions of this section the secretary may direct the state registrar to release birth, death and stillbirth certificate data to federal, state or municipal agencies.

(f) On or before the 20th day of each month, the state registrar shall furnish to the county election officer of each county and the clerk of the district court in each county, without charge, a list of deceased residents of the county who were at least 18 years of age and for whom death certificates have been filed in the office of the state registrar during the preceding calendar month. The list shall include the name, age or date of birth, address and date of death of each of the deceased persons and shall be used solely by the election officer for the purpose of correcting records of their offices and by the clerk of the district court in each county for the purpose of correcting juror information for such county. Information provided under this subsection to the clerk of the district court shall be considered confidential and shall not be disclosed to the public. The provisions of subsection (b) of K.S.A. 45-229, and amendments thereto, shall not apply to the provisions of this subsection.

(g) No person shall prepare or issue any certificate which purports to be an original, certified copy or abstract or copy of a certificate of birth, death or fetal death, except as authorized in this act or rules and regulations adopted under this act.

(h) Records of births, deaths or marriages which are not in the custody of the secretary of health and environment and which were created before July 1, 1911, pursuant to chapter 129 of the 1885 Session Laws of Kansas, and any copies of such records, shall be open to inspection by any person and the provisions of this section shall not apply to such records.

(i) Social security numbers furnished pursuant to K.S.A. 65-2409a and amendments thereto shall only be used as permitted by title IV-D of the federal social security act and amendments thereto or as permitted by section 7(a) of the federal privacy act of 1974 and amendments thereto. The secretary shall make social security numbers furnished pursuant to K.S.A. 65-2409a and amendments thereto available to the department of social and rehabilitation services for purposes permitted under title IV-D of the federal social security act.

(j) Fact of death information may be disseminated to state and federal agencies administering benefit programs. Such information shall be used for file clearance purposes only.

Sec. 4. K.S.A. 65-177 and 65-2402 and K.S.A. 2009 Supp. 65-2422d are hereby repealed.”;

On page 1, in the title, in line 11, by striking all following “to”; in line 12, by striking all preceding the semicolon and inserting “office of vital statistics”; also in line 12, by striking “65-2402” and inserting “65-177 and 65-2402 and K.S.A. 2009 Supp. 65-2422d”; in line 13, by striking “section” and inserting “sections” and **SB 488** be passed over and retain a place on the calendar.

CHANGE OF REFERENCE

The President withdrew **SB 488** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Judiciary**.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, February 25, 2010.

Journal of the Senate

THIRTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 25, 2010—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-nine senators present.
Senator Emler was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
After fifty years of pastoring,
Including a Chaplain for twenty-nine,
I've found a lot of people think
That praying is a waste of time.

They prayed for things they never got,
And decided, "What's the use."
But there's something they need to know
Before deciding to turn loose.

You have made it clear, O God,
What really pleases You
Is for us to live by faith
Not by sight as others do. II Corinthians 5:7; Hebrews 11:6

And You told us we can find this faith
By listening to Your Word.
After we hear Your message, Lord,
We'll gain faith through what we heard. Romans 10:17

I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 558. An act concerning interstate water; relating to the interstate water litigation fund; amending K.S.A. 82a-1802 and K.S.A. 2009 Supp. 82a-1804 and repealing the existing sections, by Committee on Ways and Means.

SB 559. An act concerning the Kansas taxpayer transparency act; amending K.S.A. 2009 Supp. 74-72,123 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Business and Labor: **HB 2676.**
Commerce: **HB 2540.**

Education: **SB 557; HB 2410, HB 2595, HB 2601.**
 Judiciary: **Sub HB 2238; HB 2432; Sub HB 2453, Sub HB 2517; HB 2557, HB 2581, HB 2582, HB 2605, HB 2637, HB 2656, HB 2661, HB 2667, HB 2668; HCR 5026.**
 Local Government: **HB 2471, HB 2472, HB 2478.**
 Public Health and Welfare: **HB 2448; Sub HB 2575; HB 2577, HB 2584, HB 2588, HB 2589, HB 2619.**
 Transportation: **HB 2552, HB 2561, HB 2660.**
 Ways and Means: **HB 2239, HB 2280, HB 2631.**

COMMUNICATIONS FROM STATE OFFICERS

SUPREME COURT OF KANSAS

February 24, 2010

Pursuant to KSA 8-1008, Howard Schwartz, Judicial Administrator, submitted the 2009 Annual Report of the Statement of the Alcohol Drug Safety Action Program.

The Vice President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2657.**
 Also, passage of **SB 62**, as amended; **SB 316**, as amended by **House Substitute for SB 316.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2657 was thereupon introduced and read by title.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation, were considered.

Senator D. Schmidt moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Credit Union Administrator:

John P. Smith, term expires December 31, 2013.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Francisco.

Absent or Not Voting: Emler.

The appointment was confirmed.

On the appointment to the:

Kansas State Board of Regents, Member:

Ed McKechnie, term expires June 30, 2010.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The appointment was confirmed.

On the appointment to the:

State Banking Board, Member:

James Needham, term expires March 15, 2012.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The appointment was confirmed.

On the appointment to the:

State Librarian of Kansas:

Joanne M. Budner, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 460, An act concerning children; relating to permanency; priority of certain orders; amending K.S.A. 38-1116 and 60-3107 and K.S.A. 2009 Supp. 38-1121, 38-2201, 38-2202, 38-2203, 38-2208, 38-2212, 38-2242, 38-2243, 38-2251, 38-2255, 38-2258, 38-2264, 38-2272, 38-2273, 38-2279, 38-2304, 38-2305, 38-2361 and 60-1610 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The bill passed, as amended.

SB 478, An act concerning the Kansas cigarette and tobacco products act; violations of act; amending K.S.A. 79-3304, 79-3309, 79-3371 and 79-3378 and K.S.A. 2009 Supp. 79-3301, 79-3302, 79-3303, 79-3310, 79-3311, 79-3312, 79-3316 and 79-3321 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 79-3310c, was considered on final action.

On roll call, the vote was: Yeas 18, Nays 21, Present and Passing 0, Absent or Not Voting 1.

Yeas: Brungardt, Colyer, Faust-Goudeau, Francisco, Hensley, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Donovan, Haley, Holland, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Steineger, Taddiken, Wagle.

Absent or Not Voting: Emler.

A constitutional majority having failed to vote in favor of the bill, **SB 478** did not pass.

Sub SB 513, An act concerning alternative project delivery building construction; amending K.S.A. 2009 Supp. 19-216b, 19-216c, 19-216d, 19-216e, 19-216f, 72-6760d, 72-6760f and 72-6760g and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The substitute bill passed.

SB 532. An act concerning alcoholic beverages; relating to licenses and eligibility; amending K.S.A. 2009 Supp. 41-308a, 41-308b and 41-311 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Barnett, Abrams, Apple, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1826—

A RESOLUTION congratulating Emporia State University on the celebration of Founders Day in recognition of 147 years of educational excellence.

WHEREAS, In 1863, two years after Kansas became a state, Kansas State Normal School was created by an act of the Kansas Legislature and dedicated to the instruction and preparation of teachers. That mission remains key to the education of Kansas students to this day; and

WHEREAS, In 2009, the Teachers College received national recognition during a speech by Arne Duncan, United States Secretary of Education, when he said, “At Emporia State University, home of the National Teachers Hall of Fame, the Teachers College is the crown jewel of the school.”; and

WHEREAS, Emporia State University continues as a prominent leader in teacher education and preparation as illustrated by the following citations: Described as a pioneer of professional development programs by Edutopia; presentation of the prestigious Edward C. Pomeroy Award for Outstanding Contributions to Teacher Education to Provost Tes Mehring; Presidential Award for Excellence in Science to Dr. Betsy Yanik for Mathematics and Engineering Mentoring; Distinguished Clinician Award, and International Reading Association’s Certification of Distinction to three professors; and

WHEREAS, Teacher education graduates have been recipients of the \$25,000 Milken family Foundation Education Awards five times since 1997. Additionally, Emporia State University alumni are well represented among each year’s KSDE Horizon Award winners; and

WHEREAS, Rigorous professional accrediting practices by these agencies distinguish all of the schools at Emporia State University: National Council for Accreditation of Teacher Education (NCATE); Association to Advance Collegiate Schools of Business (AACSB); National League of Nursing Accrediting Commission and the American Library Association; and

WHEREAS, Annual Leadership Days for African American and Hispanic high school students and Si Se Puede Ciencias y Matematicas focus Emporia State University's respect for diversity; and

WHEREAS, Emporia State University takes the lead in creating partnerships with Kansas community colleges, including Butler Community College, Hutchinson Community College, and Kansas City Kansas Community College to provide seamless bachelor degrees to place-bound students; and

WHEREAS, Emporia State University is one of the founding institutions and home of the National Teachers Hall of Fame, of which five inductees are Emporia State University alumni; and

WHEREAS, Emporia State University is the home of the Kansas Business Hall of Fame; and

WHEREAS, Tuesday, February 16, 2010 was celebrated as Emporia State University Founders Day in recognition of 147 years of educational excellence: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Emporia State University on the celebration of Founders Day in recognition of 147 years of educational excellence; and

Be it further resolved: That we commend Emporia State University for its outstanding service to the people of Kansas for providing excellence in higher education; and

Be it further resolved: That we encourage all Kansans to reflect on the history and heritage of educational excellence provided by all colleges and universities in the great state of Kansas.

On emergency motion of Senator Barnett **SR 1826** was adopted unanimously.

Senator Barnett introduced Michael R. Lane, President of Emporia State University, present for the recognition of Emporia State University's celebration of Founders Day of 147 years of educational excellence. Also recognized were: Jonathan Krueger, Caroline Ewing, Jonathan Rivers, Laura Bosiljevac, Amy Stonebraker, Michael Olsen and Marjorie Werly.

REPORT ON ENGROSSED BILLS

SB 460, SB 478, SB 532 reported correctly engrossed February 25, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **HB 2500** be amended on page 2, in line 20, after "insurance" by inserting "or reinsurance"; and the bill be passed as amended.

Also, **HB 2501**, as amended by House Committee of the Whole, be amended on page 1, by striking all in lines 33 through 43;

And by renumbering the remaining sections accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 399** be amended on page 1, by striking all in lines 23 through 27; in line 28, by striking "(4)" and inserting "(3)"; in line 35, by striking "(5)" and inserting "(4)";

On page 6, by striking all in lines 30 through 37; in line 38, by striking "(t)" and inserting "(s)";

On page 7, in line 5, by striking "(u)" and inserting "(t)"; in line 38, by striking "1 felony if" and inserting "2 felony if the trier of fact makes a finding that the offender is 18 or more years of age and"; in line 39, by striking "child under 18 years of age" and inserting "minor"; in line 41, by striking "that"; in line 42, by striking "person" and inserting "the trier of fact makes a finding that the offender"; also in line 42, by striking "occurs in the presence"; in line 43, by striking "of a minor," and inserting "occurred";

On page 9, in line 8, by striking "that person" and inserting "the trier of fact makes a finding that the offender is 18 or more years of age and that the offender"; in line 9, by striking "Distributes or causes" and inserting "Distributed or caused"; in line 10, by striking "child under 18 years of age" and inserting "minor"; in line 13, by striking "is 18 or more years of age and distributes or causes" and inserting "distributed or caused"; in line 14, by striking "in the presence of a minor,," in line 18, by striking "that person" and inserting "the

trier of fact makes a finding that the offender is 18 or more years of age and that the offender"; in line 19, by striking "Distributes or causes" and inserting "Distributed or caused"; in line 20, by striking "child under 18 years of age" and inserting "minor"; in line 23, by striking "is 18 or more years of age and distributes or causes" and inserting "distributed or caused"; in line 24, by striking "in the presence of a minor,";

On page 10, in line 8, by striking "that person" and inserting "the trier of fact makes a finding that the offender"; in line 9, by striking "occurs in the presence of a minor." and inserting "occurred"; and the bill be passed as amended.

Also, **SB 494** be amended on page 1, in line 14 by striking all after "804a."; by striking all in lines 15 through 18; in line 19, by striking "member of house of representatives."; in line 22, by striking "; and when" and inserting ". When"; in line 23, by striking "his" and inserting "such sheriff's"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 501** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 501," as follows:
"Substitute for SENATE BILL No. 501

By Committee on Public Health and Welfare

"AN ACT concerning the Kansas board of healing arts; relating to licensure and education of perfusionists; establishing perfusion council.";

and the substitute bill be passed.

Committee on **Transportation** recommends **HB 2436**, as amended by House Committee; **HB 2535** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of a bill on the calendar under the heading of General Orders with Senator Schodorf in the chair.

On motion of Senator Schodorf the following report was adopted:

Recommended **HB 2411** be passed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **HB 2411** was advanced to Final Action and roll call.

HB 2411, An act concerning controlled substances; relating to certain schedule I drugs; amending K.S.A. 2009 Supp. 65-4105 and repealing the existing section.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley.

Present and Passing: Francisco.

Absent or Not Voting: Emler.

The bill passed.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: Once again I am proud to be the "Lone Ranger" for the civil liberties of the citizens of Kansas by voting "NO" on **HB 2411**.

Since the Senate passed **SB 348**, my office has heard unqualified support for my lone opposition to this political posturing to make us "tough" on crime.

When this measure is one day repealed, K-2 (an "alternate to marijuana") will be perhaps proven less harmful to the human body and less addictive than tobacco, many currently prescribed drugs and alcohol. We should regulate this stuff and tax it as we do the others or at least continue to allow its proven medicinal value to alleviate pain, nausea, etc.

As youth and others continue to search for legal ways to explore their flights of fancy, I fear that they will encounter more dangerous ways to experiment and ultimately do their minds and bodies true harm.

Although I do not condone drug use in any form and, in fact, support the addition of “MDMA”, “TFMPP”, “BZP” and “HU 210” to the schedule, I remember the admonitions of the public hysteria associated with the movie “Reefer Madness” which attributed, falsely, ill effects to the smoking of marijuana.

It would be hypocritical to know this and repeat with my vote today a condemnation of a substance which no other state but Kansas, and one small county in Missouri, continues to rush to make illegal. — DAVID HALEY

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, February 26, 2010.

Journal of the Senate

THIRTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 26, 2010—8:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-two senators present.
Senators Abrams, Barnett, Brungardt, Colyer, Emler, Kelsey, Pyle and Steineger were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
I'm thankful for a lot of things,
Including where we meet.
The Senate Chamber's beautiful,
I think it can't be beat.
It's true the restoration
Hides a lot of things,
But one day it'll be finished
And it'll make us want to sing.
Our capitol's seen a lot
Of history in its past.
Just to walk through it
Provides for me a blast!
The murals and the statues
Make me stand in awe.
Of the heroes in our past,
And the progress that they saw.
I wasn't born in Kansas,
But I've lived here long enough
To appreciate its history
And those who had it rough.
Thank You, Lord, for the blessings
of this Capitol where we serve.
I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:
Ways and Means: **SB 558**, **SB 559**; **HB 2657**.

COMMUNICATIONS FROM STATE OFFICERS**KANSAS SENTENCING COMMISSION**

February 25, 2010

Pursuant to KSA 74-9101(b)(15), Helen Pedigo, Executive Director, submitted the Kansas Sentencing Commission 2010 Report to the Legislature.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2221** and requests the Senate to return the bill.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, March 1, 2010.

Journal of the Senate

THIRTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 1, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-seven senators present.
Senators Haley, Kelsey and Lynn were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Today our hearts go out to the people of Chile whose nation was blasted by an unusually powerful earthquake. Hundreds were killed, thousands of houses destroyed or damaged, and nations as far away as 15,000 miles were shaken.

We are thankful, O God, for nations, including ours, which have offered help of all kinds.

This world, which You obviously created, was specifically designed for human life, since only a very slight variation in the components which make up the universe would make it impossible for life to exist.

Those of us who had to depend on the position of the stars and planets to discover the location of our ships and planes during World War II, were impressed with the dependability of the heavenly bodies.

But we are also reminded during natural disasters that none of us, have assurance of the next day. So we especially thank you, Lord, for providing a way to an assurance of a resurrection, and an eternal home with You.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 560, An act concerning insurance; relating to privilege fees for health maintenance organizations; amending K.S.A. 2009 Supp. 40-3213 and repealing the existing section, by Committee on Ways and Means.

SB 561, An act concerning cities; relating to rehabilitation of abandoned houses; amending K.S.A. 2009 Supp. 12-1750, 12-1756a and 12-1756g and repealing the existing sections, by Committee on Ways and Means.

CHANGE OF REFERENCE

The President withdrew **SB 559** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Federal and State Affairs**.

The President withdrew **HB 2540** from the Committee on **Commerce**, and referred the bill to the Committee on **Financial Institutions and Insurance**.

MESSAGE FROM THE GOVERNOR

SB 357 approved on March 1, 2010.

February 24, 2010

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

Mark Parkinson
Governor

Commissioner, State Corporation Commission, Ward E. Loyd, pursuant to the authority vested in me by KSA 74-601, effective upon the date of confirmation by the Senate, to serve a term of four years.

COMMUNICATIONS FROM STATE OFFICERS

KPERS

February 26, 2010

A report to the Joint Committee on Pensions, Investments and Benefits regarding KPERS Long-Term Funding Status was submitted by KPERS.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **Senate Substitute for HB 2476**, requests a conference and has appointed Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

Announcing passage of **Substitute for HB 2538**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute for HB 2538 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **SB 544** be passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, March 2, 2010.

Journal of the Senate

THIRTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 2, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Your apostle Paul in his Philippian letter
Said “Rejoice in the Lord” two times.
But he said it when he was in prison
And had never committed a crime!

We learn a lesson from the apostle Paul,
That when things are going wrong:
Regardless of how bad things can get,
We can joyfully sing a glad song.

The second time Paul said it,
He said, “Rejoice in the Lord always.”
Thus emphasizing that those who are suffering
Can still rejoice and sing praise!

He also said that those who rejoice
Will experience an additional blessing:
The peace of God will guard our hearts,
And not experience depressing.

So when it looks like everything’s going wrong,
And nothing is going right,
Remember what God has done for us,
And rejoice and have peace day and night!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 562. An act providing for assessments on providers of certain home and community-based services; prescribing powers, duties and functions for the Kansas health policy authority; creating the waiver provider fee fund; providing for implementation and administration, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **Sub HB 2538.**

Local Government: **SB 561**.
 Ways and Means: **SB 560**.

REFERRAL OF APPOINTMENTS

The following appointment made by the Governor and submitted to the senate for confirmation, was referred to Committee as indicated:

Commissioner, State Corporation Commission:

Ward E. Loyd, effective upon the date of confirmation by the Senate, to serve a term of four years.

(Utilities)

CHANGE OF REFERENCE

The President withdrew **Sub SB 301** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on **Federal and State Affairs**.

The President withdrew **SB 495** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on **Commerce**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Barnett the Senate nonconcurred in the House amendments to **SB 62** and requested a conference committee be appointed.

The President appointed Senators Barnett, V. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Taddiken the Senate nonconcurred in the House amendments to **H Sub for SB 316** and requested a conference committee be appointed.

The President appointed Senators Taddiken, Ostmeyer and Francisco as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for HB 2476**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Pilcher-Cook, Brownlee, Bruce, Colyer, Kelsey, Masterson, Ostmeyer, Petersen, Taddiken and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1828—

By Senators Pilcher-Cook, Brownlee, Bruce, Colyer, Kelsey, Masterson, Ostmeyer, Petersen, Taddiken and Wagle

A RESOLUTION in support of religious freedom for Coptic Christians

WHEREAS, Coptic Christians are a Christian minority comprising approximately 10% of the Egyptian population and are an integral part of Egyptian society; and

WHEREAS, Egypt's Coptic Christian population is a victim of a systematic pattern of violence, including attacks as recently as January 6, 2010; and

WHEREAS, The United States Department of State's 2009 Report on International Religious Freedom states that the status of the Egyptian government's respect for religious freedom "declined somewhat during the reporting period based on a failure to investigate and prosecute perpetrators of increased incidents of sectarian violence"; and

WHEREAS, The foundation of the United States Constitution and the Kansas Constitution are freedom and justice: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate of the state of Kansas urges the Egyptian government to provide better protection for the Coptic Christian population by investigating and prosecuting those who perpetrate violence against Coptic Christians, by compensating victims of such violence and by protecting and preserving Coptic Christian places of worship; and

Be it further resolved: That the Senate of the State of Kansas urges the Egyptian government to stop discriminatory practices that affect the Coptic Christian population, including the difficulty in building and repairing places of worship, the lack of representation in certain government bodies and the continued harassment of converts; and

Be it further resolved: That the Senate of the State of Kansas urges the Egyptian government to prevent incidences of religious intolerance by providing equal protection of the law and equal rights for all Egyptians, and by effectively prosecuting any such incidents that occur; and

Be it further resolved: That the Secretary of the Senate be directed to send enrolled copies of this resolution to the United States Secretary of State and the Kansas Congressional delegation.

REPORT ON ENROLLED BILLS

SR 1825, SR 1826 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 26, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Business and Labor** recommends **HB 2676**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2676," as follows:

"SENATE Substitute for HOUSE BILL No. 2676

By Committee on Business and Labor

"AN ACT concerning the employment security act; creating an assessment for the payment of interest on advances received from the federal government; pertaining to negative account balance employers; pertaining to employer contributions and contribution rates; pertaining to benefits and eligibility therefor; pertaining to duties of the secretary of labor; amending K.S.A. 2009 Supp. 44-704, 44-705, 44-706, 44-710, 44-710a and 44-717 and repealing the existing sections."; and the substitute bill be passed.

Committee on **Education** recommends **SB 359** be amended on page 1, in line 34, after "per" by inserting "special";

On page 2, in line 7, after "thereto" by inserting ", or aid received under federal law"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2608** be amended on page 1, in line 19, before "commissioner" by inserting "bank";

On page 2, in line 29, by striking "appropriated" and inserting "appropriate"; in line 30, by striking "on" and inserting "an"; also in line 30, after "assessment" by inserting a comma; and the bill be passed as amended.

Also, **HB 2609**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **HB 2555** be passed.

Committee on **Utilities** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

State Corporation Commission: K.S.A. 74-601

Thomas Wright, term expires March 15, 2014

Committee on **Ways and Means** recommends **HB 2415** be amended on page 1, in line 33, after the period by inserting "A state educational institution shall sell, trade-in or dispose of such personal property in accordance with policies adopted by the state board of regents."; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator V. Schmidt in the chair.

On motion of Senator V. Schmidt the following report was adopted:

Recommended **SB 541; HB 2436** be passed.

SB 494; HB 2323, HB 2500, HB 2501 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 399 be passed over and retain a place on the calendar.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, March 3, 2010.

Journal of the Senate

THIRTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 3, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Once more I would like to share some of Your Proverbs, all of which reflect Your wisdom; some of which suggest Your humor.....

- 25:17 Seldom set foot in your neighbor's house—too much of you, and he will hate you.
27:2 Let another praise you, and not your own mouth; someone else, and not your own lips.
27:14 If a man loudly blesses his neighbor early in the morning, it will be taken as a curse.
27:17 As iron sharpens iron, so one man sharpens another.
28:27 He who gives to the poor lacks nothing, but he who closes his eyes to them receives many curses.
29:6 An evil man is snared by his own sin, but a righteous one can sing and be glad.
29:25 Fear of man will prove to be a snare, but whoever trusts in the Lord is kept safe.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolutions were introduced and read by title:

SB 563. An act concerning the campaign finance act; pertaining to coverage for certain retention elections; amending K.S.A. 25-2505 and K.S.A. 2009 Supp. 25-4143 and repealing the existing sections, by Committee on Federal and State Affairs.

SENATE CONCURRENT RESOLUTION No. 1628—

By Committee on Ways and Means

A CONCURRENT RESOLUTION requesting the Kansas supreme court, in cooperation with the judicial council, to make a survey and study of the Kansas court system; authorizing appointment of an advisory committee; providing and requiring a report thereon to the judiciary and the legislature.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Kansas legislature is hereby requesting the Kansas supreme court, in cooperation with the judicial council, to make a survey and study of the Kansas court system including municipal courts;

Be it further resolved: That such study and survey shall include: (1) Organization and restructuring of the court system; (2) administrative supervision of the courts; (3) workload of judicial and non-judicial personnel; (4) financing of the court system; (5) use of video conferencing and other methods for court hearings; (6) jurisdiction, qualifications and compensation of district magistrate judges; and (7) such other areas of study assigned to it by the chief justice;

Be it further resolved: That on or before January 20, 2011, the chief justice shall report to the judiciary and the 2011 legislature on the study and survey;

Be it further resolved: That the supreme court may appoint a judicial study advisory committee to assist in conducting the judicial study and survey and to make recommendations to the judiciary and the legislature;

Be it further resolved: That the judicial study advisory committee shall be considered a regular committee of the judicial council for the purpose of receiving per diem allowances;

Be it further resolved: That the Secretary of State be directed to send an enrolled copy of this resolution to the Chief Justice of the Kansas Supreme Court.

SENATE CONCURRENT RESOLUTION No. 1629—

By Senator Huelskamp

A CONCURRENT RESOLUTION urging the United States Congress to adopt the Parental Rights Amendment, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

WHEREAS, The right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitutions of the United States and the State of Kansas; and

WHEREAS, Our nation has historically relied first and foremost on parents to meet the real and constant needs of children; and

WHEREAS, The interests of children are best served when parents are free to make child rearing decisions about education, religion and other areas of a child's life without state interference; and

WHEREAS, The United States Supreme Court in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), has held that "This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"; and

WHEREAS, The United States Supreme Court in *Troxel v. Granville*, 530 U.S. 57 (2000), however, produced six different opinions on the nature and enforceability of parental rights under the Constitution of the United States; and

WHEREAS, This decision has created confusion and ambiguity about the fundamental nature of parental rights in the laws and society of the several States; and

WHEREAS, Senator James DeMint of the State of South Carolina and Representative Peter Hoekstra of the State of Michigan have introduced Senate Joint Resolution 16 and House Joint Resolution 42 in the United States Congress, proposing an amendment to the Constitution of the United States to prevent erosion of the enduring American tradition of treating parental rights as fundamental rights, which reads as follows:

"Section 1. The liberty of parents to direct the upbringing and education of their children is a fundamental right.

Section 2. Neither the United States nor any State shall infringe upon this right without demonstrating that its governmental interest as applied to the child involved is of the highest order and not otherwise served.

Section 3. No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article."; and

WHEREAS, This amendment will add explicit text to the Constitution of the United States to protect in perpetuity the rights of parents as they are now enjoyed, without substantive change to current state or federal laws respecting these rights; and

WHEREAS, Such enumeration of these rights in the text of the Constitution of the United States will preserve them from being infringed upon by the shifting ideologies and interpretations of the United States Supreme Court: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Congress of the United States is urged to adopt and submit to the states for ratification the Parental Rights Amendment to the Constitution of the United States proposed by Senator James DeMint and Representative Peter Hoekstra in Senate Joint Resolution 16 and House Joint Resolution 42; and

Be it further resolved: That a copy of this resolution be distributed to the Majority Leader and Minority Leader of the United States Senate, the Speaker, Majority Leader and Minority Leader of the United States House of Representatives, and the Speaker of the House and the President of the Senate of each state's legislature of the United States of America.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were referred to Committees as indicated:

Federal and State Affairs: **SR 1828**.

Ways and Means: **SB 562**.

COMMUNICATIONS FROM STATE OFFICERS

STATE OF THE JUDICIARY

Pursuant to KSA 20-320, Robert E. Davis, Chief Justice, submitted the 2010 Annual Report of the Chief Justice of the Kansas Supreme Court.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 62** and has appointed Representatives Landwehr, Crum and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 316** and has appointed Representatives Powell, Fund and Lukert as conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2283**, 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, after line 30, by inserting the following:

“(G) If the area transferred consists of land for which no water service is being provided by the system at the time of the annexation, the value of such land based on the planning, design and construction of improvements located outside the annexed area reasonably made to provide future water service to the annexed area;”;

And by relettering the subsections accordingly;

On page 4, in line 11, by striking “2008” and inserting “2009”; in line 31, by striking “2008” and inserting “2009”;

On page 7, after line 16, by inserting the following:

“(H) If the area released consists of land for which no water service is being provided by the system at the time of the release, the value of such land based on the planning, design and construction of improvements located outside the released area reasonably made to provide future water service to the released area;”;

And by relettering the subsections accordingly;

Also on page 7, by striking all in lines 36 through 43;

On page 8, by striking all in lines 1 through 16;

And by renumbering the remaining sections accordingly;

Also on page 8, in line 17, by striking “S2a-1036 and”; also in line 17, by striking “2008” and inserting “2009”;

In the title, in line 13, by striking “K.S.A. 82a-1036 and”; in line 14, by striking “2008” and inserting “2009”;

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

CAROLYN MCGINN

RUTH TEICHMAN

MARCI FRANCISCO

Conferees on part of Senate

LARRY POWELL

ROCKY FUND

STEVE LUKERT

Conferees on part of House

Senator McGinn moved the Senate adopt the Conference Committee Report on **HB 2283**.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Reitz.

The Conference Committee report was adopted.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 494, An act concerning county officers; relating to undersheriffs; amending K.S.A. 19-804a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 541, An act concerning the court of appeals; relating to the number of judges; amending K.S.A. 2009 Supp. 20-3002 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2323, An act concerning providers of care services; relating to employment of persons by such providers; amending K.S.A. 2009 Supp. 39-970 and 65-5117 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huntington.

The bill passed, as amended.

HB 2436, An act designating bridge No. 62 on United States highway 77 in Marshall county as the 1st Lieutenant Michael Hugh Breeding memorial bridge, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2500, An act concerning cities and municipalities; relating to municipal insurance pools; amending K.S.A. 12-2618 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2501, An act concerning insurance; relating to the liability of mortgage guaranty insurance companies; amending K.S.A. 40-3512 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Morris introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1827—

A RESOLUTION welcoming and saluting the members of the Turkish Delegation to the State of Kansas on the occasion of the Turkish-Kansan Friendship Reception presented in cooperation with the Turquoise Council of Americans and Eurasians and the Kansas Raindrop Turkish House.

WHEREAS, The Turquoise Council of Americans and Eurasians (TCAE) is an independent umbrella organization of Turkish, Turkic and Eurasian organizations in Kansas, Texas, New Mexico, Oklahoma, Tennessee, Louisiana, Arkansas and Mississippi committed to advancing communication, coordination and friendship among American and Eurasian peoples to promote and enhance our existing strong relationship through its member organizations; and

WHEREAS, The TCAE is sponsoring the “Turkish-Kansan Friendship Reception” on March 3, 2010, to welcome the Turkish Delegation to Kansas; and

WHEREAS, The Turkish-Kansan Friendship Reception will offer an opportunity for the Turkish Delegation to meet elected officials and community leaders in Kansas and will allow those invited to experience a taste of Turkish culture; and

WHEREAS, Members of the delegation are Turkish Parliament members Yasar Karayel, Ahmet Oksuzkaya and Fikri Isik; and

WHEREAS, Yasar Karayel was born in the village of Alakusak, Kayseri. He graduated from the Faculty of Economy of Marmara University where he was the administrator of the National Turkish Student Association and a manager of Fatih Dormitory of Higher Education and Fatih Gureba Hospital. Mr. Karayel became the deputy head of the City Council as well as a consultant for the Istanbul Mayor. He also was a Consultant to the Prime Minister and Assistant Consultant to the Minister of Housing and Development. Mr. Karayel also speaks German and is a proud father of three children; and

WHEREAS, Ahmet Oksuzkaya was born in Kayseri. Mr. Oksuzakaya graduated from the College of Journalism of Gazi University and the Faculty of Economy of Anadolu University. He has worked as Financial Counselor, was a member of the Chamber of Financial Consultants and later appointed to the positions of General Secretary and Vice-President of the Chamber. Mr. Oksuzkaya also operated as a delegate of The Union of Turkish Freelance Financial Counselors and Accountants. He has served as a member of City Council and is married with three children; and

WHEREAS, Fikri Isik was born in the village of Babacan, Gumushane. He graduated from the Educational Faculty and Science Departments of Middle East Technical University. Both an educator and merchant, Mr. Isik has worked as an English and math teacher at a private school in Izmit and Istanbul. He is a member of the Hareke Education, Culture and Helping Association, Red Crescent, Green Crescent, Ayisigi and the Orphans' Association. Mr. Isik speaks English and Arabic and is married with four children; and

WHEREAS, We are pleased to acknowledge our esteemed visitors from Turkey who serve as representatives of their people in their country's main legislative body: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we do hereby welcome and salute the members of the Turkish Delegation on the occasion of the "Turquoise Council of Americans and Eurasians Turkish-Kansan Friendship Reception," and extend to them our greetings and best wishes; and

Be it further resolved: That this resolution be presented to the distinguished visitors from the Turkish Parliament and the members of their delegation and that one copy be forwarded to the Turquoise Council of Americans and Eurasians and made available to the Capitol Press Corps.

On emergency motion of Senator Morris **SR 1827** was adopted unanimously.

Senator Morris introduced Selahattin Aydin, Cemil Teber, Kemal Oksuz, Ed Stevenson, The Honorable Yasar Karayel, The Honorable Ahmet Oksuzkaya, The Honorable Fikri Isik and Selcuk Cetin representing the Turkish Parliament.

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1829—

A RESOLUTION recognizing and commemorating March as Professional Social Work Month and commending the hundreds of students who are currently studying to become Social Workers and who will join the more than 6,000 Social Workers practicing in Kansas.

WHEREAS, Social Workers are dedicated to the successful functioning of American society; and

WHEREAS, Social Workers are the largest provider of mental health services across Kansas and the nation; and

WHEREAS, Social Workers stand up for others to make sure everyone has access to the same basic rights, protections and opportunities; and

WHEREAS, Social Workers help resolve systemic issues that negatively affect community life; and

WHEREAS, Social Workers believe there are no limits to human potential; and

WHEREAS, Social Workers work through community-based agencies and organizations, hospitals, the military services, government, private practice and educational institutions to provide resources and guidance that support social functioning; and

WHEREAS, Social Workers are on the frontlines, responding to such human needs as homelessness, poverty, family break-up, mental illness, physical and mental disability, substance abuse, domestic violence, and many other issues; and

WHEREAS, Social Workers have the right education and experience to guide individuals, families and communities through complex issues and choices; and

WHEREAS, Social Workers are educated in any of the nine recognized and accredited university social work programs in Kansas; and

WHEREAS, Social Workers are licensed professionals at the Baccalaureate, Masters, and Clinical levels of practice; and

WHEREAS, Social Workers often risk their lives for the well-being of others; and

WHEREAS, Social Workers increase their skills and knowledge through regular continuing education, including establishing a safe working environment for clients, wherever they are served; and

WHEREAS, Social Workers find professional satisfaction in the achievement and progress made by their clients; and

WHEREAS, Social Workers make a wide range of social contributions throughout their careers; and

WHEREAS, A Social Worker's career is one filled with purpose and possibilities; and

WHEREAS, Social Workers help thousands of Kansans lead more rewarding lives: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize and commemorate the month of March as Professional Social Work Month; and

Be it further resolved: That we acknowledge and appreciate the skills, knowledge, ethics and supervision necessary to be an outstanding Social Worker; and

Be it further resolved: That we recognize, congratulate and commend the dedication and commitment of the more than 6,000 Social Workers practicing in Kansas; and

Be it further resolved: That we recognize, appreciate and commend the efforts of the hundreds of students who are currently studying to become Social Workers to join in long and successful careers making lives better for others.

On emergency motion of Senator V. Schmidt **SR 1829** was adopted unanimously.

Senator V. Schmidt introduced Kirsten (Joiner) Flax, Stacey Pershall, Elizabeth Culbreth, Kelli Verble, Catie Rech and Kelsey Nepote in recognition of Social Work Month.

REPORT ON ENGROSSED BILLS

SB 494 reported correctly engrossed March 2, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Business and Labor** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Public Employees Relations Board: K.S.A. 2009 Supp. 75-4323

Keith A. Lawing, term expires March 15, 2013

Committee on **Commerce** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Kansas Development Finance Authority: K.S.A. 74-8903

Audrey Langworthy, term expires January 15, 2013

Kansas Technology Enterprise Corporation: K.S.A. 2009 Supp. 74-8101

Steven F. Warren, term expires January 15, 2014

Secretary of Commerce: K.S.A. 2009 Supp. 74-5002a

William R. Thornton, serves at the pleasure of the Governor

Committee on **Education** recommends **HB 2433**, as amended by House Committee of the Whole, be passed.

Committee on **Federal and State Affairs** recommends **HB 2445**, as amended by House Committee, be passed.

Committee on **Financial Institutions and Insurance** recommends **HB 2492** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

University of Kansas Hospital Authority: K.S.A. 2009 Supp. 76-3304

Deryl Wynn, term expires March 15, 2013

Mark R. Jorgenson, term expires March 15, 2012

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Umbarger in the chair.

On motion of Senator Umbarger the following report was adopted:

Recommended **SB 544** be passed.

Sub for SB 501 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Kelsey on page 2, in line 23, preceding "or" by inserting " , "licensed perfusionist", "licensed clinical perfusionist" ; in line 25, by striking " "LCP" " and inserting " "LP", "LCP" or "CCP" " ;

On page 3, in line 4, by striking the semicolon and inserting a colon; in line 30, by striking all following the period; by striking all in lines 31 through 33 and inserting "Such temporary license is valid (1) for one year from the date of issuance or (2) until the board makes a final determination on the applicant's request for licensure. The board may extend a temporary license, upon a majority vote of the members of the board, for a period not to exceed one year." ;

On page 4, in line 1, following "(1)" by inserting "(A)"; in line 2, by striking "and"; in line 4, by striking "(2)" and inserting "(B)"; in line 8, by striking "(3)" and inserting "(C)"; in line 10, by striking "(4)" and inserting "(D)"; in line 12, by striking the period and inserting " ; and"; in line 13, by striking "(5)" and inserting "(E)"; in line 15, by striking the period and inserting " ; or"; in line 16, by striking "(6)" and inserting "(2)";

On page 6, in line 11, by striking "on-line" and inserting "On-line"; in line 14, by striking "late" and inserting "Late"; in line 17, by striking "\$50" and inserting "\$300" and **Sub for SB 501** be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **Sub SB 501**, **SB 544** were advanced to Final Action and roll call.

Sub SB 501, An act concerning the Kansas board of healing arts; relating to licensure and education of perfusionists; establishing perfusion council.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Pyle.

The substitute bill passed, as amended.

SB 544, An act concerning the metropolitan transit authority act; definitions; amending K.S.A. 12-2802 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala,

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Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Pyle.

The bill passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, March 4, 2010.

Journal of the Senate

THIRTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 4, 2010—2:30 p.m.

The Senate was called to order by Vice President John Vratil.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

When Your only begotten Son began His ministry on this earth, we read that He began to teach His disciples from a mountainside. Chapters five, six, and seven of the book of Matthew became known as the Sermon on the Mount.

We read that He began His teaching with what came to be known as the Beatitudes. He explained to His disciples how they could anticipate blessings even from sources that did not seem likely.

I want to thank You, O God, for these blessings:

Blessed are the poor in spirit,

For theirs is the kingdom of heaven.

Blessed are those who mourn,

For they will be comforted.

Blessed are the meek,

For they will inherit the earth.

Blessed are those who hunger and thirst after righteousness,

For they will be filled.

Blessed are the merciful,

For they will be shown mercy.

Blessed are the pure in heart,

For they will see God.

Blessed are the peacemakers,

For they will be called the children of God.

Blessed are those who will be persecuted because of righteousness,

For theirs is the kingdom of heaven.

What a glorious future is promised to those who follow You!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 564. An act concerning retirement and pensions; relating to the Kansas public employees retirement system; employer and employee contributions; benefits; amending K.S.A. 74-4915 and 74-4919 and K.S.A. 2009 Supp. 74-4914d, 74-4920, 74-49,205 and 74-49,210 and repealing the existing sections, by Joint Committee on Pensions, Investments and Benefits.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolutions were referred to Committees as indicated:

Ethics and Elections: **SB 563**.

Judiciary: **SCR 1628**.

Federal and State Affairs: **SCR 1629**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 530** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2082** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ethics and Elections**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2544**, **HB 2649**, **HB 2698**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2544, **HB 2649**, **HB 2698** were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator McGinn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1830—

A RESOLUTION proclaiming March 11, 2010, as World Kidney Day and March as Kidney Awareness Month in Kansas.

WHEREAS, The State of Kansas recognizes that healthy citizens are essential for strong communities to thrive; and

WHEREAS, High blood pressure and diabetes are the main causes of chronic kidney disease, which is a major public health problem, with increasing prevalence, poor outcomes, long waits for kidney transplants and high costs; and

WHEREAS, More than 1 in 9 American adults has chronic kidney disease and over 2,400 Kansans receive life sustaining dialysis treatment; and

WHEREAS, Controlling high blood pressure and diabetes can delay or prevent chronic kidney disease; and

WHEREAS, As the costs of health care continue to grow, early and accurate identification of kidney disease is a critical component of efforts to reduce the negative clinical and economic impact on individuals and on the State of Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we hereby encourage Kansans to monitor and treat high blood pressure and diabetes to the best of their abilities and proclaim March 11, 2010, as World Kidney Day and March as Kidney Awareness Month in Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Senator McGinn.

On emergency motion of Senator McGinn **SR 1830** was adopted unanimously.

Senator McGinn introduced Scott Ochs, Holly Hagman and Elizabeth English in recognition of World Kidney Day and March as Kidney Awareness Month in Kansas.

Senators Barnett, Abrams, Apple, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Holland, Huntington, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, D. Schmidt, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1831—

A RESOLUTION recognizing March 2010 as Deep Vein Thrombosis Month.

WHEREAS, Deep Vein Thrombosis (DVT) is an extremely serious medical condition that affects nearly 2,000,000 Americans each year; and

WHEREAS, Complications from this medical condition which often is preventable claims up to 200,000 American lives each year; and

WHEREAS, DVT occurs when a blood clot forms in a large vein, usually located in the lower limbs, which leads to blocked circulation and may result in a serious or fatal pulmonary embolism; and

WHEREAS, Risk factors for DVT include cancer and certain heart or respiratory diseases; and

WHEREAS, This condition can be triggered by hospitalization, pregnancy, obesity or restricted mobility during long distance travel; and

WHEREAS, If a patient's assessment indicates that the patient is at risk for DVT, health care providers should use appropriate preventative methods that are consistent with nationally accepted guidelines to prevent DVT; and

WHEREAS, When DVT is diagnosed, health care providers should coordinate efforts so therapy can be administered safely and effectively; and

WHEREAS, There is a dedicated community of patients, families, physicians and researchers, including the Coalition to Prevent Deep Vein Thrombosis, who are committed to preventing, accurately diagnosing DVT and developing effective treatments for this challenging and potentially fatal condition; and

WHEREAS, The Coalition to Prevent Deep Vein Thrombosis is a vital part of this effort: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend the Coalition to Prevent Deep Vein Thrombosis and the dedicated community of patients, families, physicians and researchers for their efforts in educating the public about this disease and its prevention; and

Be it further resolved: That the Secretary of the Senate be directed to send one enrolled copy of this resolution to Senator Barnett.

On emergency motion of Senator Barnett **SR 1831** was adopted unanimously.

REPORT ON ENGROSSED BILLS

Sub SB 501 reported correctly engrossed March 4, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 559** be passed.

Committee on **Judiciary** recommends **HB 2364**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **HB 2418**, as amended by House Committee, be amended on page 2, in line 35, by striking all after the period; by striking all in lines 36 through 39; in line 40, by striking "and" and inserting "or"; in line 42, after "Kansas" by inserting a comma;

On page 3, after line 4, by inserting the following:

"(i) No rule or regulation adopted under the provisions of this section shall be construed to prohibit the commission from the plugging, replugging, repairing or remediation of any carbon dioxide injection well or underground storage in an emergency situation."; and the bill be passed as amended.

On motion of Senator D. Schmidt, the Senate recessed until 3:20 p.m.

The Senate met pursuant to recess with Vice President John Vratil in the chair.

CHANGE OF CONFERENCE

The Vice President announced the appointment of Senator Lynn as a member of the Conference Committee on **S Sub for HB 2476** to replace Senator D. Schmidt.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Haley and Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1832—

A RESOLUTION honoring Representative Ruby Gilbert.

WHEREAS, Representative Ruby Gilbert, State Representative for the Kansas 89th District, passed away on February 27, 2010; and

WHEREAS, Representative Gilbert was born December 19, 1929; and

WHEREAS, Representative Gilbert was married to Booker Gilbert for over 50 years and they had two daughters, two sons and several grandchildren; and

WHEREAS, Representative Gilbert was appointed in 1991, supported by her predecessor Representative Theo Cribbs, to serve the citizens of the Kansas 89th District; and

WHEREAS, Representative Gilbert was the first elected African American female to the Kansas Legislature; and

WHEREAS, Representative Gilbert served in the Kansas Legislature as a State Representative for 14 years from 1991 to 2004; and

WHEREAS, Representative Gilbert was a very gracious, classy, kind and wise lady who always dressed very well; and

WHEREAS, Representative Gilbert was considered a mentor to many because she was known for taking beginning legislators under her wing and showing them what to do, what to wear and how to succeed in the legislature; and

WHEREAS, Representative Gilbert was considered by many of her colleagues to be a “Ms. Congeniality” because she had many friends on both sides of the aisle and everyone had a deep respect for her; and

WHEREAS, Representative Gilbert had many skills and talents. She was a Licensed Practical Nurse, an excellent seamstress and an exceptionally great cook; and

WHEREAS, Representative Gilbert served on several legislative committees including the Committees on Federal and State Affairs, Taxation, Insurance and Arts and Cultural Resources; and

WHEREAS, Representative Gilbert served on the National Council of State Legislature’s (NCSL) Children and Family Committee; and

WHEREAS, Representative Gilbert fought hard against the death penalty and she was also known for trying to make a difference in the lives of youth by initiating her own “Scared Straight Program” and taking them to local prisons to experience the unfortunate life of a prisoner; and

WHEREAS, Representative Gilbert received the National Federation of Democratic Women’s annual Humanitarian Award in 1995; and

WHEREAS, Representative Gilbert’s leadership roles included ranking Democrat on the House Governmental Organization and Election Committee, Treasurer for many years of the Kansas African American Caucus and Vice-chairperson of the Sedgwick County Voter Registration; and

WHEREAS, Representative Gilbert, for many years, was a very active member of several political organizations. She was a member of the National Organization of Black Elected Leaders (NOBEL), the National Black Caucus of State Legislatures (NBCSL) and the Kansas Black State Caucus; and

WHEREAS, Representative Gilbert proudly served on several community boards including the Phyllis Wheatley’s Children’s Home Board, serving as Chairperson and the Menonite Housing Board. She was very active in her Parents and Teachers Association (PTA) and her beloved church, Church of the Living God; and

WHEREAS, Representative Gilbert was loved by many members in the Kansas Legislature and she will be greatly missed: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend and honor Representative Ruby Gilbert for her professional and charitable accomplishments; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Booker Gilbert, 2629 N. Erie, Wichita, Kansas 67219.

On emergency motion of Senator Haley **SR 1832** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 523** be amended on page 4, in line 23, by striking “conduct” and inserting “activity”; in line 28, after “years” by inserting “, excluding any period of imprisonment,”; also in line 28, by striking “conduct” and inserting “activity”;

On page 5, in line 31, after “section” by inserting “or conspiracy to commit a violation of this section”; also after line 31, by inserting the following:

“(c) The provisions of subsection (c) of K.S.A. 21-3302, and amendments thereto, shall not apply to conspiracy to commit a violation of this section.”;

Also on page 5, in line 32, by striking “(c)” and inserting “(d)”;

On page 6, after line 3, by inserting the following:

“(e) For persons arrested and charged under this section, bail shall be at least \$50,000 cash or surety, unless the court determines on the record that the defendant is not likely to re-offend, an appropriate intensive pretrial supervision program is available and the defendant agrees to comply with the mandate of such pretrial supervision.”;

On page 8, after line 2, by inserting the following:

“Sec. 6. K.S.A. 21-3302 is hereby amended to read as follows: 21-3302. (a) A conspiracy is an agreement with another person to commit a crime or to assist in committing a crime. No person may be convicted of a conspiracy unless an overt act in furtherance of such conspiracy is alleged and proved to have been committed by such person or by a co-conspirator.

(b) It shall be a defense to a charge of conspiracy that the accused voluntarily and in good faith withdrew from the conspiracy, and communicated the fact of such withdrawal to one or more of the accused person’s co-conspirators, before any overt act in furtherance of the conspiracy was committed by the accused or by a co-conspirator.

(c) (1) Conspiracy to commit an off-grid felony shall be ranked at nondrug severity level 2. Conspiracy to commit any other nondrug felony shall be ranked on the nondrug scale at two severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for conspiracy to commit a nondrug felony shall be level 10.

(2) The provisions of this subsection shall not apply to a violation of conspiracy to commit the crime of:

(A) Terrorism ~~pursuant to as defined in~~ K.S.A. 21-3449, and amendments thereto; ~~or of~~

(B) illegal use of weapons of mass destruction ~~pursuant to as defined in~~ K.S.A. 21-3450, and amendments thereto; ~~or~~

(C) *violation of section 3, and amendments thereto.*

(d) Conspiracy to commit a felony which prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

(e) A conspiracy to commit a misdemeanor is a class C misdemeanor.”;

And by renumbering the remaining sections accordingly;

On page 9, in line 2, after “K.S.A.” by inserting “21-3302 and K.S.A.”; also in line 2, by striking “is” and inserting “are”;

In the title, in line 9, by striking “crimes, punishment and criminal procedure” and inserting “racketeering”; in line 11, after “amending” by inserting “K.S.A. 21-3302 and”; in line 12, by striking “section” and inserting “sections”; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of the bill on the calendar under the heading of General Orders with Senator Owens in the chair.

On motion of Senator Owens the following report was adopted:

The committee report on **HB 2676** recommending a **S Sub for HB 2676** be not adopted.

HB 2676 be amended by motion of Senator Wagle on page 11, in line 6, after “date” by inserting “for any of the first three calendar quarters in a calendar year”; in line 7, by striking “a penalty or” and inserting “any” and **HB 2676** be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **HB 2676** was advanced to Final Action and roll call.

HB 2676, An act concerning employment security law; relating to contribution rates and penalties and interest; amending K.S.A. 2009 Supp. 44-710 and 44-717 and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Umbarger, Vratil, Wagle.

Absent or Not Voting: Teichman.

The bill passed, as amended.

On motion of Senator V. Schmidt the Senate adjourned until 8:00 a.m., Friday, March 5, 2010.

Journal of the Senate

THIRTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 5, 2010—8:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with twenty-eight senators present.
Senators Abrams, Barnett, Brownlee, Brungardt, Colyer, Huelskamp, Kelsey, Masterson,
Pyle, Steineger, Teichman and Wagle were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

If You should ask us for prayer requests,
I wonder which one would be the best?

Request of President Morris:

“The prayer that would mean the most to me
Is that the Speaker and I would always agree.”

Request of the Majority Leader:

“Some wealthy person with lots of talents
Will promise to make each budget balance.”

Request of the Minority Leader:

“In the next election there’ll be lots of ‘buzzin’,
And the number of Democrats will increase by a dozen.”

Request of the Senate Secretary:

“That my staff continues to show up on time,
And the Reader will read and the Chaplain will rhyme.”

Request of the Sergeant-at-Arms:

“That none of my guys go asleep in their chairs,
And none of them ever fall down the stairs.”

Request of the Security Guard:

“When one of the Senators breaks all the rules,
Please let it happen on April Fool.”

Request of the Reader:

“Help me not to skip any names.
And not mispronounce Mr. Coppinmacgrame.”

Request of the Chaplain:

“Help me never ever to play hooky,
Especially when I miss some chocolate cookies.”

I close with this plea, Lord:

Assure me that it’s just a rumor
That You don’t have a sense of humor.

(Because I'm still praying
in the Name of Christ)

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

PRESENTATION OF PETITIONS

The following petition was presented, read and filed:

SP 1, by Senator Roger Reitz: A petition submitted by Nila Ridings, Resident, Quivira Falls, Overland Park, Kansas, stating support of Senate Bill 470 - Kansas uniform common interest owners bill of rights, signed by 100 citizens of the greater Kansas City area.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **HB 2649**.

Local Government: **HB 2698**.

Ways and Means: **SB 564; HB 2544**.

REPORT ON ENROLLED BILLS

SR 1827, SR 1829, SR 1830, SR 1831, SR 1832 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 5, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 454** be amended on page 1, after line 14, by inserting the following:

“New Section 1. (a) The director shall issue a drinking establishment license to any municipal corporation that qualifies under K.S.A. 41-2601 et seq., and amendments thereto, for the premises specified in the license application.

(b) Municipal corporations applying for a drinking establishment license shall not be subject to the provisions of subsection (a)(1) or (a)(3) through (9) of K.S.A. 41-2623, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

On page 3, in line 33, by striking “\$6,000” and inserting “\$5,000”; in line 36, by striking “\$500” and inserting “\$400”; in line 37, by striking “\$1,000” and inserting “\$800”; in line 38, by striking “\$2,000” and inserting “\$1,400”; in line 39, by striking “\$3,000” and inserting “\$2,000”; in line 40, by striking “\$4,000” and inserting “\$2,600”; in line 41, by striking “\$5,000” and inserting “\$2,800”; in line 42, by striking “\$6,000” and inserting “\$3,200”;

On page 4, in line 4, by striking “\$3,000” and inserting “\$2,000”; in line 6, by striking “\$1,500” and inserting “\$1,000”; in line 8, by striking “\$600” and inserting “\$500”; in line 9, by striking “\$300” and inserting “\$100”; in line 11, by striking “\$300” and inserting “\$200”; in line 14, by striking “\$3,000” and inserting “\$2,000”; in line 17, by striking “\$3,000” and inserting “\$2,000”; in line 21, by striking “\$3,000” and inserting “\$2,000”; in line 23, by striking “\$50” and inserting “\$20”; in line 24, by striking “\$150” and inserting “\$100”; in line 25, by striking “\$300” and inserting “\$200”; in line 26, by striking “\$500” and inserting “\$400”; in line 27, by striking “\$1,500” and inserting “\$1,000”; in line 31, by striking “an annual” and inserting “a biennial”; in line 36, by striking “an annual” and inserting “a biennial”;

On page 5, in line 1, by striking “\$1,000” and inserting “\$500”; in line 3, by striking “shall” and inserting “may”; in line 4, by striking “an annual” and inserting “a biennial”; in line 5, by striking “\$100 nor more than \$300” and inserting “\$200 nor more than \$600”; in line 8, by striking “shall” and inserting “may”; in line 9, by striking “an annual” and inserting “a biennial”; in line 10, by striking “\$100 nor more than \$300” and inserting “\$200 nor more than \$600”; in line 20, after the period, by inserting “Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to this section by the same number of days the director has extended the license term.”;

On page 9, in line 31, by striking “\$100” and inserting “\$50”; also in line 31, by striking “\$50” and inserting “\$10”;

On page 10, in line 3, by striking all after “(b)”; by striking all in lines 4 through 23 and inserting the following: “Each applicant shall submit to the division of alcoholic beverage control the full amount of the application fee and:

(1) The full amount of the license fee required to be paid for the kind of license specified in the application; or

(2) one-half of the full amount of the license fee required to be paid for the kind of license specified in the application.

(c) If the applicant elects to pay only one-half of the license fee pursuant to subsection (b)(2), the remaining one-half of the license fee plus 10% of such remaining balance shall be due and payable one year from the date of issuance of the license. Notwithstanding any other provision of law, failure to pay the full amount due under this paragraph on the date it is due shall result in the automatic cancellation of such license for the remainder of the license term. The director may, at the director’s sole discretion and after examination of the circumstances, extend the date payment is due pursuant to this paragraph for not more than 30 days beyond the date such payment is originally due.

(d) Any license fee paid by an applicant shall be returned to the applicant if the application is denied.

(e) Payment of all fees required to be paid pursuant to this section may be made by personal, certified or cashier’s check, United States post office money order, debit or credit card or cash, or by electronic payment authorized by the applicant in a manner prescribed by the director.”;

And by redesignating the remaining subsections accordingly;

On page 11, by striking all in lines 31 and 32; in line 33, by striking all before “The” and inserting “When the licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee.”; in line 36, by striking all after “of” where it appears for the first time and inserting “one-half of the license fee paid when”; in line 37, after “license” by inserting “for the entire second year of the license term”;

On page 13, after line 30, by inserting the following:

“Sec. 8. K.S.A. 41-2601 is hereby amended to read as follows: 41-2601. As used in the club and drinking establishment act:

(a) The following terms shall have the meanings provided by K.S.A. 41-102 and amendments thereto: (1) “Alcoholic liquor”; (2) “director”; (3) “original package”; (4) “person”; (5) “sale”; and (6) “to sell.”

(b) “Beneficial interest” shall not include any interest a person may have as owner, operator, lessee or franchise holder of a licensed hotel or motel on the premises of which a club or drinking establishment is located.

(c) “Caterer” means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit, selling alcoholic liquor in accordance with the terms of such permit.

(d) “Cereal malt beverage” has the meaning provided by K.S.A. 41-2701 and amendments thereto.

(e) “Class A club” means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans’ club, as determined by the director, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them.

(f) “Class B club” means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

(g) “Club” means a class A or class B club.

(h) "Mimibar" means a closed cabinet, whether nonrefrigerated or wholly or partially refrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, magnetic card or similar device.

(i) "Drinking establishment" means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.

(j) "Food" means any raw, cooked or processed edible substance or ingredient, other than alcoholic liquor or cereal malt beverage, used or intended for use or for sale, in whole or in part, for human consumption.

(k) "Food service establishment" has the meaning provided by K.S.A. 36-501 and amendments thereto.

(l) "Hotel" has the meaning provided by K.S.A. 36-501 and amendments thereto.

(m) "Minor" means a person under 21 years of age.

(n) "Morals charge" means a charge involving prostitution; procuring any person; soliciting of a child under 18 years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

(o) "*Municipal corporation*" means the governing body of any county or city.

~~(p)~~ (p) "Restaurant" means:

(1) In the case of a club, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed club premises not less than 50% of its gross receipts from all sales of food and beverages on such premises in a 12-month period;

(2) in the case of a drinking establishment subject to a food sales requirement under K.S.A. 41-2642 and amendments thereto, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed drinking establishment premises not less than 30% of its gross receipts from all sales of food and beverages on such premises in a 12-month period; and

(3) in the case of a drinking establishment subject to no food sales requirement under K.S.A. 41-2642 and amendments thereto, a licensed food service establishment.

~~(q)~~ (q) "RV resort" means premises where a place to park recreational vehicles, as defined in K.S.A. 75-1212 and amendments thereto, is offered for pay, primarily to transient guests, for overnight or longer use while such recreational vehicles are used as sleeping or living accommodations.

~~(r)~~ (r) "Secretary" means the secretary of revenue.

~~(s)~~ (s) "Temporary permit" means a temporary permit issued pursuant to K.S.A. 41-2645 and amendments thereto.

Sec. 9. K.S.A. 41-2605 is hereby amended to read as follows: 41-2605. The director shall issue ~~an annual~~ a license to each applicant for licensure which qualifies under this act. Such license shall be issued in the name of the corporation, *municipal corporation*, partners, trustees, association officers or individual applying.;

And by renumbering the remaining sections accordingly;

Also on page 13, in line 36, by striking "\$100" and inserting "\$50"; in line 37, by striking "\$50" and inserting "\$10";

On page 14, in line 5, by striking all after "(c)"; by striking all in lines 6 through 25 and inserting the following: "Each applicant shall submit to the division of alcoholic beverage control the full amount of the application fee and:

(1) The full amount of the license fee required to be paid for the kind of license specified in the application; or

(2) one-half of the full amount of the license fee required to be paid for the kind of license specified in the application.

(d) If the applicant elects to pay only one-half of the license fee pursuant to subsection (c)(2), the remaining one-half of the license fee plus 10% of such remaining balance shall be due and payable one year from the date of issuance of the license. Notwithstanding any other provision of law, failure to pay the full amount due under this paragraph on the date it is due shall result in the automatic cancellation of such license for the remainder of the license term. The director may, at the director's sole discretion and after examination of the

circumstances, extend the date payment is due pursuant to this paragraph for not more than 30 days beyond the date such payment is originally due.

(e) Any license fee paid by an applicant shall be returned to the applicant if the application is denied.

(f) Payment of all fees required to be paid pursuant to this section may be made by personal, certified or cashier's check, United States post office money order, debit or credit card or cash, or by electronic payment authorized by the applicant in a manner prescribed by the director.;

And by redesignating the remaining subsection accordingly;

Also on page 14, in line 38, by striking "A refund may be made of that portion of the"; by striking all in lines 39 and 40; in line 41, by striking all before "The" and inserting "When the licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee."; in line 43, by striking "the" where it appears for the last time;

On page 15, in line 1, by striking all before "the" and inserting "one-half of the license fee paid when"; in line 2, after "license" where it appears for the first time, by inserting "for the entire second year of the license term"; in line 7, after the period, by inserting "Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to K.S.A. 41-2622, and amendments thereto, by the same number of days the director has extended the license term."; in line 15, by striking "\$600" and inserting "\$500"; in line 18, by striking "\$1,500" and inserting "\$1,000"; in line 21, by striking "\$3,000" and inserting "\$2,000"; in line 22, by striking "\$3,000" and inserting "\$2,000"; in line 23, by striking "\$1,500" and inserting "\$1,000"; in line 25, by striking "\$4,000" and inserting "\$3,000"; in line 26, by striking "\$1,500" and inserting "\$1,000"; in line 27, by striking "\$2,000" and inserting "\$1,500"; in line 30, by striking "\$5,000" and inserting "\$3,500"; in line 38, by striking "\$3,000" and inserting "\$2,000"; in line 40, by striking "\$8,000" and inserting "\$6,000"; in line 41, by striking "\$4,000" and inserting "\$3,000";

On page 16, in line 1, by striking "\$10,000" and inserting "\$7,000"; in line 6, by striking "an annual" and inserting "a biennial"; in line 7, by striking "\$100"; in line 8, by striking all before the period and inserting "\$200 nor more than \$500";

On page 18, in line 24, after the period, by inserting "Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to K.S.A. 41-2622, and amendments thereto, by the same number of days the director has extended the license term."; in line 42, by striking all after "(f)"; by striking all in line 43;

On page 19, by striking all in line 1; in line 2, by striking all before "The" and inserting "When the licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee."; in line 4, by striking all after "of" where it appears for the last time; in line 5, by striking all before "the" and inserting "one-half of the license fee paid when"; in line 6, before "as" by inserting "for the entire second year of the license term"; in line 9, after "41-326," by inserting "41-2601, 41-2605,;"

In the title, in line 10, after "41-326," by inserting "41-2601, 41-2605,;" and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, March 8, 2010.

Journal of the Senate

THIRTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 8, 2010—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-eight senators present.
Senators Hensley and Morris were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Most of our votes are unanimous;
At least they are almost.
It's those which call for decisions
Which demand our uttermost.

We've found as we move through the session
Lots of people offer us advice.
We get it from lobbyists and conferees.
Some people just say, "Roll the dice."

We also get advice from our spouse,
And people who don't have a clue.
All that's involved in the process
Is deciding what is the best to do.

We get advice from our colleagues,
From letters, e-mail and phones.
Some of it is hard to believe;
Some even make us groan.

We can usually count on the Chaplain
To remind us Who knows it all.
He suggests we discover Your will
Simply by giving You a call.

Prayer doesn't cost us a nickel,
And You are always awake
Waiting to give us the best advice.
It's advice we really should take!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 565. An act concerning the department of health and environment; creating the health information exchange — federal fund and the quanteFERON TB laboratory testing fund, by Committee on Ways and Means.

SB 566. An act concerning veterans; relating to the commission on veterans affairs; amending K.S.A. 73-1208b and repealing the existing section, by Committee on Ways and Means.

CHANGE OF REFERENCE

The Vice President withdrew **SB 476** from the Committee on **Assessment and Taxation**, and rereferred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **SB 530** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Assessment and Taxation**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1833—

A RESOLUTION congratulating Elaine Pardee as a 2009 Siemens Awards for Advanced Placement recipient.

WHEREAS, The Siemens Foundation has supported the efforts of students and teachers who perform exceptionally well in science, technology, engineering and mathematics across the Nation; and

WHEREAS, The Siemens Foundation has announced the 50 recipients of the 2009 Siemens Awards for Advanced Placement which honors teachers who consistently commit their time and dedication to ensuring that their students excel in these vitally important fields; and

WHEREAS, A \$1,000 grant is provided to each award recipient teacher's high school to support science and mathematics education; and

WHEREAS, Washburn Rural High School teacher Elaine Pardee has been named as the Kansas recipient of the 2009 Siemens Awards for Advanced Placement; and

WHEREAS, Elaine Pardee's selection for this award demonstrates her exemplary teaching and enthusiastic dedication to students and the advance placement program; and

WHEREAS, Kansas citizens can take great pride in having a recipient of this award and in her efforts to foster student achievement: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Elaine Pardee as a recipient of the 2009 Siemens Awards for Advanced Placement for her outstanding performance in her chosen career; and

Be it further resolved: That the Secretary of the Senate be directed to provide a copy of this resolution to Elaine Pardee and to Ed Raines, principal of Washburn Rural High School.

On emergency motion of Senator V. Schmidt **SR 1833** was adopted unanimously.

Senator V. Schmidt introduced and congratulated Elaine Pardee as the recipient of the "Kansas 2009 Siemens Award for Advanced Placement." Her husband Rick, Nikki Meier, Lauren Meier, Dean Glatt, Rose Marie Glatt, Ted Mlynek, Judie Mlynek, Superintendent Brenda Dietrich, Principal Ed Raines, Gordon Shipley, Linda Shipley were also introduced.

Senator Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1834—

A RESOLUTION congratulating and commending Alex Stonebarger for being named one of the top two youth volunteers in Kansas for 2010 in the 15th annual Prudential Spirit of Community Awards.

WHEREAS, Alex Stonebarger, a resident of Leawood, Kansas, and an eighth grade student at Mission Valley Middle School, has achieved national recognition for exemplary volunteer service by receiving a 2010 Prudential Spirit of Community Award; and

WHEREAS, Alex combined her love for animals and her commitment to the environment by founding a youth volunteer organization called "Fetching Dreams" that has raised \$3,500 for animal charities by making and selling pet-safe toys and leashes from recycled building materials and discarded fabric. Alex recruited and trained volunteers from various school

groups and community organizations to help make the toys and leashes, which were then sold at festivals, art fairs, animal shows and other local events; and

WHEREAS, The proceeds, as well as donations solicited through her website, www.fetchingdreams.webs.com, go to the Humane Society of Kansas City, a no-kill animal shelter, as well as the Rolling Dog Ranch in Montana, a sanctuary for disabled animals; and

WHEREAS, Because of her efforts, Alex was nominated by Mission Valley Middle School for the Prudential Spirit of Community Award. This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities. As a State Honoree, Alex received \$1,000, an engraved silver medallion, and an all-expense paid trip in early May to Washington D.C., where she will join other honorees from each of the other states and the District of Columbia for several days of national recognition events; and

WHEREAS, The success of the State of Kansas, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Alex who use their considerable talents and resources to serve others: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Alex Stonebarger for being named one of two state recipients of the Prudential Spirit of Community Award, we honor her outstanding record of volunteer service, peer leadership and community spirit, and we extend our best wishes for her continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send one enrolled copy of this resolution to Senator Vratil.

On emergency motion of Senator Owens **SR 1834** was adopted unanimously.

Senator Vratil introduced and congratulated Alex Stonebarger for being named one of the top two youth volunteers in Kansas for 2010 in the 15th annual Prudential Spirit of Community Awards. Accompanying Alex were Greg Stonebarger, Lorie Stonebarger, Jack Stonebarger and Mary Friend.

Senator Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1835—

A RESOLUTION congratulating and commending Aniruddha Rao for being named a Distinguished Finalist for 2010 in the 15th annual Prudential Spirit of Community Awards.

WHEREAS, Aniruddha “Andy” Rao, a resident of Overland Park, Kansas, and a senior at Blue Valley Northwest High School, has been recognized for exemplary volunteer service as a Distinguished Finalist in the 2010 Prudential Spirit of Community Awards; and

WHEREAS, Andy helped develop a performance known as “The Outrage” at his school to educate the community about teen dating violence and domestic abuse. Andy and other members of “The Outrage” theatre troupe performed the play more than 50 times for over 10,000 people in one year; and

WHEREAS, Because of his efforts, Andy was nominated by Blue Valley Northwest High School for the Prudential Spirit of Community Award. This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities. As a Distinguished Finalist, Andy received a bronze medallion at a local ceremony; and

WHEREAS, The success of the State of Kansas, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Andy who use their considerable talents and resources to serve others: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Aniruddha Rao for being named as a Distinguished Finalist for the Prudential Spirit of Community Award, we honor his outstanding record of volunteer service, peer leadership and community spirit, and we extend our best wishes for his continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send one enrolled copy of this resolution to Senator Vratil.

On emergency motion of Senator Owens **SR 1835** was adopted unanimously.

Senator Vratil introduced and congratulated Aniruddha (Andy) Rao for being named a Distinguished Finalist for 2010 in the 15th annual Prudential Spirit of Community Awards. Also accompanying Andy were Sneha Rao, Sandeep Rao, Priyanka Rao, Helen Hardgree and Allison Basinger.

Senator Lynn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1836—

A RESOLUTION congratulating and commending the Olathe North High School football team for winning the 2009 6A State Championship.

WHEREAS, The Olathe North High School football team won the 2009 6A State Championship 37-3 over Wichita Heights High School; and

WHEREAS, The win gave the Olathe North Eagles their 8th State Championship since 1996; and

WHEREAS, The 2009 Eagles ended their season undefeated with a record of 13-0; and

WHEREAS, The Eagles are lead by head coach Pete Flood, who won the 2009 Metro Sports Coach of the Year Award, and a superior assistant coaching staff who used their experience and expertise to guide Olathe North during this season; and

WHEREAS, Seniors David Blazevic, Thomas Jacob Carroll, Jordan Cartwright, James Franklin, David Haase, Wesley Hammons, Phillip Huntley, Zach Maggard, Jared Morss, Jason Peete, Peter Rogers, Oliver Venegas, Lucas Vincent, Armogen Walker and Dalton Wintrode all went through their senior season without losing a single game; and

WHEREAS, This championship and winning tradition are testaments to the dedication and hard work put in by every member of the Olathe North football team and staff, who have a tradition of excellence that continues to make Kansas proud: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Olathe North High School football team for winning the 2009 State Championship and that we wish the team luck and continued success in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send 79 enrolled copies of this resolution to Senator Lynn.

On emergency motion of Senator Lynn **SR 1836** was adopted unanimously.

Senator Lynn congratulated and commended the Olathe North High School football team for winning the 2009 6A State Championship. The football players acknowledged were: Jason Herman, Pete Flood, Chad Ralston, Brad Keepes, Matt Sinclair, Jake Petty, Tre Walker, Lucas Vincent, James Franklin, Jake Carroll, Oliver Venegas and Jason Peete.

Senator Lynn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1837—

A RESOLUTION congratulating and commending Olathe North High School football coach Pete Flood for leading his team in winning the 2009 6A State Championship and for receiving the 2009 Metro Sports Coach of the Year Award.

WHEREAS, Coach Pete Flood of Olathe North High School had an outstanding year, leading the Eagles football team in an undefeated season, with a record of 13-0; and

WHEREAS, In 2006, Coach Flood became the head coach of the football team at Olathe North, where he also teaches Social Studies, and has a career record of 35-10 at the school; and

WHEREAS, Olathe North has great passion and pride for their football program, and Coach Flood has been a welcome addition to the successful tradition of the Eagles; and

WHEREAS, In 2009, the undefeated Eagles beat Wichita Heights High School 37-3, therefore winning the 6A State Championship; and

WHEREAS, Coach Flood was honored at a ceremony held at Olathe North, as the 2009 recipient of the prestigious Metro Sports Coach of the Year; and

WHEREAS, Coach Flood is enthusiastically supported by the Olathe community, his students, as well as his wife Brenda and children Kena, Jared and Wyatt, who share in his excitement for the game of football and pride in his team: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Pete Flood for winning the 2009 Metro Sports Coach of the Year, and for his outstanding record as the head coach of the Olathe North football team, who won the 2009 6A State Championship, and wish him continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Senator Lynn.

On emergency motion of Senator Lynn **SR 1837** was adopted unanimously.

Senator Lynn congratulated Coach Pete Flood on receiving the 2009 Metro Sports Coach of the Year Award. Olathe North High School won the 2009 6A State Championship.

Senator Lynn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1838—

A RESOLUTION congratulating and commending James Franklin for his achievements as part of the state champion Olathe North High School football team, and for winning the 2009 Thomas A. Simone Memorial Football Award.

WHEREAS, James Franklin of Olathe North High School has been an outstanding member of the Olathe North Eagles football team throughout his high school career, culminating with a record-breaking senior year; and

WHEREAS, James has shown admirable dedication and loyalty to his school and has been known to demonstrate his belief that he is only as successful in football as his team as a whole, something that has been accurately reflected as his team won the 2009 6A State Championship; and

WHEREAS, As a senior, James lead the Kansas City area in rushing, amassing 2,803 yards and 31 touchdowns. He also had 5,916 career yards, breaking the school record held by legendary Darren Sproles; and

WHEREAS, James was the recipient of the 2009 Thomas A. Simone Memorial Football Award, giving Olathe North a total of six winners, more than any school in the Kansas City metro area; and

WHEREAS, The Simone Award is the most prestigious local football award, going to the most outstanding player, regardless of position played. James joined such Olathe North greats as Jim Bouknight, Josh Brewer, Maurice Mack, Arland Bruce and NFL star Darren Sproles; and

WHEREAS, The award is selected by a vote of the Greater Kansas City Football Coaches Association (GKCFCA), head coaches in the metro area and selected media members. The award ceremony took place at Olathe North High School, where the Eagles head coach Pete Flood was also honored with the 2009 Metro Sports Kansas Coach of the Year award, the first time that both awards have come from the same school; and

WHEREAS, James has received a scholarship and signed a letter of intent to play for the University of Nebraska at Omaha to continue his football career on the college level: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend James Franklin for his exceptional performance as part of the state champion Olathe North High School football team, and for winning the 2009 Thomas A. Simone Memorial Football Award, and extend our best wishes for his continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send six enrolled copies of this resolution to Senator Lynn.

On emergency motion of Senator Lynn **SR 1838** was adopted unanimously.

Senator Lynn congratulated James Franklin on winning the 2009 Thomas A. Simone Memorial Football Award.

Senator Lynn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1839—

A RESOLUTION congratulating and commending Coach Joel Branstrom on making a half-court basketball shot while blindfolded.

WHEREAS, Joel Branstrom is the girls basketball coach for Olathe Northwest High School; and

WHEREAS, The Ravens Flight Corps of Olathe Northwest High School decided to play a prank on Coach Branstrom; and

WHEREAS, Coach Branstrom was offered the chance by the Ravens Flight Corps to win tickets to the NCAA Final Four by making a half-court basketball shot while blindfolded as part of such prank; and

WHEREAS, The students of Olathe Northwest High School planned to cheer wildly for Coach Branstrom after he missed the shot in order to trick him into thinking he had made it; and

WHEREAS, Coach Branstrom got the last laugh by making the 47-foot basketball shot while blindfolded in front of the entire student body of Olathe Northwest High School; and

WHEREAS, NCAA Final Four tickets were donated to Coach Branstrom by the NCAA when it was discovered that no tickets had been purchased as it was not anticipated that Coach Branstrom would make the shot: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Coach Joel Branstrom for his dedication and service to Olathe Northwest High School and his tremendous basketball shooting skills while being blindfolded.

Be it further resolved: That the Secretary of the Senate be directed to provide six enrolled copies of this resolution to Senator Julia Lynn.

On emergency motion of Senator Lynn **SR 1839** was adopted unanimously.

Senator Lynn introduced Coach Joel Branstrom and described the circumstance under which he exhibited outstanding basketball shooting skills at Olathe Northwest High School. Accompanying Coach Branstrom were Megan Blevins, Rebecca DeGroot, Kara Hoisington, Amber Ramsey, Betsy Smith, Chad Ralston, Brad Keeper, Matt Sinclair and Jake Petty.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2595**, as amended by House Committee, be amended on page 1, in line 18, by striking all after “state”; in line 19, by striking all before the period; and the bill be passed as amended.

Committee on **Judiciary** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

State Board of Indigents’ Defense Services: K.S.A. 22-4519

Lawrence P. Daniels, term expires March 15, 2012

Kansas Parole Board: K.S.A. 22-3707

Patricia Ann Biggs, term expires January 15, 2014

Committee on **Public Health and Welfare** recommends **HB 2584** be passed.

Also, **SB 447** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 447,” as follows:

“Substitute for SENATE BILL No. 447

By Committee on Public Health and Welfare

“AN ACT concerning child care; relating to supervision of children in child care facilities and licensing and inspection of family child care homes; amending K.S.A. 39-7, 129, 65-504, 65-506, 65-512, 65-523, 65-524, 65-530 and 65-531 and K.S.A. 2009 Supp. 59-29a11, 65-503, 65-516, 65-525 and 65-526 and repealing the existing sections; also repealing K.S.A. 65-517, 65-518, 65-519, 65-520, 65-521 and 65-522.”;

and the substitute bill be passed.

Committee on **Transportation** recommends **HB 2437** be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2437,” as follows:

Journal of the Senate

FORTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 9, 2010—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-eight senators present.
Senators Hensley and Morris were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
From Egypt Moses led
Your people by Your hand;
But they stopped at the border
Of the Promised Land.

Moses sent out a dozen spies
Under his command;
Ten of them were afraid
Of the giants in the land.

The other two insisted
The giants could not withstand
The power of Your people
To take the Promised Land.

You then said all of them,
Except the faithful two
Would perish in the wilderness
Because of what they didn't do.

They did not believe You, Lord,
When the land was promised them,
So only Caleb and Joshua
Were the ones You didn't condemn.

The lesson we should learn, O God,
Is to obey all Your commands;
Even what seems impossible
Can become the Promised Land!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 567, An act concerning taxation; imposing a tax upon sweetened beverages or concentrate, rates and procedures; inventory tax, method of payment, by Committee on Ways and Means.

SB 568, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; death and disability benefits, employer contributions; amending K.S.A. 2009 Supp. 74-4927 and repealing the existing section, by Committee on Ways and Means.

SB 569, An act concerning taxation; relating to tax on alcoholic liquor, cereal malt beverage and malt products; liquor enforcement tax; increase in rates; amending K.S.A. 79-4101 and K.S.A. 2009 Supp. 41-501 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 566**.

Ways and Means: **SB 565**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 399** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Judiciary**.

MESSAGE FROM THE HOUSE

The House announces the appointment of Representative Merrick to replace Representative Watkins as a conferee on **SB 30**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Brownlee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1840—

A RESOLUTION recognizing the Kansas Small Business Development Center's 2009 Businesses of the year.

WHEREAS, The mission of the Kansas Small Business Development Center (KSBDC) is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting, training and resources; and

WHEREAS, The KSBDC regional directors and staff select eight Emerging Business of the Year award recipients and eight Existing Business of the Year award recipients; and

WHEREAS, The Kansas Small Business Development Center's Business of the Year awards are designed to recognize KSBDC clients for superior performance; and

WHEREAS, Existing Business of the Year Award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and impact based on the KSBDC Economic Impact Tracking spreadsheet, a record of profitability and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2009 KSBDC Emerging Businesses of the Year are Flint Hills Laser Expressions in Emporia, Kansas, owned by Rick and Rhonda Robidou; Tischlerei, Inc. in Osborne, Kansas, owned by Olaf Gerhardt; Ewe Specialties, LLC and Special Occasions in Garden City, Kansas, owned by Louaine Knoll and Sondra Baird; Marathon Moving & Delivery, LLC in Overland Park, Kansas, owned by Roger Lee Ward III and Dana Marie Ward; Sweetlove Farm, LLC in Oskaloosa, Kansas, owned by Phil and Sally Holman-Hebert; Tallgrass Brewing Company in Manhattan, Kansas, owned by Jeff Gill; Long's Ranch & Pet Supply in Clay Center, Kansas, owned by Barrett and Stacie Long; and

WHEREAS, The 2009 KSBDC Existing Businesses of the Year are Kraus Electric, LLC in Scranton, Kansas, owned by Lee and Elizabeth Kraus; Completely Kids in Great Bend, Kansas, owned by Dana and Roger Long; Nature's Way Health Food in Garden City, Kansas, owned by Velma Diehl and Janice Olson; The BBQ Shack in Paola, Kansas, owned by Rick Schoenberger; Oliver Electric Construction in Lawrence, Kansas, owned by Robert and Deidre Oliver; Higher Calling Technologies, LLC in Parsons, Kansas, owned by Greg

and Suzie York and Mike and Kim Meyer; Custom Tree Care, Inc. in Topeka, Kansas, owned by Greg Gathers; Cannonball Engineering, LLC in Kingman, Kansas, owned by Terry and Debbie Schrag; and

WHEREAS, The KSBDC Businesses of the Year serve as examples of the success that the KSBDC and small business owners across Kansas can achieve: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Kansas Small Business Development Center's 2009 Emerging and Existing Businesses of the Year and wish all of them and the KSBDC continued success in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send 20 enrolled copies of this resolution to Senator Brownlee.

On emergency motion of Senator Brownlee **SR 1840** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2649** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **HB 2540**, as amended by House Committee, be amended on page 1, in line 37, before "a" by inserting "shares or units of"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2456**, as amended by House Committee, be passed.

Also, **HB 2455** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

SB 435 be amended on page 1, by striking all in lines 13 through 20;

And by renumbering the remaining sections accordingly;

In the title, in line 9, by striking "concerning criminal procedure" and inserting "repealing K.S.A. 22-2501"; in line 10, by striking "; amending K.S.A. 22-2501 and repealing the existing section"; and the bill be passed as amended.

SB 520 be amended on page 1, in line 20, by striking "cause" and inserting "allow"; also in line 20, after "public" by inserting "or nonprofit"; in line 21, by striking "to exceed" and inserting "more than"; in line 27, after "receive" by inserting "a credit on any fines and costs in an amount equal to \$5 for each full hour spent by the person in the specified work, or if there are no such fines and costs, "; in line 28, by striking "a day for" and inserting "for each full hour spent by the person in"; and the bill be passed as amended.

HB 2435 be amended on page 16, in line 18, before "no" by inserting "; subject to the provisions of K.S.A. 21-4719, and amendments thereto, "; in line 19, by striking "as" and inserting "As"; and the bill be passed as amended.

HB 2468 be amended on page 3, in line 22, by striking "the effective date of this act" and inserting "July 1, 2007, "; in line 28, after "2006" by inserting a comma; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2619**, as amended by House Committee, be passed.

Committee on **Transportation** recommends **HB 2552** be passed.

Also, **HB 2547**, as amended by House Committee, be amended on page 1, following line 14, by inserting the following:

"Section 1. K.S.A. 8-2409 is hereby amended to read as follows: 8-2409. (a) Any dealer may purchase from the division of vehicles thirty-day temporary registration permits, in multiples of five permits valid for 30 days at a cost of \$3 each. Such dealer shall have completed the application and permit as required by the division and mail a copy of such application to the division within 24 hours from the date of issuance. Such registration shall not extend the date when registration fees are due, but shall be valid registration for a period of 30 days from date of issuance. The dealer upon presentation of evidence of ownership in the applicant and evidence that the sales tax has been paid, if due, shall issue a sticker or paper registration as determined by the division. No dealer, or county treasurer, as authorized by K.S.A. 8-143, and amendments thereto, shall issue more than one thirty-day temporary registration permit to the purchaser of a vehicle.

(b) The division of vehicles may deny any dealer the authority to purchase thirty-day temporary permits if the vehicle dealer is delinquent in monthly sales reports to the division for two months or more or if the vehicle dealer is found to have issued more than one thirty-day permit to the purchaser of a vehicle.

(c) The temporary registration authorized by this section shall ~~not~~ entitle a truck, truck tractor or any combination of truck or truck tractor and any type of trailer or semitrailer to be operated under laden conditions; ~~except that such temporary registration shall authorize any such vehicle or combination of vehicles to be operated under laden conditions for 48 hours after the time of issuance of the temporary permit.~~;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 15, by striking "Section" and inserting "Sec.";

On page 4, in line 40, by striking "dealer complies"; in line 41, by striking all preceding the semicolon and inserting "prohibition or prevention of such arrangements would be unreasonable in light of all existing circumstances including, but not limited to, debt exposure, cost, return on investment, the dealer's and manufacturer's business plans and other financial and economic conditions and considerations";

On page 5, in line 10, following "economic" by inserting "conditions and";

On page 18, in line 22, following "K.S.A." by inserting "8-2409,";

On page 1, in the title, in line 11, following "K.S.A." by inserting "8-2409,"; and the bill be passed as amended.

HB 2660, as amended by House Committee of the Whole, be amended on page 1, by striking all in lines 19 through 31;

Also on page 1, in line 32, by striking "New Sec. 3." and inserting "New Section 1."; also in line 32, by striking "2011" and inserting "2012"; in line 39, by striking "county" and inserting "country";

On page 7, by striking all in lines 3 through 43;

On page 8, by striking all in lines 1 through 7; preceding line 8, by inserting the following: "Sec. 3. K.S.A. 2009 Supp. 8-145d is hereby amended to read as follows: 8-145d. In addition to the annual vehicle registration fees prescribed by K.S.A. 8-143, 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-167, 8-172 and 8-195, and amendments thereto, and K.S.A. 2009 Supp. 8-143l, and amendments thereto, any applicant for vehicle registration or renewal thereof for registration shall pay a service fee in the amount of \$5 to the county treasurer at the time of making such application. In addition to such service fee, the county treasurer may charge any applicant for vehicle registration or renewal thereof for registration, a ~~satellite~~ ~~elite~~ registration fee in an amount not to exceed \$5 per vehicle registration or renewal thereof for registration, when such application is made at a ~~satellite~~ registration facility *in a county with multiple vehicle registration facilities as established by the county treasurer. Such registration fee shall not be charged at a registration facility located within the county courthouse or administrative office used as the primary location for the county treasurer's operations and if a registration facility is not located within such courthouse or such administrative office, then at least one of the registration facilities established by the county treasurer shall not charge such registration fee.* The county treasurer shall deposit all amounts received under this section in the special fund created pursuant to K.S.A. 8-145, and amendments thereto, and such amounts shall be used by the county treasurer for all purposes for which such fund has been appropriated by law, and such additional amounts are hereby appropriated as other amounts deposited in such fund.";

On page 14, by striking all in lines 31 through 43;

By striking all on pages 15, 16, 17, 18, 19, 20 and 21;

On page 22, by striking all in lines 1 through 8; preceding line 9, by inserting the following: "Sec. 5. K.S.A. 8-1598 is hereby amended to read as follows: 8-1598. (a) No person under the age of 18 years shall operate or ride upon a motorcycle or a motorized bicycle, unless wearing a helmet which complies with minimum guidelines established by the national highway traffic safety administration pursuant to the national traffic and motor vehicle safety act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.

(b) *No person shall allow or permit any person under the age of 18 years to: (1) Operate a motorcycle or motorized bicycle or to ride as a passenger upon a motorcycle or motorized bicycle without being in compliance with the provisions of subsection (a); or (2) operate a*

motorcycle or to ride as a passenger upon a motorcycle without being in compliance with the provisions of subsection (c).

☞ (c) (1) No person shall operate a motorcycle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant, except when the motorcycle is equipped with a windscreen which has a minimum height of 10 inches measured from the center of the handlebars.

(2) *No person under the age of 18 years shall ride as a passenger on a motorcycle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant.*

☞ (d) This section shall not apply to persons riding within an enclosed cab or on a golf cart, nor shall it apply to any person operating or riding any industrial or cargo-type vehicle having three wheels and commonly known as a truckster.”;

Also on page 22, in line 9, by striking “8-128” and inserting “8-145d”; also in line 9, by striking all following “8-197,”; in line 10, by striking all preceding “are” and inserting “and 8-1598”;

And by renumbering sections accordingly;

On page 1, in the title, in line 12, by striking “motor”; in line 13, by striking “recreational off-highway vehicles” and inserting “traffic”; in line 15, by striking “8-128” and inserting “8-145d”; also in line 15, by striking all following “8-197,” and inserting “and 8-1598”; and the bill be passed as amended.

Committee on **Utilities** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

State Corporation Commission: K.S.A. 74-601

Ward E. Loyd, term expires March 15, 2012

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Barnett in the chair.

On motion of Senator Barnett the following report was adopted:

Recommended **SB 559; HB 2433, HB 2445, HB 2555** be passed.

SB 454; HB 2415, HB 2418 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 359 be passed over and retain a place on the calendar.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, March 10, 2010.

Journal of the Senate

FORTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 10, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

They call me “public servant”,
And that’s what I want to be.
But I find myself still asking,
“What does it do for me?”

It’s true I serve the people,
But the reasons aren’t all clear.
Is it because I care for them
Or to further my career?

When my picture’s in the paper
Where every one can see;
Am I glad for what I’ve done for them
Or for what it does for me?

Keep my motives pure, O God;
A public servant let me be.
For if I’m busy serving others,
You’ll take care of me!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 570, An act concerning lodging inspections; relating to lodging inspection fees; amending K.S.A. 2009 Supp. 36-502, 36-518 and 74-591 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 36-512, by Committee on Ways and Means.

SB 571, An act concerning the animal health department; relating to fees; amending K.S.A. 47-1001e and K.S.A. 2009 Supp. 47-1011, 47-1503 and 47-2101 and repealing the existing sections, by Committee on Ways and Means.

SB 572, An act concerning distribution of certain publications; amending K.S.A. 2009 Supp. 45-116, 77-138 and 77-165 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 567, SB 569.**
 Ways and Means: **SB 568.**

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2345, HB 2560, HB 2678, HB 2704.**
 Also, passage of **SB 398, SB 489.**
 The House concurs in Senate amendments to **HB 2676.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2345, HB 2560, HB 2678, HB 2704 were thereupon introduced and read by title.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation, were considered.

Senator D. Schmidt moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Kansas Development Finance Authority:

Audrey Langworthy, term expires January 15, 2013.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

Kansas Parole Board:

Patricia Ann Biggs, term expires January 15, 2014.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

Kansas Technology Enterprise Corporation:

Steven F. Warren, term expires January 15, 2014.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

Public Employees Relations Board:

Keith A. Lawing, term expires March 15, 2013.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

Secretary of Commerce:

William R. Thornton, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

State Board of Indigents' Defense Services:

Lawrence P. Daniels, term expires March 15, 2012.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

State Corporation Commission:

Ward E. Loyd, term expires March 15, 2012.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

State Corporation Commission:

Thomas Wright, term expires March 15, 2014.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

University of Kansas Hospital Authority:

Mark R. Jorgenson, term expires March 15, 2012.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kel-

sey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

University of Kansas Hospital Authority:

Deryl Wynn, term expires March 15, 2013.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

HB 2364, HB 2492, HB 2609 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2364. An act concerning court procedure; time limitations for filing; amending K.S.A. 23-106, 23-9,307, 59-2947, 59-3052, 59-3073, 60-703, 60-906, 60-1503 and 61-3803 and K.S.A. 2009 Supp. 38-2229, 38-2232, 38-2242, 38-2243, 38-2260, 38-2343, 38-2361, 38-2366 and 60-206 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2492. An act relating to insurance; concerning motor vehicle liability insurance coverage; amending K.S.A. 2009 Supp. 40-3104 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2609. An act relating to banks and banking; concerning general powers; amending K.S.A. 2009 Supp. 9-1101 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **HB 2649** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 454, An act concerning alcoholic beverages; relating to license fees, term of license and eligibility; amending K.S.A. 41-326, 41-2601, 41-2605, 41-2607 and 41-2629 and K.S.A. 2009 Supp. 41-308a, 41-310, 41-311, 41-317, 41-350, 41-2606, 41-2622 and 41-2623 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lynn.

The bill passed, as amended.

SB 559, An act concerning the Kansas taxpayer transparency act; amending K.S.A. 2009 Supp. 74-72, 123 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2415, An act concerning the state surplus property act; relating to state educational institutions; amending K.S.A. 2009 Supp. 75-6606 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2418, An act concerning the carbon dioxide reduction act; pertaining to liability of the state of Kansas; pertaining to rules and regulations; amending K.S.A. 2009 Supp. 55-1636 and 55-1637 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2433, An act concerning state agencies; relating to the acquisition and disposal of certain property; relating to the acquisition of certain services; amending K.S.A. 2009 Supp. 75-5275 and 76-769 and repealing the existing section; also repealing K.S.A. 76-392, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Schmidt D.

The bill passed.

HB 2445, An act concerning land use; relating to military installations and adjacent areas, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2555, An act designating part of K-14 highway, United State highway 160 and K-2 highway as the SFC David R. Berry/SGT WillSun M. Mock memorial highway, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Huelskamp introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1841—

A RESOLUTION urging the Kansas Congressional Delegation to oppose legislation that disenfranchises workers by removing their right to a private ballot union election.

WHEREAS, The right to a private, secret ballot when voting on external representation is fundamentally inherent in our representative Republic and shall not be infringed upon; and

WHEREAS, Passing the Employee Free Choice Act (EFCA; H.R. 800/S. 1041 as introduced in the 110th Congress) will replace a federally supervised private ballot election with a system that facilitates coercion and intimidation, known as “card check”, whereby employees publicly sign cards to vote for unionization; and

WHEREAS, 79% of the American people support a worker’s right to a federally supervised secret ballot election when deciding whether or not to join a union; and

WHEREAS, Agreement in opposition to the EFCA is overwhelming; with 77% of Republicans, 82% of Democrats and 79% of independents believing in protecting private ballots; and

WHEREAS, In July 2002, before a United States House of Representatives subcommittee, a union employee testified that those who would not vote for a union in a public “card check” program were threatened with termination, deportation and loss of 401(k) and health benefits; and

WHEREAS, Chairman of the United States House of Representatives Education and Labor Committee, Representative Miller (D-CA), a staunch supporter of the American “card check” bill, sent a letter to Mexican government officials which stated, “...we feel that

the private ballot is absolutely necessary in order to ensure workers are not intimidated into voting for a union they may otherwise not choose.”; and

WHEREAS, The Employee Free Choice Act’s mandatory binding arbitration provisions deny workers the right to participate in the collective bargaining process between employees and the union: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we find so-called “card check” legislation such as the Employee Free Choice Act to be detrimental to the rights of workers and an offence against democratic principles and that we urge all the members of the Kansas Congressional Delegation to support worker freedom by opposing the EFCA and any of its components in 2010 and in future years; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to each member of the Kansas Congressional Delegation.

REPORT ON ENGROSSED BILLS

SB 454 reported correctly engrossed March 10, 2010.

REPORT ON ENROLLED BILLS

SR 1833, SR 1834, SR 1835, SR 1836, SR 1837, SR 1838, SR 1839, SR 1840 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 10, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Local Government** recommends **HB 2472**, as amended by House Committee, be amended on page 2, following line 1, by inserting:

“(e) “Common elements” means those portions of the property not owned individually by unit owners, but in which an indivisible interest is held by all unit owners, generally including the grounds, parking areas and recreational facilities.”;

And by relettering the remaining subsections accordingly;

On page 4, in line 9, after “rules” by inserting “, covenants or declarations of restrictions.”; in line 17, before the semicolon, by inserting “except involving issues of assessments and fees”;

On page 5, in line 17, by striking all after “declarant”; by striking all of line 18; in line 19, by striking all before “and” and inserting “and officers”; in line 40, after “10.” by inserting “(a) The declarations shall establish when the period of declarant control is terminated.”; also in line 40, by striking “(a)” and inserting “(b)”;

On page 6, in line 17, by striking “(b)” and inserting “(c)”; in line 18, after “including” by inserting “, but not limited to, an election oversight committee and other”;

On page 7, in line 33, by striking “During” and inserting “Except as provided in subsection (i), during”; in line 34, by striking “four” and inserting “two”; in line 37, by striking all after “year” and inserting “and such”;

On page 9, in line 17, before “by” by inserting “by secret ballot.”;

On page 10, in line 15, after “person” by inserting “, other than a member of the board of directors”;

On page 15, by striking all in lines 3 through 9; in line 10, by striking “(c)” and inserting “(b)”;

by striking all in lines 21 through 23;

And by renumbering the remaining subsections accordingly; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2485** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2482, as amended by House Committee, be amended on page 1, following line 14, by inserting the following:

“Section 1. K.S.A. 2009 Supp. 8-234a is hereby amended to read as follows: 8-234a. (a) As used in the motor vehicle drivers’ license act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(1) “Drivers’ license examiner” or “examiner” means a drivers’ license examiner of the division of vehicles or any person whom the director of vehicles has authorized, pursuant

to the authority granted by this act, to accept applications for drivers' licenses and administer the examinations required for the issuance or renewal of drivers' licenses. Any county treasurer authorized to accept applications for drivers' licenses or administer drivers' license examinations shall be deemed to be acting as an agent of the state of Kansas;

(2) "nonresident" means every person who is not a resident of this state. For the purposes of the motor vehicle drivers' license act any person who owns, rents or leases real estate in Kansas as such person's residence and engages in a trade, business or profession within Kansas or registers to vote in Kansas or enrolls such person's children in a school in this state or purchases Kansas registration for a motor vehicle, shall be deemed a resident of the state of Kansas 90 days after the conditions stated in this subsection commence, except that military personnel on active duty and their military dependents who are residents of another state, shall not be considered residents of the state of Kansas for the purpose of this act;

(3) "patrol" means the state highway patrol;

(4) "address of principal residence" means: (A) The place where a person makes his or her permanent principal home; (B) place where a person resides, has an intention to remain and where they intend to return following an absence; or (C) place of habitation to which, whenever the person is absent, the person intends to return. If a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person's address of principal residence;

(5) "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of Northern Mariana Islands; ~~and~~

(6) "wireless communication device" means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer; *and*

(7) "*religious organization*" means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a weekly basis and has been determined to be organized and created as a bona fide religious organization.

(b) As used in this act, the words and phrases defined by the sections in article 14 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall have the meanings respectively ascribed to them therein, unless a different meaning is ascribed to any such word or phrase by subsection (a) of this section.

Sec. 2. K.S.A. 2009 Supp. 8-237 is hereby amended to read as follows: 8-237. The division of vehicles shall not issue any driver's license to any person:

(a) Who is under the age of 17 years, except that the division may issue a restricted class C or M license, as provided in K.S.A. 2009 Supp. 8-2,101, and amendments thereto, or a farm permit, under K.S.A. 8-296, and amendments thereto.

(b) Who is under the age of 18 years, except as provided in K.S.A. 8-2,147, and amendments thereto, for the purpose of driving a commercial or class A or B motor vehicle.

(c) Whose license is currently revoked, suspended or canceled in this or any other state, except as provided in K.S.A. 8-256, and amendments thereto.

(d) Who is a habitual drunkard, habitual user of narcotic drugs or habitual user of any other drug to a degree which renders the user incapable of safely driving a motor vehicle.

(e) Who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who, at the time of making application for a driver's license, has not been restored to capacity in the manner provided by law. Application of this limitation to any person known to have suffered any seizure disorder is subject to the provisions of ~~paragraph (7) of subsection (e)~~ of K.S.A. 8-247, and amendments thereto.

(f) Who is required by the motor vehicle drivers' license act to take an examination, unless the person has successfully passed the examination.

(g) Who is at least 16 years of age and less than 17 years of age, who is applying for a driver's license for the first time since reaching 16 years of age and who, three times or

more, has been adjudged to be a traffic offender under the Kansas juvenile code or a juvenile offender under the revised Kansas juvenile justice code, by reason of violation of one or more statutes regulating the movement of traffic on the roads, streets or highways of this state, except that, in the discretion of the director, the person may be issued a driver's license which is restricted in the manner the division deems to be appropriate. No person described by this subsection shall be eligible to receive a driver's license which is not restricted until the person has reached the age of 17 years.

(h) Who has not submitted proof of age or proof of identity, as required by K.S.A. 8-240, and amendments thereto.

(i) Whose presence in the United States is in violation of federal immigration laws.”;

Also on page 1, in line 15, by striking “Section” and inserting “Sec.”;

On page 3, in line 28, by striking “written”; in line 29, by striking all preceding “sufficient” and inserting “eyesight examination or report is”; in line 30, by striking “either or both of the examinations are” and inserting “the eyesight examination or report is”; in line 39, by striking all following the period; by striking all in lines 40 through 42;

On page 5, in line 7, by striking “written”;

On page 6, by striking all in line 3 and inserting the following:

“Sec. 4. K.S.A. 2009 Supp. 8-296 is hereby amended to read as follows: 8-296. (a) Any person who is less than 17 years of age but is at least 14 years of age and who resides upon a farm in this state or is employed for compensation upon a farm in this state may apply to the division of vehicles for a farm permit authorizing such person, while possessing the permit, to operate any motor vehicle in class C, as designated in K.S.A. 8-234b, and amendments thereto.

(b) (1) A farm permit shall entitle the licensee, who is at least 14 years of age, but less than 16 years of age, to operate the appropriate motor vehicles at any time:

(A) While going to or from or in connection with any farm job, employment or other farm-related work;

(B) on days while school is in session, over the most direct and accessible route between the licensee's residence and school of enrollment for the purpose of school attendance; or

(C) when the licensee is operating a passenger car at any time when accompanied by an adult who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver.

(2) For a period of six months, a farm permit shall entitle the licensee who is at least 16 years of age to operate the appropriate motor vehicles at any time:

(A) From 5:00 a.m. to 9:00 p.m.;

(B) while going to or from or in connection with any farm job, employment or other farm-related work; or

(C) while going to or from authorized school activities;

(D) *while going directly to or from any religious service or function held by a religious organization; or*

~~(D)~~ (E) when the licensee is operating a passenger car at any time when accompanied by an adult who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver.

After such six-month period, if the licensee has complied with the provisions of this section, such farm permit shall entitle the licensee to operate the appropriate motor vehicles at any time without the restrictions required by this section.

(c) A farm permit shall be issued only if:

(1) The applicant can prove that such applicant resides or works on a farm;

(2) the applicant has successfully completed the examination requirements in K.S.A. 8-235d, and amendments thereto; and

(3) the applicant submits the signed affidavit of either a parent or guardian, stating that the applicant lives on a farm or, if the applicant does not live on a farm but works on a farm, the applicant submits the signed affidavit of the applicant's employer and parent or guardian, attesting to such employment.

(d) Any licensee issued a farm permit under this section:

(1) Who is less than 16 years of age shall not operate any motor vehicle with nonsibling minor passengers; or

(2) who is at least 16 years of age, for a period of six months after reaching 16 years of age, shall not operate any motor vehicle with more than one passenger who is less than 18 years of age and who is not a member of the licensee's immediate family.

Any conviction for violating this subsection shall be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(e) Any licensee issued a farm permit under this section shall not operate a wireless communication device while driving a motor vehicle, except that a licensee may operate a wireless communication device while driving a motor vehicle to report illegal activity or to summons medical or other emergency help.

(f) As used in this section, "farm" means any parcel of land larger than 20 acres which is used in agricultural operations.

(g) (1) A farm permit issued under this section is subject to suspension or revocation in the same manner as any other driver's license.

(2) A farm permit shall be suspended in accordance with K.S.A. 8-291, and amendments thereto, for any violation of restrictions under this section.

(3) The division shall suspend the farm permit upon receiving satisfactory evidence that the licensee has been involved in two or more accidents chargeable to the licensee and such suspended license shall not be reinstated for one year.

(h) Any licensee issued a farm permit under this section shall provide prior to reaching 16 years of age, a signed affidavit of either a parent or guardian, stating that the applicant has completed at least 50 hours of adult supervised driving with at least 10 of those hours being at night. The adult supervised driving required by this paragraph shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver's license, class A, B or C driver's license.

Evidence of failure of any licensee who was required to complete the 50 hours of adult supervised driving under this subsection shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(i) Any licensee issued a farm permit under this section who: (1) Is under the age of 16 years and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (b)(1), until the person reaches 17 years of age; (2) is at least 16 years of age, but less than 17 years of age and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (b)(2), until the person reaches 18 years of age; or (3) fails to provide the affidavit required under subsection (h), shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (b)(1), until the person provides such affidavit to the division or the person reaches 17 years of age, whichever occurs first.

Sec. 5. K.S.A. 2009 Supp. 8-2,100 is hereby amended to read as follows: 8-2,100. (a) Any person who is at least 14 years of age, but less than 17 years of age may apply to the division for an instruction permit. The division may issue an instruction permit under this section to any person who is at least 14 years of age, but less than 16 years of age only upon written application of a parent or guardian of the minor. The division may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit for a period of one year.

(b) An instruction permit issued under this subsection shall authorize the permit holder to drive a passenger car under the following conditions:

(1) The permit holder shall be in immediate possession of the instruction permit;

(2) a supervising driver shall be seated beside the permit holder in the front seat of the passenger car when such car is in motion. The supervising driver shall be an adult who is at least 21 years of age who is the holder of a valid commercial driver's license, class A, B or C driver's license and who has at least one year of driving experience. No person other than the supervising driver can be in the front seat;

(3) the permit holder may drive at any time in accordance with the provisions of this section;

(4) the permit holder shall not operate a wireless communication device while driving a passenger car, except that a permit holder may operate a wireless communications device

while driving a passenger car to report illegal activity or to summons medical or other emergency help.

(c) Any person who is at least 14 years of age, but less than 17 years of age may apply for an instruction permit to operate a motorcycle either separate from or in conjunction with an instruction permit to operate a passenger car. The applicant shall successfully pass all parts of the examination other than the driving test. An instruction permit issued under this subsection shall authorize the permit holder to operate a motorcycle if such permit holder is accompanied by an adult who is at least 21 years of age, who is the holder of a valid class M driver's license, who has had at least one year of driving experience and who is *either riding a motorcycle in the general proximity of the permit holder or is riding as a passenger on the motorcycle being operated by the permit holder.*

(d) An instruction permit issued under this section is subject to suspension or revocation in the same manner as any other driver's license. An instruction permit shall be suspended in accordance with K.S.A. 8-291, and amendments thereto, for any violation of restrictions under this section.

(e) This section shall be a part of and supplemental to the motor vehicle driver's license act.

Sec. 6. K.S.A. 2009 Supp. 8-2,101 is hereby amended to read as follows: 8-2,101. The division of vehicles may issue a restricted class C or M driver's license in accordance with the provisions of this section. A restricted class C license issued under this section shall entitle the licensee, while possessing the license, to operate any motor vehicle in class C, as designated in K.S.A. 8-234b, and amendments thereto. A restricted class M license shall entitle the licensee, while possessing such license, to operate a motorcycle.

(a) The division may issue a restricted class C or M driver's license to any person who:

- (1) Is at least 15 years of age;
- (2) has successfully completed an approved course in driver training;
- (3) has held an instructional permit issued under the provisions of K.S.A. 8-239, and amendments thereto, for a period of at least one year and has completed at least 25 hours of adult supervised driving; and

(4) upon the written application of the person's parent or guardian, which shall be submitted to the division.

Any licensee issued a restricted license under this subsection, shall provide prior to reaching 16 years of age, a signed affidavit of either a parent or guardian, stating that the applicant has completed the required 25 hours prior to being issued a restricted license and 25 hours of additional adult supervised driving. Of the 50 hours required by this subsection, at least 10 of those hours shall be at night. The adult supervised driving shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver's license, class A, B or C driver's license.

(b) (1) A restricted license issued under subsection (a) shall entitle a licensee who is at least 15 years of age but less than 16 years of age, to operate the appropriate motor vehicles at any time:

(A) While going to or from or in connection with any job, employment or farm-related work;

(B) on days while school is in session, over the most direct and accessible route between the licensee's residence and school of enrollment for the purposes of school attendance;

(C) when the licensee is operating a passenger car, at any time when accompanied by an adult, who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or

(D) when the licensee is operating a motorcycle, at any time when accompanied by an adult, who is the holder of a valid class M driver's license and who is *either operating a motorcycle in the general proximity of the licensee or is riding as a passenger on the motorcycle being operated by the licensee.*

(2) For a period of six months, a restricted license issued under subsection (a) shall entitle a licensee who is at least 16 years of age to operate the appropriate motor vehicles at any time:

(A) From 5:00 a.m. to 9:00 p.m.;

(B) while going to or from or in connection with any job, employment or farm-related work;

(C) while going to or from authorized school activities;

(D) *while going directly to or from any religious service or function held by a religious organization;*

(E) when the licensee is operating a passenger car, at any time when accompanied by an adult, who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or

(F) when the licensee is operating a motorcycle, at any time when accompanied by an adult, who is the holder of a valid class M driver's license and who is *either* operating a motorcycle in the general proximity of the licensee *or is riding as a passenger on the motorcycle being operated by the licensee.*

After such six-month period, if the licensee has complied with the provisions of this section, such restricted license shall entitle the licensee to operate the appropriate motor vehicles at any time without any of the restrictions required by this section.

(c) (1) The division may issue a restricted class C or M driver's license to any person who is under 17 years of age but at least 16 years of age, who:

(A) Has held an instructional permit issued under the provisions of K.S.A. 8-239, and amendments thereto, for a period of at least one year; and

(B) has submitted a signed affidavit of either a parent or guardian, stating that the applicant has completed at least 50 hours of adult supervised driving with at least 10 of those hours being at night. The required adult supervised driving shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver's license, class A, B or C driver's license.

(2) For a period of six months, a restricted license issued under subsection (c)(1) shall entitle a licensee to operate the appropriate motor vehicles at any time:

(A) From 5:00 a.m. to 9:00 p.m.;

(B) while going to or from or in connection with any job, employment or farm-related work;

(C) while going to or from authorized school activities;

(D) *while going directly to or from any religious service or function held by a religious organization;*

(E) when the licensee is operating a passenger car, at any time when accompanied by an adult, who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or

(F) when the licensee is operating a motorcycle, at any time when accompanied by an adult, who is the holder of a valid class M driver's license and who is *either* operating a motorcycle in the general proximity of the licensee *or is riding as a passenger on the motorcycle being operated by the licensee.*

After such six-month period, if the licensee has complied with the provisions of this section, such restricted license shall entitle the licensee to operate the appropriate motor vehicles at any time without any of the restrictions required by this section.

(d) (1) Any licensee issued a restricted license under subsection (a):

(A) Who is less than 16 years of age shall not operate any motor vehicle with nonsibling minor passengers; or

(B) who is at least 16 years of age, for a period of six months after reaching 16 years of age, shall not operate any motor vehicle with more than one passenger who is less than 18 years of age and who is not a member of the licensee's immediate family.

(2) Any licensee issued a restricted license under subsection (c), for a period of six months after such restricted license is issued, shall not operate any motor vehicle with more than one passenger who is less than 18 years of age and who is not a member of the licensee's immediate family.

(3) Any conviction for violating this subsection shall be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(e) Any licensee issued a restricted license under this section shall not operate a wireless communication device while driving a motor vehicle, except that a licensee may operate a

wireless communication device while driving a motor vehicle to report illegal activity or to summons medical or other emergency help.

(f) (1) A restricted driver's license issued under this section is subject to suspension or revocation in the same manner as any other driver's license.

(2) A restricted driver's license shall be suspended in accordance with K.S.A. 8-291, and amendments thereto, for any violation of restrictions under this section.

(3) The division shall suspend the restricted driver's license upon receiving satisfactory evidence that the licensee has been involved in two or more accidents chargeable to the licensee and such suspended license shall not be reinstated for one year.

(g) Evidence of failure of any licensee who was required to complete the 50 hours of adult supervised driving under this section shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(h) Any licensee issued a restricted license under:

(1) Subsection (a) who:

(A) Is under the age of 16 years and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (b)(1) until the person reaches 17 years of age;

(B) is under 17 years of age but at least 16 years of age and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (b)(2) until the person reaches 18 years of age; or

(C) fails to provide the affidavit required under subsection (a) shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (b)(1) until the person provides such affidavit to the division or the person reaches 17 years of age, whichever occurs first.

(2) Subsection (c) who is under the age of 17 years and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (c) until the person reaches 18 years of age.

(i) This section shall be a part of and supplemental to the motor vehicle driver's license act.

Sec. 7. K.S.A. 2009 Supp. 8-2,150 is hereby amended to read as follows: 8-2,150. (a) A driver or a holder of a commercial driver's license may not enter into a diversion agreement in lieu of further criminal proceedings that would prevent such ~~driver's person's~~ conviction for any violation, in any type of motor vehicle, of a state or local traffic control law, except a parking violation, from appearing on the ~~driver's person's~~ record, whether the ~~driver person~~ was convicted for an offense committed in the state where the ~~driver person~~ is licensed or another state.

(b) *For purposes of subsection (a), a person shall be considered a holder of a commercial driver's license if the person was a holder of a commercial driver's license at the time the person was arrested or was issued a citation and shall remain a holder of a commercial driver's license even if the person surrenders the commercial driver's license after the arrest or citation.*

(~~b~~) (c) The provisions of this section shall be a part of and supplemental to the Kansas uniform commercial drivers' license act.

Sec. 8. K.S.A. 2009 Supp. 8-1325 is hereby amended to read as follows: 8-1325. (a) Every identification card shall expire, unless earlier canceled or subsection (c) of K.S.A. 8-1324, and amendments thereto, applies, on the sixth birthday of the applicant following the date of original issue, except as otherwise provided by K.S.A. 8-1329, and amendments thereto. Renewal of any identification card shall be made for a term of six years and shall expire in a like manner as the originally issued identification card, unless surrendered earlier or subsection (c) of K.S.A. 8-1324, and amendments thereto, applies. For any person who has been issued an identification card, the division shall mail a notice of expiration or renewal at least 30 days prior to the expiration of such person's identification card at the address shown on such identification card. The division shall include with such notice, written information required under subsection (b). Any application for renewal received later than 90

days after expiration of the identification card shall be considered to be an application for an original identification card. The division shall require payment of a fee of \$14 for each identification card renewal, except that persons who are 65 or more years of age or who are persons with a disability, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10.

(b) The division shall ~~provide the following information~~ *reference the website of the agency in a person's notice of expiration or renewal* under subsection (a). *The division shall provide the following information on the website of the agency:*

(1) ~~Written~~ Information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-1328, and amendments thereto, and the revised uniform anatomical gift act, K.S.A. 2009 Supp. 65-3220 through 65-3244, and amendments thereto;

(2) ~~written~~ information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The ~~written~~ information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

(3) ~~written~~ information giving the applicant the opportunity to be placed on the organ donation registry described in paragraph (2);

(4) inform the applicant ~~in writing~~ that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in paragraph (2), the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by paragraph (6);

(5) the division may fulfill the requirements of paragraph (4) by one or more of the following methods:

(A) ~~Providing printed material enclosed with a mailed notice for an identification card renewal such information on the website of the agency; or~~

(B) providing printed material to an applicant who personally applies for an identification card;

(6) if an applicant indicates a willingness under this subsection to have such applicant's name placed on the organ donor registry described, the division shall within 10 days forward the applicant's name, gender, date of birth and address to the organ donor registry maintained by the Kansas federally designated organ procurement organization. The division may forward information under this subsection by mail or by electronic means. The division shall not maintain a record of the name or address of an individual who indicates a willingness to have such person's name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and forwarded under this paragraph shall be confidential and not disclosed.

Sec. 9. K.S.A. 2009 Supp. 8-234a, 8-237, 8-247, 8-296, 8-2,100, 8-2,101, 8-2,150 and 8-1325 are hereby repealed.”;

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 10 through 12 and inserting the following: “AN ACT concerning the division of vehicles; relating to drivers' licenses and identification cards; concerning the regulation thereof; amending K.S.A. 2009 Supp. 8-234a, 8-237, 8-247, 8-296, 8-2,100, 8-2,101, 8-2,150 and 8-1325 and repealing the existing sections.”;

And the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Teichman in the chair.

On motion of Senator Teichman the following report was adopted:

Recommended **HB 2584** be passed.

SB 480, SB 523; HB 2652 be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2437** recommending a **Senate Sub for HB 2437** be adopted, and the substitute bill be passed.

SB 359 be passed over and retain a place on the calendar.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, March 11, 2010.

Journal of the Senate

FORTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 11, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

President Morris introduced as guest chaplain, Colonel Donald F. Davidson, State Chaplain, Kansas National Guard, Topeka, Kansas, who delivered the invocation:

Lord God, Bless those who take counsel for the people of the State of Kansas.
Bless our State and the richness of its people and land.

Bless all those who govern and give them reason and skill that in all things
they may have the courage to seek and listen to your heavenly guidance.

We ask this in your holy name.

Amen

The Pledge of Allegiance was led by President Stephen Morris.

POINT OF PERSONAL PRIVILEGE

Senator Barnett rose on a Point of Personal Privilege to introduce Yvonne Barnett, gifted specialist teacher; Hayden Richardson and her Mom, Christy Richardson, Landon Ginther and his Mom, Lashelle Ginther, Doug Gould and his Mom, Leslie LaPlace, Gracie Salts and her Mom, Peggy Salts, Drew Schiffman and his Dad, Ken Schiffman, Maggie Manning, Dominic Legato, Ryan Schmidt, Evan Phillips, Analiese Lahey, and Luke Killman all representing Sunrise Point Elementary School.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 573, An act concerning cities and counties; relating to residential fire protection sprinkler systems, by Committee on Federal and State Affairs.

SB 574, An act concerning the interstate water litigation fund; amending K.S.A. 82a-1802 and repealing the existing section, by Committee on Ways and Means.

SB 575, An act concerning the special city and county highway fund; amending K.S.A. 2009 Supp. 79-3425i and repealing the existing section, by Committee on Ways and Means.

SB 576, An act concerning elections and campaign finance; relating to public service advertisements by candidates, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Business and Labor: **SR 1841**.

Commerce: **HB 2560**.

Financial Institutions & Insurance: **Sub HB 2345**.

Transportation: **HB 2678**.

Ways and Means: **SB 570, SB 571, SB 572; HB 2704**.

CHANGE OF REFERENCE

The President withdrew **SB 195** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on **Judiciary**.

The President withdrew **HB 2560** from the Committee on **Commerce**, and referred the bill to the Committee on **Federal and State Affairs**.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute for HB 2390; HB 2691**.

Also, passage of **SB 409, SB 438, SB 451**.

The House adopts the conference committee report on **HB 2283**.

The House concurs in Senate amendments to **HB 2323**.

The House nonconcurs in Senate amendments to **HB 2500**, requests a conference, and has appointed Representatives Shultz, Peck and Swenson as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2501**, requests a conference, and has appointed Representatives Shultz, Peck and Swenson as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute for HB 2390; HB 2691 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2500**.

The President appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2501**.

The President appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 480, An act regulating traffic; concerning license plates; amending K.S.A. 2009 Supp. 8-133 and 8-2118 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Lynn.

The bill passed, as amended.

SB 523, An act concerning racketeering; enacting the Kansas racketeer influenced and corrupt organization act; amending K.S.A. 21-3302 and K.S.A. 2009 Supp. 60-4104 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley.

Absent or Not Voting: Lynn.

The bill passed, as amended.

S Sub for HB 2437, An act relating to motor vehicles; regulating traffic; prohibiting text messaging while operating a moving motor vehicle; concerning the use of safety belts; amending K.S.A. 2009 Supp. 8-2118, 8-2503 and 8-2504 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 27, Nays 12, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Abrams, Brownlee, Bruce, Huelskamp, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Steineger, Wagle.

Absent or Not Voting: Lynn.

The substitute bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: Reluctantly, I vote "AYE" on **S Sub HB 2437**. Realizing that the pretext of detaining "certain" drivers (although racial and other profiling is illegal in Kansas) still occurs way too frequently, I am hesitant to add two more seemingly flimsy reasons for prejudicially law enforcement to stop an otherwise lawful motorist. But, public safety is paramount and inattentive drivers, and those drivers and passengers not buckled up wreck havoc in their and others lives. Although a civil libertarian, I side today with that increase in public safety.—DAVID HALEY

HB 2584, An act concerning the practice of optometry; amending K.S.A. 2009 Supp. 65-1501 and 65-1501a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Lynn.

The bill passed.

HB 2652, An act concerning utilities; amending K.S.A. 66-1811 and K.S.A. 2009 Supp. 22-4615 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Francisco.

Absent or Not Voting: Lynn.

The bill passed, as amended.

REPORT ON ENGROSSED BILLS

SB 480, **SB 523** reported correctly engrossed March 10, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 385** be amended on page 1 by striking all in lines 13 through 43;

On page 2, by striking all in lines 1 through 22; also after line 22, by inserting the following: "Section 1. K.S.A. 2009 Supp. 31-150 is hereby amended to read as follows: 31-150. (a) Except as otherwise provided in this section, the construction of school buildings shall comply with the requirements of the 2000 edition of the international building code as published by the international codes council. All electric wiring shall conform to require-

ments of the 1999 issue of the national electric code of the national fire protection association.

(b) The construction of mobile, modular, portable or relocatable school buildings shall conform to the requirements of the 2000 edition of the life safety code as published by the national fire protection association.

(c) The construction of all school buildings shall conform to the provisions for making buildings and facilities accessible to, and usable by, persons with a disability, as required by K.S.A. 58-1301 through 58-1311, and amendments thereto.

(d) No contract shall be let for the construction of any school building, and it shall be illegal to pay out any public funds for the construction of a school building ~~until~~ unless the plans for such building ~~shall~~ (1) bear the seal of an architect or a professional engineer licensed by the state board of technical professions of the state of Kansas certifying that the plans meet the applicable requirements of this act; and (2) be submitted to the state board of education for approval as to compliance with such requirements.

(e) The provisions of subsections (c) and (d) ~~of this section~~ shall not apply to any building or structure operated or used for any purpose by, or located upon the land of any community college, ~~area vocational school, area vocational-technical school,~~ technical college, municipal university, institution under the governance of the state board of regents or other institutions of post secondary education as defined by K.S.A. 74-3249, and amendments thereto. Prior to construction of any new building or remodeling of any existing building, all community colleges, ~~area vocational schools, area vocational-technical schools,~~ technical colleges, any municipal university, institutions under the governance of the state board of regents or other institutions of post secondary education as defined by K.S.A. 74-3249, and amendments thereto, shall submit to the state fire marshal a code footprint for evaluation and approval of the fire/life safety features of such buildings.

(f) The relocation of school buildings to which the provisions of subsection (b) apply shall not be construed to be construction or reconstruction under the provisions, ~~or for the purposes,~~ of this section.

~~(g) The construction or reconstruction of a school building, whether funded by bonds or other moneys, in a school district where general obligation bonds were authorized to be issued by a vote of the electors in an election held on or before July 1, 2000, shall be governed by the provisions of this section that were in effect on January 1, 2004.~~

~~The provisions of this subsection shall expire on July 1, 2006.~~

~~(h) (g) The state fire marshal shall adopt rules and regulations specifying those subsequent editions of the codes enumerated in subsections (a) and (b) which the state fire marshal has determined provide protection equivalent to those editions specified herein. Compliance with any subsequent edition specified by such rules and regulations shall be considered compliance with the edition of the code specified by this section.~~

Sec. 2. K.S.A. 2009 Supp. 31-150 is hereby repealed.”;

And by renumbering the remaining section accordingly;

Also on page 2, in line 24, by striking “Kansas register” and inserting “statute book”;

In the title, in line 9, by striking all after “ACT”; in line 10, by striking all before the period and inserting “concerning fire safety and fire prevention; relating to school buildings; amending K.S.A. 2009 Supp. 31-150 and repealing the existing section”; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **HB 2082**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2082,” as follows:

“SENATE Substitute for HOUSE BILL No. 2082

By Committee on Ethics and Elections

“AN ACT concerning campaign finance; relating to electioneering communication; establishing certain reporting requirements.”;

and the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **SB 566** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Public Health and Welfare** recommends **Substitute for HB 2575** be amended on page 1, following line 14, by inserting the following:

“New Section 1. Sections 1 through 18, and amendments thereto, shall be known and may be cited as the perfusion practice act.

New Sec. 2. As used in sections 1 through 18, and amendments thereto:

- (a) “Act” means the perfusion practice act.
- (b) “Board” means the state board of healing arts.
- (c) “Council” means the perfusion council.
- (d) “Extracorporeal circulation” means the diversion of a patient’s blood through a heart-lung machine or a similar device that assumes the functions of the patient’s heart, lungs, kidney, liver, or other organs.

(e) “Perfusionist” means a person who practices perfusion as defined in this act.

(f) “Perfusion” means the functions necessary for the support, treatment, measurement, or supplementation of the cardiovascular, circulatory, respiratory systems or other organs, or a combination of those activities, and to ensure the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under an order and under the supervision of a licensed physician, including:

(1) The use of extracorporeal circulation, long-term cardiopulmonary support techniques including extracorporeal carbon-dioxide removal and extracorporeal membrane oxygenation, and associated therapeutic and diagnostic technologies;

(2) counterpulsation, ventricular assistance, autotransfusion, blood conservation techniques, myocardial and organ preservation, extracorporeal life support, and therapeutic modalities including isolated limb perfusion and intra-peritoneal hyperthermic chemotherapy;

(3) the use of techniques involving blood management, advanced life support, and other related functions;

(4) the administration of pharmacological and therapeutic agents, blood products and anesthetic agents through the extracorporeal circuit as ordered by a physician or certified registered nurse anesthetist pursuant to K.S.A. 65-1158, and amendments thereto;

(5) the performance and use of coagulation monitoring and analysis, physiologic monitoring and analysis, blood gas and chemistry monitoring and analysis, hematologic monitoring and analysis, hypothermia, hyperthermia, hemoconcentration and hemodilution and hemodialysis; and

(6) the observation of signs and symptoms related to perfusion services, the determination of whether the signs and symptoms exhibit abnormal characteristics, and the implementation of appropriate reporting, perfusion protocols, or changes in or the initiation of emergency procedures.

(g) “Perfusion protocols” means perfusion related policies and protocols developed or approved by a licensed medical care facility or a physician through collaboration with administrators, licensed perfusionists, and other health care professionals.

(h) This section shall take effect on and after July 1, 2011.

New Sec. 3. (a) On and after July 1, 2011, except as otherwise provided in this act, no person shall perform perfusion unless the person possesses a valid license issued under this act.

(b) No person shall depict one’s self orally or in writing, expressly or by implication, as holder of a license who does not hold a current license under this act.

(c) Only persons licensed under this act as a perfusionist shall be entitled to use the title “perfusionist”, “licensed perfusionist”, “licensed clinical perfusionist” or “certified clinical perfusionist”, abbreviations thereof, words similar to such title or the designated letters “LP”, “LCP” or “CCP”.

New Sec. 4. (a) Nothing in this act is intended to limit, preclude or otherwise interfere with the practices of other health care providers formally trained and licensed, registered, credentialed or certified by appropriate agencies of the state of Kansas from performing duties considered appropriate to their recognized scope of practice.

(b) The following shall be exempt from the requirement of a license pursuant to this act:

(1) A person licensed by another health professional licensing board if:

(A) The person does not represent to the public, directly or indirectly, that the person is licensed under this act, and does not use any name, title, or designation indicating that the person is licensed under this act;

(B) the person confines the person's acts or practice to the scope of practice authorized by the other health professional licensing laws; or

(C) the person is trained according to the extracorporeal membrane oxygenation specialist (ECMO) guidelines of the extracorporeal life support organization (ELSO) and operates an extracorporeal membrane oxygenation circuit under the supervision of a licensed physician;

(2) A person performing autotransfusion or blood conservation techniques under the supervision of a licensed physician.

(3) A student enrolled in an accredited perfusion education program if perfusion services performed by the student:

(A) are an integral part of the student's course of study; and

(B) are performed under the direct supervision of a licensed perfusionist assigned to supervise the student and who is on duty and immediately available in the assigned patient care area;

(4) health care providers in the United States armed forces, public health services, federal facilities and other military service when acting in the line of duty in this state; or

(5) persons rendering assistance in the case of an emergency.

(c) This section shall take effect on and after July 1, 2011.

New Sec. 5. (a) An applicant for licensure as a perfusionist shall file an application, on forms provided by the board, showing to the satisfaction of the board that the applicant meets the following requirements:

(1) At the time of the application is at least 18 years of age;

(2) has successfully completed a perfusion education program set forth in rules and regulations adopted by the board and which contains a curriculum no less stringent than the standards of existing organizations which approve perfusion programs;

(3) except as otherwise provided in this act, has successfully passed a license examination approved by the board; and

(4) has paid all fees required for licensure prescribed in this act, which shall not be refundable.

(b) The board may issue a temporary license to an applicant seeking licensure as a perfusionist when such applicant meets the requirements for licensure or meets all the requirements for licensure except examination and pays to the board the temporary license fee as required under section 8, and amendments thereto. Such temporary license is valid (1) for one year from the date of issuance or (2) until the board makes a final determination on the applicant's request for licensure. The board may extend a temporary license, upon a majority vote of the members of the board, for a period not to exceed one year.

(c) The board, without examination, may issue a license to a person who has been in the active practice of perfusion in some other state, territory, the District of Columbia or other country upon certificate of the proper licensing authority of that state, territory, District of Columbia or other country certifying that the applicant is duly licensed, that the applicant's license has never been limited, suspended or revoked, that the licensee has never been censured or had other disciplinary action taken and that, so far as the records of such authority are concerned, the applicant is entitled to its endorsement. The applicant shall also present proof satisfactory to the board:

(1) (A) That the state, territory, District of Columbia or country in which the applicant last practiced maintains standards at least equal to those maintained by Kansas.

(B) That the applicant's original license was based upon an examination at least equal in quality to the examination required in this state and that the passing grade required to obtain such original license was comparable to that required in this state.

(C) Of the date of the applicant's original and any and all endorsed licenses and the date and place from which any license was attained.

(D) That the applicant has been actively engaged in perfusion under such license or licenses since issued, and if not, fix the time when and reason why the applicant was out of practice; and

(E) that the applicant holds a current certificate as a certified clinical perfusionist initially issued by the American board of cardiovascular perfusion (ABCP), or its successor, prior to July 1, 2011; or

(2) that the applicant has been practicing perfusion as described in this act in a full-time capacity for a period of more than 24 months prior to July 1, 2001.

(d) An applicant for license by endorsement shall not be granted a license unless such applicant's individual qualifications meet the Kansas requirements.

(e) A person whose license has been revoked may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, which application shall be accompanied by the fee provided for in section 8, and amendments thereto.

New Sec. 6. (a) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established pursuant to section 8, and amendments thereto. The board may issue an inactive license only to a person who meets all the requirements for a license to practice as a perfusionist and who does not engage in active practice as a perfusionist in the state of Kansas. An inactive license shall not entitle the holder to engage in active practice. The provisions of section 7, and amendments thereto, relating to expiration, renewal and reinstatement of a license shall be applicable to an inactive license issued under this subsection. Each inactive licensee may apply to engage in active practice by presenting a request required by section 5, and amendments thereto. The request shall be accompanied by the fee established pursuant to section 8, and amendments thereto.

(b) There is hereby created a designation of federally active license. The board is authorized to issue a federally active license to any licensee who makes a written application for such license on a form provided by the board and remits the same fee required for a license established under section 8, and amendments thereto. The board may issue a federally active license only to a person who meets all the requirements for a license to practice as a perfusionist and who practices as a perfusionist solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies. The provisions of section 7, and amendments thereto, relating to expiration, renewal and reinstatement of a license shall be applicable to a federally active license issued under this subsection. Each federally active licensee may apply to engage in active practice by presenting a request required by section 5, and amendments thereto.

New Sec. 7. (a) Licenses issued under this act shall expire on the date of expiration established by rules and regulations of the board unless renewed in the manner prescribed by the board. The request for renewal shall be accompanied by the license renewal fee established pursuant to section 8, and amendments thereto.

(b) At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If the licensee fails to submit an application for renewal on a form provided by the board, or fails to pay the renewal fee by the date of expiration, the board shall give a second notice to the licensee that the license has expired and the license may be renewed only if the application for renewal, the renewal fee, and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the license shall be deemed canceled by operation of law and without further proceedings.

(c) The board may require any licensee to submit to a continuing education audit and provide to the board evidence of satisfactory completion of a program of continuing education required by rules and regulations of the board.

(d) Any license canceled for failure to renew may be reinstated upon recommendation of the board. An application for reinstatement shall be on a form provided by the board, and shall be accompanied by payment of the reinstatement fee and evidence of completion of any applicable continuing education requirements. The board may adopt rules and regulations establishing appropriate education requirements for reinstatement of a license that has been canceled for failure to renew.

(e) The board, prior to renewal of a license, shall require the licensee, if in the active practice of perfusion within the state, to submit to the board evidence satisfactory to the

board that the licensee is maintaining a policy of professional liability insurance. The board may require any licensee to provide to the board evidence of malpractice insurance as required by rules and regulations of the board during an audit. The board shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.

(f) This section shall take effect on and after July 1, 2011.

New Sec. 8. (a) The board shall charge and collect in advance fees for perfusionists as established by the board by rules and regulations, not to exceed:

(a) Application for licensure	\$300
(b) Annual renewal of license:	
(1) Paper renewal	\$150
(2) On-line renewal	\$150
(c) Late renewal of licensure:	
(1) Late paper renewal	\$100
(2) Late on-line renewal	\$100
(d) Licensure reinstatement (due to late renewal)	\$250
(e) Revoked licensure reinstatement	\$325
(f) Application for inactive license	\$300
(1) Renewal of inactive license	\$75
(2) Conversion of inactive license to active	\$150
(g) Certified copy of license	\$25
(h) Written verification of license	\$25
(i) Temporary license	\$75

(b) If the examination is not administered by the board, the board may require that fees paid for any examination under the perfusion practice act be paid directly to the examination service by the person taking the examination.

(c) This section shall take effect on and after July 1, 2011.

New Sec. 9. (a) The board shall remit all moneys received by or for the board from fees, charges or penalties 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. Twenty percent of such amount shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from the healing arts fee 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 president of the board or by a person or persons designated by the president.

(b) This section shall take effect on and after July 1, 2011.

New Sec. 10. (a) There is established the perfusion council to assist the state board of healing arts in carrying out the provisions of this act. The council shall consist of five members, all citizens and residents of the state of Kansas appointed as follows: The board shall appoint one member who is a physician licensed to practice medicine and surgery and one member who is a member of the state board of healing arts. Members appointed by the board shall serve at the pleasure of the board. The governor shall appoint three perfusionists who have at least three years experience in perfusion preceding the appointment and are actively engaged, in this state, in the practice of perfusion or the teaching of perfusion. At least two of the governor's appointments shall be made from a list of four nominees submitted by the Kansas practicing perfusionist society.

(b) The members appointed by the governor shall be appointed for terms of four years except that of the members first appointed, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years, with successor members appointed for four years and to serve until a successor member is appointed. If a vacancy occurs on the council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term.

(c) Perfusionists initially appointed to the council must be eligible for licensure under section 5, and amendments thereto. On and after October 1, 2011, new appointees shall be licensed under the provisions of this act.

(d) The council shall meet at least once each year at a time and place of its choosing and at such other times as may be necessary on the chairperson's call or on the request of a majority of the council's members.

(e) A majority of the council constitutes a quorum. No action may be taken by the council except by affirmative vote of the majority of the members present and voting.

(f) Members of the council attending meetings of the council, or a subcommittee of the council, shall be paid mileage provided in subsection (c) of K.S.A. 75-3223, and amendments thereto, from the healing arts fee fund.

New Sec. 11. The perfusion council shall advise the board regarding:

- (a) Examination, licensing and other fees;
- (b) rules and regulations to be adopted to carry out the provisions of this act;
- (c) subject areas to be covered during the educational program and on the licensure examination;
- (d) the number of yearly continuing education hours required to maintain active licensure;
- (e) changes and new requirements taking place in the area of perfusion; and
- (f) such other duties and responsibilities as the board may assign.

New Sec. 12. The board, with the advice and assistance of the perfusion council, shall:

(a) Pass upon the qualifications of all applicants for examination and licensing, contract for examinations, determine the applicants who successfully pass the examination, duly license and regulate such applicants and keep a roster of all individuals licensed;

(b) adopt rules and regulations as may be necessary to administer the provisions of this act and prescribe forms which shall be issued in the administration of this act;

(c) establish standards for approval of an educational course of study and clinical experience, criteria for continuing education, procedures for the examination of applicants; and

(d) establish standards of professional conduct; procedure for the discipline of licensees and keep a record of all proceedings.

New Sec. 13. (a) The license of a perfusionist may be limited, suspended or revoked, or the licensee may be censured, reprimanded, placed on probation, fined pursuant to K.S.A. 65-2863a, and amendments thereto, or otherwise sanctioned by the board or an application for licensure or reinstatement of licensure may be denied if it is found that the licensee or applicant:

(1) Has committed an act of fraud or deceit in the procurement or holding of a license;

(2) has been convicted of a felony in a court of competent jurisdiction, either within or outside of this state, unless the conviction has been reversed and the holder of the license discharged or acquitted or if the holder has been pardoned with full restoration of civil rights in which case the license shall be restored;

(3) is addicted to or has distributed intoxicating liquors or drugs for other than lawful purposes;

(4) is found to be mentally or physically incapacitated to such a degree that in the opinion of the board continued practice by the licensee would constitute a danger to the public's health and safety;

(5) has aided and abetted a person who is not a licensee under this act or is not otherwise authorized to perform the duties of a license holder;

(6) has violated any provision of this act or rules and regulations;

(7) has committed an act of unprofessional conduct under criteria which the board may establish by rules and regulations; or

(8) is, or has been, found guilty of incompetence or negligence while performing as a license holder.

(b) The denial, refusal to renew, suspension, limitation, probation or revocation of a license or other sanction may be ordered by the board upon a finding of a violation of this act. All administrative proceedings conducted pursuant to this act shall be in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.

(c) A person whose license is suspended shall not engage in any conduct or activity in violation of the order by which the license was suspended.

(d) This section shall take effect on and after July 1, 2011.

New Sec. 14. (a) The board shall have jurisdiction of proceedings to take disciplinary action against any licensee practicing under this act. Any such action shall be taken in accordance with the provisions of the Kansas administrative procedure act.

(b) Either before or after formal charges have been filed, the board and the licensee may enter into a stipulation which shall be binding upon the board and the licensee entering into such stipulation, and the board may enter its findings of fact and enforcement order based upon such stipulation without the necessity of filing any formal charges or holding hearings in the case. An enforcement order based upon a stipulation may order any disciplinary action against the licensee entering into such stipulation.

(c) The board may temporarily suspend or temporarily limit the license of any licensee in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act if the board determines that there is cause to believe that grounds exist for disciplinary action against the licensee and that the licensee's continuation in practice would constitute an imminent danger to the public health and safety.

New Sec. 15. Nothing in the perfusion practice act or in the provisions of K.S.A. 40-2,100 through 40-2,105, and amendments thereto, or K.S.A. 2009 Supp. 40-2,105a through 40-2,105d, and amendments thereto, shall be construed to require that any individual, group or blanket policy of accident and sickness, medical or surgical expense insurance coverage or any provision of a policy, contract, plan or agreement for medical service issued on or after the effective date of this act, reimburse or indemnify a person licensed under the perfusion practice act for services provided as a perfusionist.

New Sec. 16. (a) When it appears that any person is violating any provision of this act, the board may bring an action in the name of the state in a court of competent jurisdiction for an injunction against such violation without regard as to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

(b) This section shall take effect on and after July 1, 2011.

New Sec. 17. On and after July 1, 2011, any violation of this act shall constitute a class B misdemeanor.

New Sec. 18. If the provisions of sections 1 through 18, or any part thereof, is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder or any other section or part thereof.;

And renumbering remaining sections accordingly;

Also on page 1, in line 15, preceding "K.S.A." by inserting "On and after January 1, 2011," in line 21, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 3, in line 4, preceding "K.S.A." by inserting "On and after January 1, 2011,"; in line 26, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 4, in line 17, preceding "K.S.A." by inserting "On and after January 1, 2011,"; in line 27, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 5, in line 12, preceding "K.S.A." by inserting "On and after January 1, 2011,"; in line 33, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 6, in line 29, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 7, in line 21, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 8, in line 13, preceding "K.S.A." by inserting "On and after January 1, 2011,"; in line 26, preceding "K.S.A." by inserting "On and after January 1, 2011,"; in line 34, by striking "Nothing" and inserting "On and after January 1, 2011, nothing"; in line 37, by striking "required" and inserting "require"; in line 43, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 10, in line 15, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 12, in line 22, preceding "K.S.A." by inserting "On and after January 1, 2011,"; in line 26, by striking "January 1, 2011, and";

On page 1, in the title, in line 9, following "concerning" by inserting "the Kansas board of healing arts; relating to licensure of perfusionists and"; also in line 9, by striking "licensure,"; and the substitute bill be passed as amended.

Committee on **Utilities** recommends **SB 543** be amended on page 1, in line 30, after "carrier" by inserting ", including a carrier having elected price cap regulation pursuant to K.S.A. 66-2005, and amendments thereto,"; in line 32, by striking "or optional metropolus

calling area service,” and inserting “, optional metroplus calling area service, or other community calling plans”; in line 33, by striking “adjacent” and inserting “other”; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Donovan in the chair.

On motion of Senator Donovan the following report was adopted:

Recommended **HB 2456, HB 2552, HB 2619** be passed.

HB 2468, HB 2540, HB 2547, HB 2608 be amended by adoption of the committee amendments, and the bills be passed as amended.

The Committee recommended **SB 359** be amended by adoption of the committee amendments, and the bill be passed as amended.

A motion by Senator Owens to amend **SB 359** failed and the following amendment was rejected: on page 1, in line 23, by striking “each school year” and inserting “school year 2010-2011 and in each school year thereafter”;

On page 2, in line 5, by striking “School” and inserting “In school year 2010-2011 and in each school year thereafter, school”; after line 40, by inserting the following:

“(h) (1) Except as provided in paragraph (2), for school year 2009-2010, each school district shall receive catastrophic state aid equal to the amount of catastrophic state aid each such district received in school year 2008-2009, less any amount deducted by the state board of education following the audit of expenditures for school year 2008-2009.

(2) For school year 2009-2010, U.S.D. No. 229, U.S.D. No. 233 and U.S.D. No. 512 shall receive catastrophic state aid equal to ½ of the amount of catastrophic state aid each such district received in school year 2008-2009, less any amount deducted by the state board of education following the audit of expenditures for school year 2008-2009.”

The Committee recommended **SB 435** be amended by adoption of the committee amendments, and the bill be passed as amended

A motion by Senator Haley to amend **SB 435** failed and the following amendment was rejected: on page 1, preceding line 23, by inserting the following:

“Section 1. K.S.A. 22-2501 is hereby amended to read as follows: 22-2501. When a lawful arrest is effected a law enforcement officer may reasonably search the person arrested and the area within such person’s immediate presence for the purpose of:

- (a) Protecting the officer from attack;
- (b) preventing the person from escaping; or
- (c) discovering the fruits, instrumentalities, or evidence of a *the* crime.”;

And by renumbering the remaining sections accordingly;

Also on page 1, in the title, in line 10, by striking “repealing K.S.A. 22-2501” and inserting “concerning criminal procedure”; in line 12, before the period by inserting “; amending K.S.A. 22-2501 and repealing the existing section”

A motion by Senator Haley to refer **SB 435** back to the Committee on Judiciary failed.

HB 2435 be amended by adoption of the committee amendments, be further amended by motion of Senator D Schmidt on page 13, after line 12, by inserting the following:

“Sec. 12. K.S.A. 2009 Supp. 21-3608a is hereby amended to read as follows: 21-3608a.

(a) Aggravated endangering a child is:

(1) Intentionally causing or permitting a child under the age of 18 years to be placed in a situation in which the child’s life, body or health is injured or endangered;

(2) recklessly causing or permitting a child under the age of 18 years to be placed in a situation in which the child’s life, body or health is injured or endangered;

(3) causing or permitting such child to be in an environment where a person is selling, offering for sale or having in such person’s possession with intent to sell, deliver, distribute, prescribe, administer, dispense, manufacture or attempt to manufacture any methamphetamine as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto;

or

(4) causing or permitting such child to be in an environment where drug paraphernalia or volatile, toxic or flammable chemicals are stored for the purpose of manufacturing or attempting to manufacture any methamphetamine as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto.

(b) Aggravated endangering a child is a severity level 9, person felony. *The sentence for a violation of this section shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.*

(c) As used in this section:

(1) "Manufacture" shall have the meaning ascribed to that term in K.S.A. 2009 Supp. 21-36a01, and amendments thereto; and

(2) "drug paraphernalia" shall have the meaning ascribed to that term in K.S.A. 2009 Supp. 21-36a01, and amendments thereto.

(d) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 13. K.S.A. 2009 Supp. 21-36a01 is hereby amended to read as follows: 21-36a01. As used in K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto:

(a) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(b) (1) "Controlled substance analog" means a substance that is intended for human consumption, and:

(A) The chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) which has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, which the individual represents or intends to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act (21 U.S.C. 355) to the extent conduct with respect to the substance is permitted by the exemption.

(c) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(d) "Distribute" means the actual, constructive or attempted transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for sale or any act that causes some item to be transferred from one person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act, or otherwise authorized by law.

(e) "Drug" means:

(1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

(2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals;

(3) substances, other than food, intended to affect the structure or any function of the body of man or animals; and

(4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(f) "Drug paraphernalia" means all equipment and materials of any kind which are used, or primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance and in violation of this act. "Drug paraphernalia" shall include, but is not limited to:

(1) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance;

(4) testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(5) scales and balances used or intended for use in weighing or measuring controlled substances;

(6) diluents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances;

(7) separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana;

(8) blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

(9) capsules, balloons, envelopes, bags and other containers used or intended for use in packaging small quantities of controlled substances;

(10) containers and other objects used or intended for use in storing or concealing controlled substances;

(11) hypodermic syringes, needles and other objects used or intended for use in parentally injecting controlled substances into the human body;

(12) objects used or primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(B) water pipes, bongs or smoking pipes designed to draw smoke through water or another cooling device;

(C) carburetion pipes, glass or other heat resistant tubes or any other device used or intended to be used, designed to be used to cause vaporization of a controlled substance for inhalation;

(D) smoking and carburetion masks;

(E) roach clips, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(F) miniature cocaine spoons and cocaine vials;

(G) chamber smoking pipes;

(H) carburetor smoking pipes;

(I) electric smoking pipes;

(J) air-driven smoking pipes;

(K) chillums;

(L) bongs;

(M) ice pipes or chillers;

(N) any smoking pipe manufactured to disguise its intended purpose;

(O) wired cigarette papers; or

(P) cocaine freebase kits.

(g) "Immediate precursor" means a substance which the board of pharmacy has found to be and by rules and regulations designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used

or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(h) "Isomer" means all enantiomers and diastereomers.

(i) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container. "Manufacture" does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(j) "Marijuana" means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

(k) "*Minor*" means a person under 18 years of age.

(l) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(m) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. "Opiate" does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). "Opiate" does include its racemic and levorotatory forms.

(n) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

(o) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or any other legal entity.

(p) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(q) "Possession" means having joint or exclusive control over an item with knowledge of and intent to have such control or knowingly keeping some item in a place where the person has some measure of access and right of control.

(r) "School property" means property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12. This definition shall not be construed as requiring that school be in session or

that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the above definition, the actual use of that structure or property at the time alleged shall not be a defense to the crime charged or the sentence imposed.

↔ (s) “Simulated controlled substance” means any product which identifies itself by a common name or slang term associated with a controlled substance and which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

Sec. 14. K.S.A. 2009 Supp. 21-36a05 is hereby amended to read as follows: 21-36a05. (a) It shall be unlawful for any person to cultivate, distribute or possess with the intent to distribute any of the following controlled substances or controlled substance analogs thereof:

(1) Opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto;

(2) any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

(3) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

(4) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105, subsection (g) of K.S.A. 65-4107 or subsection (g) of K.S.A. 65-4109, and amendments thereto;

(5) any substance designated in subsection (g) of K.S.A. 65-4105 and subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111, and amendments thereto; or

(6) any anabolic steroids as defined in subsection (f) of K.S.A. 65-4109, and amendments thereto.

(b) It shall be unlawful for any person to distribute or possess with the intent to distribute a controlled substance or a controlled substance analog designated in K.S.A. 65-4113, and amendments thereto.

(c) (1) Violation of subsection (a) is a drug severity level 3 felony, except that:

(A) Violation of subsection (a) ~~on or within 1,000 feet of any school property~~ is a drug severity level 2 felony *if the trier of fact makes a finding that the offender is 18 or more years of age and the substance was distributed to or possessed with intent to distribute to a minor on or within 1,000 feet of any school property;*

(B) violation of subsection (a)(1) is a drug severity level 2 felony if that person has one prior conviction under subsection (a)(1), under K.S.A. 65-4161 prior to its repeal, or under a substantially similar offense from another jurisdiction; and

(C) violation of subsection (a)(1) is a drug severity level 1 felony if that person has two prior convictions under subsection (a)(1), under K.S.A. 65-4161 prior to its repeal, or under a substantially similar offense from another jurisdiction.

(2) Violation of subsection (b) is a class A nonperson misdemeanor, except that, violation of subsection (b) is a drug severity level 4 felony if the substance was distributed to or possessed with the intent to distribute to a child under 18 years of age.

(d) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance.

Sec. 15. K.S.A. 2009 Supp. 21-36a10 is hereby amended to read as follows: 21-36a10. (a) It shall be unlawful for any person to advertise, market, label, distribute or possess with the intent to distribute:

(1) Any product containing ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropranolamine or their salts, isomers or salts of isomers if the person knows or reasonably should know that the purchaser will use the product to manufacture a controlled substance; or

(2) any product containing ephedrine, pseudoephedrine or phenylpropranolamine, or their salts, isomers or salts of isomers for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved pursuant to the pertinent federal over-the-counter drug final monograph or tentative final monograph or approved new drug application.

(b) It shall be unlawful for any person to market, distribute or manufacture with intent to distribute any drug paraphernalia, knowing or under circumstances where one reasonably should know that it will be used to manufacture or distribute a controlled substance in violation of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto.

(c) It shall be unlawful for any person to distribute, possess with intent to distribute or manufacture with intent to distribute any drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used as such in violation of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto, except subsection (b) of K.S.A. 2009 Supp. 21-36a06, and amendments thereto.

(d) It shall be unlawful for any person to distribute, possess with intent to distribute or manufacture with intent to distribute any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used as such in violation of subsection (b) of K.S.A. 2009 Supp. 21-36a06, and amendments thereto.

(e) (1) Violation of subsection (a) is a drug severity level 2 felony;

(2) violation of subsection (b) is a drug severity level 4 felony;

(3) violation of subsection (c) is a *severity* level 9, nonperson felony, except that violation of subsection (c) is a drug severity level 4 felony if ~~that person distributes or causes the trier of fact makes a finding that the offender is 18 or more years of age and the offender distributed or caused~~ drug paraphernalia to be distributed to a ~~person under 18 years of age minor or on or within 1,000 feet of any school property;~~

(4) violation of subsection (d) is a class A nonperson misdemeanor, except that violation of subsection (d) is a ~~non~~drug severity level 9, nonperson felony if ~~that person distributes or causes the trier of fact makes a finding that the offender is 18 or more years of age and the offender distributed or caused~~ drug paraphernalia to be distributed to a ~~person under 18 years of age minor or on or within 1,000 feet of any school property.~~

(f) For persons arrested and charged under subsection (a), bail shall be at least \$50,000 cash or surety, unless the court determines, on the record, that the defendant is not likely to re-offend, the court imposes pretrial supervision or the defendant agrees to participate in a licensed or certified drug treatment program.

(g) As used in this section, "or under circumstances where one reasonably should know" that an item will be used in violation of this section, shall include, but not be limited to, the following:

(1) Actual knowledge from prior experience or statements by customers;

(2) inappropriate or impractical design for alleged legitimate use;

(3) receipt of packaging material, advertising information or other manufacturer supplied information regarding the item's use as drug paraphernalia; or

(4) receipt of a written warning from a law enforcement or prosecutorial agency having jurisdiction that the item has been previously determined to have been designed specifically for use as drug paraphernalia.

Sec. 16. K.S.A. 2009 Supp. 21-36a13 is hereby amended to read as follows: 21-36a13. (a) It shall be unlawful for any person to distribute, possess with the intent to distribute, or manufacture with the intent to distribute any simulated controlled substance.

(b) It shall be unlawful for any person to use or possess with intent to use any simulated controlled substance.

(c) (1) Violation of subsection (a) is a nondrug severity level 9, nonperson felony, except that violation of subsection (a) is a nondrug severity level 7, nonperson felony if ~~that person~~ *the trier of fact makes a finding that the offender is 18 or more years of age and the violation* ~~occurs~~ *occurred* on or within 1,000 feet of any school property; *and*

(2) violation of subsection (b) is a class A nonperson misdemeanor.";

And by renumbering the remaining sections accordingly;

On page 16, in line 40, after "Supp." by inserting "21-3608a, 21-36a01, 21-36a05, 21-36a10, 21-36a13 and";

In the title, in line 12, after the semicolon by inserting "aggravated endangering a child; controlled substances."; in line 14, after "Supp." by inserting "21-3608a, 21-36a01, 21-36a05, 21-36a10, 21-36a13 and" and **HB 2435** be passed as further amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a 2/3 constitutional majority, and **SB 359**, **SB 435**; **HB 2435**, **HB 2456**, **HB 2468**, **HB 2540**, **HB 2547**, **HB 2552**, **HB 2608**, **HB 2619** were advanced to Final Action and roll call.

SB 359, An act concerning school districts; relating to special education; amending K.S.A. 72-983 and repealing the existing section.

On roll call, the vote was: Yeas 33, Nays 7, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Marshall, Masterson, McGinn, Morris, Ostmeyer, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Brownlee, Colyer, Huntington, Lynn, Owens, Pilcher-Cook, Vratil.

The bill passed, as amended.

SB 435, An act repealing K.S.A. 22-2501; relating to search incident to arrest.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "NO" on **SB 435**. The original **SB 435** which I introduced this year would have restored time honored State and U.S. Constitutional guarantees prohibiting unlawful searches and seizures.

This substitute bill merely strikes an entire statute (K.S.A. 22-2501) and effectively wipes out 40 years of guidance to law enforcement, prosecutors and defendants.

As our Kansas Supreme court ruled last summer in re: *Henning*, ambiguity in legislative intent is cause for reversal of lower court decisions.

The point of any statute should be clear and not subjected to patchwork interpretation of pleadings in state or federal courts.

It is disappointing that on a division, purely partisan, vote, this Senate chooses to not take the counsel of the Supreme Court or even the Kansas Judicial Council to make, or to retain clear unambiguous law.

I hope that any resulting lawsuit against our state would reflect this distinctly minority but, I believe, constitutional—respecting opinion.—DAVID HALEY

HB 2435, An act concerning crimes, punishment and criminal procedure; relating to attempt, conspiracy and criminal solicitation to commit certain crimes; aggravated endangering a child; controlled substances; amending K.S.A. 21-3301, 21-3302, 21-3303, 21-3447, 21-3449, 21-3450, 21-3502, 21-3504, 21-3506, 21-3513, 21-3516 and 21-4643 and K.S.A. 2009 Supp. 21-3608a, 21-36a01, 21-36a05, 21-36a10, 21-36a13 and 21-4642 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2456, An act concerning probate; relating to when a decedent's will and affidavit may be filed; amending K.S.A. 59-618a and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2468, An act concerning crimes, criminal procedure and punishment; relating to sex offender registration requirements; amending K.S.A. 22-4906 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2540, An act concerning municipal bonds; amending K.S.A. 10-131 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2547, An act amending the vehicle dealers and manufacturers licensing act; amending K.S.A. 8-2409, 8-2410, 8-2413, 8-2414, 8-2415, 8-2416, 8-2417 and 8-2419 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2552, An act enacting the midwest interstate passenger rail compact.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Pilcher-Cook, Pyle.

The bill passed.

HB 2608, An act relating to the state bank commissioner; concerning the examination and annual assessment of certain financial institutions; amending K.S.A. 2009 Supp. 9-1703 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kel-

sey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2619, An act concerning registered nurse anesthetists; duties; amending K.S.A. 65-1158 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, March 12, 2010.

Journal of the Senate

FORTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 12, 2010—8:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-three senators present.
Senators Barnett, Brownlee, Brungardt, Colyer, Haley, Holland and Huelskamp were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Speaking as if I were a Senator....

Only forty of us carry the title and responsibility of "Senator".

Each of us represents about 67,000 people.

What I'm getting at, Lord, is that we carry a heavy responsibility.

We represent city folks, country folks, young folks, middle age, and old folks.

We represent liberal, moderate, and conservative people.

We represent people of all religions.

We represent all walks of life.

We represent people of different races and cultures.

We represent people who like us, and people who don't, as well as people who don't know we exist.

We represent people who think we work in Washington and so we get requests concerning National Health Care, Afghanistan, unemployment, IRS, immigration, global warming, and so forth.

However, it is a privilege and an honor to be a lawmaker and to be known as "Senator".

Help us, Lord, to be the best Senator we can be.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Financial Institutions & Insurance: **Sub HB 2390**.

Local Government: **SB 573**.

Ways and Means: **SB 574, SB 575, SB 576; HB 2691**.

CHANGE OF REFERENCE

The President withdrew **HB 2704** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Education**.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, March 15, 2010.

Journal of the Senate

FORTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 15, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Today I want to thank You for the Secretary of the Senate Staff without whom the Senate could not function:

Pat Saville is Secretary of the Senate and the following people are members of her staff:

Administrative Assistant	Verla Vines
Enrolling Clerk	Lori Cackler
Reading Clerk	Stephen Jones
Journal Clerk	Rose Marie Glatt
Office Secretary	Thelma Haefner
Enrolling Clerk	Vanita Hunt
Calendar Clerk	Carol Kirkwood
Journal Clerk	Shirley Lamott
Journal Clerk	Helen Moreland
Calendar Clerk	Martha Ozias
Enrolling Clerk	Doris Renneke
Bill Status Clerk	Jude Simmitt
Desk Clerk	Elaine Ward

Bless Pat and her staff members and give them good health for many years.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize the ladies of Delta Sigma Theta seated in the West Gallery.

Senator Haley joined her in offering the following remarks: It is my honor indeed to ask the Senate's recognition of this organization, bedecked in resplendent red, whose membership includes my own mother, Doris Haley, my own sister, Anne Haley-Brown . . . and my own children's mother, Dr. Michelle Haley, among many, many other socially and professionally motivated women across our country and the world. Thank you again in this recognition.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 577, An act concerning requirements for the issuance of certificates of title for vessels; requiring notice, priority, release and surrender of security interests in vessels, by Committee on Ways and Means.

CHANGE OF REFERENCE

The President withdrew **SB 576** from the Committee on **Ways and Means** and referred the bill to the Committee on **Ethics and Elections**.

The President withdrew **HB 2508** from the Committee on **Judiciary** and referred the bill to the Committee on **Agriculture**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS DEPARTMENT OF REVENUE

March 15, 2010

Pursuant to KSA 79-1490, Mark S. Beck, Director, Division of Property Valuation, submitted the 2009 Preliminary Real Estate Appraisal/Sales Ratio Study.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 376, SB 396, SB 440, SB 464; HB 2578**.

Also, passage of **SB 200**, as amended by **House Substitute for SB 200; SB 326**, as amended, **SB 461**, as amended, **SB 497**, as amended, **SCR 1615**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2578 was thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Brownlee and Colyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1842—

A RESOLUTION congratulating and commending Kavya Shivashankar of Olathe for winning the 2009 National Spelling Bee.

WHEREAS, Kavya Shivashankar, a 13-year-old student at California Trail Junior High in Olathe, is the 2009 Scripps National Spelling Bee champion. Kavya devoted much of her free time to studying spelling, and takes her education very seriously, aspiring to one day be a neurosurgeon. She also enjoys playing the violin, bicycling, swimming and learning classical Indian dance; and

WHEREAS, Kavya, with support from her parents, Mirle and Sandy, and sister Vanya, made the trip to Washington to compete against 293 participants in the 82nd annual competition. This was Kavya's fourth appearance in the National Spelling Bee, having finished tenth, eighth and fourth over the last three years; and

WHEREAS, Jill Biden, wife of Vice President Joe Biden, introduced the final rounds of the competition, which was broadcast on network television in prime time; and

WHEREAS, Kavya advanced in the competition by spelling such words as "hydrargyrum," "escritoire," "blancmange," and "huisache." In the final round, Kavya correctly spelled the word "Laodicean," thus winning \$40,000 in cash and prizes. Now that she has won, she is retiring from the competition: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Kavya Shivashankar for winning the 2009 National Spelling Bee competition, take pride in her outstanding achievements as a role model for her peers in Kansas and across the nation, and wish her continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to give one enrolled copy of this resolution to Kavya Shivashankar, one enrolled copy to her parents, Mirle and Sandy Shivashankar and send one enrolled copy to Larry Katzif, Principal of California Trail Junior High School, 13775 W. 133rd St., Olathe, Kansas 66062.

On emergency motion of Senator Brownlee **SR 1842** was adopted unanimously.

Senator Brownlee introduced and congratulated Kavya Shivashankar for winning the 2009 National Spelling Bee. Her Father, Mirle Shivashankar and sister, Vanya Shivashankar were also introduced.

REPORT ON ENGROSSED BILLS

SB 359, SB 435 reported correctly engrossed March 12, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2503, HB 2557, HB 2604** be passed and because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Also, **HB 2432**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2432," as follows:

"SENATE Substitute for HOUSE BILL No. 2432

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to justified threat or use of force; amending K.S.A. 21-3211, 21-3212, 21-3214, 21-3215, 21-3216, 21-3217, 21-3218 and 21-3219 and repealing the existing sections.;"

and the substitute bill be passed.

HB 2506 be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2506," as follows:

"SENATE Substitute for HOUSE BILL No. 2506

By Committee on Judiciary

"AN ACT concerning crimes, criminal procedure and punishment; relating to the Kansas parole board; considerations of the parole board when determining eligibility; conditions of parole and postrelease supervision; discharge of an inmate by the parole board; amending K.S.A. 22-3722 and K.S.A. 2009 Supp. 22-3717 and repealing the existing sections.;"

and the substitute bill be passed.

HB 2412, as amended by House Committee, be amended on page 2, in line 19, by striking "and off-grid"; after line 42, by inserting the following:

"(d) This section does not apply to any person sentenced to imprisonment for an off-grid offense.;"

On page 3, in line 14, by striking "a member of"; also in line 14, by striking "member"; in line 16, by striking "member"; in line 17, by striking "a terminal illness or condition" and inserting "been deemed by a doctor licensed to practice medicine and surgery in Kansas to have a terminal medical condition"; in line 19, by striking "member"; in line 20, by striking "member" and inserting "board"; in line 22, by striking "member"; in line 35, by striking "and off-grid"; in line 39, by striking "member";

On page 4, in line 1, by striking "member"; after line 19, by inserting the following:

"(d) This section does not apply to any person sentenced to imprisonment for an off-grid offense.;" and the bill be passed as amended.

HB 2440, as amended by House Committee, be amended on page 1, in line 26, by striking all after the period; by striking all in line 27; in line 28, by striking all before "Such"; in line 32, before "family" by inserting "victim's"; in line 43, by striking "and family";

On page 3, in line 3, by striking "and family"; in line 20, by striking "and family"; in line 31, by striking "and family"; in line 41, by striking "and family";

On page 4, in line 12, by striking "and fam-"; in line 13, by striking "ily"; in line 26, by striking "and family"; in line 40, by striking "and family";

On page 5, in line 27, by striking "and family";

On page 6, in line 17, by striking "and family"; in line 25, by striking "and family";

On page 7, in line 24, by striking "and family";

On page 8, in line 37, by striking "and family";

On page 9, in line 27, by striking "and family";

On page 10, in line 6, by striking "and family"; in line 35, by striking "and family";

On page 11, in line 3, by striking "and family";

In the title, in line 11, by striking “family and”; and the bill be passed as amended.

HB 2469 be amended on page 2, in line 39, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

HB 2605, as amended by House Committee, be amended on page 2, in line 22, after “provided” by inserting a comma; in line 23, after “investigation” by inserting a comma; by striking all in lines 29 through 32;

And by redesignating subsections accordingly;

On page 3, in line 15, by striking “(e)” and inserting “(d)”; in line 20, by striking “lab analysis” and inserting “forensic laboratory and materials”; after line 22, by inserting the following:

“Sec. 2. K.S.A. 2009 Supp. 75-724 is hereby amended to read as follows: 75-724. (a) Any person ~~required to submit a sample pursuant to subsection (e) of K.S.A. 21-2511, and amendments thereto, upon conviction or adjudication shall pay a separate court cost of \$100 as a Kansas bureau of investigation DNA database fee; convicted or adjudicated of an offense that, pursuant to K.S.A. 21-2511, and amendments thereto, requires submission of a DNA sample upon arrest, charging or placement in custody, shall pay a separate court cost of \$100 as a Kansas bureau of investigation DNA database fee upon conviction or adjudication.~~

(b) The court shall order such fees regardless of whether the person’s DNA sample was already on file with the Kansas bureau of investigation at the time such person was arrested, charged or placed in custody.

(c) The court shall not lessen or waive such fees unless the court has determined such person is indigent and the basis for the court’s determination is reflected in the court’s order.

~~(d)~~ (d) Such fees shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

~~(e)~~ (e) Disbursements from the Kansas bureau of investigation DNA database fee deposited into the DNA database fee fund of the Kansas bureau of investigation shall be made for the following:

(1) Providing DNA laboratory services;

(2) the purchase and maintenance of equipment for use by the laboratory in performing DNA analysis; and

(3) education, training and scientific development of Kansas bureau of investigation personnel regarding DNA analysis.

~~(f)~~ (f) Expenditures from the DNA database fee fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons designated by the attorney general.

~~(g)~~ (g) All fees 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 DNA database fee fund, which is hereby established in the state treasury.

~~(h)~~ (h) Fees received into this fund shall be supplemental to regular appropriations to the Kansas bureau of investigation.”;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 23, by striking “is” and inserting “and 75-724 are”;

In the title, in line 12, after the semicolon, by inserting “fees for the Kansas bureau of investigation DNA database.”; also in line 12, after “28-176” by inserting “and 75-724”; in line 13, by striking “section” and inserting “sections”; and the bill be passed as amended.

HB 2656, as amended by House Committee of the Whole, be amended on page 307, after line 4, by inserting the following:

“(h) K.S.A. 60-252, and amendments thereto, concerning findings and conclusions by the court, except that when the findings and conclusions are made by a district magistrate judge, the time to file a motion for amended or additional findings is 14 instead of 28 days.”;

Also on page 307, in line 5, by striking “(h)” and inserting “(i)”; in line 7, by striking “(i)” and inserting “(j)”; in line 8, by striking “and relief from judgment or order, respectively” and inserting “, except that the time to file a motion for new trial or to alter or amend judgment when a judgment is rendered by a district magistrate judge is 14 instead of 28 days;

(k) K.S.A. 60-260, and amendments thereto, concerning relief from judgment or order”;

Also on page 307, in line 9, by striking “(j)” and inserting “(l)”; in line 11, by striking “(k)” and inserting “(m)”;

On page 311, after line 35, by inserting the following: 7

“Sec. 207. K.S.A. 61-3304 is hereby amended to read as follows: 61-3304. *Except as modified by subsections (h) and (j) of K.S.A. 61-2912, and amendments thereto*, the provisions of K.S.A. 60-252, 60-259 and 60-260, and amendments thereto, shall apply to judgments entered under the code of civil procedure for limited actions where such provisions are not inconsistent with other provisions of the code.”;

And by renumbering the remaining sections accordingly;

On page 325, in line 26, after “61-3301,” by inserting “61-3304.”;

In the title, in line 31, after “61-3301,” by inserting “61-3304.”; and the bill be passed as amended.

HB 2668, as amended by House Committee of the Whole, be amended on page 112, by striking all in lines 1 through 43;

On page 113, by striking all in lines 1 through 29;

And by renumbering the remaining sections accordingly;

On page 213, by striking all in line 36 and inserting “provisions of subsection (f)(1) of section 308, and amendments thereto.”;

On page 241, in line 15, by striking “21-4009, 21-”; in line 16, by striking “4010, 21-4011, 21-4012, 21-4013, 21-4014, 21-4016, 21-4017.”;

In the title, in line 40, by striking “21-”; by striking all in line 41; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HB 2638**, as amended by House Committee of the Whole, be passed.

Committee on **Public Health and Welfare** recommends **HB 2588**; **HB 2589**, as amended by House Committee, be passed.

The Committee on **Ways and Means** recommends **HB 2631**, as amended by House Committee, be amended by substituting a new bill to be designated as “Senate Substitute for HOUSE BILL No. 2631,” as follows:

“SENATE Substitute for HOUSE BILL No. 2631

By Committee on Ways and Means

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, and June 30, 2017, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2009 Supp. 2-223, 12-5256, 40-3403, 55-193, 72-8814, 75-752, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-34,156, 79-34,171, 79-4801 and 82a-953a and repealing the existing sections.”; and the substitute bill be passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Tuesday, March 16, 2010.

Journal of the Senate

FORTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 16, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

We are thankful for the Sergeant-At-Arms and his staff who keep order inside and outside the chambers.

Please bless the following men:

Jody Kirkwood	Sergeant-At-Arms
Roger L. Zlatnik	Assistant Sergeant
George E. Sommers	Assistant Sergeant
Joe Hefner	Doorkeeper
Charles D. Huntsman	Doorkeeper
Larry Carr	Doorkeeper
Harlan Hunt	Doorkeeper
Carl Merril Lovendahl	Doorkeeper
Steve LaGrone	Doorkeeper
Ed Porubsky	Doorkeeper

I ask you, Lord, to take care of each one of these men and continue to use them for the watchcare over the Senate Chambers.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 578, An act concerning the Kansas cigarette and tobacco products act; violations of act; licensing of retail dealers; amending K.S.A. 79-3304, 79-3309, 79-3371, 79-3373, 79-3374, 79-3375, 79-3377, 79-3378 and 79-3379 and K.S.A. 2009 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3310, 79-3311, 79-3312, 79-3316, 79-3321 and 79-3333 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 79-3310c, by Committee on Federal and State Affairs.

SB 579, An act regulating traffic; concerning sun screening devices; providing for certain exemptions; amending K.S.A. 8-1749a and repealing the existing section, by Committee on Ways and Means.

SB 580, An act concerning the division of post audit; amending K.S.A. 2009 Supp. 46-1118 and 46-1132 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 46-1130, by Committee on Ways and Means.

SB 581, An act transferring the charge, care, management and control of the Hiram Price Dillon House to the Kansas arts commission; prescribing certain powers, duties and func-

tions for the commission; amending K.S.A. 75-3682 and K.S.A. 2009 Supp. 41-719 and 75-3683 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2578**.

Transportation: **SB 577**.

CHANGE OF REFERENCE

The President withdrew **SB 195** from the Committee on **Judiciary**, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Schodorf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1843—

A RESOLUTION recognizing the accomplishments of the Kansas Center for Safe and Prepared Schools and urging Kansas school boards to maintain an atmosphere of safety in schools and to remain prepared for the unknown.

WHEREAS, The Kansas Center for Safe and Prepared Schools (KC-SPS) was created in 2009 to provide a central office to coordinate safety and preparedness activities within the schools. The Center was developed as a coordinated effort with other state agencies after a need was recognized among superintendents across the state; and

WHEREAS, The mission of the KC-SPS is to coordinate, recommend and implement resources and training that will improve safe and prepared learning environments for Kansas schools. The Center will provide leadership in assisting schools in the prevention of, preparation for, response to and recovery from crisis events that impact schools and their communities; and

WHEREAS, The KC-SPS believes that schools have a duty to provide a safe and prepared learning environment for the students, staff and patrons so that when a crisis occurs, they are ready. They seek to improve school safety and preparedness in ways that have minimal or no money costs to local schools; and

WHEREAS, School crisis events are community events, and as such, the worlds of education, emergency management and first responders should work together in advance of and continually for crisis events. Training needs to be continuous due to the changing nature of the school environment; and

WHEREAS, The KC-SPS has accomplished much since its creation, including presenting mini-grants for preparedness activities, equipment and supplies; distributing classroom and building crisis kits; creating a model school crisis plan that can be used as a guide by Kansas schools when they update their plans, and many other achievements; and

WHEREAS, The KC-SPS recognizes the positive connection between academic success and a safe and prepared learning environment, as well as that on any given day 20% or more of Kansans are gathered in a school setting, giving schools a heavy responsibility to the community to be prepared if a crisis should occur: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the achievements of the Kansas Center for Safe and Prepared Schools and encourage school boards to be prepared for the unknown within available resources and urge schools to maintain an atmosphere that makes students feel comfortable and safe, in order to create academic success and peace of mind for the community in times of crisis; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Senator Schodorf for presentation to the Kansas Center for Safe and Prepared Schools.

On emergency motion of Senator Schodorf **SR 1843** was adopted unanimously.

Senator Schodorf introduced Major General Tod M. Bunting and Dr. Bob Hull in recognition of their support of the accomplishments of the Kansas Center for Safe and Prepared Schools. Jerry Tenbrink, Chris Tuck, Terri Ploger, Jordan McCool and Kelvin McCool were acknowledged for their support of the program.

REPORT ON ENROLLED BILLS

SB 398, SB 409, SB 438, SB 451, SB 489 reported correctly enrolled, properly signed and presented to the Governor on March 15, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2508**, as amended by House Committee, be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2508,” as follows:

“SENATE Substitute for HOUSE BILL No. 2508

By Committee on Agriculture

“AN ACT concerning motor vehicle fuel; relating to blending of fuels.”;

and the substitute bill be passed.

Also, **HB 2566** be amended on page 9, after line 18, by inserting the following:

“Sec. 16. K.S.A. 2009 Supp. 65-771 is hereby amended to read as follows: 65-771. As used in this act:

(a) “Adulterated” has the same meaning as provided in K.S.A. 65-664, and amendments thereto.

(b) “Bulk milk pick up tanker” means a vehicle including the truck, tank and those appurtenances necessary for such vehicle’s use, used by a bulk milk hauler or sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station or transfer station.

(c) “Dairy manufacturing plants” means any place where dairy products, grade A milk or milk products are manufactured or prepared for sale or distribution, either at wholesale or retail. This term shall not include a licensed food service establishment which is licensed to manufacture homemade ice cream pursuant to this act.

(d) “Dairy products” means products which may be made from milk or cream for manufacturing purposes and which are not required to meet grade A standards, including butter, cheese, dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated milk, whole or skim, condensed whole milk, condensed skim milk, sweetened or plain, frozen dairy dessert, and frozen dairy dessert mixes and such other products as may be otherwise designated by rules and regulations.

(e) “Frozen dairy dessert” means and includes products containing milk or cream and other ingredients which are frozen or semi-frozen prior to consumption, such as ice cream, ice milk or sherbet, including frozen dairy desserts for special dietary purposes.

(f) “Frozen dairy dessert mix” means the pasteurized unfrozen combination of all ingredients with or without fruits, fruit juices, candy, nut meats, flavor or harmless color which makes a frozen dairy dessert.

(g) “Goat milk” means the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy goats. Goat milk sold in retail packages shall contain not less than 2.5 % milkfat and not less than 7.5 % milk solids not fat. Goat milk shall be produced according to the sanitary standards of this act.

(h) “Grade A pasteurized milk” means pasteurized milk which has at least a 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation. The milk shall meet the requirements for grade A under the rules and regulations adopted pursuant to this act. The secretary may authorize the use of the grade A designation for a temporary time period on grade A pasteurized milk within the statewide system of milk inspection and regulatory services, although such grade A pasteurized milk does not have at least a 90% survey rating.

(i) “Grade A pasteurized milk products” means all pasteurized milk products which have at least a 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation. The pasteurized milk products shall meet the requirements for grade A under rules and regulations adopted pursuant to this act. The secretary may authorize the use of the grade A designation for a temporary time period on grade A pasteurized milk

products within the statewide system of milk inspection and regulatory services, although such grade A pasteurized milk products do not have at least a 90% survey rating.

⌘(j) "Grade A raw milk for pasteurization" means milk having at least 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation, the raw milk meeting the requirements for grade A under the rules and regulations adopted pursuant to this act. The secretary may authorize the use of the grade A designation for a temporary time period on grade A raw milk for pasteurization within the statewide system of milk inspection and regulatory services, although such milk does not have at least a 90% survey rating.

⌘(k) "Imminent health hazard" means any condition which involves milk, milk products, or dairy products, or any practice or procedure in the handling, transportation, storage, processing or manufacturing of a milk, milk product or dairy product which poses a significant threat of danger to the public health which should be corrected immediately to prevent injury or sickness and which should not be permitted to continue while a hearing or other proceeding is being conducted. An imminent health hazard may be declared at any point in a chain of events which ultimately may result in harm or danger to the public health. The occurrence of the final anticipated injury or other disease related condition shall not be a prerequisite for the establishment of the existence of an imminent health hazard.

⌘(l) "In package form" means any commodity put up or packaged in any manner in advance of sale so as to constitute a unit quantity of the commodity for either wholesale or retail sale, exclusive of any auxiliary container enclosing such packages which individually conform to the requirements of this act.

⌘(m) "Milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. Milk that is in final package form for beverage use shall have been pasteurized or ultrapasteurized, and shall contain not less than 8.25% milk solids not fat and not less than 3.25% milkfat. Milk may have been adjusted by separating part of the milkfat therefrom, or by adding thereto cream, concentrated milk, dry whole milk, skim milk, concentrated skim milk, or nonfat dry milk. Milk may be homogenized. Milk shall be interpreted to include goat milk.

⌘(n) "Milk distributor" means any person who first sells or offers for sale in Kansas any packaged grade A pasteurized milk, milk product, or dairy product.

⌘(o) "Milk hauler/sampler" means any person who collects official samples and may transport raw milk from a farm or raw milk products to or from a milk plant or both, receiving station or transfer station and has in their possession a permit from any state to sample such products.

⌘(p) "Milk inspection and regulatory services" means the inspection, sampling, laboratory testing and the administrative procedures relating thereto, necessary to determine that the production, processing, distribution and sale of grade A milk, milk products, and dairy products comply with the requirements of this act and any rules and regulations adopted hereunder.

⌘(q) "Milk or cream for manufacturing purposes" means raw milk or raw cream which is not subject to grade A standards and which is produced for processing and manufacturing into dairy products for human consumption. Milk for manufacturing purposes may contain less than 3.25% of butterfat and shall be delivered pure, sweet and clean.

⌘(r) "Milk or cream receiving station" means any place where milk or cream may be received, collected, handled, processed, stored or collected and prepared for further transporting.

⌘(s) "Milk or cream transfer station" means any place where milk or cream are transferred directly from one milk tank truck to another.

(t) "Milk plant" means any place, premises or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, ultrapasteurized, aseptically processed, condensed, dried, packaged or prepared for distribution.

⌘(u) "Milk processor" means any person who operates any place, premises or establishment where grade A raw milk for pasteurization or milk or cream for manufacturing purposes is processed, pasteurized, bottled or prepared for distribution.

⌘ (v) “Milk producer” means any person who owns or operates a dairy farm and who provides, sells or offers for sale grade A raw milk for pasteurization or milk or cream for manufacturing purposes to a milk plant, receiving station or transfer station.

⌘ (w) “Milk products” means cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified sour cream, cultured sour cream, half-and-half, sour half-and-half, acidified sour half-and-half, cultured sour half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, nonfat skim milk, reduced fat or lowfat milk, frozen milk concentrate, eggnog, buttermilk, cultured milk, cultured reduced fat or lowfat milk, cultured nonfat skim milk, yogurt, lowfat yogurt, nonfat yogurt, acidified milk, acidified reduced fat or lowfat milk, acidified nonfat skim milk, low-sodium milk, low-sodium reduced fat or lowfat milk, low-sodium nonfat skim milk, lactose-reduced milk, lactose-reduced reduced fat or lowfat milk, lactose-reduced nonfat skim milk, aseptically processed and packaged milk and milk products, milk, reduced fat or lowfat milk or nonfat skim milk with added safe and suitable microbial organisms and any other milk product made by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin or mineral fortification of milk products defined herein. Milk products also include those dairy foods made by modifying the federally standardized products listed in this section in accordance with 21 C.F.R. 130.10, requirements for foods named by use of a nutrient content claim and a standardized term. Milk and milk products which have been retort processed after packaging or which have been concentrated, condensed or dried are included in this definition only if they are used as an ingredient to produce any milk or milk product defined herein or if they are labeled as Grade A as adopted and described by rules and regulations promulgated under this act. Except as otherwise provided, the term milk shall not include dietary products, infant formula, ice cream or other desserts, butter or cheese.

(x) “Milk tank truck” means the term used to describe both a bulk milk pick up tanker and a milk transport tank.

(y) “Milk tank truck cleaning facility” means any place, premises or establishment, other than a milk plant, receiving station or transfer station, where a milk tank truck is cleaned and sanitized.

(z) “Milk transport tank” means a vehicle including the truck and tank, used by a bulk milk hauler or sampler to transport bulk shipments of milk and milk products from a milk plant, receiving station or transfer station to another milk plant, receiving station or transfer station.

(aa) “Milk transportation company” means the person, business or entity responsible for a milk tank truck.

⌘ (bb) “Misbranded” has the same meaning as ascribed to it in K.S.A. 65-665, and amendments thereto.

⌘ (cc) “On-farm retail sales of milk or milk products” means the sale of milk or milk products on the farm by the producer from the production of the dairy herd to the final consumer, so long as the person making such sales does not promote the sale of milk or milk products to the public in any manner other than by the erection of a sign upon the premises of the dairy farm. The advertisement upon any such sign shall state that such milk or milk products are raw and shall be in letters of a uniform size. Each container in which any unpasteurized milk is sold or offered for sale shall be clearly labeled as ungraded raw milk.

⌘ (dd) “Pasteurized” has the same meaning as ascribed to it in 21 C.F.R. 131.3 and 135.3.

⌘ (ee) “Person” means any individual, plant operator, partnership, corporation, company, firm, trustee, association or institution.

⌘ (ff) “Plant fabricating single service articles” means any place which manufactures single service articles which are expected to come in contact with grade A milk or grade A milk products.

⌘ (gg) “Secretary” means the secretary of the Kansas department of agriculture, or the secretary’s designee.

~~(bb)~~ (hh) “Single service article or container” means any container having a milk or milk product-contact surface and used in the packaging, handling, storage or servicing of grade A milk and is intended for one usage only.

Sec. 17. K.S.A. 65-777 is hereby amended to read as follows: 65-777. (a) The secretary, through the department of agriculture’s laboratory, may test any sample of milk, milk product or dairy product for bacteria or somatic cells or perform any other test required by this act or any rules and regulations promulgated under this act.

(b) The secretary is hereby authorized to establish by rules and regulations a schedule of fees for such tests performed by the laboratory ~~which are not performed for regulatory purposes.~~

Sec. 18. K.S.A. 2009 Supp. 65-778 is hereby amended to read as follows: 65-778. (a) Any person who engages in business as a dairy manufacturing plant shall first apply for and obtain a dairy manufacturing plant license from the secretary and shall pay a license fee of \$120, or commencing July 1, 2002, and ending June 30, 2015, a license fee of ~~\$155~~ \$200.

(b) Any person who engages in business as a distributor of milk, milk products or dairy products shall first apply for and obtain a milk distributor license from the secretary and shall pay a license fee of \$120, or commencing July 1, 2002, and ending June 30, 2015, a license fee of ~~\$155~~ \$200. No milk distributor license shall be required for a licensed dairy manufacturing plant which distributes only those products which it manufactures.

(c) Any person who engages in business as a milk hauler shall first apply for and obtain a milk hauler license from the secretary and shall pay a license fee of \$25 or commencing July 1, 2002, and ending June 30, 2015, a license fee of \$35. As part of the application, the secretary may require the applicant to be tested regarding proper procedures for sampling, testing and weighing milk or cream and state laws and rules and regulations.

(d) Any person who operates a milk or cream transfer station or milk or cream receiving station shall first apply for and obtain a milk or cream station license from the secretary and shall pay a license fee of \$50, or commencing July 1, 2002, and ending June 30, 2015, a license fee of ~~\$65~~ \$100.

(e) Any person who engages in business as a manufacturer of single service dairy containers or manufacturer of single service dairy container closures shall first apply for and obtain a single service manufacturing license from the secretary and shall pay a license fee of \$50, or commencing July 1, 2002, and ending June 30, 2015, a license fee of ~~\$65~~ \$100.

(f) *Any person who operates a milk tank truck cleaning facility shall first apply for and obtain a milk tank truck cleaning facility license from the secretary and shall pay a license fee of \$100.*

(g) Any license issued under this section shall be renewed annually.

(h) The dairy manufacturing plant license, milk distributor license, *milk tank truck cleaning facility license*, milk or cream station license and single service manufacturing license shall expire on December 31 of the year for which it was issued unless suspended or revoked by the secretary pursuant to this act. The milk hauler license shall expire on June 30 following the date of issuance unless suspended or revoked by the secretary pursuant to this act.

~~(i)~~ (i) No license issued under this section shall be transferable. No license shall be renewed if any assessments or fees required under this act are delinquent.

~~(j)~~ (j) Each applicant for a license *or for the renewal of such license* shall submit an application on a form supplied by the secretary accompanied by the license fee. All licenses shall be conspicuously displayed in the applicant’s place of business.

(k) The secretary is authorized and directed to reduce any license fee in subsections (a) through (f) whenever the secretary determines that such fee is yielding more than is necessary for administering the provisions of this act. The secretary is authorized to increase any license fee in subsections (a) through (f), when such license fee is necessary to produce sufficient revenues for administering the provisions of this act. License fees in subsections (a) through (f) shall not be increased in excess of the amounts provided in this section.

Sec. 19. K.S.A. 2009 Supp. 65-781 is hereby amended to read as follows: 65-781. The following fees for the statewide system of milk inspection and regulatory services are hereby established:

(a) A fee of \$.01, or commencing July 1, 2002, and ending June 30, 2015, a fee of \$.015 for each 100 pounds of milk produced by milk producers under Kansas grade A inspection

shall be paid. Each producer is hereby charged with such fee which shall be paid to the milk producers' cooperative, milk processor or milk distributor to whom the milk is sold or delivered. Each cooperative, processor or distributor is hereby charged with the duty of collecting such fees which shall be remitted to the secretary.

(b) A fee of \$.01, or commencing July 1, 2002, and ending June 30, 2015, a fee of ~~\$.015~~ \$.02 for each 100 pounds of packaged grade A pasteurized milk or milk products sold in Kansas at retail to the final consumer shall be paid. Each distributor is hereby charged with such fee which shall be remitted to the secretary.

(c) A fee of \$.01, or commencing July 1, 2002, and ending June 30, 2015, a fee of ~~\$.015~~ \$.02 per 100 pounds or fraction thereof of grade A raw milk for pasteurization delivered to a milk processor within the state of Kansas which is processed into grade A milk or grade A milk products shall be paid. Each milk processor is hereby charged with such fee which shall be remitted to the secretary.

(d) A milk fee of \$.01, or commencing July 1, 2002, and ending June 30, 2015, a fee of \$.015 per 100 pounds of milk or cream for manufacturing purposes produced by milk producers under Kansas manufacturing grade milk inspection shall be paid. Each producer is hereby charged with such fee which shall be paid to the milk producers' cooperative, dairy manufacturing plant or any other person to whom the milk or cream for manufacturing purposes is sold or delivered. Each cooperative, dairy manufacturing plant or other person is hereby charged with the duty of collecting such fees which shall be remitted to the secretary.

(e) A fee of \$.0075, or commencing July 1, 2002, and ending June 30, 2015, a fee of ~~\$.01~~ \$.02 per 100 pounds of Kansas produced milk or cream for manufacturing purposes or other Kansas produced milk delivered to a dairy manufacturing plant shall be paid on all Kansas milk used in the manufacturing of dairy products. As used in this subsection, the term dairy products shall not include any frozen dairy dessert or frozen dairy dessert mix. Each dairy manufacturing plant shall pay such fee which shall be remitted to the secretary.

(f) In lieu of the fee prescribed in subsection (e), a fee of \$1, or commencing July 1, 2002, and ending June 30, 2015, a fee of ~~\$1.50~~ \$2 per thousand gallons of frozen dairy dessert or frozen dairy dessert mix shall be paid by the manufacturer thereof. Each manufacturer of frozen dairy dessert or frozen dairy dessert mix is hereby charged with such fee which shall be remitted to the secretary. Frozen dairy dessert mix which is further processed into the corresponding frozen dairy dessert by the manufacturer of the frozen dairy dessert mix shall not be subject to the fee required by this subsection.

(g) A fee of \$1, or commencing July 1, 2002, and ending June 30, 2015, a fee of ~~\$1.50~~ \$2 per thousand gallons of frozen dairy dessert or frozen dairy dessert mix imported for retail sale in Kansas shall be paid by the milk distributor who imports these products.

(h) *A fee of \$50 for the annual inspection of a milk tank truck as required by this act. The milk transportation company that owns or leases the milk tank truck shall pay such fee which shall be remitted to the secretary.*

(i) If any fee computed pursuant to subsection (a) through (e) is less than \$2.50, then the sum of \$2.50 shall be paid in lieu of the computed fee. If any fee computed pursuant to subsection (f) or (g) is less than \$7.50, a minimum fee of \$7.50 shall be paid in lieu of the computed fee.

~~(j)~~ (j) All fees established herein shall be paid to the secretary in the following manner:

(1) The fees established in subsections (a) and (c) through (e) shall be remitted on or before the 30th day of each month for the calendar month immediately preceding and shall be accompanied by a report, in the form prescribed by the secretary, indicating the quantities upon which the remittance is based.

(2) The fees established in subsections (b), (f) and (g) shall be remitted on April 30, July 31, October 31 and January 31 for the three calendar months immediately preceding and shall be accompanied by a report, in the form prescribed by the secretary, indicating the quantity of frozen dairy dessert or frozen dairy dessert mix quantities upon which the remittance is based.

(3) *The fee established in subsection (h) shall be remitted within 60 days from the date of inspection.*

⌘ (k) Any person who fails to remit all or any part of the required fee or to submit the required report by the date due may be assessed an additional charge equal to 1% of the amount of delinquent fees for each day after the date due, or \$5, whichever amount is greater.

(l) *The secretary is hereby authorized and directed to reduce any inspection fee in subsections (a) through (h) whenever the secretary determines that such fee is yielding more than is necessary for administering the provisions of this act. The secretary is authorized to increase any inspection fee in subsections (a) through (h) when such inspection fee is necessary to produce sufficient revenues for administering the provisions of this act. License fees in subsections (a) through (h) shall not be increased in excess of the amounts provided in this section.*;

And by renumbering the remaining sections accordingly;

On page 9, in line 20, by striking “and” and inserting a comma; also in line 20, after “65-686” by inserting “and 65-777”; in line 21, after “65-657” by inserting “, 65-771, 65-778 and 65-781”;

In the title, in line 9, by striking all after “concerning”; by striking all in line 10; in line 11, by striking “form certain duties” and inserting “agriculture”; in line 13, by striking “and” where it appears the first time, and inserting a comma; also in line 13, after “and” where it appears the second time, by inserting “65-777 and”; also in line 13, after “65-657” by inserting “, 65-771, 65-778 and 65-781”; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2160**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2160,” as follows:

“SENATE Substitute for HOUSE BILL No. 2160

By Committee on Financial Institutions and Insurance

“AN ACT concerning insurance; providing coverage for autism spectrum disorder; amending K.S.A. 2009 Supp. 75-6501 and repealing the existing section. and the substitute bill be passed.

Also, **SB 167** be amended on page 1, in line 32, by striking “\$20,000” and inserting “\$10,000”; in line 35, by striking “\$20,000” where it appears the first time and inserting “\$10,000”; also in line 35, by striking “\$20,000” where it appears the second time and inserting “\$10,000”; in line 37, by striking “\$20,000” and inserting “\$10,000”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2454** be amended on page 7, in line 42, after “offender” by inserting “possessed,;” and the bill be passed as amended.

Also, **Substitute for HB 2528**, as amended by House Committee of the Whole, be amended on page 2, in line 5, by striking “default”; also in line 5, by striking “shall” and inserting “may”; in line 6, by striking “30” and inserting “60”; in line 7, after the period by inserting “No judgment may be entered against the obligor in an appearance bond more than one year after a defendant’s failure to appear.”; and the substitute bill be passed as amended.

Committee on **Local Government** recommends **HB 2698**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **SB 561** be amended on page 3, in line 4, by striking “one year” and inserting “two years”; after line 5, by inserting the following:

“Sec. 4. K.S.A. 19-26,103 is hereby amended to read as follows: As used in K.S.A. 19 26,103 through 19-26,113:

(a) “County” means ~~Wyandotte~~ *any county, Kansas*.

(b) “Board” means the board of trustees of the ~~Wyandotte~~ county land bank.

(c) “Bank” means the ~~Wyandotte~~ county land bank established pursuant to this act.

Sec. 5. K.S.A. 19-26,104 is hereby amended to read as follows: (a) The board of county commissioners of ~~Wyandotte county~~ may establish a county land bank by adoption of a resolution.

(b) The bank shall be governed by a board of trustees. The board of county commissioners of ~~Wyandotte county~~ may appoint the board. Commissioners may serve on or as the board of trustees. Vacancies on the board shall be filled by appointment for the unexpired term.

(c) The board of county commissioners may advance operating funds to the bank to pay expenses of the board of trustees and the bank. Members of the board of trustees shall receive no compensation, but shall be paid their actual and necessary expenses in attending meetings and in carrying out their duties as members of the board.

(d) The bank may be dissolved by resolution of the board of county commissioners. In such case, all property of the bank shall be transferred to and held by the board of county commissioners of the county and may be disposed of as otherwise provided by law.”;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 6, after “K.S.A.” by inserting “19-26,103 and 19-26,104 and K.S.A.”;

In the title, in line 9, by striking all after “concerning”; in line 10, by striking “houses” and inserting “municipalities”; also in line 10, after “K.S.A.” by inserting “19-26,103 and 19-26,104 and K.S.A.”; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2577**, as amended by House Committee, be passed.

Also, **SB 506** be amended on page 1, in line 15, by striking “A” and inserting “On and after July 1, 2011, a”; in line 19, by striking “Every” and inserting “On and after July 1, 2011, every”; in line 22, by striking “It” and inserting “On and after July 1, 2011, it”; in line 26, by striking “Every” and inserting “On and after July 1, 2011, every”;

On page 2, following line 36, by inserting the following:

“(f) This section shall take effect on and after July 1, 2011.”;

Also on page 2, following line 42, by inserting the following:

“(c) This section shall take effect on and after July 1, 2011.

New Sec. 6. The board shall prepare proposed rules and regulations the board deems necessary to carry out the provisions of sections 1 through 5, and amendments thereto, on or before January 1, 2011. The board shall adopt such rules and regulations to be effective on or after July 1, 2011.”;

And by renumbering sections accordingly;

Also on page 2, in line 43, preceding “K.S.A.”, by inserting “On and after July 1, 2011.”;

On page 4, in line 13, preceding “K.S.A.”, by inserting “On and after July 1, 2011.”; in line 18, preceding “materials”, by inserting “or consumable”; in line 31, by striking all following “the”; by striking all in lines 32 through 36; in line 37, by striking “party” and inserting “mechanical and/or other dissolution process that reduces human remains to bone fragments. Cremation includes the processing and usually includes the pulverization of the bone fragments”;

On page 5, in line 37, preceding “K.S.A.”, by inserting “On and after July 1, 2011.”;

On page 6, in line 31, preceding “K.S.A.”, by inserting “On and after July 1, 2011.”;

On page 8, in line 16, preceding “K.S.A.”, by inserting “On and after July 1, 2011.”;

On page 9, in line 4, preceding “K.S.A.”, by inserting “On and after July 1, 2011.”; in line 17, by striking “funeral”; in line 20, preceding “K.S.A.”, by inserting “On and after July 1, 2011.”;

On page 11, in line 3, preceding “K.S.A.”, by inserting “On and after July 1, 2011.”; in line 33, preceding “K.S.A.”, by inserting “On and after July 1, 2011.”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2486** be amended on page 1, in line 21, by striking “25” and inserting “20”; in line 23, preceding the period, by inserting “except that any school bus which was in operation on the effective date of this act and exceeds such 20-year period shall be exempt until July 1, 2012”; in line 39, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 568** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Taddiken in the chair.

On motion of Senator Taddiken the following report was adopted:

Recommended **HB 2638** be passed.

HB 2440, HB 2469, Sub HB 2575, HB 2656, HB 2668 be amended by adoption of the committee amendments, and the bills be passed as amended.

Sub SB 447 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Colyer on page 1, following line 42, by inserting the following:

“(e) This section shall be known and may be cited as Lexie’s law.”

Senator Faust-Goudeau further amended **Sub SB 477** on page 13, following line 25, by inserting the following:

“(d) Each day care home shall be equipped with a fire extinguisher which shall be maintained in an operable condition in a readily accessible location.”;

Also on page 13, in line 26, by striking “(d)” and inserting “(e)” and **Sub SB 477** be passed as amended.

Senator Abrams moved to amend **Sub SB 447** on page 3, in line 31, following the period, by inserting “This definition does not apply to a situation where a care provider provides care for any number of siblings from the same household along with such care provider’s children.”

The motion failed and the amendment was rejected.

A motion to return **Sub SB 447** to committee by Senator Pilcher-Cook was rejected.

The committee report on **HB 2432** recommending a **S Sub for HB 2432** be adopted, and the substitute bill be passed.

HB 2482 be amended by adoption of the committee amendments, be further amended by motion of Senator Francisco on page 4, in line 40, following the stricken material, by inserting “The division shall include with such notice: (1) A copy of the eyesight examination form; (2) a copy of the written examination prescribed by subsection (c); and (3) a copy of the Kansas driver’s manual, prepared pursuant to K.S.A. 8-266b, and amendments thereto.”;

On page 5, in line 29, preceding the period, by inserting “and a written examination of ability to read and understand highway signs regulating, warning and directing traffic and knowledge of the traffic laws of this state”; in line 32, by striking “examination” and inserting “examinations”; in line 33, by striking “examination” and inserting “examinations”; in line 35, preceding the period, by inserting “which shall be submitted by the applicant to the division at the time such applicant applies for license renewal”;

On page 6, following line 3, by inserting “In lieu of the driver’s license examiner administering the written examination, the applicant may complete the examination furnished with the notice of the expiration of license under subsection (c) and submit the completed examination to the division.”;

Also on page 6, in line 4, following the stricken “(4)”, by inserting “(4)”; by striking all in line 5; in line 6, by striking “port is” and inserting “written examination and the eyesight reported are”; by striking all in line 7, and inserting “either or both of the examinations are”; in line 12, by striking “(4)” and inserting “(5)”; in line 19, following the stricken material, by inserting “If the applicant has been denied renewal of such person’s driver’s license because such applicant failed to pass the written examination, the applicant shall pay an examination fee of \$1.50 to take the test again.”; in line 20, by striking “(5)” and inserting “(6)”; in line 25, by striking “(6)” and inserting “(7)”; in line 33, by striking “(6)” and inserting “(7)”;

Senator Umbarger moved to further amend **HB 2482** on page 5, in line 30, by striking “tests” and inserting “test”; in line 41, following “furnished” by inserting “by the division to”; also in line 41, by striking “with”; in line 42, by striking all preceding the period, and **HB 2482** be passed as further amended.

HB 2595 be amended by adoption of the committee amendments and **HB 2595** be passed as amended. Senator Schodorf moved to reconsider action on **HB 2595** and return the bill to the Committee on **Education**. The motion carried.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, March 17, 2010.

Journal of the Senate

FORTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 17, 2010—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

St. Patrick's day is celebrated in many ways. As for me,
it is a good time to thank You for making saints out of sinners.

You made a saint out of a sinner named Peter,
You made a saint out of a sinner named Paul,
You've made saints out of so many sinners
Only You know the names of them all.

You made saints out of sinners in Corinth,
A city known for its sin.
You made saints out of sinners in Athens
Who were never the same again.

We celebrate the day of St. Patrick
And rejoice over the life of Saint Paul;
But making saints of us sinners in Kansas
Deserves the biggest celebration of all!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 578, SB 579.**

Ways and Means: **SB 580, SB 581.**

CHANGE OF REFERENCE

The Vice President withdrew **HB 2079** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Ethics and Elections**.

The Vice President withdrew **HB 2582** from the Committee on **Judiciary**, and referred the bill to the Committee on **Utilities**.

COMMUNICATIONS FROM STATE OFFICERS

OFFICE OF THE ATTORNEY GENERAL
Crime Victims Compensation Board

Rita Noll, Board Chair, Crime Victims Compensation Board, submitted the 2008 Annual Report of the Crime Victims Compensation Board.

The Vice President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2463, HB 2519, HB 2520; Substitute for HB 2521; HB 2621; Substitute for HB 2689.**

Passage of **SB 463, SB 508.**

Also, passage of **SB 430**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2463, HB 2519, HB 2520; Substitute for HB 2521; HB 2621; Substitute for HB 2689 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Emler moved the Senate concur in house amendments to **SB 326.**

SB 326. An act concerning crime victims; relating to the crime victims compensation fund and the crime victims assistance fund; amending K.S.A. 2009 Supp. 75-752 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **H Sub for SB 200** and requested a conference committee be appointed.

The Vice President appointed Senators Teichman, Brownlee and Steineger as a conference committee on the part of the Senate.

On motion of Senator Emler the Senate nonconcurred in the House amendments to **SB 461** and requested a conference committee be appointed.

The Vice President appointed Senators Vratil, McGinn and Kelly as a conference committee on the part of the Senate.

On motion of Senator McGinn the Senate nonconcurred in the House amendments to **SB 497** and requested a conference committee be appointed.

The Vice President appointed Senators McGinn, Teichman and Francisco as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SCR 1615** and requested a conference committee be appointed.

The Vice President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

FINAL ACTION ON CONSENT CALENDAR

SB 566; HB 2455, HB 2485 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 566. An act concerning veterans; relating to the commission on veterans affairs; amending K.S.A. 73-1208b and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2455, An act concerning trusts and trustees; relating to the uniform principal and income act; amending K.S.A. 58-9-409 and 58-9-505 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2485, An act relating to motor carriers; increasing time period for verification of compliance with certain requirements; amending K.S.A. 2009 Supp. 66-1,114 and 66-1,114b and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub SB 447, An act concerning child care; relating to supervision of children in child care facilities and licensing and inspection of family child care homes; amending K.S.A. 39-7,129, 65-504, 65-506, 65-512, 65-523, 65-524, 65-530 and 65-531 and K.S.A. 2009 Supp. 59-29a11, 65-503, 65-516, 65-525 and 65-526 and repealing the existing sections; also repealing K.S.A. 65-517, 65-518, 65-519, 65-520, 65-521 and 65-522, was considered on final action.

On roll call, the vote was: Yeas 26, Nays 13, Present and Passing 1, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Lynn, Marshall, McGinn, Morris, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Brownlee, Bruce, Donovan, Huelskamp, Kelsey, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Taddiken, Wagle.

Present and Passing: Owens.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **Sub for SB 447**. The effort to ensure our children are safe while in daycare homes is valiant but we have not hit the target in this bill. The NAC-CRRA ranking for Kansas for 2009 of 47th improved to 41st in 2010, without passing legislation. This bill is more likely to drive up the cost of home daycare and the cost of government as its role expands into our homes. We cannot ensure a risk free environment for our children. Other measures should be considered to meet the goal of quality, safe home daycare.—KARIN BROWNLEE

MR. PRESIDENT: **SB 447** is the product of a considerable amount of hard work by our Health Committee on an important subject that needs some attention. I vote no because of the kinship questions that remain; unintended consequences for a large family caring for other family members children may still be a concern.—MIKE PETERSEN

Senators Abrams, Masterson and Ostmeyer request the record to show they concur with the "Explanation of Vote" offered by Senator Petersen on **SB 447**.

S Sub for HB 2432, An act concerning crimes, punishment and criminal procedure; relating to justified threat or use of force; amending K.S.A. 21-3211, 21-3212, 21-3214, 21-

3215, 21-3216, 21-3217, 21-3218 and 21-3219 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

HB 2440, An act concerning crimes, criminal procedure and punishment; relating to notification of victims of persons committed to the custody of the secretary of social and rehabilitation services; amending K.S.A. 22-3303, 22-3305, 22-3428, 22-3428a, 22-3430, 22-3431 and 22-3727 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2469, An act concerning crimes and punishment; relating to sentencing; amending K.S.A. 21-4710 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2482, An act concerning the division of vehicles; relating to drivers' licenses and identification cards; concerning the regulation thereof; amending K.S.A. 2009 Supp. 8-234a, 8-237, 8-247, 8-296, 8-2,100, 8-2,101, 8-2,150 and 8-1325 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub HB 2575, An act concerning the Kansas board of healing arts; relating to licensure of perfusionists and naturopathic doctors; amending K.S.A. 17-2707, 65-7201, 65-7202, 65-7203, 65-7204, 65-7205, 65-7206, 65-7207, 65-7211, 65-7212 and 65-7216 and K.S.A. 2009 Supp. 65-2913, 65-7208 and 65-7209 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Reitz, Vratil.

The substitute bill passed, as amended.

HB 2638, An act concerning law enforcement; relating to employees of the horsethief reservoir benefit district; amending K.S.A. 22-2401a and 74-5609a and K.S.A. 2009 Supp. 12-1,120, 74-5602 and 74-5605 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2656, An act concerning the code of civil procedure; amending K.S.A. 8-113a, 21-4311, 21-4623, 21-4624, 21-4634, 21-4718, 22-2408, 22-2516, 22-2807, 22-2901, 22-2902, 22-3208, 22-3212, 22-3302, 22-3305, 22-3428, 22-3428a, 22-3501, 22-3502, 22-3603, 22-3608, 22-3609, 22-3609a, 22-3707, 22-3902, 22-4006, 22-4904, 22-4905, 22-4907, 23-4,107, 23-701, 26-503, 26-510, 59-807, 59-2947, 59-29a14, 59-29b47, 59-3052, 60-101, 60-102, 60-103, 60-104, 60-201, 60-202, 60-203, 60-204, 60-205, 60-207, 60-208, 60-209, 60-210, 60-211, 60-212, 60-213, 60-214, 60-215, 60-217, 60-218, 60-219, 60-220, 60-221, 60-222, 60-223, 60-223a, 60-223b, 60-224, 60-225, 60-227, 60-228, 60-229, 60-230, 60-231, 60-232, 60-235, 60-236, 60-238, 60-239, 60-240, 60-241, 60-242, 60-243, 60-244, 60-245a, 60-246, 60-247, 60-248, 60-249, 60-249a, 60-250, 60-251, 60-252, 60-252a, 60-252b, 60-254, 60-255, 60-257, 60-258, 60-258a, 60-259, 60-260, 60-261, 60-262, 60-263, 60-264, 60-265, 60-266, 60-267, 60-268, 60-270, 60-271, 60-301, 60-302, 60-304, 60-305, 60-305a, 60-306, 60-307, 60-309, 60-310, 60-311, 60-312, 60-313, 60-612, 60-712, 60-731, 60-735, 60-738, 60-739, 60-740, 60-904, 60-1005, 60-1006, 60-1009, 60-1011, 60-1207, 60-1305, 60-1629, 60-2002, 60-2103, 60-2103a, 60-2414, 60-2604, 60-2801, 60-2802, 60-2803, 60-3106, 60-31a05, 60-4109, 60-4112, 60-4113, 60-4116, 61-2709, 61-2904, 61-2912, 61-3002, 61-3006, 61-3101, 61-3103, 61-3105, 61-3201, 61-3301, 61-3304, 61-3504, 61-3508, 61-3509, 61-3511, 61-3512, 61-3513, 61-3604, 61-3701, 61-3702, 61-3705, 61-3807, 61-3808, 61-3902, 61-3904 and 61-3905 and K.S.A. 2009 Supp. 8-235, 8-259, 8-1002, 8-1020, 21-4316, 22-3437, 22-3717, 26-505, 26-506, 26-507, 26-508, 38-2229, 38-2255, 38-2258, 38-2305, 38-2329, 38-2343, 38-2350, 38-2362, 38-2371, 38-2373, 38-2374, 38-2381, 59-2401a, 60-206, 60-216, 60-226, 60-233, 60-234, 60-237, 60-245, 60-253, 60-256, 60-303, 60-308, 60-736, 60-1007, 60-1505, 60-1607, 60-2102, 60-2409, 60-3503, 60-4107, 61-2707, 61-3703 and 77-503 and repealing the existing sections; also repealing K.S.A. 60-248a and 60-258b, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2668, An act concerning crimes, punishment and criminal procedure; recodification; amending K.S.A. 22-3427 and repealing the existing section; also repealing K.S.A. 21-3101, 21-3102, 21-3103, 21-3104, 21-3105, 21-3106, 21-3107, 21-3108, 21-3109, 21-3110a, 21-3111, 21-3112, 21-3201, 21-3202, 21-3203, 21-3204, 21-3205, 21-3206, 21-3207, 21-3208, 21-3209, 21-3210, 21-3211, 21-3212, 21-3213, 21-3214, 21-3215, 21-3216, 21-3217, 21-3218, 21-3219, 21-3301, 21-3302, 21-3303, 21-3401, 21-3402, 21-3403, 21-3404, 21-3405, 21-3406, 21-3408, 21-3409, 21-3410, 21-3411, 21-3412, 21-3413, 21-3414, 21-3415, 21-3416, 21-3418, 21-3420, 21-3421, 21-3422, 21-3422a, 21-3423, 21-3424, 21-3425, 21-3426, 21-3427, 21-3428, 21-3430, 21-3434, 21-3435, 21-3437, 21-3439, 21-3442, 21-3443, 21-3444, 21-3445, 21-3446, 21-3447, 21-3448, 21-3449, 21-3450, 21-3451, 21-3452, 21-3501, 21-3502, 21-3503, 21-3504, 21-3505, 21-3506, 21-3507, 21-3508, 21-3510, 21-3511, 21-

3512, 21-3513, 21-3515, 21-3516, 21-3517, 21-3518, 21-3520, 21-3521, 21-3522, 21-3601, 21-3602, 21-3603, 21-3604, 21-3604a, 21-3605, 21-3608, 21-3609, 21-3610b, 21-3612, 21-3701, 21-3703, 21-3704, 21-3707, 21-3709, 21-3710, 21-3711, 21-3712, 21-3713, 21-3715, 21-3716, 21-3719, 21-3720, 21-3721, 21-3722, 21-3724, 21-3725, 21-3726, 21-3727, 21-3728, 21-3729, 21-3730, 21-3731, 21-3734, 21-3738, 21-3739, 21-3742, 21-3743, 21-3744, 21-3748, 21-3749, 21-3750, 21-3751, 21-3755, 21-3756, 21-3757, 21-3758, 21-3759, 21-3760, 21-3761, 21-3762, 21-3763, 21-3764, 21-3765, 21-3766, 21-3801, 21-3802, 21-3805, 21-3807, 21-3808, 21-3809, 21-3810, 21-3812, 21-3813, 21-3814, 21-3815, 21-3816, 21-3817, 21-3818, 21-3819, 21-3820, 21-3821, 21-3822, 21-3823, 21-3824, 21-3825, 21-3827, 21-3828, 21-3829, 21-3830, 21-3831, 21-3832, 21-3833, 21-3834, 21-3835, 21-3836, 21-3837, 21-3838, 21-3839, 21-3840, 21-3841, 21-3842, 21-3844, 21-3845, 21-3846, 21-3847, 21-3848, 21-3849, 21-3850, 21-3851, 21-3852, 21-3853, 21-3854, 21-3855, 21-3856, 21-3901, 21-3902, 21-3903, 21-3904, 21-3905, 21-3910, 21-3911, 21-3912, 21-4001, 21-4002, 21-4003, 21-4004, 21-4005, 21-4006, 21-4018, 21-4019, 21-4101, 21-4102, 21-4103, 21-4104, 21-4105, 21-4106, 21-4106a, 21-4107, 21-4110, 21-4111, 21-4113, 21-4202, 21-4204a, 21-4206, 21-4207, 21-4208, 21-4209, 21-4209a, 21-4209b, 21-4210, 21-4211, 21-4212, 21-4213, 21-4216, 21-4219, 21-4220, 21-4221, 21-4222, 21-4223, 21-4224, 21-4225, 21-4227, 21-4228, 21-4229, 21-4230, 21-4231, 21-4232, 21-4301, 21-4301a, 21-4301b, 21-4301c, 21-4302, 21-4303, 21-4303a, 21-4304, 21-4305, 21-4306, 21-4307, 21-4308, 21-4309, 21-4311, 21-4312, 21-4313, 21-4314, 21-4317, 21-4318, 21-4401, 21-4402, 21-4403, 21-4404, 21-4405, 21-4406, 21-4407, 21-4408, 21-4409, 21-4410, 21-4501, 21-4501a, 21-4503, 21-4503a, 21-4504, 21-4601, 21-4602, 21-4603, 21-4603b, 21-4604, 21-4605, 21-4606, 21-4606a, 21-4606b, 21-4607, 21-4609, 21-4610, 21-4610a, 21-4612, 21-4613, 21-4614, 21-4614a, 21-4615, 21-4618, 21-4620, 21-4621, 21-4622, 21-4623, 21-4624, 21-4625, 21-4626, 21-4627, 21-4629, 21-4630, 21-4631, 21-4632, 21-4633, 21-4634, 21-4635, 21-4636, 21-4637, 21-4638, 21-4639, 21-4640, 21-4641, 21-4643, 21-4644, 21-4645, 21-4701, 21-4702, 21-4703, 21-4706, 21-4707, 21-4709, 21-4710, 21-4711, 21-4716, 21-4718, 21-4720, 21-4721, 21-4722, 21-4723, 21-4724, 21-4725, 21-4726, 21-4727, 21-4728 and 21-4801 and K.S.A. 2009 Supp. 21-3110, 21-3412a, 21-3419, 21-3419a, 21-3436, 21-3438, 21-3523, 21-3525, 21-3608a, 21-3610, 21-3610c, 21-3702, 21-3705, 21-3718, 21-3736, 21-3737, 21-3811, 21-3826, 21-3843, 21-4015a, 21-4201, 21-4203, 21-4204, 21-4205, 21-4217, 21-4218, 21-4226, 21-4310, 21-4315, 21-4316, 21-4319, 21-4502, 21-4603d, 21-4608, 21-4611, 21-4619, 21-4642, 21-4704, 21-4705, 21-4708, 21-4713, 21-4714, 21-4715, 21-4717, 21-4719 and 21-4729, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Schmidt D.

The bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Teichman introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1844—

A RESOLUTION congratulating and commending Kansas Insurance Commissioner Sandy Praeger, recipient of the American Medical Association's top government service award, the Dr. Nathan Davis Award.

WHEREAS, Kansas Insurance Commissioner Sandy Praeger was recently honored with the American Medical Association's Dr. Nathan Davis Award, which is the top government service award for an elected statewide official; and

WHEREAS, The award, named for the founding father of the AMA, recognizes elected and career officials in federal, state or municipal service whose outstanding contributions have promoted the art and science of medicine and the betterment of public health; and

WHEREAS, This is the second time that Commissioner Praeger has been given the award, also winning in 1999 when she was a member of the Kansas Senate; and

WHEREAS, This is currently Commissioner Praeger's second term as Kansas Insurance Commissioner. She also chairs the Health Insurance and Managed Care Committee and is a member of several other committees of the National Association of Insurance Commissioners (NAIC). In addition to her consumer advocacy, she serves as a health expert to the national media, such as MSNBC, CNN, Fox Business News, The New York Times, Washington Post, USA Today and the Wall Street Journal. Her past achievements include being the most immediate past President of the NAIC, serving one term in the Kansas House of Representatives and three terms in the Kansas Senate; and

WHEREAS, While working in the Kansas legislature, she worked to gain passage of patient protection laws, external review of health plans and insurance and the expansion of Kansas children's health insurance. In 2001, she led the successful campaign for mental health parity in Kansas. She has also been recognized for her leadership by the Kansas Association for the Medically Underserved on the issue of health care access, and The Center for Populations Options for legislation she sponsored to create teen pregnancy prevention programs; and

WHEREAS, Currently, Commissioner Praeger is responsible for regulating all insurance sold in Kansas and overseeing the nearly 1,700 insurance companies and 90,000 agents licensed to do business in the state. She is also an influential national voice for health care and insurance issues, especially those facing small businesses, and has testified before the U.S. Congress repeatedly concerning these issues; and

WHEREAS, Commissioner Praeger has worked diligently to ensure consumers have access to quality, affordable health care. Her passion for championing parity in the health care system has been made evident time and again: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Sandy Praeger for being the recipient of the American Medical Association's Dr. Nathan Davis Award and commend her for her tireless efforts as an advocate for the American people in the health care and insurance field and wish her continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send three enrolled copies of this resolution to Sandy Praeger at 420 SW 9th Street, Topeka, KS 66612.

On emergency motion of Senator Teichman **SR 1844** was adopted unanimously.

Senator Teichman introduced and congratulated Kansas Insurance Commissioner Sandy Praeger, recipient of the American Medical Association's top government service award, the Dr. Nathan Davis Award. The Senate recognized Commissioner Praeger and her staff with a standing ovation.

REPORT ON ENGROSSED BILLS

Sub SB 447 reported correctly engrossed March 17, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2551** be amended on page 1, in line 41, by striking "act" and inserting "section";

On page 2, in line 28, by striking "act" and inserting "section"; and the bill be passed as amended.

Also, **HB 2553** be amended on page 2, in line 14, by striking "NACIS" and inserting "NAICS"; and the bill be passed as amended.

HB 2554, as amended by House Committee, be amended on page 3, in line 32, before the period by inserting "; 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 that such approval also may be given while the legislature is in session"; and the bill be passed as amended.

Committee on **Judiciary** recommends **Substitute for HB 2509** be amended by substituting a new bill to be designated as "SENATE Substitute for Substitute for HOUSE BILL No. 2509," as follows:

“SENATE Substitute for Substitute for HOUSE BILL No. 2509

By Committee on Judiciary

“AN ACT creating a private cause of action for victims of child pornography.”; and the substitute bill be passed.

Also, **HB 2661** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2581, as amended by House Committee, be amended on page 2, in line 20, by striking “in-”; in line 21, by striking “centive” and inserting “initiative”; and the bill be passed as amended.

HB 2667, as amended by House Committee of the Whole, be amended on page 24, by striking all in lines 22 through 43;

By striking all of pages 25 through 31;

On page 32, by striking all in lines 1 through 19;

And by renumbering the remaining sections accordingly;

Also on page 32, in line 20, by striking “23-105.”; in line 21, by striking all before “23-201.”; also in line 21, by striking “60-1601.”;

In the title, in line 14, by striking “23-105, 23-106, 23-109.”; also in line 14, by striking “60-1601.”; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HCR 5012**, **HCR 5013** be adopted.

Also, **SCR 1623** be amended on page 1, in line 41, by striking “allowed to con-”; in line 42, by striking all before the colon and inserting “considered best management burn practices”;

On page 2, by striking all in lines 3 and 4; in line 5, by striking “Agency” and inserting “to require the United States Environmental Protection Agency to exclude air monitoring data from use in determinations of exceedances and National Ambient Air Quality Standards violations where the emissions are from prairie burning in the tallgrass prairie in the Flint Hills, a unique ecosystem of historic significance, and to treat the data as exceptional under 40 C.F.R. Section 50.14.”; in line 8, after the comma where it appears the second time by inserting “the United States Environmental Protection Agency Region 7 Administrator.”;

In the title, by striking all in lines 10 through 12 and inserting “to require the United States Environmental Protection Agency to exclude air monitoring data from use in determinations of exceedances and National Ambient Air Quality Standards violations where the emissions are from prairie burning in the tallgrass prairie in the Flint Hills, a unique ecosystem of historic significance, and to treat the data as exceptional under 40 C.F.R. Section 50.14.”; and the concurrent resolution be adopted as amended.

Committee on **Public Health and Welfare** recommends **HB 2448**, as amended by House Committee, be passed.

Committee on **Utilities** recommends **House Substitute for Substitute for SB 48** be amended by substituting a new bill to be designated as “SENATE Substitute for House Substitute for Substitute for SENATE BILL No. 48,” as follows:

“SENATE Substitute for House Substitute for

Substitute for SENATE BILL No. 48

By Committee on Utilities

“AN ACT concerning emergency communications service; relating to fees, charges, collection and distribution; amending K.S.A. 2009 Supp. 12-5338, 12-5361, 45-221 and 75-5133 and repealing the existing sections; also repealing K.S.A. 12-5301, 12-5303, 12-5304, 12-5305, 12-5306, 12-5307, 12-5308, 12-5309 and K.S.A. 2009 Supp. 12-5302, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360.”;

and the substitute bill be passed.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Bruce in the chair.

On motion of Senator Bruce the following report was adopted:

Recommended **HB 2588, HB 2589** be passed.

SB 506; HB 2412, HB 2454, HB 2566 be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2506** recommending a **Senate Sub for HB 2506** be adopted, and the substitute bill be passed.

HB 2605 be amended by adoption of the committee amendments, be further amended by motion of Senator D Schmidt on page 2, in line 23, after the comma by inserting "or a violation of a municipal ordinance prohibiting the acts prohibited by such statutes," and **HB 2605** be passed as further amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 506; HB 2412, HB 2454; S Sub for HB 2506; HB 2566, HB 2588, HB 2589, HB 2605** were advanced to Final Action and roll call.

SB 506, An act concerning the state board of mortuary arts, relating to crematory operations; licensure; fees; amending K.S.A. 65-1760, 65-1763, 65-1764, 65-1765, 65-1766 and 65-1768 and K.S.A. 2009 Supp. 65-1727 and 65-1762 and repealing the existing sections.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Pilcher-Cook, Pyle.

The bill passed, as amended.

HB 2412, An act concerning crimes, criminal procedure and punishment; relating to persons in the custody of the secretary of corrections; early release of the functionally incapacitated; early release of persons with terminal medical conditions; amending K.S.A. 22-3728 and repealing the existing section.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Colyer.

The bill passed, as amended.

HB 2454, An act concerning crimes, punishment and criminal procedure; relating to unlawful use of ballistic resistant material; amending K.S.A. 2009 Supp. 21-4704 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

S Sub for HB 2506, An act concerning crimes, criminal procedure and punishment; relating to the Kansas parole board; considerations of the parole board when determining eligibility; conditions of parole and postrelease supervision; discharge of an inmate by the parole board; amending K.S.A. 22-3722 and K.S.A. 2009 Supp. 22-3717 and repealing the existing sections.

On roll call, the vote was: Yeas 35, Nays 5, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Huelskamp, Pilcher-Cook, Pyle, Schmidt D.

The substitute bill passed.

HB 2566, An act concerning agriculture; amending K.S.A. 65-626, 65-635, 65-641, 65-653, 65-655, 65-656, 65-658, 65-665, 65-676, 65-679a, 65-683, 65-684, 65-685, 65-686 and 65-777 and K.S.A. 2009 Supp. 65-657, 65-771, 65-778 and 65-781 and repealing the existing sections.

On roll call, the vote was: Yeas 32, Nays 8, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Brownlee, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Barnett, Colyer, Donovan, Huelskamp, Lynn, Pilcher-Cook, Pyle, Wagle.

The bill passed, as amended.

HB 2588, An act concerning prepaid funerals; increasing the limitation on irrevocable funds; amending K.S.A. 16-303 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2589, An act concerning prearranged funeral agreements; requiring certain disclosures.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2605, An act concerning court fees; relating to fees for investigations conducted by the Kansas bureau of investigation and other forensic and scientific laboratories; fees for the Kansas bureau of investigation DNA database; amending K.S.A. 2009 Supp. 28-176 and 75-724 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, March 18, 2010.

Journal of the Senate

FORTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 18, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I would like to submit Don Cackler and Edna Buttler for your blessing today....

Don is always present
To keep us safe and sound;
He's the one in uniform,
And he's constantly around.

Each morning we can find him
Explaining to our pages
How to deliver messages
Regardless of their ages.

Normally he's silent, Lord,
But if emergency should occur,
He will move so fast
He'll only be a blur.

Edna Buttler now and then
Comes in to lend a hand.
She also wears a uniform
And helps out when she can.

Take care of both of them, O God
We're grateful they are here.
Their very presence helps
To alleviate our fear.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Assessment and Taxation: **HB 2463, HB 2519, HB 2520; Sub HB 2521; HB 2621; Sub HB 2689.**

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2729; HCR 5034.**

Announcing passage of **SB 437, SB 441, SB 544.**

Also, passage of **SB 369**, as amended, **SB 386**, as amended, **SB 439**, as amended, **SB 458**, as amended by **House Substitute for SB 458**.

The House nonconcur in Senate amendments to **HB 2435**, requests a conference and has appointed Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2608**, requests a conference and has appointed Representatives A. Brown, Proehl and Grant as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2652**, requests a conference and has appointed Representatives C. Holmes, Knox and Kuether as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2729; HCR 5034 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2435**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2608**.

The President appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

On motion of Senator Apple, the Senate acceded to the request of the House for a conference on **HB 2652**.

The President appointed Senators Apple, Petersen and Faust-Goudeau as conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2476**, 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 as SENATE Substitute for HOUSE Bill No. 2476, as follows:

- On page 4, in line 14, by striking "\$20" and inserting "\$17.50";
- On page 6, in line 32, by striking "\$20" and inserting "\$17.50";
- On page 9, in line 4, by striking "\$50" and inserting "\$15";
- On page 13, in line 22, by striking "\$50" and inserting "\$15";
- On page 15, in line 32, by striking "\$41" and inserting "\$21";
- On page 16, in line 43, by striking "\$20" and inserting "\$17.50";
- On page 18, in line 40, by striking "\$20" and inserting "\$17.50";
- On page 19, in line 8, by striking "\$50" and inserting "\$21";
- On page 20, in line 23, by striking "\$20" and inserting "\$17.50";
- On page 22, in line 11, by striking "\$50" and inserting "\$15";
- On page 24, in line 9, by striking "\$20" and inserting "\$17.50";
- On page 26, in line 3, by striking "\$20" and inserting "\$17.50"; in line 43, by striking "\$20" and inserting "\$17.50";
- On page 27, in line 13, by striking "\$20" and inserting "\$17.50";
- On page 29, in line 6, by striking "\$20" and inserting "\$17.50";
- On page 30, in line 35, by striking "\$10" and inserting "\$15";

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

THOMAS C. OWENS
JULIA LYNN
DAVID HALEY

Conferees on part of Senate

LANCE KINZER
 JEFF WHITHAM
 JANICE L. PAULS

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **S Sub for HB 2476**.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Pilcher-Cook, Pyle.

The Conference Committee report was adopted.

FINAL ACTION ON CONSENT CALENDAR

HB 2503, HB 2557, HB 2604 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2503, An act concerning the department of corrections; relating to the inspection of department of corrections entities and facilities; amending K.S.A. 75-5251 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2557, An act concerning the inheritance tax; applicability of provisions; limitations thereon; repealing references to the inheritance tax; amending K.S.A. 12-195, 12-8,101, 12-1746, 12-3418, 12-5248, 13-3114, 17-49a07, 19-2129, 19-4622, 32-882, 40-441, 59-212, 59-1410, 59-1413, 59-2249, 59-2251, 59-2286, 59-3204, 59-3302, 65-163q, 68-2309, 74-8908, 76-6a22, 76-823, 79-3122, 79-3425g, 80-2531 and 82a-1365 and K.S.A. 2009 Supp. 12-195b, 12-1774, 12-17,149, 12-17,169, 28-115, 59-2287, 74-2426, 76-783 and 82a-2209 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2604, An act concerning crimes, criminal procedure and punishment; relating to sentencing upon the conviction of a crime; relating to work release programs; amending K.S.A. 2009 Supp. 21-4603d and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1845—

A RESOLUTION honoring Sonny Weinhardt for his 56 years officiating Kansas State High School athletics.

WHEREAS, Sonny Weinhardt of Grinnell recently retired after 56 years of officiating Kansas State High School athletics; and

WHEREAS, Mr. Weinhardt officiated many different sports, including basketball, football and volleyball, beginning his career right out of high school at age 17; and

WHEREAS, In his career, Mr. Weinhardt officiated at least four generations of high school athletics; and

WHEREAS, Mr. Weinhardt was beloved by the coaches, fans and student athletes, with whom he always had a wonderful rapport; and

WHEREAS, Mr. Weinhardt built a reputation of having good judgment as an official, as well as being known for his style of making calls, which some considered his signature dance; and

WHEREAS, During his career, Mr. Weinhardt officiated the only boys grand state basketball tournament that took place in the 1975-76 season; and

WHEREAS, Mr. Weinhardt was also committed to service, working as a Special Olympics basketball official for more than 20 years; and

WHEREAS, Mr. Weinhardt has the unique distinction of being the longest serving high school athletics official in state history and possibly the nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we proudly recognize and commend Sonny Weinhardt for his years of officiating Kansas State High School athletics, honor his outstanding record of community service and extend our best wishes for happiness in his retirement; and

Be it further resolved: That the Secretary of the Senate be directed to send one enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1845** was adopted unanimously.

Senator Ostmeyer introduced and congratulated Sonny Weinhardt of Grinnell, Kansas upon his retirement after 56 years of officiating Kansas State High School athletics. His wife Joan, Ann Weinhardt, Chuck Weinhardt, Henry Weinhardt, Mark Weinhardt, Terry Ostmeyer and Gary Musselman were also introduced.

Senator McGinn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1846—

A RESOLUTION congratulating and commending Tiffany Nickel for being named Ms. Wheelchair Kansas 2010.

WHEREAS, Tiffany Nickel of Bel Aire was crowned Ms. Wheelchair Kansas on Sunday, March 14, 2010 at the culmination of the three-day event in Topeka. As Ms. Wheelchair Kansas, Tiffany Nickel will serve as a role model and spokesperson for people with disabilities by appearing at public events and meetings throughout the state; and

WHEREAS, Tiffany received a Bachelor of Science degree in Education from Emporia State University in 1995, and is an inter-related intermediate special education teacher in Wichita Public Schools, where she has taught for the past 10 years. She is also the Executive Director of the Kansas Disability Coalition, Inc. and is involved with many additional volunteer activities and is the President of Wheelchair Sports, Inc.; and

WHEREAS, The contest seeks to empower participants through enhanced self-awareness and confidence, to educate the public and to advocate for people with disabilities; and

WHEREAS, Tiffany will advance to the national Ms. Wheelchair America program to be held in August in Grand Rapids, Michigan. The Ms. Wheelchair America program was created in 1972, and this is the seventh year that Kansas will be represented at the national competition; and

WHEREAS, Tiffany has shown incredible determination in her life, proving to others that people with disabilities have tremendous abilities. She believes that, “anything is pos-

sible as long as you have a support system, as well as a great set of tires and a charged battery”: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Tiffany Nickel for being named Ms. Wheelchair Kansas 2010 and exhibiting all the strength and character that serve to make her a wonderful role model, not only for people with disabilities and those who are wheelchair mobile, but to all Kansans. The members of the Kansas Senate are happy to share in the pride of her family and friends and extend our best wishes for her continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to give one enrolled copy of this resolution to Tiffany Nickel, and one enrolled copy to be presented to the Ms. Wheelchair Kansas organization.

On emergency motion of Senator McGinn **SR 1846** was adopted unanimously.

Senator McGinn congratulated and commended Tiffany Nickel, Bel Aire, Kansas, for being named Ms. Wheelchair Kansas 2010. Tiffany’s parents, Roger and Val Nickel, and Carrie Greenwood, a former Ms. Wheelchair Kansas recipient, were also introduced.

REPORT ON ENGROSSED BILLS

SB 326, SB 506 reported correctly engrossed March 18, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2595** be amended by adoption of the amendments recommended by Committee on Education on March 8, 2010, as reported on page 1144 of the Journal of the Senate and the bill, as printed with amendments by Senate Committee be passed as amended.

Also, **HB 2704**, as amended by House Committee of the Whole, be amended on page 2, in line 21, after “one” by inserting “or more”; in line 22, by striking all after “trict”; by striking all in line 23; in line 24, by striking all before the period and inserting “so long as any such agreement provides for a consolidation which results in a fewer number of districts than the number of districts entering the agreement”; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 443** be passed.

Committee on **Federal and State Affairs** recommends **SB 578** be passed.

Committee on **Financial Institutions and Insurance** recommends **HB 2473** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **Substitute for HB 2345**, as amended by House Committee of the Whole, be amended on page 3, after line 11, by inserting the following:

“New Sec. 2. (a) For insurance policies issued or renewed on or after July 1, 2010, a property insurer shall transmit claims payments directly to the primary policyholder by check or other allowable payment method, payable to the primary policyholder only, without requiring dual endorsement from any mortgageholder or lienholder for amounts payable under the insurance policy for personal property and contents, additional living expenses and other covered items that are not subject to a recorded security interest.

(b) This section shall be a part of and supplemental to the insurance code of the state of Kansas.

Sec. 3. K.S.A. 2009 Supp. 50-626 is hereby amended to read as follows: 50-626. (a) No supplier shall engage in any deceptive act or practice in connection with a consumer transaction.

(b) Deceptive acts and practices include, but are not limited to, the following, each of which is hereby declared to be a violation of this act, whether or not any consumer has in fact been misled:

(1) Representations made knowingly or with reason to know that:

(A) Property or services have sponsorship, approval, accessories, characteristics, ingredients, uses, benefits or quantities that they do not have;

(B) the supplier has a sponsorship, approval, status, affiliation or connection that the supplier does not have;

(C) property is original or new, if such property has been deteriorated, altered, reconditioned, repossessed or is second-hand or otherwise used to an extent that is materially different from the representation;

(D) property or services are of particular standard, quality, grade, style or model, if they are of another which differs materially from the representation;

(E) the consumer will receive a rebate, discount or other benefit as an inducement for entering into a consumer transaction in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer transactions, if receipt of benefit is contingent on an event occurring after the consumer enters into the transaction;

(F) property or services has uses, benefits or characteristics unless the supplier relied upon and possesses a reasonable basis for making such representation; or

(G) use, benefit or characteristic of property or services has been proven or otherwise substantiated unless the supplier relied upon and possesses the type and amount of proof or substantiation represented to exist;

(2) the willful use, in any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact;

(3) the willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact;

(4) disparaging the property, services or business of another by making, knowingly or with reason to know, false or misleading representations of material facts;

(5) offering property or services without intent to sell them;

(6) offering property or services without intent to supply reasonable, expectable public demand, unless the offer discloses the limitation;

(7) making false or misleading representations, knowingly or with reason to know, of fact concerning the reason for, existence of or amounts of price reductions, or the price in comparison to prices of competitors or one's own price at a past or future time;

(8) falsely stating, knowingly or with reason to know, that a consumer transaction involves consumer rights, remedies or obligations;

(9) falsely stating, knowingly or with reason to know, that services, replacements or repairs are needed;

(10) falsely stating, knowingly or with reason to know, the reasons for offering or supplying property or services at sale or discount prices;

(11) sending or delivering a solicitation for goods or services which could reasonably be interpreted or construed as a bill, invoice or statement of account due, unless:

(A) Such solicitation contains the following notice, on its face, in conspicuous and legible type in contrast by typography, layout or color with other printing on its face:

“THIS IS A SOLICITATION FOR THE PURCHASE OF GOODS OR SERVICES AND NOT A BILL, INVOICE OR STATEMENT OF ACCOUNT DUE. YOU ARE UNDER NO OBLIGATION TO MAKE ANY PAYMENTS UNLESS YOU ACCEPT THIS OFFER”;

(B) such solicitation, if made by any classified telephone directory service not affiliated with a local telephone service in the area of service, contains the following notice, on its face, in a prominent and conspicuous manner:

“_____ IS NOT AFFILIATED WITH

(name of telephone directory service)

ANY LOCAL TELEPHONE COMPANY”;

(12) using, in any printed advertisement, an assumed or fictitious name for the conduct of such person's business that includes the name of any municipality, community or region or other description of the municipality, community or region in this state in such a manner as to suggest that such person's business is located in such municipality, community or region unless: (A) Such person's business is, in fact, located in such municipality, community or region; or (B) such person includes in any such printed advertisement the complete street and city address of the location from which such person's business is actually conducted. If located outside of Kansas, the state in which such person's business is located also shall be included. The provisions of this subsection shall not apply to the use of any trademark or service mark registered under the laws of this state or under federal law; any such name

that, when applied to the goods or services of such person's business, is merely descriptive of them; or any such name that is merely a surname. Nothing in this subsection shall be construed to impose any liability on any publisher when such publisher had no knowledge the business was not, in fact, located in such municipality, community or region; ~~and~~

(13) (A) making an oral solicitation for products or services based on a mortgage trigger lead unless the solicitation clearly and conspicuously states in the initial phase of the solicitation that the solicitor is not affiliated with the lender or broker with which the consumer initially applied and that the solicitation is based on personal information about the consumer that was purchased, directly or indirectly, from a consumer reporting agency without the knowledge or permission of the lender or broker with which the consumer initially applied;

(B) making a written solicitation for products or services based on a mortgage trigger lead unless the solicitation clearly and conspicuously states on the first page of the solicitation that the solicitor is not affiliated with the lender or broker with which the consumer initially applied and that the solicitation is based on personal information about the consumer that was purchased, directly or indirectly, from a consumer reporting agency without the knowledge or permission of the lender or broker with which the consumer initially applied. Clear and conspicuous shall include legible type in contrast by typography, layout or color with other printing on the first page of the correspondence; and

(C) any solicitor under clause (A) or (B) shall be in compliance with the provisions of the Kansas mortgage business act, unless otherwise exempted from such act, and any other law or regulation; and

(14) failing to release funds representing an insurance settlement payment for damage to real property subject to a mortgage by the mortgage holder to the mortgagor within 30 days after receiving written proof that the damaged property is replaced or otherwise repaired to the satisfaction of the mortgagor and the mortgage holder. Any person who submits false information regarding the condition of the property shall be liable in damages to the mortgage holder or the mortgage holder's assignee for the amount of the funds together with interest thereon, attorney fees, and any additional damages that the mortgage holder or the mortgage holder's assignee has incurred.;

And by renumbering the remaining sections accordingly;

On page 3, in line 12, by striking "is" and inserting "and 50-626 are";

In the title, in line 10, after the semicolon where it appears the second time by inserting "relating to insurance payments for certain property claims;"; in line 11, after "40-401" by inserting "and 50-626"; in line 12, by striking "section" and inserting "sections"; and the substitute bill be passed as amended.

Committee on **Judiciary** recommends **Substitute for HB 2517** be amended on page 1, in line 18, by striking "If" and inserting the following:

"(1) Except as provided further, if"; after line 22, by inserting the following:

"(2) The court shall not place a domestic violence designation on the criminal case and the defendant shall not be subject to the provisions of subsection (p) of K.S.A. 21-4603d, and amendments thereto, only if the court finds on the record that:

(A) The defendant has not previously committed a domestic violence offense or participated in a diversion upon a complaint alleging a domestic violence offense; and

(B) the domestic violence offense was not used to coerce, control, punish, intimidate or take revenge against a person with whom the offender is involved or has been involved in a dating relationship or against a family or household member.";

On page 3, in line 11, by striking "siblings,."; in line 12, after "and" where it appears the second time by inserting "persons"; in line 19, by striking "a vio-"; by striking all in lines 20 through 22; in line 23, by striking all before the period;

On page 5, after line 17, by inserting the following:

"Sec. 6. K.S.A. 2009 Supp. 21-3412a is hereby amended to read as follows: 21-3412a. (a) Domestic battery is:

(1) Intentionally or recklessly causing bodily harm by a family or household member against a family or household member; or

(2) intentionally causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner.

(b) (1) Upon a first conviction of a violation of domestic battery, a person shall be guilty of a class B person misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than \$200, nor more than \$500 or in the court's discretion the court may enter an order which requires the person enroll in and successfully complete a domestic violence prevention program.

(2) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of domestic battery a second time, such person shall be guilty of a class A person misdemeanor and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for domestic violence prevention.

(3) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of domestic battery a third or subsequent time, such person shall be guilty of a person felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$7,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The court shall require as a condition of parole that such person enter into and complete a treatment program for domestic violence. If the person does not enter into and complete a treatment program for domestic violence, the person shall serve not less than 180 days nor more than one year's imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program.

(c) As used in this section:

(1) Family or household member means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(2) for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(A) "Conviction" includes being convicted of a violation of this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(B) "conviction" includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(C) only convictions occurring in the immediately preceding five years including prior to the effective date of this act shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and

(D) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(E) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section or an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits only twice during any ~~three-year~~ *five-year* period.”;

And by renumbering the remaining sections accordingly;

On page 13, in line 11, after "offense" by inserting "if such person's actions were not an act of defense of a person or property as provided in K.S.A. 21-3211, 21-3212, 21-3213, 21-3218 or 21-3219, and amendments thereto"; in line 24, by striking "or" and inserting a comma; also in line 24, after "21-3213," by inserting "21-3218 or 21-3219,";

On page 16, in line 31, by striking "or-"; in line 32, by striking "dered by the court" and inserting "agreed to with the prosecutor in the diversion agreement"; in line 33, by striking "ordered by the court" and inserting "agreed to with the prosecutor in the diversion agreement";

On page 18, in line 41, after "21-3110," and inserting "21-3412a,";

In the title, in line 11, after "21-3110," by inserting "21-3412a,"; and the substitute bill be passed as amended.

Committee on **Natural Resources** recommends **SR 1809** be amended on page 1, in line 18, by striking "and regulations should";

On page 2, in line 4, before "and" by inserting "the Administrator of the United States Environmental Protection Agency Region 7, and the Administrator of the United States Environmental Protection Agency, and the Attorney General of the state of Kansas"; and the resolution be adopted as amended.

Committee on **Transportation** recommends **HB 2678** be passed.

Committee on **Ways and Means** recommends **SB 575, SB 581; HB 2544**, as amended by House Committee; **HB 2691** be passed.

Also, **SB 570** be amended on page 1, in line 36, before "the" where it appears the first time by inserting "or cause to be inspected";

On page 2, in line 27, before "every" by inserting "or cause to be inspected"; and the bill be passed as amended.

SB 571 be amended on page 5, in line 41, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

SB 574 be amended on page 2, in line 10, by striking "water plan" and inserting "general"; in line 14, by striking "water plan" and inserting "general"; in line 18, by striking "water plan" and inserting "general"; in line 22, by striking "water plan" and inserting "general"; in line 26, by striking "water plan" and inserting "general"; in line 30, by striking "water plan" and inserting "general"; and the bill be passed as amended.

SB 580 be amended on page 2, after line 7, by inserting the following:

"Sec. 2. K.S.A. 2009 Supp. 46-1121 is hereby amended to read as follows: 46-1121. (a) Each state agency awarded a federal grant or other federal financial assistance which is subject to a financial-compliance audit as a condition of such grant or assistance shall notify the post auditor immediately of the award of such grant or assistance. Based on the amount and nature of federal money received by the state agency, the post auditor shall compute annually the amount of federal money reasonably anticipated to be required to provide audit coverage in accordance with federal requirements. The amounts determined for such audits shall be reviewed and approved by the contract audit committee. Upon such approval, the state agency, in accordance with K.S.A. 46-1118, and amendments thereto, shall reimburse the division of post audit for the amount approved by the contract audit committee.

(b) The post auditor shall compute the amount of money reasonably anticipated to be required to provide an audit of any state agency subject to a financial-compliance audit as required pursuant to any statute other than K.S.A. 46-1106 through 46-1117, and amendments thereto, or K.S.A. 74-4907, and amendments thereto. The amounts determined for such audits shall be reviewed and approved by the contract audit committee. Upon such approval, the state agency, in accordance with K.S.A. 46-1118, and amendments thereto, shall reimburse the division of post audit for the amount approved by the contract audit committee.

(c) The post auditor shall remit all moneys received under this section 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 audit services fund.

(d) In addition to expenditures which may be made from the audit services fund under K.S.A. 46-1118, and amendments thereto, expenditures shall be made from such fund, and

from other available appropriations, to pay for the cost of financial-compliance audits performed to comply with federal government audit requirements.”;

And by renumbering the remaining sections accordingly;

On page 3, in line 28, after “46-1118,” by inserting “46-1121.”;

In the title, in line 10, after “46-1118” by inserting “, 46-1121”; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2582** be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2582,” as follows:

“SENATE Substitute for HOUSE BILL No. 2582

By Committee on Utilities

“AN ACT concerning 911 services; relating to fees, charges, collection and distribution; amending K.S.A. 2009 Supp. 12-5338, 12-5361, 45-221 and 75-5133 and repealing the existing sections; also repealing K.S.A. 12-5301, 12-5303, 12-5304, 12-5305, 12-5306, 12-5307, 12-5308, 12-5309 and K.S.A. 2009 Supp. 12-5302, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360.”;

and the substitute bill be passed.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

Recommended **SB 568**; **HB 2448**, **HB 2577** be passed.

SB 167; **HB 2486**; **Sub HB 2528**; **HB 2553**, **HB 2581** be amended by adoption of the committee amendments, and the bills be passed as amended.

SCR 1623 be amended by adoption of the committee amendments, and the resolution be adopted as amended.

HCR 5012 be adopted.

HCR 5013 be adopted.

SB 385 be amended by adoption of the committee amendments, be further amended by motion of Senator Vratil on page 2, in line 28, after “construction” by inserting “, reconstruction or renovation”; in line 33, after “construction” by inserting “, reconstruction or renovation”; in line 37, after “construction” by inserting “, reconstruction or renovation”; in line 41, after “construction” by inserting “, reconstruction or renovation”; in line 43, after “construction” by inserting “, reconstruction or renovation”;

On page 3, in line 13, by striking all after “construction”; in line 14, by striking “building” and inserting “, reconstruction or renovation of a building or structure”; in line 20, by striking “buildings” and inserting “building or structure” and **SB 385** be passed as further amended.

HB 2472 be amended by adoption of the committee amendments, be further amended by motion of Senator Petersen on page 1, in line 17, by striking “23” and inserting “22”;

On page 17, after line 2, by inserting the following:

“New Sec. 25. As used in this act:

(a) “Municipality” means any city or county.

(b) “Residential structure” means any improvement to real property to be used or occupied as a single-family dwelling or multi-family dwelling of two attached living units or less or any manufactured home.

New Sec. 26. On and after July 1, 2010, no municipality shall adopt or enforce any ordinance, order, code, standard or rule requiring the installation of a multi-purpose residential fire protection sprinkler system or any other fire sprinkler protection system in any residential structure. Nothing in this section shall prohibit any person from voluntarily installing a multi-purpose residential fire protection sprinkler system or any other fire sprinkler protection system in a residential structure.”;

And by renumbering the remaining sections accordingly;

In the title, in line 12, by striking all after “ACT”; in line 13, by striking “rights act” and inserting “concerning housing” and **HB 2472** be passed as further amended.

Senator Kultala withdrew an amendment on **HB 2472**.

S Sub for HB 2160 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Wagle on page 4, after line 42, by inserting the following:

“New Sec. 3 (a) Any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization, municipal group-funded pool and the state employee health care benefits plan which provides coverage for prescription drugs and which is delivered, issued for delivery, amended or renewed on and after July 1, 2011, shall provide coverage for a prescribed, orally administered anticancer medication used to kill or slow the growth of cancerous cells on a basis no less favorable than intravenously administered or injected cancer medications that are covered as medical benefits.

(b) Any policy, provision, contract, plan or agreement under this section may apply the same deductibles, coinsurance and other limitations as apply to other covered services.

(c) (1) From and after the effective date of this act, the provisions of this section shall apply to the state employees health care benefits program.

(2) Pursuant to the provisions of K.S.A. 40-2249a, and amendments thereto, on or before March 1, 2011, the state health care benefits commission shall submit to the president of the senate and to the speaker of the house of representatives, a report indicating the impact the provisions of this section has had on the state health care benefits program, including data on the utilization and costs of such coverage. Such report shall also include a recommendation whether such coverage should continue for the state health care benefits program or whether additional utilization and cost data is required.

Sec. 4. K.S.A. 2009 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, inclusive, 40-2250, K.S.A. 2009 Supp. 40-2,105a ~~and~~, 40-2,105b *and section 3*, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.

Sec. 5. K.S.A. 2009 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 to 74, inclusive, of chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2009 Supp. 40-2,105a ~~and~~, 40-2,105b *and section 3*, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

Also on page 4, in line 43, by striking “75-6501 is” and inserting “40-2,103, 40-19c09 and 75-6501 are”;

In the title, in line 10, after the semicolon by inserting “providing reimbursement for orally administered anticancer medications;”; also in line 10, after “Supp.” by inserting “40-

2,103, 40-19c09 and”; in line 11, by striking “section” and inserting “sections” and **S Sub for HB 2160** be passed as amended.

HB 2551 be passed over and retain a place on the calendar.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 167, SB 385, SB 568; SCR 1623; S Sub for HB 2160; HB 2448, HB 2472, HB 2486; Sub HB 2528; HB 2553, HB 2577, HB 2581; HCR 5012, HCR 5013** were advanced to Final Action and roll call.

SB 167, An act concerning public health; relating to hospitals and related facilities; increasing the enforceable limit of a hospital lien; amending K.S.A. 65-406 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Hensley, Holland.

The bill passed, as amended.

SB 385, An act concerning fire safety and fire prevention; relating to school buildings; amending K.S.A. 2009 Supp. 31-150 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 568, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; death and disability benefits, employer contributions; amending K.S.A. 2009 Supp. 74-4927 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SCR 1623, A concurrent resolution urging the United States Congress to require the United States Environmental Protection Agency to exclude air monitoring data from use in determinations of exceedances and National Ambient Air Quality Standards violations where the emissions are from prairie burning in the tallgrass prairie in the Flint Hills, a unique ecosystem of historic significance, and to treat the data as exceptional under 40 C.F.R. Section 50.14.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The resolution was adopted, as amended.

S Sub for HB 2160, An act concerning insurance; providing coverage for autism spectrum disorder; providing reimbursement for orally administered anticancer medications; amending K.S.A. 2009 Supp. 40-2,103, 40-19c09 and 75-6501 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

HB 2448, An act concerning the pharmacy act of the state of Kansas; administration of vaccine; amending K.S.A. 2009 Supp. 65-1635a and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2472, An act concerning housing; amending K.S.A. 58-3119 and 58-3120 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 58-3830.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2486, An act regulating traffic; concerning school buses; amending K.S.A. 8-2009a and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub HB 2528, An act concerning crimes, criminal procedure and punishment; relating to appearance bonds; amending K.S.A. 22-2807 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

HB 2553, An act concerning the department of commerce; relating to the Kansas enterprise zone act; amending K.S.A. 2009 Supp. 74-50,114, 74-50,131 and 79-201a and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2577, An act enacting the addictions counselor licensure act; amending K.S.A. 74-7501 and K.S.A. 2009 Supp. 74-7507 and repealing the existing section; also repealing K.S.A. 65-6601, 65-6602, 65-6603, 65-6604, 65-6605 and 65-6606.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2581, An act concerning criminal procedure; relating to the correctional supervision fee; amending K.S.A. 21-4610a and K.S.A. 2009 Supp. 20-367 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HCR 5012, A concurrent resolution memorializing the State of Kansas' desire for the United States Army Corps of Engineers to undertake a study of the Missouri River Basin under the auspices of the Flood Control Act of 1944, 33 C.F.R. 701 et seq., commonly known as the Pick Sloan Act, in order to provide the best information and service to all states in the Missouri River Basin, which includes major Missouri River tributaries in the State of Kansas.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The resolution was adopted.

HCR 5013, A concurrent resolution memorializing that the appointed United States Assistant Secretary of the Army for Civil Works should form a relationship with and continue to partner with the State of Kansas in order to protect, preserve and extend the productive lives of reservoirs in Kansas.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The resolution was adopted.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, March 19, 2010.

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 19, 2010—8:00 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-four senators present.
Senators Barnett, Brungardt, Colyer, Haley, Huelskamp and Taddiken were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I've observed that there are people
Who show me some respect,
While others whom I treat the same
Have a tendency to reject.

I've wondered if other people
Have this experience, too;
Wondering why some folks listen,
While other folks ignore you.

I try to treat folks equally,
And treat them with respect,
But why do some respond so well
And others won't connect?

Then I thought of something
That Jesus said in Your book;
So I opened up my Bible
And took another look.

In His Sermon on the Mount He told us that we should rejoice and be glad
when people insult us because of Him, because we have a reward in Heaven like
the prophets who were also insulted.

Well, I haven't rejoiced as much as I should,
But You helped me to understand
That Your Son was despised and rejected,
And He was a perfect man.

I thank You in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were referred to Committees as indicated:

Public Health and Welfare: **HCR 5034**.

Utilities: **HB 2729**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 369** and requested a conference committee be appointed.

The Vice President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 386** and requested a conference committee be appointed.

The Vice President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Donovan the Senate nonconcurred in the House amendments to **SB 430** and requested a conference committee be appointed.

The Vice President appointed Senators Donovan, D. Schmidt and Holland as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 439** and requested a conference committee be appointed.

The Vice President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **H Sub for SB 458** and requested a conference committee be appointed.

The Vice President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **Substitute for HB 2538** be amended by substituting a new bill to be designated as "SENATE Substitute for Substitute for HOUSE BILL No. 2538," as follows:

"SENATE Substitute for Substitute for HOUSE BILL No. 2538

By Committee on Commerce

"AN ACT concerning economic development; pertaining to the promoting employment across Kansas act; pertaining to qualifications for benefits under such act; duties of secretary of revenue; reporting requirements; amending K.S.A. 2009 Supp. 74-50,103, 74-50,108, 74-50,210, 74-50,211, 74-50,212, 74-50,213, 74-50,214, 74-8010, 79-32,153 and 79-32,160a and repealing the existing sections.";

and the substitute bill be passed.

Committee on **Ethics and Elections** recommends **HB 2079** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2079," as follows:

"SENATE Substitute for HOUSE BILL No. 2079

By Committee on Ethics and Elections

"AN ACT concerning the campaign finance act; pertaining to coverage for certain retention elections; amending K.S.A. 25-4153 and K.S.A. 2009 Supp. 25-4143 and repealing the existing sections.";

and the substitute bill be passed.

Also, **SB 542** be amended on page 1, by striking all in lines 18 through 43;

By striking all of pages 2 through 10;

On page 11, by striking all in lines 1 through 25;

And by renumbering the remaining sections accordingly;

Also on page 11, in line 32, by striking "first Tuesday"; in line 33, by striking "in August" and inserting "second Tuesday in September"; by striking all in lines 38 through 43;

By striking all of pages 12 through 14;

On page 15, by striking all in lines 1 through 12;

And by renumbering the remaining sections accordingly;

Also on page 15, in line 20, by striking "first Tuesday in August" and inserting "second Tuesday in September"; by striking all in lines 24 through 43;

By striking all of page 16;

On page 17, by striking all in lines 1 through 21;

And by renumbering the remaining sections accordingly;

Also on page 17, in line 28, by striking “first Tuesday”; in line 29, by striking “in August” and inserting “second Tuesday in September”; by striking all in lines 34 through 43;

By striking all of pages 18 and 19;

On page 20, by striking all in lines 1 through 12;

And by renumbering the remaining sections accordingly;

Also on page 20, in line 19, by striking “first Tuesday”; in line 20, by striking “in August” and inserting “second Tuesday in September”; by striking all in lines 25 through 43;

By striking all of page 21;

On page 22, by striking all in lines 1 through 37;

And by renumbering the remaining sections accordingly;

Also on page 22, in line 38, by striking all after “K.S.A.”; by striking all in lines 39 through 41; in line 42, by striking all before “are” and inserting “25-1115, 25-2006, 25-2102 and 25-2502”;

In the title, in line 10, by striking all after “K.S.A.”; by striking all in lines 11 through 13; in line 14, by striking all before “and” where it appears for the last time and inserting “25-1115, 25-2006, 25-2102 and 25-2502”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2585** be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2585,” as follows:

“SENATE Substitute for HOUSE BILL No. 2585

By Committee on Judiciary

“AN ACT concerning journalists; providing a privilege with regard to certain disclosures of information.”;

and the substitute bill be passed.

Also, **SB 488**, as amended by Senate Committee of the Whole, be amended on page 1, by striking all in lines 19 through 43;

On page 2, by striking all in lines 1 through 10; also on page 2, by striking all in lines 39 through 43;

By striking all on page 3 and 4;

On page 5, by striking all in lines 1 through 7 and inserting the following:

“Sec. 2. K.S.A. 65-2402 is hereby repealed.”;

And by renumbering the sections accordingly;

In the title, in line 14, by striking “office of vital statistics” and inserting “powers and duties; fingerprinting and criminal history records checks for certain new employees”; in line 15, by striking “65-177 and”; also in line 15, by striking “and K.S.A. 2009 Supp.”; in line 16, by striking “65-2422d”; also in line 16, by striking “sections” and inserting “section”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 572** be amended on page 1, in line 38, by striking “and” and inserting a comma; in line 39, before the semicolon by inserting “, the president of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives”;

On page 2, in line 32, by striking “supreme court law”; in line 33, by striking “library and in the”; also in line 33, by striking “state law”; in line 34, by striking “librarian and the”; also in line 34, by striking “, respectively, shall request” and inserting “requests”; in line 35, by striking “law library and the”; also in line 35, by striking the comma and inserting “and”; in line 37, by striking “and for the purpose of making exchanges with the”; in line 38, by striking “various states and territories.”;

On page 3, in line 1, after the period by inserting “Upon request of such legislator, the set shall have such legislator’s name printed thereon.”; in line 4, after “statutes” by inserting “, the number of copies necessary to conduct the official business of such office.”; in line 5, after “department” by inserting “, the number of copies necessary to conduct the official business of such department.”; in line 6, after “audit” by inserting “, the number of copies necessary to conduct the official business of such division.”; in line 7, after the semicolon by inserting “and”; also in line 7, after “services” by inserting “, the number of copies necessary to conduct the official business of such division.”; in line 8, by striking “, and (E) to the”; by striking all in line 9; in line 10, by striking “court shall request”; in line 11, by striking all after “distribute”; by striking all in line 12; in line 13, by striking all before “one”;

in line 14, by striking all after “general”; by striking all in lines 15 through 34; in line 35, by striking all before the period;

On page 4, in line 28, by striking “all” and inserting “the”; also in line 28, by striking “, county officers and other” and inserting a comma; in line 29, by striking “and officers the same number of sets and” and inserting “, divisions and offices”; and the bill be passed as amended.

On motion of Senator D. Schmidt, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Morris in the chair.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2039** be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2039,” as follows:

“SENATE Substitute for HOUSE BILL No. 2039

By Committee on Judiciary

“AN ACT concerning small claims; amending K.S.A. 61-2714 and K.S.A. 2009 Supp. 61-2704 and 61-2707 and repealing the existing sections.”;

and the substitute bill be passed.

Committee on **Transportation** recommends **SB 577** be amended on page 6, in line 4, by striking “2012” and inserting “2013”;

On page 11, in line 7, by striking “2012” and inserting “2013”; and the bill be passed as amended.

Also, **HB 2561**, as amended by House Committee, be amended on page 1, in line 17, preceding the period, by inserting “in Johnson county”; following line 29, by inserting the following:

“(e) Annually, prior to the 10th day of each regular session of the legislature, the secretary of transportation and persons designated by the board of county commissioners of Johnson county shall report to the legislature concerning the implementation and operation of the program authorized by this section.”; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, March 22, 2010.

Journal of the Senate

FORTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 22, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Haley was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
I watched "Ask Your Legislator"
Yesterday on TV.
The Senator and the Representative
Surely impressed me.

I once more was reminded
Of the obstacles we face
Before coming up with millions
The deficit to erase.

The Capital's been inundated
With worried advocates,
Hoping there'll be no more cuts
They'll have to tolerate.

On the other hand are others
Who persistently cry,
"Please don't raise our taxes,
They're already much too high."

In between the legislature
Responding to their voice,
"The budget must be balanced,
We really have no choice!"

So, Lord, we appeal to You,
If it be Your will, please
Make the estimated revenue
Show a huge increase!

I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title

SB 582, An act concerning the veterans commission; permitting the sale of certain property, by Committee on Ways and Means.

SB 583, An act concerning courts; eliminating printing of reports; establishing electronic publication; amending K.S.A. 20-202, 20-204, 20-205, 20-208 and 20-211 and repealing the existing sections; also repealing K.S.A. 20-208b, 20-209, 20-212 and 20-213, by Committee on Ways and Means.

CHANGE OF REFERENCE

The President withdrew **SB 542** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on **Ethics and Elections**.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 414, SB 541; Substitute SB 513**.

Also, announcing passage of **SB 262, as amended by House Substitute for SB 262; SB 387, as amended; SB 415, as amended; Substitute for SB 475, as amended; SB 491, as amended, SB 500, as amended**.

The House concurs in Senate amendments to **HB 2415**.

The House concurs in Senate amendments to **HB 2418**.

The House concurs in Senate amendments to **HB 2468**.

The House concurs in Senate amendments to **HB 2547**.

The House accedes to the request of the Senate for a conference on **H Sub for SB 200** and has appointed Representatives Mast, Rhoades and Henry as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 369** and has appointed Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 386** and has appointed Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 430** and has appointed Representatives Carlson, King and Menghini as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 439** and has appointed Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 458** and has appointed Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 461** and has appointed Representatives Whitham, Kelly and Burroughs as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 497** and has appointed Representatives Powell, Fund and Lukert as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SCR 1615** and has appointed Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

Announcing passage of **HB 2107, HB 2671**.

Announcing passage of **SB 373, SB 394**.

Also, passage of **SB 213, as amended by House Substitute for SB 213**.

The House concurs in Senate amendments to **HB 2440**.

The House concurs in Senate amendments to **HB 2469**.

The House concurs in Senate amendments to **HB 2581**.

The House nonconcurrs in Senate amendments to **Senate Substitute for HB 2160**, requests a conference and appoints Representatives Shultz, Peck and Swenson as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2412**, requests a conference and appoints Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2432**, requests a conference and appoints Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2454**, requests a conference and appoints Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2472**, requests a conference and appoints Representatives Schwartz, M. Holmes and Garcia as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2482**, requests a conference and appoints Representatives Hayzlett, Vickrey and Long as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2486**, requests a conference and appoints Representatives Hayzlett, Vickrey and Long as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2506**, requests a conference and appoints Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **Substitute HB 2528** requests a conference and appoints Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2553**, requests a conference and appoints Representatives Gordon, Donohoe and Benlon as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2566**, requests a conference and appoints Representatives Powell, Fund and Lukert as conferees on the part of the House.

The House nonconcur in Senate amendments to **Substitute HB 2575**, requests a conference and appoints Representatives Landwehr, Crum and Flaharty as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2605**, requests a conference and appoints Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2656**, requests a conference and appoints Reps. Kinzer, Whitham and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2668**, requests a conference and appoints Reps. Kinzer, Whitham and Pauls as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2107, HB 2671 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **S Sub for HB 2160**.

The President appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2412**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Owens the Senate acceded to the request of the House for a conference on **S Sub for HB 2432**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Owens the Senate acceded to the request of the House for a conference on **HB 2454**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2482**.

The President appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2486**.

The President appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for HB 2506**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **Sub HB 2528**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **HB 2553**.

The President appointed Senators Brownlee, Lynn and Holland as conferees on the part of the Senate.

On motion of Senator Taddiken, the Senate acceded to the request of the House for a conference on **HB 2566**.

The President appointed Senators Taddiken, Ostmeyer and Francisco as conferees on the part of the Senate.

On motion of Senator Barnett, the Senate acceded to the request of the House for a conference on **Sub HB 2575**.

The President appointed Senators Barnett, Kelsey and Haley as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2605**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Owens the Senate acceded to the request of the House for a conference on **HB 2656**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2668**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Barnett, Abrams, Apple, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1847—

A RESOLUTION congratulating and commending the 2010 Kansas Master Teachers.

WHEREAS, Seven of the state's best teachers have been selected as Kansas Master Teachers for 2010. These seven outstanding educators will be honored on Wednesday, March 31, with a day of receptions, seminars and tours at sponsoring institution Emporia State University; and

WHEREAS, The 2010 Kansas Master Teachers are Eleanor Browning, a Special Education Reading Coach at Flint Hills Special Education Cooperative, Mary Herbert Educational Center in Emporia; Kathy Doussa, a first grade teacher at Northwest Elementary School in Dodge City; Michael Dunlap, a Journalism teacher and Publications Advisor at

Blue Valley West High School in Overland Park; Lou Ann Getz, a Clinical Instructor at Anthony & Eisenhower Middle Schools, and Kansas State University Professional Development School in Manhattan and Ogden; Sheila A. Lewis, a teacher at Tecumseh North Elementary School in Tecumseh; Andrea Sayler-Siefkes, a science teacher at St. John High School in St. John/Hudson; and Kassie Shook, a first grade teacher at Sunflower Elementary School in Lawrence; and

WHEREAS, Emporia State University established the Kansas Master Teacher Awards in 1954. The awards are presented annually to teachers described as having “served the profession long and well and who also typify the good qualities of earnest and conscientious teachers”; and

WHEREAS, The members of the Kansas Senate recognize the invaluable contribution of great teachers such as those being honored here today; they serve as mentors and role models and lay the groundwork for the best educators of tomorrow. They go above and beyond what is expected and offer inspiration along with instruction. They teach with heart and soul. By giving the best of themselves, they encourage students to give their best in return; and

WHEREAS, Local teacher associations, educational organizations and school faculties nominate candidates for the awards. A committee representing educational organizations from across Kansas selected the 2010 winners: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we offer our heartfelt thanks to these extraordinary educators—these men and women who face so many challenges in the classroom each day, yet return and return, choosing the satisfaction of doing their best without succumbing to the frustrations inherent in their jobs; that we congratulate and commend the seven 2010 Kansas Master Teachers for demonstrated excellence in their profession and devotion to the children of Kansas and extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send seven enrolled copies of this resolution to Senator Barnett for presentation to the 2010 Master Teachers who are present in the Senate Chamber today.

On emergency motion of Senator Barnett **SR 1847** was adopted unanimously.

Senator Barnett congratulated and commended the 2010 Kansas Master Teachers: Eleanor Browning, Kathy Doussa, Michael Dunlap, Lou Ann Getz, Shelia Lewis, Andrea Sayler-Siefkes and Kassie Shook and they were recognized with a standing ovation by the Senate.

Senators Hensley, Kelly and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1848—

A RESOLUTION honoring the life and legacy of Ethel May Miller.

WHEREAS, Topeka Association for Retarded Citizens (TARC) has been blessed by many families and supporters over its past 56 years, but none have had the influence and impact on services for persons with mental retardation in the Topeka community and beyond as Ethel May Miller, TARC’s first Executive Director; and

WHEREAS, Ethel May Miller was born in 1918 in Topeka, the daughter of Albert and Winifred Schober. She graduated from Topeka High School in 1936 and received a Bachelor’s Degree from Ottawa University in 1940, graduating with the highest grade point average in her class. She was named Topeka’s “Woman of the Year” in 1955; and

WHEREAS, Ethel May married Adrian Miller on June 12, 1940 in Topeka and he preceded her in death on October 27, 1995. She was also preceded in death by an infant son, Donald Adrian. Ethel May died on Thursday, January 28, 2010, in Topeka, at the age of 91. Her loving devotion to her family will be missed by her daughters, Nancy Lynne Miller and Marcia Ann Miller and by her son and daughter-in-law Michael Adrian and Rhonda Miller, all of Topeka; three granddaughters, one grandson; seven great-grandchildren; and a brother, Robert Schober of Tulsa, Oklahoma; and

WHEREAS, Throughout her life Ethel May received outstanding community service awards, distinguished service awards and numerous volunteer awards at the local, state and

national level. From 1959 through 1990, she was appointed by five different Kansas governors to every steering committee, interagency committee, planning council and advisory commission that the State of Kansas had on mental retardation. In 1962, she served on President Kennedy's Task Force on Mental Retardation. To round out her life she served as the Concertmaster for the Topeka Civic Symphony from 1953 through 1976; and

WHEREAS, Ethel May and other parents fought against institutionalization, which was the only option for children with mental retardation in 1954. These families knew that services needed to be changed; for example, using restraints as a means of control, only providing partial education two or three hours a week and denying opportunities which would be provided to persons without disabilities; and

WHEREAS, Ethel May and TARC's founding families were among those who forced mental retardation organizations out of their infancy. They believed the status quo was not a sufficient substitute for progress. They demanded that the public as a whole accept all of its members, and they were willing to work for this acceptance; and

WHEREAS, Ethel May was an inspiration in 1954 and her life remains an inspiration in 2010. Her concern and commitment brought families together and encouraged them to give of their time and talents on behalf of all children with disabilities, not merely their own. Ethel May helped the Topeka Association for Retarded Children grow from a small group of parents seeking answers to a thriving organization filled with laughter, love and hope for the future; and

WHEREAS, Her unique quality of caring about people endeared her to parents and staff. This quality lives on as the heart of TARC, which allows TARC to continue to welcome persons with disabilities and their families with understanding, and is an organization where skilled and experienced staff foster a firm belief that progress is always possible. There are no impossible dreams at TARC. The door is always open. Ethel May made sure of that; and

WHEREAS, TARC is a living legacy to Ethel May. Upon her retirement in 1976, the Community Center operated by TARC was renamed the Ethel May Miller Community Center. She was a woman of amazing grace and vision. Her values of service, support and advocacy have remained TARC's mission. Her inspiration drives all of TARC and will continue to do so into the future: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the lifetime of dedication on behalf of persons with disabilities and their families and offer our sincerest appreciation and admiration of the life and legacy of Ethel May Miller; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1848** was adopted unanimously.

Senator Hensley recognized the life and legacy of Ethel May Miller, who passed away January 28, 2010 at the age of 91. Ethel Miller was a strong supporter and the first Executive Director of the Topeka Association for Retarded Citizens (TARC). Also in attendance were the following family and friends in support of TARC: Mike Miller, Ronda Miller, Meegan Shuler, Wade Shuler, Shayla Hobrock, Randall Hobrock, Marcia Miller, Matthew Miller, Linda Miller, Tess Miller, Reis Miller, Amy Wright, Alex Wright, Stephanie Wright, Susanna Coxé, Mary Ann Keating, Marcia Dechand, Donna White, Dawn McWilliams, Olga Hennessey, Ramona Macek and Cathie Huckins.

REPORT ON ENGROSSED BILLS

SB 167, SB 385; SCR 1623 reported correctly engrossed March 22, 2010.

REPORT ON ENROLLED BILLS

SB 376, SB 396, SB 440, SB 463, SB 464, SB 508 reported correctly enrolled, properly signed and presented to the Governor on March 19, 2010.

SR 1842, SR 1843, SR 1844, SR 1845, SR 1846 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 19, 2010.

SB 326, SB 437, SB 441, SB 544 reported correctly enrolled, properly signed and presented to the Governor on March 22, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 579** be amended on page 1, in line 17, by striking “screen” and inserting “screening”; in line 32, after “(a)” by inserting “(3)”; also in line 32, by striking “police officer” and inserting “law enforcement”; in line 33, before the period, by inserting “that is clearly identified as such by words or other symbols on the outside of the vehicle”; in line 41, by striking “screen” and inserting “screening”; and the bill be passed as amended.

Also, **HB 2560**, as further amended by House Committee, be amended on page 3, in line 19, after “58-3042” by inserting a comma;

On page 22, in line 36, after “58-3061” by inserting a comma; in line 38, after “58-3062” by inserting a comma;

On page 23, in line 37, after “58-3042” by inserting a comma;

On page 24, by striking all in lines 15 through 20;

On page 25, in line 4, after “58-3042” by inserting a comma; in line 9, after “58-3035” by inserting a comma;

On page 29, in line 32, by striking all after “an” by striking all in line 33; in line 34, by striking all before “another” and inserting “exclusive agency agreement or exclusive right to sell agreement with”; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HB 2434**, as amended by House Committee of the Whole, be amended on page 1, by striking all in lines 14 through 18;

And by renumbering sections accordingly;

On page 2, after line 1, by inserting the following:

“Sec. 2. K.S.A. 32-1015 is hereby amended to read as follows: 32-1015. (a) It is unlawful for any person to:

(1) Destroy any muskrat house, beaver dam, mink run or any hole, den or runway of any furbearing animal, or cut down or destroy any tree that is the home, habitat or refuge of any furbearing animal;

(2) hunt deer ~~or elk~~ in this state in an area where a firearms season for the taking of deer ~~or elk~~ is occurring, *or hunt elk in this state in an area where a firearms season for the taking of elk is occurring*, unless such person is wearing clothing of a highly visible nature in a color, an amount worn and a location on such person’s body prescribed by rules and regulations adopted by the secretary pursuant to K.S.A. 32-805, and amendments thereto;

(3) do any act or engage in any activity within any state park, state lake, recreational ground, wildlife area or sanctuary, natural area or other area under the control of the secretary which is in violation of or contrary to law or rules and regulations of the secretary;

(4) use any manner or means of taking fish which may escape from a private water fishing impoundment and kill or endanger fish in another such impoundment or in public waters;

(5) remove fish from a private water fishing impoundment without the consent of the owner or tenant having possession and control of such impoundment; or

(6) place, erect or cause to be placed or erected any seine, screen, net, weir, fishdam or other obstruction in or across any of the waters, rivers, creeks, ponds, streams, sloughs or other watercourses within the jurisdiction of this state in such a manner as will obstruct the free passage of fish up and down and through such watercourses.

(b) Subsection (a)(1) shall not be construed to prohibit a legal owner or occupant of land from cutting trees on such land.

New Sec. 3. (a) The secretary of the department of wildlife and parks is authorized, with the approval of the Kansas wildlife and parks commission, to establish fees for the public use of cabins owned or operated by the department. At a public meeting, the secretary, with consideration by the commission, shall set an amount for each fee that encourages use of such cabins and that enables the department to maintain and operate such cabins.

(b) Such fees as described in subsection (a) shall not exceed:

(1) A maximum of \$250 per night;

(2) a maximum of \$1,500 per week; and

(3) a maximum of \$5,000 per month.

(c) Fees for the use of cabins owned or operated by the department of wildlife and parks shall be exempt from the provisions of K.S.A. 77-415 through 77-437, and amendments thereto.

Sec. 4. K.S.A. 2009 Supp. 24-139a is hereby amended to read as follows: 24-139a. ~~The board of directors of drainage district No. 2 of Finney county shall provide by the passage of a resolution for the staggering of terms of the board. At the next election of directors, one director shall be elected for a two-year term and two directors shall be elected for three-year terms. Election of directors thereafter shall be for three-year terms. Notwithstanding the provisions of K.S.A. 24-409 and 24-412, and amendments thereto, prior to the election of the board of directors of drainage district No. 2 of Finney county, Kansas, such board of directors shall determine which board position shall have a term of two years and shall notify the county election officer. At the election proceedings in 2011, a director shall be elected for a term of four years for each of board positions one and two and one director shall be elected for a term of two years for board position three. Thereafter, all directors shall be elected for a term of four years as provided in K.S.A. 24-409 and 24-412 and amendments thereto.~~

Sec. 5. K.S.A. 2009 Supp. 24-409 is hereby amended to read as follows: 24-409. (a) All powers granted to drainage districts incorporated under the provisions of this act shall be exercised by a board of directors consisting of three persons. Except as provided in K.S.A. 24-412 and K.S.A. 2009 Supp. 24-139a, and amendments thereto, the directors shall hold their offices for four years and until their successors are elected or appointed, as the case may be, and qualified, and shall be chosen at the time and in the manner provided by law.

(b) Members of the board of directors shall be owners of land located in the drainage district and shall reside in the county in which the district is located or, if the district is located in more than one county, a county in which any portion of the district is located, except:

(1) If there are no residents within the drainage district who are owners of land within the district, any owner of land located within the district shall be a qualified voter and shall be eligible to hold the office of director; and

(2) a director shall be either an owner of or a tenant on land located within the drainage district whenever: (A) The drainage district is located within one county and the population of the county does not exceed 10,000; or (B) the drainage district is located in more than one county and the population of any such county does not exceed 10,000.

Sec. 6. K.S.A. 24-412 is hereby amended to read as follows: 24-412. (a) *Subject to the provisions of subsection (b), except as otherwise provided in this section, an election to choose three directors in each district as their successors, shall be held on the first Tuesday in April, 1983, and an election shall be held each four years thereafter, on the first Tuesday in April, to choose directors. Directors elected in any district in 1980 or 1981 shall hold their office until successors are elected and qualified at the election in April, 1983.*

(b) *On and after January 1, 2012, the board of directors of drainage district No. 2 of Finney county, Kansas, shall be elected for a term of four years.”;*

And by renumbering the remaining sections;

Also on page 2, in line 2, before “K.S.A.” by inserting “K.S.A. 24-412, 32-1015 and”; also in line 2, before “32-837” by inserting “24-139a, 24-409 and”; also in line 2, by striking “is” and inserting “are”;

In the title, in line 10, by striking “state parks; relating to the naming thereof” and inserting “natural resources”; in line 11, before “K.S.A.” by inserting “K.S.A. 24-412, 32-1015 and”; also in line 11, before “32-837” by inserting “24-139a, 24-409 and”; also in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Schodorf in the chair.

On motion of Senator Schodorf the following report was adopted:

Recommended **SB 581**; **HB 2678** be passed.

SB 561, SB 570, SB 571, SB 574 be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2039** recommending a **S Sub for HB 2039** be adopted and the substitute bill be passed.

SR 1809 be amended by the adoption of the committee amendments, and the resolution be adopted as amended.

SB 520 be amended by adoption of the committee amendments, be further amended by motion of Senator Bruce on page 1, in line 32, by striking "at the rate of \$5 for each full"; in line 33, by striking "hour spent by the person in" and inserting "for"; also in line 33, after "employment" by inserting "in an amount agreed to by the person and the city or county, but not less than \$5 a day" and **SB 520** be passed as further amended

Sub HB 2517 be amended by adoption of the committee amendments, be further amended by motion of Senator Owens on page 5, in line 31, after "Sec. 6." by inserting "On and after July 1, 2011," and **Sub HB 2517** be passed as further amended.

HB 2535 be passed over and retain a place on the calendar.

On motion of Senator D. Schmidt the Senate adjourned until 2:00 p.m., Tuesday, March 23, 2010.

Journal of the Senate

FIFTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 23, 2010—2:00 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

We never know when humor
May brighten up the day,
But I found out it could show up
In an unexpected way.

When I was in the Navy
A shipmate was not around,
They had searched the ship,
But he was nowhere to be found.

I peeked through his locker vents
To see what I could see;
Lo and behold two blue eyes
Were looking back at me.

I told a sailor to break the lock,
Not knowing what to expect.
Afraid I'd see a corpse
Falling upon the deck.

The locker door blew open,
But no corpse fell on the floor,
But inside was a mirror
hanging on the door.

In a way we are a family
We often disagree,
But help us, Lord, to keep it light.
And produce some harmony.

Trusting in Your sense of humor, Lord,
I pray in the Name of Your Son, Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 584. An act concerning property taxation; imposing a payment in lieu of tax on certain qualifying crude oil pipelines; procedure, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ways and Means: **SB 582, SB 583; HB 2107, HB 2671.**

CHANGE OF REFERENCE

The Vice President withdrew **Sub HB 2340** from the Committee on **Judiciary**, and referred the bill to the Committee on **Education**.

MESSAGE FROM THE HOUSE

The House announces the appointment of Representative Schroeder to replace Representative Fund as a conferee on **HB 2566**.

The House announces the appointment of Representative Schroeder to replace Representative Fund as a conferee on **H Sub for SB 316**.

The House adopts the conference committee report on **S Sub for HB 2476**.

Announcing passage of **HB 2166; Substitute HB 2428; HB 2620, HB 2666; Substitute HB 2669**.

Announcing passage of **SB 372, SB 533**.

Also, passage of **Substitute SB 67, as amended; SB 83, as amended by House Substitute for SB 83, SB 146, as amended by House Substitute for SB 146; SB 293, as amended by House Substitute for SB 293; SB 300, as amended by House Substitute for SB 300; SB 313, as amended by House Substitute for SB 313; SB 346, as amended; SB 368, as amended; SB 382, as amended; SB 410, as amended; SB 449, as amended by House Substitute for SB 449; SB 460, as amended**.

The House concurs in Senate amendments to **HB 2566** and requests the Senate to return the bill.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2166; Substitute HB 2428; HB 2620, HB 2666; Substitute HB 2669 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Teichman moved the Senate concur in house amendments to **SB 415**.

SB 415, An act concerning certain municipalities; pertaining to investment in certain bonds; pertaining to investment of certain bond income; amending K.S.A. 10-131 and K.S.A. 2009 Supp. 10-1009 and 12-1675 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator McGinn moved the Senate concur in house amendments to **SB 497**.

SB 497, An act concerning crimes and punishments; relating to the criminal use of weapons; amending K.S.A. 2009 Supp. 21-4201 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

On motion of Senator Brungardt the Senate nonconcurred in the House amendments to **H Sub for SB 213** and requested a conference committee be appointed.

The Vice President appointed Senators Brungardt, Reitz and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Brungardt the Senate nonconcurred in the House amendments to **H Sub for SB 262** and requested a conference committee be appointed.

The Vice President appointed Senators Brungardt, Reitz and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Emler the Senate nonconcurred in the House amendments to **SB 387** and requested a conference committee be appointed.

The Vice President appointed Senators Emler, Vratil and Kelly as a conference committee on the part of the Senate.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **HB 2473** appearing on the Consent Calendar, the Vice President directed the bill be removed and placed on the calendar under the heading of General Orders.

FINAL ACTION ON CONSENT CALENDAR

HB 2661, HB 2698 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2661, An act concerning crimes, criminal procedure and punishments; concerning drug crimes; amending K.S.A. 2009 Supp. 12-4104, 21-36a05, 21-36a06, 21-36a08, 21-36a10, 21-4203, 21-4204, 21-4226, 21-4704, 22-3901, 22-4902, 59-2132, 65-516, 72-1397, 72-5445, 75-7c04 and 76-11a13 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2698, An act authorizing the secretary of state to grant an easement to the city of Ogden in Riley county, Kansas.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 520, An act concerning criminal procedure; relating to employment of county and city prisoners; amending K.S.A. 22-4603 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 24, Nays 16, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Brownlee, Bruce, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kelsey, Kultala, Lee, Lynn, Masterson, McGinn, Morris, Owens, Petersen, Pilcher-Cook, Schmidt V, Schodorf, Steineger, Umbarger, Wagle.

Nays: Apple, Barnett, Brungardt, Colyer, Donovan, Emler, Huelskamp, Huntington, Marshall, Ostmeyer, Pyle, Reitz, Schmidt D, Taddiken, Teichman, Vratil.

The bill passed, as amended.

SB 561, An act concerning municipalities; amending K.S.A. 19-26,103 and 19-26,104 and K.S.A. 2009 Supp. 12-1750, 12-1756a and 12-1756g and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 27, Nays 13, Present and Passing 0, Absent or Not Voting 0.

Yeas: Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, McGinn, Morris, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Abrams, Apple, Barnett, Brownlee, Colyer, Haley, Huelskamp, Lynn, Masterson, Ostmeyer, Pilcher-Cook, Pyle, Vratil.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote “No” on **SB 561**. Four years ago this week, this very chamber endorsed **SB 323** (relating to restriction of government authority to take property). Twenty seven Senators affirmed limiting the use of Eminent Domain that year but, not giving up, today that minority (then) of the Senate is back with this **Bill, 561**, or “Eminent Domain light” . . . a more subtle, creeping, erosion on the rights of real property owners. Then, two quotes were “Eminent Domain, a once useful tool utilized by local governments to expand public use for infrastructure improvement and enhancement of general well being, has become a significant problem to the basic right of an American to purchase and retain, unfettered, real property.” Another Senator had this to say: “Those entities who wish to profit by misusing the coercive power of government should instead choose the American way and obtain the property they desire at their own risk and expense.” While the cat’s away . . . here they go again. The Senate should take the lead in ensuring that government will not take private property to give to developers for private use. — DAVID HALEY

SB 570, An act concerning lodging inspections; relating to lodging inspection fees; amending K.S.A. 2009 Supp. 36-502, 36-518 and 74-591 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 36-512, was considered on final action.

On roll call, the vote was: Yeas 26, Nays 14, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Ostmeyer, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Barnett, Brownlee, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Petersen, Pilcher-Cook, Pyle, Steineger.

The bill passed, as amended.

SB 571, An act concerning the animal health department; relating to fees; amending K.S.A. 47-1001e and K.S.A. 2009 Supp. 47-1011, 47-1503 and 47-2101 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30, Nays 10, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Lynn, Masterson, McGinn, Morris, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Barnett, Brownlee, Colyer, Huelskamp, Kelsey, Marshall, Ostmeyer, Pilcher-Cook, Pyle.

The bill passed, as amended.

SB 574, An act concerning the interstate water litigation fund; amending K.S.A. 82a-1802 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen,

Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Vratil.

The bill passed, as amended.

SB 581. An act transferring the charge, care, management and control of the Hiram Price Dillon House to the Kansas arts commission; prescribing certain powers, duties and functions for the commission; amending K.S.A. 75-3682 and K.S.A. 2009 Supp. 41-719 and 75-3683 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Brownlee, Masterson, Pilcher-Cook.

The bill passed.

SR 1809. A resolution opposing the United States Environmental Protection Agency's greenhouse gas regulation by rulemaking, was considered on final action.

On roll call, the vote was: Yeas 34, Nays 3, Present and Passing 3, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Haley, Huelskamp, Huntington, Kelsey, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Hensley, Holland, Kultala.

Present and Passing: Francisco, Kelly, Steineger.

The resolution was adopted, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote "PASS" on **Senate Resolution 1809** opposing the United States Environmental Protection Agency's greenhouse gas regulation by rulemaking. In 2003, the EPA made two determinations: 1) the EPA lacked authority under the Clean Air Act to regulate carbon dioxide and other greenhouse gases and 2) even if they did have such authority, it would decline to exercise it. In Massachusetts vs. EPA twelve states and several cities brought suit. The Supreme Court ruled in favor of the states, and commented that "greenhouse gases fit well within the Clean Air Act's capacious definition of air pollutant." I believe that the EPA's endangerment finding, rather than circumventing the required separation of powers, is in response to the checks and balances our democracy relies upon. Our Kansas economy is very dependent upon the health of our citizens. Near term benefits for certain crops because of climate change may be outweighed by the threats of long-term adverse impacts of extreme weather events and shifts of invasive species. I would support a resolution urging the EPA to consider economic impacts in a way that balances the concerns of all Kansas citizens and addresses the Environmental Protection Agency with respect. — MARCI FRANCISCO

MR. VICE PRESIDENT: I introduced **Senate Resolution 1809** in response to the radical decision by the EPA to begin regulation of greenhouse gases (GHG), a dangerous threat to the Kansas economy, particularly our agriculture, oil and gas, construction and manufacturing industries.

It is clear to me that the EPA and the Obama Administration are attempting to foist a massive new regulatory scheme upon America via bureaucratic fiat. Taking such a route not only bypasses the normal avenue of input from American people, it also circumvents the federal legislative process. And the reason is simple - because Congress and the American people refuse to support and pass their radical cap-and-trade bills.

Additionally, I have also recently learned that our Attorney General, Governor, and Department of Health and Environment have refused to take a position on this devastating proposal.

In their leadership absence, this Resolution sends a strong message to the EPA, to the Obama Administration, and our Executive officers in Kansas — we do not support their unilateral decision to regulate GHG based on a faulty interpretation of a decades-old law. Instead, we look for a public debate based on common sense, sound science, and constitutional restraint. — TIM HUELSKAMP

S Sub for HB 2039. An act concerning small claims; amending K.S.A. 61-2714 and K.S.A. 2009 Supp. 61-2704 and 61-2707 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

Sub HB 2517. An act concerning crimes, punishment and criminal procedure; relating to domestic violence; amending K.S.A. 20-369, 22-2307 and 22-2908 and K.S.A. 2009 Supp. 21-3110, 21-3412a, 21-4603d, 22-2909 and 75-712 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote yes for **Sub HB 2517** and I would like to explain why.... During my first term in the Kansas Legislature, beginning mid-term 2003, I attempted to introduce legislation that would strengthen our domestic violence laws. However, after asking a fellow legislator, who is an attorney, to look at the legislation I was considering, I quickly gave up the idea after his response.... when he said to me... "Oletha, this will never pass and why waste your time with this issue because the women who are abused generally go back to the men who have abused them, anyway".

Mr. Vice President, I am saddened to say that I didn't continue the advocacy for the prevention of domestic violence perhaps it may have helped prevent the death of Jana Mackay and others affected by domestic violence. For this reason, I vote 'Yea' for **Sub HB 2517**.... This is a great victory for the state of Kansas! — OLETHA FAUST-GOUDEAU

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Faust-Goudeau on **HB 2517**.

HB 2678. An act designating part of United States highway 59 as the Vern Chesbro memorial highway, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Reitz introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1849—

A RESOLUTION congratulating the A.Q. Miller School of Journalism and Mass Communications at Kansas State University for celebrating its centennial anniversary.

WHEREAS, The year 2010 marks the 100th anniversary of journalism and mass communications at Kansas State University; and

WHEREAS, Graduates of journalism and mass communications at Kansas State University have been extremely successful. They can be found in the White House, and in the United States Congress and in statehouses, newspaper offices, broadcast stations, public relations and advertising agencies, educational institutions and other organizations across the nation and around the world; and

WHEREAS, These KSU graduates are serving their communities, state, nation and world with the utmost professionalism and dedication; and

WHEREAS, The A.Q. Miller School of Journalism and Mass Communications exemplifies the excellence of education at Kansas State University: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Kansas State University's A.Q. Miller School of Journalism and Mass Communications on its 100th anniversary; and

Be it further resolved: That the Secretary of the Senate be directed to send enrolled copies of this resolution to the director of the A. Q. Miller School of Journalism and Mass Communications, Angela Powers; the interim dean and University Distinguished Professor of the College of Arts and Sciences, Brian S. Spooner; and University President Kirk Schulz, all in care of Kansas State University, Manhattan, Kansas 66506.

On emergency motion of Senator Reitz **SR 1849** was adopted unanimously.

Senator Reitz introduced Dr. Gloria Freeland and Dr. Steven Smethers, professors at Kansas State University School of Journalism, in recognition of the 100th anniversary of the A.Q. Miller School of Journalism and Mass Communications at Kansas State University.

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1850—

A RESOLUTION recognizing and congratulating the Quinter High School Coaches and Football Team for winning the 2009 8-Man Division I State Football Championship.

WHEREAS, The Quinter High School Football Team won the 2009 8-Man Division I State Football Championship; and

WHEREAS, The Quinter High School Bulldogs won the title by first defeating last year's state runner-up and this year's No. 2 seed, Clifton-Clyde, which was undefeated prior to the sub-state game, by the score of 28 — 20, and by then defeating last year's champion and this year's No. 1 seed, Baileyville-B&B, which had a 25 game winning streak prior to the championship game, by the score of 28 — 26; and

WHEREAS, The 2009 Quinter High School football team started the season with Head Coach Greg Woolf and Assistant Coaches Brian Roesch and Jeff Ruckman and after the Week 2 victory over Palco, Coach Woolf announced that he had been diagnosed with cancer and would miss parts of the season for treatment; and

WHEREAS, Coach Woolf turned the team over to Coaches Brian Roesch, as Head Coach and Offensive Coordinator, and Coach Jeff Ruckman, as Defensive Coordinator, for the rest of the season, with Coach Woolf staying involved as an inspirational leader for the team; and

WHEREAS, Coach Brian Roesch was named the Hays Daily News' Coach of the Year on the 26th annual All-Area football team; and

WHEREAS, The team members are seniors Brady Reed (QB/DB), Matt Bird (TE/DB), Jordan Hargitt (RB/LB), Skyler Wittman (TE/DB), Jeremy Amon (G/DL), Thatcher Deaton (G/LB), Zach Nemechek (C/NG), Cody Corwin (C/NG), Scott Ochs (G/DE); juniors Joe Simon (QB/DB), Justin Roesch (FB/LB), Ben Eilert (FB/DL), Sam Leighton (G/DL), Toby Hawbaker (TE/DB); sophomores Logan Reed (FB/LB), Toby Waggoner (TE/LB), Aaron Teeter (C/DL), Brian Ochs (G/DE), Jesse Ochs (TE/LB); and freshmen Zach Bishop (TE/DB), Chance Smith (TE/DB), Alex Albin (RB/LB), Brandon Kerns (G/DL), Austin Heier (G/DE), Braden Evans (G/DE), Dustin Zahn (G/DL), and David Fleener (TE/DB); and

WHEREAS, The Quinter High School Football Team, led by their close-knit senior class, the strong and inspirational coaching, and the enthusiastic support of the other students, their families and the people of the Quinter community area, kept their faith and confidence and dedicated themselves to attain their 8—1 pre-tourney record and to go on to cap a stellar 2009 season with a final 12—1 record and the state crown: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize and congratulate the Quinter High School Coaches and Football Team for winning their impressive and inspirational 2009 season and for winning the 2009 8-Man Division I State Football Championship; and

Be it further resolved: That the Secretary of the Senate provide one enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1850** was adopted unanimously.

Senator Ostmeyer recognized and congratulated the Quinter High School Football Team for winning the 2009 8-Man Division I State Football Championship. The following team members and coaches were in attendance: Brian Roesch, Coach, Jeff Ruckman, Coach, Brady Reed, Matt Bird, Jordon Hargitt, Jeremy Amon, Thatcher Deaton, Skyler Wittman, Zach Nemechek, Cody Corwin, Scott Ochs, Joe Simon, Justin Roesch, Ben Eilert, Sam Leighton, Toby Hawbaker, Logan Reed, Toby Wagoner, Aaron Teeter, Brian Ochs, Jesse Ochs, Zach Bishop, Chance Smith, Alex Albin, Brandon Kerns, Austin Heier, Braden Evans, Dustin Zahn and David Fleener.

Senator Emler introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1851—

A RESOLUTION congratulating and commending the Residential Construction Management Team from McPherson High School for being named National Champion at the NAHB Residential Construction Management Competition.

WHEREAS, The National Association of Home Builders (NAHB) held their annual Residential Construction Management Competition in Las Vegas in January during the International Builders Show. The competition gives students the opportunity to demonstrate their ability to solve construction-related problems by working on real-life construction projects; and

WHEREAS, The Residential Construction Management Team from McPherson High School was named National Champion in the 2010 competition. In 2009 the team placed second, and in 2008 they placed fourth. In addition to the team win, Preston Mossman was given the Outstanding Student award that is sponsored by BuilderBooks.com; and

WHEREAS, The competition begins when teams download a floor plan for a custom-built home. Based on the floor plan, the teams had to develop detailed construction drawings, a complete list of materials and costs, and a construction schedule, while meeting the “Bronze Level” building standards for green or energy efficient construction; and

WHEREAS, The team members include Max Archer, Preston Mossman, Joel Piper, Adam Porter and Jacob Reese. The team coaches are Arlan Penner and Don Willits. The team was sponsored by the McPherson Area Contractors Association as well as many others in the McPherson area: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Residential Construction Management Team from McPherson High School for winning the 2010 NAHB Residential Construction Management Competition. We commend the team for their hard work and dedication to excellence and for being outstanding role models to their peers. We extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send seven enrolled copies of this resolution to the McPherson Residential Construction Management Team, one for each student and coach.

On emergency motion of Senator Emler **SR 1851** was adopted unanimously.

Senator Emler congratulated and commended the Residential Construction Management Team from McPherson High School for being named National Champions at the NAHB Residential Construction Management Competition. Introduced were the following members of the Construction Management Team: Max Archer, Preston Mossman, Joel Piper,

Adam Porter, Jacob Reese, Coach Arlan Penner and Coach Don Willits. The students were congratulated on their achievements.

Senator Lee, Abrams, Apple, Barnett, Brownlee, Brungardt, Colyer, Donovan, Emler, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1852—

A RESOLUTION endorsing the Kansas Diabetes Plan and declaring March 23, 2010 as American Diabetes Association Alert Day.

WHEREAS, The State of Kansas recognizes that healthy citizens are essential for strong communities to thrive; and

WHEREAS, Diabetes is a major public health problem with increasing prevalence, poor outcomes and high costs; and

WHEREAS, More than 150,000 Kansans have been diagnosed with diabetes and over 94% of those have Type 2 diabetes, which can be delayed; and

WHEREAS, Early detection and disease management can help prevent complications of diabetes, including cardiovascular disease, blindness, nervous system damage and kidney failure; and

WHEREAS, More than 40 Kansas entities with emphasis on community health have come together to form the Kansas Diabetes Action Council to develop and implement a Kansas Diabetes Plan to reduce the negative clinical and economic impact on individuals and on the state of Kansas; and

WHEREAS, The goals of the Kansas Diabetes Plan are to increase awareness of the prevention and control of diabetes, improve the capacity to address the prevention and control of diabetes, increase Kansas' health care workforce competency in diabetes standards of care, improve awareness of and access to diabetes self-management information, programs and services, and influence public policy to support improving diabetes prevention, detection and care throughout Kansas; and

WHEREAS, The Kansas Diabetes Plan promotes community actions that make the healthy choice the right choice: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we hereby endorse the Kansas Diabetes Plan, recognize that March 23, 2010 is American Diabetes Association Alert Day in the State of Kansas, and we direct the Kansas Diabetes Action Council to submit a report to the state legislature in 2011 on the continued progression of the Kansas Diabetes Plan; and

Be it further resolved: That the Secretary of the Senate be directed to send seven enrolled copies of this resolution to Senator Lee.

On emergency motion of Senator Lee **SR 1852** was adopted unanimously.

Senator Lee introduced Mark Stubbs, Executive Director of the American Diabetes Association and Dr. Jeremiah Nelson in endorsing the Kansas Diabetes Plan and declaring March 23, 2010 as American Diabetes Association Alert Day.

Senator Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1853—

A RESOLUTION designating May as Lupus Awareness Month.

WHEREAS, Every year, the Lupus Foundation of America designates May as National Lupus Awareness Month to show support for the estimated 1.5 million Americans who have lupus; and

WHEREAS, Lupus is an acute and chronic autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body; and

WHEREAS, Lupus can affect any part of the body, including the skin, lungs, heart, kidneys and brain; causing seizures, strokes, heart attacks, miscarriages and organ failure; and

WHEREAS, Despite striking mostly women of childbearing age, no one is safe from lupus. African-Americans, Hispanics, Asians and Native Americans are two to three times more likely to develop lupus—a disparity that remains unexplained; and

WHEREAS, Lupus can be particularly difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the causes and consequences of lupus. More than half of all people with lupus take four or more years and visit three or more doctors before obtaining a correct diagnosis; and

WHEREAS, There have been no new pharmaceuticals approved by the U.S. Food and Drug Administration specifically for lupus in 50 years, and current treatments for the disease can have damaging side effects: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate the month of May as Lupus Awareness Month in the State of Kansas, and we urge all Kansans to educate themselves regarding the symptoms and impact of lupus and to join with the Lupus Foundation of America in supporting programs of research, education and community service; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Oletha Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1853** was adopted unanimously.

Senator Faust-Goudeau introduced members of the Lupus Association of America seated in the West Gallery in recognition of their support designating May as Lupus Awareness Month.

REPORT ON ENGROSSED BILLS

SB 520, SB 561, SB 570, SB 571, SB 574; SCR 1809 reported correctly engrossed March 23, 2010.

Also, **SB 415, SB 497** correctly re-engrossed March 23, 2010.

REPORT ON ENROLLED BILLS

SR 1847, SR 1848, SR 1849, SR 1850, SR 1851 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 23, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **Substitute for HB 2320**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as “SENATE Substitute for Substitute for HOUSE BILL No. 2320,” as follows:

“SENATE Substitute for Substitute for HOUSE BILL No. 2320

By Committee on Ways and Means

“AN ACT providing for assessments on certain nursing facilities; prescribing powers, duties and functions for the Kansas health policy authority; creating the quality care assessment fund; providing for implementation and administration.”; and the substitute bill be passed.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Emler in the chair.

On motion of Senator Emler the following report was adopted:

Recommended **SB 575; HB 2535, HB 2544**, be passed.

SB 579; HB 2551, be amended by adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Lee to amend **HB 2551** failed and the following amendment was rejected: on page 2, by striking all in lines 30 and 31 and inserting the following:

“Sec. 3. Sections 3 through 14, and amendments thereto, shall be known and may be cited as the property assessed renewable energy and energy efficiency (PARE) program act.

Sec. 4. As used in this act:

(a) "Energy efficiency improvement" means an installation or modification that is designed to reduce energy consumption in residential, commercial or industrial buildings, and may include, but is not limited to, the following:

- (1) Insulation in walls, roofs, floors and foundations and in heating and cooling distribution systems;
- (2) building envelope items, such as roofing, masonry, foundation, windows and doors;
- (3) automated or computerized energy control systems;
- (4) geothermal heating/cooling pumps, heating, ventilating or air conditioning and distribution system modifications or replacements;
- (5) caulking and weather-stripping;
- (6) replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination unless the increase in illumination is necessary to conform to the applicable building code for the proposed lighting system;
- (7) energy recovery systems;
- (8) daylighting systems;
- (9) cogeneration systems that produce steam or forms of energy such as heat, as well as electricity;
- (10) tankless hot water systems, solar hot water systems and low-flow bathroom fixtures and toilets; and
- (11) any other modification, installation or remodeling approved as a utility cost-savings measure by the governing body.

(b) "Governing body" means the governing body of a city or the board of county commissioners of a county.

(c) "Renewable energy improvement" means a fixture, product, system, device or interacting group of devices installed behind the meter of any residential, commercial or industrial building that produces energy from renewable resources, including, but not limited to, photovoltaic systems, solar thermal systems, small wind systems, biomass systems or geothermal systems, as may be authorized by the governing body.

Sec. 5. The governing body of any city or county, in accordance with the procedures and subject to the limitations of this act, may establish one or more energy management districts within the city or county for the purpose of constructing, installing or acquiring energy efficiency improvements or renewable energy improvements.

Sec. 6. Any city or county may construct energy efficiency improvements or renewable energy improvements and assess the cost thereof, wholly or in part, against the property especially benefited by such improvements. The improvements shall be authorized by city ordinance or county resolution and shall be constructed under the direction of the municipal engineer or other officer having similar duties or under the direction of the governing body in accordance with plans and specifications adopted by the governing body or, if such improvements qualify pursuant to the ordinance or resolution of the governing body, the owner of the real property may arrange for the improvements and obtain financing for the improvements from the city or county through the process set forth in the ordinance or resolution forming the district.

Sec. 7. Any city or county may initiate the formation of an energy management district by the adoption of a resolution of intent. Such resolution of intent shall contain the following: (a) The intent to designate an area for the assessment, even if the area will cover the entire city or county; (b) a description of the boundaries of the proposed district; (c) a general description of the goals and details to be provided within the district; (d) a finding that the district served a public purpose of the governing body by achieving its defined goals; (e) a summary of the eligible energy efficiency improvements and renewable energy improvements; (f) such other information as deemed advisable by the governing body; and (g) the time and place of a public hearing to be held by the governing body to consider establishment of the district.

Sec. 8. Notice of the public hearing on the proposed establishment of an energy management district shall be published once in the official newspaper of the city or county and a copy of such notice and a copy of the resolution of intent shall be mailed by first class mail to all owners of real property in the proposed district. Publication and mailing shall be

at least 30 days prior to the hearing and the hearing shall be held not later than 60 days after adoption of the resolution of intent.

Sec. 9. If the city or county, following the public hearing, determines it advisable and in the public interest to establish a district, the city or county shall create the district by ordinance or resolution, as appropriate. The ordinance or resolution creating the district shall contain the following: (a) A description of the boundaries of the district; (b) a list of all eligible energy efficiency improvements and renewable energy improvements; (c) a finding that the district serves a public purpose of the city or county by achieving the district's defined goals; (d) a method for ranking requests from owners of real property for financing through contractual assessments if requests exceed the authorization amount; (e) specification of whether the owners of real property may purchase the equipment for the energy efficiency improvement or renewable energy improvement directly or contract for the installation; (f) a draft contract specifying the terms and conditions to be agreed upon by the city or county and any owner of real property on which the improvements are to be made; and (g) the terms of members, method of appointment and duties of any manager, administrator or board established to oversee and manage the financing of any energy efficiency improvements or renewable energy improvements in the district. The boundaries of the district may include less territory than that described in the resolution of intent but may not include any territory not described in the resolution of intent. Following the creation of the district, owners of real property within the assessment area may opt-in to the program voluntarily.

Sec. 10. Within 45 days following publication of an ordinance establishing a district pursuant to section 9, and amendments thereto, the owners of real property located within the district may file with the governing body a petition in opposition to the continuation of the district. Upon a finding that a petition opposing the establishment of the district was signed by not less than a majority of the number of owners of real property located within the district, the district shall be dissolved.

Sec.11. Any modification of the area included within an energy management district shall be made by ordinance or resolution, as appropriate, following a public hearing, preceded by at least 30 days' written notice to all owners of real property within the existing and proposed district, served by first class mail. Any energy management district may be abolished by ordinance or resolution, as appropriate, following a public hearing, preceded by at least 30 days' written notice to all owners within the district by first class mail.

Sec. 12. (a) A city or county which has created an energy management district pursuant to this act may issue bonds in one or more series to finance energy efficiency improvements or renewable energy improvements to real property located within such district. Such bonds shall be made payable, both as to principal and interest, solely from a pledge of revenues from special assessments imposed pursuant to section 13, and amendments thereto.

(b) Bonds issued pursuant to this section shall not be general obligations of the city or county, give rise to a charge against the general credit or taxing powers of the city or county or be payable out of any funds or properties other than the revenues described in subsection (a).

(c) Bonds issued pursuant to this section shall be special obligations of the city or county and are declared to be negotiable instruments. Such bonds shall be executed by the authorized representatives of the city or county and sealed with the corporate seal of the city or county. All details pertaining to the issuance of the bonds and terms and conditions thereof shall be determined by ordinance or resolution of the city or county. The provisions of K.S.A. 10-106, and amendments thereto, requiring a public sale of bonds shall not apply to bonds issued under this section. All bonds issued pursuant to this section and all income or interest therefrom shall be exempt from all state taxes except inheritance taxes. Such bonds shall contain none of the recitals set forth in K.S.A. 10-112, and amendments thereto. Such bonds shall contain the following recitals: The authority under which such bonds are issued; that such bonds are in conformity with the provisions, restrictions and limitations thereof; and that such bonds and the interest thereon are to be paid from the money and revenues described in subsection (a). Such bonds shall mature in no more than 22 years.

(d) Any city or county issuing bonds under the provisions of this act shall not use the bonds to generate revenue.

(e) Any city or county issuing bonds under the provisions of this act may refund all or part of such issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.

(f) Bonds issued under the provisions of this act shall be in addition to and not subject to any statutory limitation of bonded indebtedness imposed on the city or county.

Sec. 13. (a) The governing body which has created an energy management district shall levy and collect special assessments upon real property in the district on which energy efficiency improvements or renewable energy improvements have been made pursuant to this act. The governing body shall provide for the payment of all costs of such improvements out of the proceeds of such special assessments. The governing body shall provide for the payment of the administrative costs of the improvements, not to exceed 5% of the total costs of such improvements, out of the proceeds of such special assessment. In making such assessments, the city or county shall follow the procedures provided in K.S.A. 12-6a01 et seq., and amendments thereto, except that the cost to be assessed shall be determined in accordance with the terms of the contract between the city or county and the owner of the real property upon which the improvements are made.

(b) Assessments pursuant to this act shall be payable at the time of the payment of general property taxes. All assessments shall bear interest at such rate as provided by the contract between the city or county and the owner of the real property upon which the improvements are made. Such assessments shall be collected and paid over to the city or county treasurer in the same manner as other taxes of the city or county are collected and paid. At any time prior to the date when an assessment is due, the owner of the real property may pay the whole of the assessment against such property with interest accrued to the date of payment to the city or county treasurer.

Sec. 14. (a) No improvement shall be made if the governing body determines that the owner of the real property cannot demonstrate sufficient income or other sufficient financial means, excluding the value of the real property, to pay the special assessment.

(b) Real property shall be considered eligible for purposes of this act if the total unpaid balances of debts secured by mortgages and other liens does not exceed 80% of the market value of the real property.

(c) The costs of renewable energy and energy efficiency improvements on the property shall not exceed 10% of the appraised value of the property.

(d) Any lien filed pursuant to a special assessment authorized by this act shall be subject to all prior liens of record. The lien must be filed in the office of the register of deeds of the county where the real property is located and must contain the legal description of all real property in the county subject to the lien.

Sec. 15. This act shall take effect and be in force from and after its publication in the statute book.”

In the title, in line 10, by striking all after “concerning”; in line 11, by striking all before the period and inserting “counties and municipalities; relating to bonds for certain purposes”

The committee report on **HB 2585** recommending a **Senate Sub for HB 2585** be adopted, and the substitute bill be passed.

SB 580 be amended by adoption of the committee amendments, be further amended by motion of Senator Bruce on page 4, by striking all in lines 17 and 18; in line 19, by striking “(h)” and inserting “(g)” and **SB 580** be passed as further amended.

HB 2691 be amended by motion of Senator Holland on page 1, in line 15, after “Section 1.” by inserting “From and after July 1, 2010.”;

On page 3, after line 14, by inserting the following:

“Sec. 2. K.S.A. 2009 Supp. 58-4505 is hereby amended to read as follows: 58-4505. (a) Except as provided in subsections (b) and (c), the board may deny, suspend or revoke a registration, or may impose probationary conditions on a registrant or applicant if the registrant or applicant has engaged in any of the following conduct:

(1) Making a materially false or fraudulent statement in an application for registration or renewal;

(2) been convicted of or plead guilty or nolo contendere in a court of competent jurisdiction to any misdemeanor involving dishonesty;

(3) intentionally falsifying a home inspection report;

(4) performing any of the following acts as part of the home inspection:

(A) Inspecting for a fee any property in which the home inspector has any personal or financial interest unless the interest is disclosed in writing to the client before the home inspection is performed and the client signs an acknowledgment of receipt of the disclosure;

(B) offering or delivering any commission, referral fee or kickback for the referral of any business to the home inspector; and

(C) accepting an engagement to perform a home inspection or to prepare a home inspection report in which the employment itself or the fee payable for the inspection is contingent upon the conclusions in the home inspection report, pre-established or prescribed findings or the closing of the underlying real estate transaction;

(5) including as a term or condition in an agreement to conduct a home inspection any provision that disclaims the liability of the registered home inspector for any errors and omissions which may arise during a home inspection or to limit the amount of damage for liability for any errors and omissions which may arise during a home inspection to less than ~~\$10,000~~ \$2,000 in the aggregate for each home inspection;

(6) failing to provide a client with a pre-inspection notice prior to the home inspection;

(7) failing to substantially follow the approved standards of practice and code of ethics;

(8) failing to respond as requested by the board to any summons for attendance and testimony or to produce documents or any other physical evidence during an investigation into the qualifications of or allegations of misconduct of an applicant or registrant; and

(9) violating any provision of this act or rules and regulations promulgated by the board pursuant to this act.

(b) (1) Except as provided in paragraph (2), the board shall refuse to issue a registration to an applicant or registrant if the applicant or registrant has entered a plea of guilty or nolo contendere to, or has been convicted of:

(A) (i) Any offense that is comparable to any crime which would require the applicant to register as provided in the Kansas offender registration act; or

(ii) any federal, military or other state conviction for an offense that is comparable to any crime under the laws of this state which would require the applicant to register as provided in the Kansas offender registration act; or

(B) (i) Any felony other than a felony under subparagraph (A); or

(ii) any federal, military or other state conviction for an offense that is comparable to any under the laws of this state other than a felony under subparagraph (A).

(2) The board may grant an original registration pursuant to subsection (c) if the applicant's or registrant's application is received at least:

(A) Fifteen years after the date of the applicant's or registrant's discharge from postrelease supervision, completion of any nonprison sanction or suspension of the imposition of the sentence resulting from any plea of guilty or nolo contendere to or conviction of any offense specified in subparagraph (A) of paragraph (1); or

(B) five years after the date of the applicant's discharge from postrelease supervision, completion of any nonprison sanction or suspension of the imposition of the sentence resulting from any plea of guilty or nolo contendere to or conviction of any offense specified in subparagraph (B) of paragraph (1), whichever is applicable.

(3) For the purposes of this subsection, "postrelease supervision" shall have the meaning ascribed to it in K.S.A. 21-4703 and amendments thereto.

(4) For the purposes of this subsection, "nonprison sanction" shall have the meaning ascribed to it in K.S.A. 21-4703 and amendments thereto.

(c) (1) The board may renew or grant an original registration to an applicant or registrant who has entered a plea of guilty or nolo contendere to, or has been convicted of any misdemeanor or any crime listed in paragraph (1) of subsection (b) if the applicant or registrant presents to the board satisfactory proof that the applicant or registrant now bears a good reputation for honesty, trustworthiness, integrity and competence to transact the business of registered home inspector in such a manner as to safeguard the interest of the public. The burden of proof shall be on the applicator or registrant to present such evidence to the board.

(2) In determining whether or not the applicant or registrant presently has a good reputation as required in this subsection, the board shall consider the following additional factors:

- (A) The extent and nature of the applicant's or registrant's past criminal activity;
 - (B) The age of the applicant or registrant at the time of the commission of the crime or crimes;
 - (C) the amount of time elapsed since the applicant's or registrant's last criminal activity;
 - (D) the conduct and work activity of the applicant or registrant prior to and following the criminal activity; and
 - (E) evidence of the applicant's or registrant's rehabilitation or rehabilitative effort; and
 - (F) all other evidence of the applicant's or registrant's present fitness for a registration.
- (d) In addition to or in lieu of any other administrative, civil or criminal remedy provided by law, if the board determines after notice and an opportunity for a hearing in accordance with the Kansas administrative procedures act that a registrant has violated any provision of this act or any rule and regulation adopted hereunder, the board may impose on such registrant a civil fine not to exceed \$500 for each violation.
- (e) All proceedings pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

Sec. 3. K.S.A. 2009 Supp. 58-4512 is hereby amended to read as follows: 58-4512. (a) It is the duty of all home inspectors registered under this act to conduct home inspections with the degree of care that a reasonably prudent home inspector would exercise under the circumstances.

(b) All home inspections shall be conducted according to a standard of practice and a code of ethics approved by the board.

(c) No registered home inspector may include, as a term or condition in an agreement to conduct a home inspection, any provision that disclaims the liability for any errors and omissions which may arise during a home inspection, or limit the amount of damages for liability for any errors and omissions which may arise during a home inspection to less than ~~\$10,000~~ \$2,000 in the aggregate for each home inspection and such term or condition or limitation setting the liability at an amount greater than ~~\$10,000~~ \$2,000 must be provided to the customer in writing to be in effect.

(d) An action to recover damages for any act or omission of a registered home inspector relating to a home inspection or home inspection report must be brought not more than 12 months from the date the home inspection was performed and may be initiated only by the client for which the home inspection was conducted.

(e) In any action to recover damages for any error or omission of a registered home inspector relating to a home inspection or home inspection report, a registered home inspector is liable for any errors and omissions which may arise during a home inspection in an amount of not to exceed \$2,000 in the aggregate for each home inspection, or to the amount in the pre-inspection agreement to conduct a home inspection, if greater than \$2,000 in the aggregate for each home inspection, provided that a registered home inspector provides the customer with a clear written description in the pre-inspection agreement of any greater limitations on the liability of the registered home inspector for any errors and omissions which may arise during the home inspection.

(f) All home inspectors registered under this act shall provide clients with a written pre-inspection notice prior to the home inspection.”;

Also on page 3, in line 15, by striking “75-3717 is” and inserting “58-4505 and 58-4512 are”; also after line 15, by inserting the following:

“Sec. 5. On July 1, 2010, K.S.A. 2009 Supp. 75-3717 is hereby repealed.”;

And by renumbering the sections accordingly;

Also on page 3, in line 17, by striking “statute book” and inserting “Kansas register”;

In the title, in line 9, by striking “budget estimates of” and inserting “certain”; in line 10, after the semicolon by inserting “relating to the”; in line 11, after “Supp.” by inserting “58-4505, 58-4512 and”; in line 12, by striking “section” and inserting “sections” and **HB 2691** be passed as amended.

S Sub for HB 2079 be amended by adoption of the committee report recommending a substitute bill. The following motion by Senator Kultala to amend **S Sub for HB 2079** was adopted: on page 5, in line 23, by striking all after “attorney,”; in line 24, by striking all before “or”; in line 27, after “senator” by inserting “or member of the state board of education”;

On page 6, in line 27, by striking all after “attorney;”; in line 28, by striking all before “or”; in line 30, after “senator” by inserting “or member of the state board of education”;

Senator Huntington moved to amend **S Sub for HB 2079** on page 6, after line 42, by inserting the following:

“New Sec. 3. On and after July 1, 2010, (a) any person who spends or contracts to spend an amount of \$500 or more per calendar year for any electioneering communication shall submit a campaign finance report prescribed and provided by the governmental ethics commission for each electioneering communication, which shall include:

(1) The name of the clearly identified candidate mentioned in the electioneering communication;

(2) the name, street address, city, state and zip code of each individual or other entity that contributes more than \$500 per year to such person for an electioneering communication. In addition, the report shall list the occupation of any individual who contributed \$500 or more;

(3) the name, street address, city, state and zip code of the vendor to whom a payment of more than \$500 for such electioneering communication is made or contracted to be made; and

(4) the amount spent on or contracted to be spent on such electioneering communication. If the person making the electioneering communication is an individual, such reports shall also include the occupation of such individual. Reports required by this section shall be in addition to any other reports required by law.

(b) (1) (A) For an electioneering communication concerning a candidate for state office, the report required by subsection (a) shall be filed only with the secretary of state.

(B) For an electioneering communication concerning a candidate for local office, the report required by subsection (a) shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot.

(2) Except as required by paragraph (3), each report required by subsection (a) shall be filed in time to be received in the offices required in accordance with the times set forth in K.S.A. 25-4148 and amendments thereto.

(3) For any electioneering communication occurring during the 11 days preceding the election, the report required by subsection (a) shall be filed on or before the close of the second business day following the day in which such funds are spent or contracted to be spent for such electioneering communication.

(c) (1) Any electioneering communication placed in a newspaper or other periodical must be followed by the word “advertisement” or the abbreviation “adv.” in a separate line together with the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

(2) Any electioneering communication which is broadcast or caused to be broadcast by any radio or television station must be followed by a statement which states: “Paid for” or “Sponsored by” followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

(3) Any electioneering communication which is made by telephone or contact made by any telephonic means including, but not limited to, any device using a voice over internet protocol or wireless telephone, must be preceded by a statement which states: “Paid for” or “Sponsored by” followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

(4) Any electioneering communication which is published or caused to be published in any brochure, flier or other political fact sheet shall be followed by a statement which states: “Paid for” or “Sponsored by” followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

(d) For the purpose of this section:

(1) “Electioneering communication” means any communication that reaches 500 or more persons broadcast by television or radio, printed in a newspaper or on a billboard, directly

mailed or delivered by hand to personal residences, phone calls or otherwise distributed that:

(A) Unambiguously refers to any clearly identified candidate;
 (B) is broadcast, printed, mailed, delivered or distributed within 30 days before a primary election or 60 days before a general election; or
 (C) is broadcast to, printed in a newspaper distributed to, mailed to, delivered by hand to or otherwise distributed to an audience that includes members of the electorate for such public office.

(2) "Electioneering communication" does not include:

(A) Any news articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;

(B) any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(C) any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;

(D) any communication that refers to any candidate only as part of the popular name of a bill or statute;

(E) any communication made solely to promote a candidate debate or forum that is made by or on behalf of the person sponsoring such debate or forum; or

(F) any communication made as part of a nonpartisan activity designed to encourage individuals to vote or register to vote.

(e) Any federally registered political action committee that pays for electioneering communications in Kansas, which has reported all of its contributions and expenditures to the federal elections commission in compliance with the federal elections campaign act (FECA) shall not be subject to the disclosures to the state of Kansas under section (a), but shall be subject to all other disclosures under this section.

(f) The provisions of this section shall be part of and supplemental to the campaign finance act.":

And by renumbering the remaining sections accordingly;

In the title, in line 11, by striking all after the semicolon; in line 12, by striking all before "amending"

Upon the showing of five hands a roll call was requested:

On roll call, the vote was: Yeas 18, Nays 21, Present and Passing 1, Absent or Not Voting 0.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt V, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schodorf, Taddiken, Teichman, Wagle.

Present and Passing: Steineger.

The motion failed and the amendment was rejected.

EXPLANATION OF VOTE

MR. CHAIRMAN: I believe strongly in transparency in our public affairs. We must have open transparent government in order to conduct the public's business. Individual Kansans, however, should have the same guarantees our Founding Fathers used to form this great republic.

Three voices from American history—Publius, Brutus, and Silence Dogood — protected individuals. Benjamin Franklin used the alias of the widow Silence Dogood to comment about colonial America. The great debate that founded this country was argued in the Federalist Papers and the Anti-Federalist Papers. John Jay, Alexander Hamilton, and James Madison wrote the Federalist Papers, under the pseudonym, Publius. Publius even argues against a Bill of Rights (Federalist 84) because it might only give individuals very limited

rights. Robert Yates and Thomas Jefferson argued back to pass the Bill of Rights under the pseudonym, Brutus. Their debate should be instructive to us over 200 years later.

Individual Kansans deserve the same protections our Founding Fathers relied upon to give us the freedoms we exercise today. — JEFF COLYER

Senator Petersen requests the record to show he concurs with the “Explanation of Vote” offered by Senator Colyer on **S Sub for HB 2079**.

S Sub for HB 2079 be passed over and retain a place on the calendar.

S Sub for HB 2582 be amended by adoption of the committee amendments recommending a substitute bill. Senator Apple moved to amend the bill on page 6, in line 30, before “Not” and inserting “The LCPA shall utilize a competitive bidding process to select a neutral, competent and bonded third party administrator.

(b)”;

And by redesignating subsections accordingly;

Also on page 6, in line 32, after “LCPA” by inserting “administrator” and **S Sub for HB 2582** be passed over and retain a place on the calendar.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 575, SB 579, SB 580; HB 2544, HB 2551; S Sub for HB 2585; HB 2691** were advanced to Final Action and roll call.

SB 575, An act concerning the special city and county highway fund; amending K.S.A. 2009 Supp. 79-3425i and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 579, An act regulating traffic; concerning sun screening devices; providing for certain exemptions; amending K.S.A. 8-1749a and repealing the existing section.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Francisco, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Faust-Goudeau, Haley, Pilcher-Cook, Pyle.

The bill passed, as amended.

SB 580, An act concerning the division of post audit; amending K.S.A. 2009 Supp. 46-1118, 46-1121 and 46-1132 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 46-1130.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2535, An act designating a part of K-61 highway as the John Neal memorial highway.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kel-

sey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

HB 2544, An act concerning the state public trust established for certain communities within superfund sites; attendance at meetings; providing for abolition of the trust; amending K.S.A. 2009 Supp. 49-512 and repealing the existing section.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Pilcher-Cook.

The bill passed.

HB 2551, An act concerning recovery zone bonds; granting authority to the department of commerce to recapture unissued bonds.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

S Sub for HB 2585, An act concerning journalists; providing a privilege with regard to certain disclosures of information.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Barnett.

The substitute bill passed.

HB 2691, An act concerning certain state agencies; relating to biennial estimates for certain state agencies; relating to the Kansas home inspectors registration board; amending K.S.A. 2009 Supp. 58-4505, 58-4512 and 75-3717 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **House Substitute for SB 262** and has appointed Representatives Landwehr, Crum and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 387** and has appointed Representatives Yoder, Merrick and Feuerborn as conferees on the part of the House.

The House announces the appointment of Representative King to replace Representative Vickrey as a conferee on **HB 2130**.

The House announces the appointment of Representative King to replace Representative Vickrey as a conferee on **HB 2482**.

The House announces the appointment of Representative King to replace Representative Vickrey as a conferee on **HB 2486**.

ORIGINAL MOTION

On motion of Senator Reitz, the Senate acceded to the request of the House for a conference on **HB 2472**.

The Vice President appointed Senators Reitz, Huntington and Kultala as conferees on the part of the Senate.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Wednesday, March 24, 2010.

Journal of the Senate

FIFTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 24, 2010—10:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

President Morris introduced as guest chaplain, Senator Dick Kelsey, who delivered the invocation:

Heavenly Father,

Lord, You have told us in James that if any man lack wisdom, let him ask of God who giveth to all men liberally. Lord, we ask for your wisdom as we seek to make important decisions that affect all Kansans.

Give us, Lord, a spirit of understanding and respect for each other as we may differ on our view points. Let us experience what you told us in Proverbs that in the multitude of counselors there is wisdom.

Thank you for the opportunity to serve the people of this great state. Help each of us to maintain a servant's attitude and let us give you the glory for the good things that are accomplished.

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Business and Labor: **Sub HB 2669**.

Federal and State Affairs: **SB 584; HB 2166, HB 2620**.

Natural Resources: **Sub HB 2428**.

Ways and Means: **HB 2666**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Emler moved the Senate concur in house amendments to **SB 410**.

SB 410, An act concerning electronic payments; amending K.S.A. 16a-2-403 and K.S.A. 2009 Supp. 75-30,100 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umberger, Vratil, Wagle.

The Senate concurred.

Senator Owens moved the Senate concur in house amendments to **SB 460**.

SB 460, An act concerning children; relating to permanency; priority of certain orders; amending K.S.A. 38-1116 and 60-3107 and K.S.A. 2009 Supp. 38-1121, 38-2201, 38-2202, 38-2203, 38-2208, 38-2212, 38-2242, 38-2243, 38-2251, 38-2255, 38-2258, 38-2264, 38-

2272, 38-2273, 38-2279, 38-2304, 38-2305, 38-2361 and 60-1610 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Barnett moved the Senate concur in house amendments to **Sub SB 475**.

Sub SB 475, An act concerning funeral directors; amending K.S.A. 65-1714 and K.S.A. 2009 Supp. 65-1713 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Barnett moved the Senate concur in house amendments to **SB 491**.

SB 491, An act concerning respiratory therapists; relating to special permits; amending K.S.A. 65-5508 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Barnett moved the Senate concur in house amendments to **SB 500**.

SB 500, An act concerning the healing arts act; regarding an exception to prohibited acts; amending K.S.A. 65-2867 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **Sub SB 67** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Barnett the Senate nonconcurred in the House amendments to **H Sub for SB 83** and requested a conference committee be appointed.

The President appointed Senators Barnett, V. Schmidt and Kelly as a conference committee on the part of the Senate.

On motion of Senator Emler the Senate nonconcurred in the House amendments to **H Sub for SB 146** and requested a conference committee be appointed.

The President appointed Senators Emler, Vratil and Hensley as a conference committee on the part of the Senate.

On motion of Senator Umbarger the Senate nonconcurred in the House amendments to **H Sub for SB 293** and requested a conference committee be appointed.

The President appointed Senators Umbarger, Marshall and Kultala as a conference committee on the part of the Senate.

On motion of Senator Umbarger the Senate nonconcurred in the House amendments to **H Sub for SB 300** and requested a conference committee be appointed.

The President appointed Senators Umbarger, Marshall and Kultala as a conference committee on the part of the Senate.

On motion of Senator Emler the Senate nonconcurred in the House amendments to **H Sub for SB 313** and requested a conference committee be appointed.

The President appointed Senators Emler, McGinn and Kelly as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 346** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 368** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Emler the Senate nonconcurred in the House amendments to **H Sub for SB 449** and requested a conference committee be appointed.

The President appointed Senators Barnett, V. Schmidt and Kelly as a conference committee on the part of the Senate.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Kelly as a member of the Conference Committee on **SB 62** to replace Senator Haley.

The President announced the appointment of Senator Vratil as a member of the Conference Committee on **SB 368** to replace Senator D. Schmidt.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2180**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2180," as follows:

"SENATE Substitute for HOUSE BILL No. 2180

By Committee on Federal and State Affairs

"AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; creating the Kansas agricultural opportunity act; amending K.S.A. 2009 Supp. 74-8734, 74-8741, 74-8744, 74-8747, 74-8751 and 74-8768 and repealing the existing sections."; and the substitute bill be passed.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Brungardt in the chair.

On motion of Senator Brungardt the following report for the morning session was adopted:

Recommended **HB 2649** be passed.

HB 2434, **HB 2554** be amended by adoption of the committee amendments, and the bills be passed as amended.

S Sub for Sub HB 2509 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of D. Schmidt on page 2, in line 12, by striking "or (3) child advocacy"; in line 13, by striking "organization" and inserting "(3) any prosecuting attorney, as defined in K.S.A. 22-2202, and amendments thereto; or (4) any bona fide child advocacy organization, including, but not limited to, the National Center for Missing and Exploited Children" and **S Sub for Sub HB 2509** be passed as amended.

S Sub for Sub HB 2538 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Brownlee on page 2, by striking all in line 6 and 7; in line 8, by striking “(g)” and inserting “(f)”; after line 9, by inserting the following:

“(g) “NAICS” means the North American industry classification system.

(h) “NAICS code industry average wage” means the average wage paid to companies classified in the same NAICS code as the qualified company for the region in which the qualified company intends to employ new employees as reported by the department of labor in its annual report for the previous year.”;

And by relettering the remaining subsections accordingly;

Also on page 2, in line 23, by striking “from another”; in line 24, by striking “state”; also in line 24, by striking “a” and inserting “an existing”;

On page 4, in line 20, by striking “medium” and inserting “county median”;

On page 10, in line 9, after “programs” by inserting “which may be”; in line 10, by striking “the department of”; also in line 10, after “commerce” by inserting “and the acquisition of any necessary software”;

On page 17, in line 2, after the period by inserting “The audit shall make a recommendation on the retention or adjustment of the limitation described in subsection (g) of K.S.A. 2009 Supp. 74-50,213, and amendments thereto.”; in line 6, by striking all after the period; by striking all in lines 7 through 9;

Senator Holland moved to amend **S Sub for Sub HB 2538** on page 2, line 15, by striking “or main-”, and on line 16, by striking “tained” on page 4, line 19, by inserting “being paid the county median wage or higher “after the phrase “taxes for such new employees” and **S Sub for Sub HB 2538** be passed as amended.

SB 578 be amended by motion of Senator Faust-Goudeau on page 1, after line 17, by inserting the following:

“New Section 1. (a) No supplier of novelty cigarette lighters in this state, including a manufacturer, distributor, importer, retailer or anyone giving away lighters as prizes or promotions, shall sell or give away a novelty lighter. This prohibition does not apply to the transportation of novelty lighters through this state or the storage of novelty lighters in a warehouse or distribution center in this state that is closed to the public for purposes of retail sales.

(b) The provisions of this section shall be enforced by the secretary of the department of revenue. The secretary may adopt rules and regulations necessary to implement the provisions of this section. The secretary or the secretary’s designee, upon a finding that a person has violated this section shall impose on such person a civil fine not exceeding \$500 for each violation.

(c) Any fine collected pursuant to this section 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 cigarette and tobacco products regulation fund.

(d) (1) For the purposes of this section, “novelty lighter” means a mechanical or electrical device typically used for lighting cigarettes, cigars, or pipes that has entertaining audio or visual effects, or that resembles, in physical form or function, articles commonly recognized as appealing to or intended for use by children 10 years of age or younger. This includes, but is not limited to, lighters that resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel.

(2) The term “novelty lighter” shall not include: (A) A lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame; or (B) any mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills.

(e) This section shall be part of and supplemental to the Kansas cigarette and tobacco products act.”;

And by renumbering the remaining sections accordingly

Senator Taddiken moved to amend **SB 578** on page 7, in line 32, before the semicolon, by inserting “within 10 years preceding the date of making an application for such license”

SB 578 was temporarily passed over.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **HB 2434**; **S Sub for Sub HB 2509**; **S Sub for Sub HB 2538**; **HB 2554**, **HB 2649** were advanced to Final Action and roll call.

HB 2434, An act concerning natural resources; amending K.S.A. 24-412, 32-1015 and K.S.A. 2009 Supp. 24-139a, 24-409 and 32-837 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

S Sub for Sub HB 2509, An act creating a private cause of action for victims of child pornography.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Haley.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I reluctantly "PASS" on **HB 2509**.

The underlying intent of this Bill is one we should all whole hearted endorse, and I do. Protecting children from becoming victims of pornography is an unquestionably laudable goal.

Billng these predators with a minimum of \$150,000 is a good cause of action for any civil suit. But my only concern, and one being addressed by other states (google:usatoday), is the so called "sexting" of pornographic materials that so often occurs between consenting teens.

There should be that "Romeo and Juliet" exception, I believe, to this practice in our new otherwise beneficial law. — DAVID HALEY

S Sub for Sub HB 2538, An act concerning economic development; pertaining to the promoting employment across Kansas act; pertaining to qualifications for benefits under such act; duties of secretary of revenue; reporting requirements; amending K.S.A. 2009 Supp. 74-50,103, 74-50,108, 74-50,210, 74-50,211, 74-50,212, 74-50,213, 74-50,214, 74-8010, 79-32,153 and 79-32,160a and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

HB 2554, An act concerning the economic revitalization and reinvestment act; authorizing the issuance of bonds for certain economic development projects; amending K.S.A. 2009 Supp. 74-50,136 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2649, An act designating little bluestem (*schizachyrium scoparium*) as the state grass of Kansas.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Masterson, McGinn, Morris, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Marshall, Ostmeyer.

Present and Passing: Huelskamp.

The bill passed.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2685**.

Announcing passage of **SB 519**.

Also, passage of **SB 25**, as amended by House Substitute for **SB 25**; **SB 234**, as amended by House Substitute for **SB 234**; **SB 269**, as amended by House Substitute for **SB 269**; **SB 305**, as amended by House Substitute for **SB 305**; **SB 306**, as amended by House Substitute for **SB 306**; **SB 310**, as amended by House Substitute for **SB 310**; **SB 359**, as amended; **SB 362**, as amended; **SB 377**, as amended by House Substitute for **SB 377**; **SB 381**, as amended by House Substitute for **SB 381**; **SB 388**, as amended; **SB 452**, as amended; Substitute **SB 514**, as amended by House Substitute for Substitute **SB 514**; **SB 537**, as amended; and **SCR 1614**, as amended.

Announcing rejection of **SB 427**, as amended by House Substitute for **SB 427**.

The House announces the appointment of Representative Hineman to replace Representative Kelley as a conferee on **SB 461**.

The House announces the appointment of Representative A. Brown to replace Representative Kiegerl as a conferee on Senate Substitute for **HB 2115**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2685 was thereupon introduced and read by title.

On motion of Senator D. Schmidt, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Emler the Senate nonconcluded in the House amendments to **SCR 1614** and requested a conference committee be appointed.

The President appointed Senators Vratil, D. Schmidt and Kelly as a conference committee on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Huntington introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1854—

A RESOLUTION welcoming and saluting the members of the Ukraine Delegation to the State of Kansas through the Open World Program of the Library of Congress.

WHEREAS, The Library of Congress sponsors the Open World Program, which brings emerging leaders from Russia, Ukraine and other post-Soviet states to the United States in order to give them firsthand exposure to the American system of participatory democracy and free enterprise; and

WHEREAS, The principles of accountability, transparency and citizen involvement in government are among the concepts emphasized by the Open World Program. The program is administered by the Open World Leadership Center, an independent entity established in the U.S. legislative branch in 2000; and

WHEREAS, The mission statement of the Open World Program is: To enhance understanding and capabilities for cooperation between the United States and the countries of Eurasia and the Baltic States by developing a network of leaders in the region who have gained significant, firsthand exposure to America's democratic, accountable government and free-market system; and

WHEREAS, Members of the Ukraine delegation are with us today through the efforts of the International Visitors Council of Greater Kansas City for a week of activities centered around the theme "Accountable Government." The members of the delegation are Valeriy Mykolayovych Oliynyk, Serhiy Ivanovych Harhat, Oleh Vasylovych Kulinich, Mariya Dmytrivna Porchuk, Serhiy Petrovych Yaremenko and Oleh Mykhaylovych Kurakov; and

WHEREAS, We are especially pleased to have this delegation visit the State of Kansas, as the city of Prairie Village is the sister city to Serhiy Ivanovych Harhat's home town of Dolyna in the Ukraine. We warmly acknowledge our esteemed visitors: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we hereby welcome and salute the members of the Ukraine Delegation and extend them our greetings and best wishes; and

Be it further resolved: That the Secretary of the Senate be directed to provide six enrolled copies of this resolution, one for each of the members of the Ukraine delegation.

On emergency motion of Senator Huntington **SR 1854** was adopted unanimously.

Senator Huntington welcomed the Ukraine Delegation to the State of Kansas. Introduced were the following members of the Ukraine delegation: Valeriy Mykolayovych Oliynyk, Serhiy Ivanovych Harhat, Oleh Vasylovych Kulinich, Oleh Mykhaylovych Kurakov, Mariya Dmytrivna Porchuk and Serhiy Petrovych Yaremenko. Alex Tsiovkh and Therese Lindell were also in attendance for their support of the Ukraine delegation.

Senators Petersen, Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Pilcher-Cook, Pyle, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1855—

A RESOLUTION urging the United States Government to support the NewGen Tanker.

WHEREAS, The Boeing Company has been building and maintaining refueling tankers for the United States Air Force for 60 years and has more experience building tankers than any other company on earth; and

WHEREAS, The Boeing NewGen Tanker will be designed to meet all Air Force requirements, incorporate innovative 21st century refueling systems, and will combine a modern digital flight deck with state-of-the-art 787 features; and

WHEREAS, The Boeing-built tankers are safe and survivable in combat, where it counts most; and

WHEREAS, During the previous tanker competition, the Air Force concluded the Boeing tanker was significantly more survivable than the Airbus tanker, and that Boeing's pilot-oriented flight controls provide full combat maneuverability in all situations; and

WHEREAS, Awarding the contract to Boeing would create or retain approximately 50,000 skilled jobs in the United States' high-technology aviation industry and provide good jobs to Kansans; and

WHEREAS, Manufacturing and maintaining our indispensable U.S. air refueling tanker fleet with American hands on American soil is much preferable and more sensible from a national security standpoint than abdicating this vital project to a foreign supplier: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the 40 members of the Kansas Senate stand firmly united in the conviction that the Boeing NewGen Tanker is a superior airframe and that the expertise of the Boeing workforce is second to no one in the world; and that the United States Government and the United States Congress are strongly exhorted to select the Boeing NewGen Tanker; and

Be it further resolved: That the Secretary of the Senate be directed to send enrolled copies of this resolution to the President of the United States, the Secretary of Defense, the United States Senate Majority Leader, the United States Senate Republican Leader, the Speaker of the United States House of Representatives, the United States House of Representatives Republican Leader and each member of the Kansas Congressional Delegation.

On emergency motion of Senator Petersen **SR 1855** was adopted unanimously.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Brungardt in the chair.

On motion of Senator Brungardt the following report for the afternoon session was adopted.

The committee resumed consideration of **SB 578** as amended during the morning session. **SB 578** be passed as amended. Senator Pyle made a motion to return **SB 578** back to the committee.

Upon the showing of five hands a roll call was requested.

On roll call, the vote was: Yeas 19, Nays 19, Present and Passing 2, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Haley, Huelskamp, Kelsey, Lynn, Marshall, Masterson, McGinn, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Kelly, Kultala, Lee, Morris, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Present and Passing: Donovan, Huntington.

The motion failed.

Recommended **HB 2560**, **HB 2561** be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **Sub HB 2345** be adopted, and the substitute bill be passed as amended.

The committee report on **HB 2508** recommending a **Senate Sub for HB 2508** be adopted, and the substitute bill be passed.

SB 488 be amended by adoption of the committee amendments, be further amended by motion of Senator Reitz on page 2, following line 14, by inserting the following:

"Section 1. K.S.A. 65-177 is hereby amended to read as follows: 65-177. The term "data" as used in this act shall be construed to include all facts, information, records of interviews, written reports, statements, notes, or memoranda secured in connection with an authorized medical research study.

The secretary of health and environment may receive data secured in connection with medical research studies conducted for the purpose of reducing morbidity or mortality from maternal, perinatal and anesthetic causes. Such studies may be conducted by the secretary of health and environment and his staff or with other qualified persons, agencies or organizations. Where authorization to conduct such a study is granted by the secretary of health and environment, all data voluntarily made available to the secretary of health and environment in connection with such study shall be treated as confidential and shall be used solely for purposes of medical research. Research files and opinions expressed upon the evidence

found in such research shall not be admissible as evidence in any action in any court or before any other tribunal: *Provided, however*, That any statistics or tables resulting from such data shall be admissible as evidence: *Provided*, That this act shall not affect the right of any patient or his guardians, representatives or heirs to require hospitals, physicians, sanatoriums, rest homes, nursing homes or other persons or agencies to furnish his hospital record to his representatives upon written authorization, or the admissibility in evidence thereof.

No employee of the secretary of health and environment shall interview any patient named in any such report, nor any relative of any such patient, *unless otherwise provided in K.S.A. 65-2422d, and amendments thereto: Provided*, That nothing in this act shall prohibit the publication by the secretary of health and environment or a duly authorized cooperating person, agency or organization, of final reports or statistical compilations derived from morbidity or mortality studies, which reports or compilations do not identify individuals, associations, corporations or institutions which were the subjects of such studies, or reveal sources of information.”;

On page 5, by striking all in line 12 and inserting the following:

“Sec. 3. K.S.A. 2009 Supp. 65-2422d is hereby amended to read as follows: 65-2422d. (a) The records and files of the division of health pertaining to vital statistics shall be open to inspection, subject to the provisions of this act and rules and regulations of the secretary. It shall be unlawful for any officer or employee of the state to disclose data contained in vital statistical records, except as authorized by this act and the secretary, and it shall be unlawful for anyone who possesses, stores or in any way handles vital statistics records under contract with the state to disclose any data contained in the records, except as authorized by law.

(b) No information concerning the birth of a child shall be disclosed in a manner that enables determination that the child was born out of wedlock, except upon order of a court in a case where the information is necessary for the determination of personal or property rights and then only for that purpose, or except that employees of the office of child support enforcement of the federal department of health and human services shall be provided information when the information is necessary to ensure compliance with federal reporting and audit requirements pursuant to title IV-D of the federal social security act or except that the secretary of social and rehabilitation services or the secretary’s designee performing child support enforcement functions pursuant to title IV-D of the federal social security act shall be provided information and copies of birth certificates when the information is necessary to establish parentage in legal actions or to ensure compliance with federal reporting and audit requirements pursuant to title IV-D of the federal social security act. Nothing in this subsection shall be construed as exempting such employees of the federal department of health and human services or the secretary of social and rehabilitation services or the secretary’s designee from the fees prescribed by K.S.A. 65-2418, and amendments thereto.

(c) Except as provided in subsection (b), and amendments thereto, the state registrar shall not permit inspection of the records or issue a certified copy or abstract of a certificate or part thereof unless the state registrar is satisfied the applicant therefor has a direct interest in the matter recorded and the information contained in the record is necessary for the determination of personal or property rights. The state registrar’s decision shall be subject, however, to review by the secretary or by a court in accordance with the act for judicial review and civil enforcement of agency actions, subject to the limitations of this section.

(d) The secretary shall permit the use of data contained in vital statistical records for research purposes only, but no identifying use of them shall be made. *The secretary shall permit the use of birth, death and still birth certificates as identifiable data for purposes of maternal and child health surveillance and monitoring. The secretary or the secretary’s designee may interview individuals for purposes of maternal and child health surveillance and monitoring only with an approval of the health and environmental institutional review board as provided in title 45, part 46 of the code of federal regulations. The secretary shall inform such individuals that the participation in such surveillance and monitoring is voluntary and may only be conducted with the written consent of the person who is the subject of the information or with the informed consent of a parent or legal guardian if the person is under 18 years of age. Informed consent is not required if the person who is the subject of the information is deceased.*

(e) Subject to the provisions of this section the secretary may direct the state registrar to release birth, death and stillbirth certificate data to federal, state or municipal agencies.

(f) On or before the 20th day of each month, the state registrar shall furnish to the county election officer of each county and the clerk of the district court in each county, without charge, a list of deceased residents of the county who were at least 18 years of age and for whom death certificates have been filed in the office of the state registrar during the preceding calendar month. The list shall include the name, age or date of birth, address and date of death of each of the deceased persons and shall be used solely by the election officer for the purpose of correcting records of their offices and by the clerk of the district court in each county for the purpose of correcting juror information for such county. Information provided under this subsection to the clerk of the district court shall be considered confidential and shall not be disclosed to the public. The provisions of subsection (b) of K.S.A. 45-229, and amendments thereto, shall not apply to the provisions of this subsection.

(g) No person shall prepare or issue any certificate which purports to be an original, certified copy or abstract or copy of a certificate of birth, death or fetal death, except as authorized in this act or rules and regulations adopted under this act.

(h) Records of births, deaths or marriages which are not in the custody of the secretary of health and environment and which were created before July 1, 1911, pursuant to chapter 129 of the 1885 Session Laws of Kansas, and any copies of such records, shall be open to inspection by any person and the provisions of this section shall not apply to such records.

(i) Social security numbers furnished pursuant to K.S.A. 65-2409a and amendments thereto shall only be used as permitted by title IV-D of the federal social security act and amendments thereto or as permitted by section 7(a) of the federal privacy act of 1974 and amendments thereto. The secretary shall make social security numbers furnished pursuant to K.S.A. 65-2409a and amendments thereto available to the department of social and rehabilitation services for purposes permitted under title IV-D of the federal social security act.

(j) Fact of death information may be disseminated to state and federal agencies administering benefit programs. Such information shall be used for file clearance purposes only.

Sec. 4. K.S.A. 65-177 and 65-2402 and K.S.A. 2009 Supp. 65-2422d are hereby repealed.”;

And by renumbering the sections accordingly;

On page 1, in the title, in line 16, by striking “powers”; by striking all in line 17; in line 18, by striking all preceding the semicolon and inserting “office of vital statistics”; in line 19, by striking “65-2402”; also in line 19, before “and” by inserting “65-177 and 65-2402 and K.S.A. 2009 Supp. 65-2422d”; in line 20, by striking “section” and inserting “sections” and **SB 488** be passed as further amended.

Senator Pilcher-Cook moved to amend **SB 488** on page 5, following line 11, by inserting the following:

“Sec. 3. K.S.A. 65-2401 is hereby amended to read as follows: 65-2401. As used in this act: (1) “Vital statistics” includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to birth, adoption, legitimation, death, stillbirth, marriage, divorce, annulment of marriage, induced termination of pregnancy, and data incidental thereto.

(2) “Live birth” means ~~the complete expulsion or extraction from its mother of a product of human conception~~ *a living individual organism of the species homo sapiens*, irrespective of the duration of pregnancy, which, after ~~such~~ expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(3) “Stillbirth” means ~~any complete expulsion or extraction from its mother of a product of human conception the weight of which is in excess of 350 grams~~ *a living individual organism of the species homo sapiens, who dies in utero*, irrespective of the duration of pregnancy, resulting in other than a live birth, as defined in this act, and which is not an induced termination of pregnancy.

(4) “Induced termination of pregnancy” means the purposeful interruption of pregnancy with the intention other than to produce a ~~live-born infant~~ *live birth* or to remove a ~~dead fetus~~ *stillbirth* and which does not result in a live birth.

(5) "Dead body" means a lifeless human body or such parts of a human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

(6) "Person in charge of interment" means any person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.

(7) "Secretary" means the secretary of health and environment.

Sec. 4. K.S.A. 65-2412 is hereby amended to read as follows: 65-2412. (a) A death certificate or stillbirth certificate for each death or stillbirth *where the fetus weighs more than 350 grams* which occurs in this state shall be filed with the state registrar within three days after such death and prior to removal of the body from the state and shall be registered by the state registrar if such death certificate or stillbirth certificate has been completed and filed in accordance with this section. *If the fetus weight is less than or equal to 350 grams, the mother shall have the option of choosing whether or not a stillbirth certificate shall be filed.* If the place of death is unknown, a death certificate shall be filed indicating the location where the body was found as the place of death. A certificate shall be filed within three days after such occurrence; if death occurs in a moving conveyance, the death certificate shall record the location where the dead body was first removed from such conveyance as the place of death.

(b) The funeral director or person acting as such who first assumes custody of a dead body or fetus shall file the death certificate. Such person shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification of cause of death from the physician last in attendance prior to burial. The death certificate filed with the state registrar shall be the official death record, except that a funeral director licensed pursuant to K.S.A. 65-1714, and amendments thereto, may verify as true and accurate information pertaining to a death on a form provided by the state registrar, and any such form, verified within 21 days of date of death, shall be prima facie evidence of the facts therein stated for purposes of establishing death. The secretary of health and environment shall fix and collect a fee for each form provided a funeral director pursuant to this subsection. The fee shall be collected at the time the form is provided the funeral director and shall be in the same amount as the fee for a certified copy of a death certificate.

(c) When death occurred without medical attendance or when inquiry is required by the laws relating to postmortem examinations, the coroner shall investigate the cause of death and shall complete and sign the medical certification within 24 hours after receipt of the death certificate or as provided in K.S.A. 65-2414, and amendments thereto.

(d) In every instance a certificate shall be filed prior to interment or disposal of the body.";

And by renumbering sections accordingly;

Also on page 5, in line 12, by following "K.S.A." by inserting "65-2401,;" also in line 12, by striking "is" and inserting "and 65-2412 are";

On page 1, in the title, in line 18, following "K.S.A." by inserting "65-2401," in line 19, following "65-2402" by inserting "and 65-2412"; in line 20, by striking "section" and inserting "sections"

Upon the showing of five hands a roll call was requested:

On roll call, the vote was: Yeas 18, Nays 21, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Absent or Not Voting: McGinn.

The motion failed and the amendment was rejected.

SB 572 be amended by adoption of the committee amendments, be further amended by motion of Senator Francisco on page 4, after line 20, by inserting the following:

"Sec. 3. K.S.A. 77-151 is hereby amended to read as follows: 77-151. (a) Each year the revisor of statutes shall edit and prepare for printing and publication such volumes of the Kansas Statutes Annotated as have been included in the detailed budget of the legislative

coordinating council for the revisor of statutes. Except as otherwise provided by law for volumes containing constitutions and the general index, the volume or volumes published each year shall contain all of the statutes in force and effect then contained in the volume or volumes of the Kansas Statutes Annotated being replaced and the then current supplements thereto, together with all acts passed by the current session of the legislature and assigned by the revisor of statutes to chapters in the volume or volumes being newly published.

(b) When more than one volume is being newly published in any year, the material in the replacement volumes shall be divided between or among the replacement volumes as nearly equally as practicable by the revisor of statutes. Each volume shall be printed and bound by the division of printing in the format prescribed by K.S.A. 77-152 and amendments thereto. Replacement volumes shall not contain volume indexes. In editing and preparing the material to be contained in replacement volumes of the Kansas Statutes Annotated for publication, the provisions of K.S.A. 77-133, 77-136, 77-136a and 77-152, and amendments to these statutes, shall govern the revisor and the division of printing, insofar as the same can be made applicable, and the statutes to be contained in replacement volumes shall be authenticated in the same manner as required under K.S.A. 77-137 and amendments thereto. After publication of replacement volumes, each shall thereafter be kept up to date by cumulative supplements in the same manner as provided for supplementation of Kansas Statutes Annotated by K.S.A. 77-163 *et seq.* and amendments thereto.

(c) Replacement volumes of the Kansas Statutes Annotated shall be printed in the number of copies specified by the revisor of statutes, subject to available appropriations, and shall be ~~distributed and sold in the same manner as provided in K.S.A. 77-138 and amendments thereto as for the distribution of volumes of the Kansas Statutes Annotated and distributed in the same manner as provided in K.S.A. 77-165, and amendments thereto.~~;

And by renumbering the remaining sections accordingly;

Also on page 4, in line 31, after “volumes” by inserting “and the replacement volumes”; also in line 31, after “considered” by inserting “a full set of”; in line 35, by striking the comma; in line 36, by striking all before “as”;

On page 5, in line 19, after “K.S.A.” by inserting “77-151 and K.S.A.”;

In the title, in line 11, after “K.S.A.” by inserting “77-151 and K.S.A.” and **SB 572** be passed as further amended.

HB 2660 be amended by adoption of the committee amendments, be further amended by motion of Senator D. Schmidt on page 23, following line 17, by inserting the following:

“Sec. 6. K.S.A. 8-1749a is hereby amended to read as follows: 8-1749a. (a) No motor vehicle required to be registered in this state and which is operated on the highways of this state shall be equipped with one-way glass or any sun ~~screen~~ screening device, as defined in K.S.A. 8-1749b, *and amendments thereto*, and used in conjunction with safety glazing materials that do not meet the following requirements:

(1) A sun screening device when used in conjunction with the windshield shall be non-reflective and shall not be red, yellow or amber in color. A sun screening device shall be used only along the top of the windshield and shall not extend downward beyond the AS1 line which is clearly defined and marked;

(2) a sun screening device when used in conjunction with the safety glazing materials of the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rear most window shall be nonreflective; and

(3) the total light transmission shall not be less than 35% when a sun screening device is used in conjunction with safety glazing materials or other existing sun screening devices.

(b) *Subsection (a)(3) shall not apply to a window of a law enforcement motor vehicle that is clearly identified as such by words or other symbols on the outside of the vehicle.*

~~(c)~~ (c) The superintendent of the highway patrol may adopt such rules and regulations necessary to carry out the provisions of ~~subsection (a)~~ *this section.*

~~(d)~~ (d) This section shall not prohibit labels, stickers or other informational signs that are required or permitted by state law.

~~(e)~~ (e) No motor vehicle required to be registered in this state which is operated on the highways of this state shall be equipped with head lamps which are covered with any sun

~~screen~~ screening device, adhesive film or other glaze or application which, when such lamps are not in operation, is highly reflective or otherwise nontransparent.

~~(c) (1) From and after July 1, 1987, and prior to January 1, 1988, a law enforcement officer shall issue a warning citation to any person violating the provisions of this section:~~

~~(2) From and after January 1, 1988,~~

(f) Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.”;

And by renumbering sections accordingly;

Also on page 23, in line 19, by striking “and 8-1598” and inserting “8-1598 and 8-1749a”;

On page 1, in the title, in line 18, by striking “and 8-1598” and inserting “8-1598 and 8-1749a” and **HB 2660** be passed as further amended.

Discussion on **S Sub for HB 2582** continued after adoption of the committee report and amended by Senator Apple on March 23. Senator Apple further amended on page 2, by striking all in lines 37 through 43;

On page 3, by striking all in lines 1 through 12; in line 17, by striking all after “(b)”;

in line 18, by striking “commence January 1, 2011.”; by striking all in lines 31 through 43;

On page 4, by striking all in lines 1 through 7;

And by relettering the remaining subsections accordingly;

Also on page 4, in line 30, by striking “1.1%” and inserting “1%”;

On page 5, by striking all in lines 15 through 25;

And by relettering the remaining subsections accordingly;

On page 6, in line 31, by striking all after “(a)”;

by striking all in lines 32 through 42; in line 43, by striking “(c)”;

And by relettering the remaining subsections accordingly;

On page 9, in line 5, after “PSAPs” by inserting “and requiring that each PSAP file such reporting form with the 911 coordinating council by March 1 of each subsequent calendar year”;

On page 12, in line 7, by striking “January 1, 2011” and inserting “July 1, 2012”;

after line 13, by inserting the following:

Sec. 19. K.S.A. 2009 Supp. 12-5302 is hereby amended to read as follows: 12-5302. (a) In addition to other powers for the protection of the public health and welfare, a governing body may provide for the operation of an emergency telephone service and may pay for it by imposing an emergency telephone tax for such service in those portions of the governing body’s jurisdiction for which emergency telephone service has been contracted. The governing body may do such other acts as are expedient for the protection and preservation of the public health and welfare and are necessary for the operation of the emergency telephone system. The governing body is hereby authorized by ordinance in the case of cities and by resolution in the case of counties to impose such tax in those portions of the governing body’s jurisdiction for which emergency telephone service has been contracted. Subject to the provisions of K.S.A. 2009 Supp. 12-5338, and amendments thereto, the amount of such tax shall not exceed \$.75 per month per exchange access line or its equivalent. *Collection and remittance of such tax shall be subject to the provisions of section 4, and amendments thereto, and K.S.A. 2009 Supp. 12-5303, and amendments thereto.*

(b) Within 60 days of the publication of a resolution by a county adopted pursuant to subsection (a) there may be filed with the county election officer of the county a petition signed by not less than 5% of the registered voters of the county, and within 60 days of publication of an ordinance adopted pursuant to subsection (a) there may be filed with the county election officer of the county in which the city is located a petition signed by not less than 5% of the registered voters of the city, in either such case requesting that the question of the installation and operation of emergency telephone service and imposition of tax therefor be submitted to the qualified voters of the county. Upon determination of the sufficiency of such petition and certification thereof by the county election officer, the proposition shall be submitted to the qualified voters of the county or city as the case may be at the next primary or general election of county officers following by not less than 60 days the certification of such petition. If a majority of the votes cast at such election are for the installation and operation of emergency telephone service and imposition of tax therefor, or if no protest petition is filed within the time hereinbefore prescribed, the governing body

may provide for the installation and operation of such service and impose such tax. If a tax is imposed on the effective date of this act or thereafter, any proposed increase in the amount of the tax shall be subject to the protest petition provided in this subsection. The proceeds of the tax shall be utilized to pay for the operation of emergency telephone service as set forth in subsection (b) of K.S.A. 12-5304, and amendments thereto, and may be imposed at any time subsequent to execution of a contract with the provider of such service at the discretion of the governing body. The collection of such tax may begin at the time determined to be necessary to generate revenue in an amount necessary to pay the nonrecurring expenses of establishing the emergency telephone service. Any interest earned on revenue derived from such tax shall be used to pay the expenses authorized by K.S.A. 12-5304, and amendments thereto. Such tax shall not be imposed until after the expiration of the protest period or until after approved at an election if a sufficient protest petition is filed.

(c) As an alternative to the procedure provided in subsection (b), the governing body may submit, on its own initiative, the proposal to establish an emergency telephone service to the qualified voters of the city or county for approval. Any such election shall be called and held in the manner provided by the general bond law.

~~(d) Such tax shall be imposed only upon exchange access lines or their equivalent. No such tax shall be imposed upon more than 100 exchange access facilities or their equivalent per person per location.~~

~~(e) Every billed service user shall be liable for any tax imposed under this section until it has been paid to the service supplier. Wireless service shall be exempt from the emergency telephone tax under this section but shall be subject to the wireless enhanced 911 grant fee imposed under K.S.A. 2009 Supp. 12-5324, and amendments thereto, and the wireless enhanced 911 local fee imposed under K.S.A. 2009 Supp. 12-5330, and amendments thereto.~~

~~(f) The duty to collect any tax imposed under authority of this section from a service user shall commence at such time as specified by the governing body. Taxes imposed under authority of this section and required by it to be collected by the service supplier shall be added to and may be stated separately in the billings to the service user.~~

~~(g) The service supplier shall have no obligation to take any legal action to enforce the collection of any tax imposed under authority of this section. The service supplier shall provide annually the governing body with a list of amounts uncollected along with the names and addresses of those service users which carry a balance that can be determined by the service supplier to be nonpayment of any tax imposed under authority of this section.~~

~~(h) Any tax imposed under authority of this section shall be collected insofar as practicable at the same time as, and along with, the charges for the tariff rate in accordance with the regular billing practice of the service supplier.~~

Sec. 20. K.S.A. 2009 Supp. 12-5324 is hereby amended to read as follows: 12-5324. (a) Subject to the provisions of K.S.A. 2009 Supp. 12-5338, and amendments thereto, effective July 1, 2004, there is hereby established a wireless enhanced 911 grant fee in the amount of \$.25 per month per wireless subscriber account with primary place of use in the state of Kansas. It shall be the duty of each wireless carrier to collect such fee from the wireless service user and remit such fee to the secretary as provided by K.S.A. 2009 Supp. 12-5331, and amendments thereto sections 4, 17 and 22, and amendments thereto, until such fee is discontinued.

(b) Subject to the provisions of K.S.A. 2009 Supp. 12-5338, and amendments thereto, there is hereby established a wireless enhanced 911 grant fee in an amount equal to 1% of the retail price of any prepaid wireless service sold in the state. It shall be the duty of each wholesaler of prepaid wireless service to remit such fee to the secretary as provided by K.S.A. 2009 Supp. 12-5331, and amendments thereto.

~~(c) The secretary shall remit to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, any fees received pursuant to this section. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.~~

Sec. 21. K.S.A. 2009 Supp. 12-5330 is hereby amended to read as follows: 12-5330. (a) Effective July 1, 2004, there is hereby imposed a wireless enhanced 911 local fee. Subject to the provisions of K.S.A. 2009 Supp. 12-5338, and amendments thereto; The amount of

such fee shall be \$.25 per month per wireless subscriber with primary place of use in the state of Kansas. Such fee shall not be imposed on prepaid wireless service and shall be subject to the provisions of sections 4 and 9, and amendments thereto.

(b) Subject to the provisions of K.S.A. 2009 Supp. 12-5338, and amendments thereto, the proceeds of the wireless enhanced 911 local fee, and any interest earned on revenue derived from such fee, shall be used only for necessary and reasonable costs incurred or to be incurred by PSAP's for: (1) Implementation of wireless enhanced 911 service and VoIP enhanced 911 service, (2) purchase of equipment and upgrades and modification to equipment used solely to process the data elements of wireless enhanced 911 service and VoIP enhanced 911 service, and (3) maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by this act.

—(c) Each PSAP shall submit to the secretary an annual report accounting for the money received by the PSAP from the wireless enhanced 911 local fee. Such report shall be submitted on a form provided by the secretary.

—(d) (1) Subject to the provisions of subsection (d)(3), each PSAP shall submit to wireless carriers a valid request for wireless enhanced 911 service by July 1, 2007.

—(2) Subject to the provisions of subsection (d)(3), if a PSAP has not submitted to wireless carriers a valid request for wireless enhanced 911 service by July 1, 2007: (A) Such PSAP shall pay to the secretary all moneys from the wireless enhanced 911 local fee which have been or are received by such PSAP; (B) the secretary shall notify the local collection point administrator that the PSAP has not made a valid request when required and that distributions of moneys from the wireless enhanced 911 local fee to the PSAP shall be stopped and that such moneys shall be instead remitted to the secretary until the secretary notifies the local collection point administrator that the PSAP has made a valid request; (C) the PSAP thereafter shall not be eligible to receive moneys from the fund or from distributions by the local collection point administrator until the PSAP has submitted to the secretary evidence satisfactory to the secretary that the PSAP has submitted to wireless carriers a valid request for wireless enhanced 911 service. The secretary shall remit any moneys received from the repayment by the PSAP or from distributions by the local collection point administrator to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.

—(3) If a PSAP is unable to make a valid request by July 1, 2007, the advisory board may approve not to exceed two one-year extensions of such date to not later than July 1, 2008; if the advisory board determines that: (A) Equipment necessary to receive and utilize the data elements associated with wireless enhanced 911 service has been ordered by the PSAP but is unavailable, or (B) there is other just cause to extend the date.

Sec. 22. K.S.A. 2009 Supp. 12-5331 is hereby amended to read as follows: 12-5331. (a) Every billed wireless service user shall be liable for the wireless enhanced 911 grant fee and the wireless enhanced 911 local fee until such fees have been paid to the wireless carrier.

—(b) The duty to collect any such fees imposed pursuant to this act shall commence July 1, 2004. Such fees shall be added to and may be stated separately in billings for the subscriber account. If stated separately in billings, the fees shall be labeled "KS E-911 fees."

—(c) The wireless carrier shall have no obligation to take any legal action to enforce the collection of the fees imposed by this act. The wireless carrier shall provide annually to the secretary a list of amounts of uncollected wireless enhanced 911 grant fees along with the names and addresses of those wireless service users which carry a balance that can be determined by the wireless carrier to be nonpayment of such fees. The wireless carrier shall provide annually to the local collection point administrator a list of amounts of uncollected wireless enhanced 911 local fees along with the names and addresses of those wireless service users which carry a balance that can be determined by the wireless carrier to be nonpayment of such fees.

~~—(d) The fees imposed by this act shall be collected insofar as practicable at the same time as, and along with, the charges for wireless service in accordance with regular billing practice of the wireless carrier.~~

~~—(e) The wireless enhanced 911 grant fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the wireless carrier shall be remitted to the secretary not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the secretary in such form as the secretary and the wireless carrier shall agree. The wireless carrier required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the secretary. The wireless carrier shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.~~

†† (b) The wireless enhanced 911 local fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the wireless carrier shall be remitted to the local collection point administrator not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the local collection point administrator. Such return shall be in such form and shall contain such information as required by the administrator. The wireless carrier required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the local collection point administrator. The wireless carrier shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.

~~(g) In the case of prepaid wireless telephone service, the monthly wireless enhanced 911 grant fee shall be remitted to the secretary by the wholesaler of the prepaid wireless service not more than 15 days after the close of the calendar month in which the prepaid wireless service is sold by such wholesaler.~~

~~—(h) (c) Except as provided by subsection (d) of K.S.A. 2009 Supp. 12-5330, and amendments thereto, Not later than 30 days after receipt of moneys from wireless carriers pursuant to this section, the local collection point administrator shall distribute such moneys collected from the wireless enhanced 911 local fee to PSAP's based upon primary place of use information provided by wireless carriers. The local collection point administrator may retain an administrative fee of not more than 2% of moneys collected from such fee. Moneys which cannot be attributed to a specific PSAP shall be utilized for the purposes set out in subsection (b) of K.S.A. 2009 Supp. 12-5330, and amendments thereto. Until all PSAP's have achieved phase II status, such moneys shall only be distributed for such purposes to PSAP's that have not achieved phase II status. When all PSAP's have achieved phase II status, then such moneys shall be distributed for such purposes to any PSAP.~~

†† (d) The local collection point administrator shall keep accurate accounts of all receipts and disbursements of moneys from the wireless enhanced 911 local fee. The receipts and disbursements shall be audited yearly by a licensed municipal accountant or certified public accountant and the audit report shall be submitted to the secretary *be subject to the audit requirements as set forth in section 13, and amendments thereto.*”;

Also on page 12, in line 16, by striking “January 1, 2011” and inserting “July 1, 2012”; also in line 16, by striking “and the”; in line 17, by striking “wireless enhanced 911 local fee”; also in line 17, by striking “the advisory board”; in line 18, by striking “shall be abolished.”; in line 23, after the period by inserting “On the effective date of this act, the advisory board shall be abolished.”; after line 41, by inserting the following:

“Sec. 24. K.S.A. 2009 Supp. 12-5355 is hereby amended to read as follows: 12-5355. †† Subject to the provisions of ~~K.S.A. 2009 Supp. 12-5361~~ *section 27*, and amendments thereto, effective July 1, 2006, there is hereby established a VoIP enhanced 911 grant fee in the amount of \$.25 per month per VoIP service user. It shall be the duty of each VoIP provider to collect such fee from the VoIP service user and remit such fee ~~to the secretary~~ as provided by ~~K.S.A. 2009 Supp. 12-5357, and amendments thereto~~ *sections 4, 12 and 26, and amendments thereto, until such fee is discontinued.* Notwithstanding any other provision of this act, no VoIP service user shall be liable for, nor shall any VoIP provider be required to

collect, the VoIP enhanced 911 grant fee on any interconnected VoIP service upon which an emergency telephone tax is paid pursuant to K.S.A. 12-5302, and amendments thereto; or upon which a wireless enhanced 911 grant fee is paid pursuant to K.S.A. 12-5324, and amendments thereto. In addition, no service user shall be liable for, nor shall any service supplier, telecommunications public utility, telecommunications carrier or wireless carrier be required to collect the emergency telephone tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, or the wireless enhanced 911 grant fee established pursuant to K.S.A. 12-5324, and amendments thereto, for any interconnected VoIP service upon which a VoIP enhanced 911 fee is paid pursuant to this act.

— (b) The secretary shall remit to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, any fees received pursuant to this section. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.

Sec. 25. K.S.A. 2009 Supp. 12-5356 is hereby amended to read as follows: 12-5356. (a) Effective July 1, 2006, there is hereby imposed a VoIP enhanced 911 local fee. ~~Subject to the provisions of K.S.A. 2009 Supp. 12-5361, and amendments thereto;~~ The amount of such fee shall be \$.25 per month per VoIP service user. ~~Notwithstanding any other provision of this act, no VoIP service user shall be liable for, nor shall any VoIP provider be required to collect, the VoIP enhanced 911 local fee on any interconnected VoIP service upon which an emergency telephone tax is paid pursuant to K.S.A. 12-5302, and amendments thereto; or upon which a wireless enhanced 911 local fee is paid pursuant to K.S.A. 12-5330, and amendments thereto. In addition, no service user shall be liable for, nor shall any service supplier, telecommunications public utility, telecommunications carrier or wireless carrier be required to collect the emergency telephone tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, or the wireless enhanced 911 local fee established pursuant to K.S.A. 12-5330, and amendments thereto, for any interconnected VoIP service upon which a VoIP enhanced 911 fee is paid pursuant to this act. This section is also subject to the provisions of sections 4 and 12, and amendments thereto.~~

(b) The proceeds of the VoIP enhanced 911 local fee, and any interest earned on revenue derived from such fee, shall be used only for the purposes provided in ~~K.S.A. 2009 Supp. 12-5330 section 9,~~ and amendments thereto.

(c) Each PSAP shall submit to the secretary an annual report accounting for the money received by the PSAP from the VoIP enhanced 911 local fee. Such report shall be submitted on a form provided by the secretary, which shall be consolidated with the report accounting for moneys received from the wireless enhanced 911 local fee required pursuant to ~~K.S.A. 2009 Supp. 12-5330,~~ and amendments thereto.

— (d) ~~If pursuant to K.S.A. 2009 Supp. 12-5330, and amendments thereto, a PSAP is required to pay to the secretary all moneys from the wireless enhanced 911 local fee which have been or are received by such PSAP, such PSAP shall also pay to the secretary all moneys from the VoIP enhanced 911 local fee which have been or are received by such PSAP and the secretary shall notify the local collection point administrator that distributions of moneys from the VoIP enhanced 911 local fee to the PSAP shall be stopped and that such moneys shall be instead remitted to the secretary until the PSAP is again eligible to receive moneys from the wireless enhanced 911 local fee. The PSAP thereafter shall not be eligible to receive moneys from distributions by the local collection point administrator until the PSAP is again eligible to receive moneys from the wireless enhanced 911 local fee. The secretary shall remit any moneys received from the repayment by the PSAP or from distributions by the local collection point administrator to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.~~

Sec. 26. K.S.A. 2009 Supp. 12-5357 is hereby amended to read as follows: 12-5357. (a) Every billed VoIP service user shall be liable for the VoIP enhanced 911 grant fee and the VoIP enhanced 911 local fee until such fees have been paid to the VoIP provider.

— (b) The duty to collect any such fees imposed pursuant to this act shall commence July 1, 2006. Such fees shall be added to and may be stated separately in billings. If stated separately, the fees shall be labeled “KS E-911 fees.”

~~—(c) The VoIP provider shall have no obligation to take any legal action to enforce the collection of the fees imposed by this act. The VoIP provider shall provide annually to the secretary a list of amounts of uncollected VoIP enhanced 911 grant fees along with the names and addresses of those VoIP service users which carry a balance that can be determined by the VoIP provider to be nonpayment of such fees. The VoIP provider shall provide annually to the local collection point administrator a list of amounts of uncollected VoIP enhanced 911 local fees along with the names and addresses of those VoIP service users which carry a balance that can be determined by the VoIP provider to be nonpayment of such fees.~~

~~—(d) The fees imposed by this act shall be collected insofar as practicable at the same time as, and along with, the charges for VoIP service in accordance with regular billing practice of the VoIP provider.~~

~~—(e) The VoIP enhanced 911 grant fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the VoIP provider shall be remitted to the secretary not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the secretary in such form as the secretary and the VoIP provider shall agree. The VoIP provider required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the secretary. The VoIP provider shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.~~

~~⌘(b) The VoIP enhanced 911 local fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the VoIP provider shall be remitted to the local collection point administrator not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the local collection point administrator. Such return shall be in such form and shall contain such information as required by the administrator. The VoIP provider required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the local collection point administrator. The VoIP provider shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.~~

~~⌘(c) Except as provided by subsection (d) of K.S.A. 2009 Supp. 12-5356, and amendments thereto, Not later than 30 days after receipt of moneys from VoIP providers pursuant to this section, the local collection point administrator shall distribute such moneys collected from the VoIP enhanced 911 local fee to PSAP's based upon primary residence information provided by VoIP providers. The local collection point administrator may retain an administrative fee of not more than 2% of moneys collected from such fee.~~

~~⌘(d) The local collection point administrator shall keep accurate accounts of all receipts and disbursements of moneys from the VoIP enhanced 911 local fee. The receipts and disbursements shall be audited yearly by a licensed municipal accountant or certified public accountant and the audit report shall be submitted to the secretary *be subject to the audit requirements as set forth in section 13, and amendments thereto.*~~

On page 13, in line 1, by striking "January 1, 2011" and inserting "July 1, 2012"; also in line 1, by striking "and the VoIP"; in line 2, by striking "enhanced 911 local fee";

On page 22, in line 40, by striking "12-5338, 12-5361," and inserting "12-5302, 12-5324, 12-5330, 12-5331, 12-5355, 12-5356, 12-5357";

Also on page 22, after line 41, by inserting the following:

"Sec. 31. On and after July 1, 2012, K.S.A. 2009 Supp. 12-5338 and 12-5361 are hereby repealed.;"

And by renumbering the sections accordingly;

Also on page 22, in line 42, by striking "12-5303,";

On page 23, in line 1, by striking "12-5302,;" also in line 1, by striking "12-5324,;" in line 2, by striking "12-5330, 12-5331,;" in line 4, by striking "12-5355, 12-5356, 12-5357,;"

In the title, in line 11, after "Supp." by inserting "12-5302, 12-5324, 12-5330, 12-5331,;" in line 12, after "12-5338,;" by inserting "12-5355, 12-5356, 12-5357,;" in line 13, by striking

“12-5303,”; in line 14, by striking “12-5302,”; in line 15, by striking “12-5324,”; in line 16, by striking “12-5330, 12-5331,”; in line 17, by striking “12-5355,”; in line 18, by striking “12-5356, 12-5357,”

Senator Brownlee moved to amend **S Sub for HB 2582** on page 7, line 25, by inserting after service:, not to include the purchase of new reflective signs as required by federal mandates, and **S Sub for HB 2582** be passed as further amended.

SB 577; HB 2595 be passed over and retain a place on the calendar.

On emergency motion of Senator D. Schmidt, **HB 2704** was advanced on the calendar under the heading of General Orders, to the first order of business.

HB 2704 be amended by adoption of the committee amendments, be further amended by motion of Senator Schodorf on page 2, by striking all in lines 31 and 32, and inserting the following:

“Sec. 2. K.S.A. 2009 Supp. 72-6441 is hereby amended to read as follows: 72-6441. (a) (1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose, including any amount attributable to assignment of school facilities weighting to enrollment of the district for each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state court of tax appeals may authorize the district to make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(2) The state court of tax appeals shall certify to the state board of education the amount authorized to be produced by the levy of a tax under subsection (a).

(3) The state court of tax appeals may adopt rules and regulations necessary to effectuate the provisions of this subsection, including rules and regulations relating to the evidence required in support of a district's claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose.

(4) The provisions of this subsection apply to any district that (A) commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing; (B) is authorized to adopt and has adopted a local option budget which is at least equal to that amount required to qualify for school facilities weighting under K.S.A. 2009 Supp. 72-6415b, and amendments thereto; and (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

(b) The board of any district that has levied an ad valorem tax on the taxable tangible property of the district each year for a period of two years under authority of subsection (a) may continue to levy such tax under authority of this subsection each year for an additional period of time not to exceed three years in an amount not to exceed the amount computed by the state board of education as provided in this subsection if the board of the district determines that the costs attributable to commencing operation of one or more new school facilities are significantly greater than the costs attributable to the operation of other school facilities in the district. The tax authorized under this subsection may be levied at a rate which will produce an amount that is not greater than the amount computed by the state board of education as provided in this subsection. In computing such amount, the state board shall (1) determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such

amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year, and (2) compute 75% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the first year of the three-year period for which the district may levy a tax under authority of this subsection, and (3) compute 50% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the second year of the three-year period for which the district may levy a tax under authority of this subsection, and (4) compute 25% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the third year of the three-year period for which the district may levy a tax under authority of this subsection.

(c) The proceeds from the tax levied by a district under authority of this section 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 state school district finance fund.

(d) *As used in this section, "taxable tangible property" means real property, personal property, state-assessed property and motor vehicles.*

Sec. 3. K.S.A. 2009 Supp. 72-6449 is hereby amended to read as follows: 72-6449. (a) As used in this section, ~~"school district" or "district" means a school district authorized to make a levy under this section.~~

(1) *"School district" or "district" means a school district authorized to make a levy under this section.*

(2) *"Taxable tangible property" means real property, personal property, state-assessed property and motor vehicles.*

(b) The board of education of any district may levy a *an ad valorem* tax on the taxable tangible property within the district for the purpose of financing the costs incurred by the state that are attributable directly to assignment of the cost of living weighting to the enrollment of the district. There is hereby established in every school district a fund which shall be called the cost of living fund, which fund shall consist of all moneys deposited therein or transferred thereto in accordance with law. All moneys derived from a tax imposed pursuant to this section shall be credited to the cost of living fund. The proceeds from the tax levied by a district credited to the cost of living fund 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 state school district finance fund.

(c) The state board of education shall determine whether a district may levy a tax under this section as follows:

(1) Determine the statewide average appraised value of single family residences for the calendar year preceding the current school year;

(2) multiply the amount determined under (1) by 1.25;

(3) determine the average appraised value of single family residences in each school district for the calendar year preceding the current school year; and

(4) (A) subtract the amount determined under (2) from the amount determined under (3). If the amount determined for the district under this paragraph is a positive number and the district is authorized to adopt and has adopted a local option budget in an amount equal to at least 31% of the state financial aid for the school district, the district qualifies for assignment of cost of living weighting and may levy a tax on the taxable tangible property of the district for the purpose of financing the costs that are attributable directly to assignment of the cost of living weighting to enrollment of the district; or

(B) As an alternative to the authority provided in paragraph (4)(A), if a district was authorized to make a levy pursuant to this section in school year 2006-2007, such district shall remain authorized to levy such tax at a rate necessary to generate revenue in the same amount generated in school year 2006-2007 if: (i) The amount determined under paragraph (4)(A) is a positive number; and (ii) the district continues to adopt a local option budget in an amount equal to the state prescribed percentage in effect in school year 2006-2007.

(d) No tax may be levied under this section unless the board of education adopts a resolution authorizing such a tax levy and publishes the resolution at least once in a news-

paper having general circulation in the district. Except as provided by subsection (e), the resolution shall be published in substantial compliance with the following form:

Unified School District No. _____,

_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to levy an ad valorem tax in an amount not to exceed the amount necessary to finance the costs attributable directly to the assignment of cost of living weighting to the enrollment of the district. The ad valorem tax authorized by this resolution may be levied unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after the publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether the levy of such a tax shall be authorized in accordance with the provisions of this resolution to the electors of the school district at the next general election of the school district, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the _____ day of _____, (year)_____.

Clerk of the board of education.

All of the blanks in the resolution shall be filled. If no petition as specified above is filed in accordance with the provisions of the resolution, the resolution authorizing the ad valorem tax levy shall become effective. If a petition is filed as provided in the resolution, the board may notify the county election officer to submit the question of whether such tax levy shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and of no force and effect and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If a majority of the votes cast in an election conducted pursuant to this provision are in favor of the resolution, such resolution shall be effective on the date of such election. If a majority of the votes cast are not in favor of the resolution, the resolution shall be deemed of no effect and no like resolution shall be adopted by the board within the nine months following such election.

Sec. 4. K.S.A. 2009 Supp. 72-6451 is hereby amended to read as follows: 72-6451. (a) As used in this section:

(1) "School district" or "district" means a school district which: (A) Has a declining enrollment; and (B) has adopted a local option budget in an amount which equals at least 31% of the state financial aid for the school district at the time the district applies to the state court of tax appeals for authority to make a levy pursuant to this section.

(2) "Declining enrollment" means an enrollment which has declined in amount from that of the preceding school year.

(3) "*Taxable tangible property*" means *real property, personal property, state-assessed property and motor vehicles.*

(b) (1) (A) A school district may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of declining enrollment weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the amount of revenues lost as a result of the declining enrollment of the district. Such amount shall not exceed 5% of the general fund budget of the district in the school year in which the district applies to the state court of tax appeals for authority to make a levy pursuant to this section.

(B) As an alternative to the authority provided in paragraph (1)(A), if a district was authorized to make a levy pursuant to this section in school year 2006-2007, such district shall remain authorized to make a levy at a rate necessary to generate revenue in the same amount that was generated in school year 2007-2008 if the district adopts a local option budget in an amount equal to the state prescribed percentage in effect in school year 2006-2007.

(2) The state court of tax appeals shall certify to the state board the amount authorized to be produced by the levy of a tax under this section.

(3) The state board shall prescribe guidelines for the data that school districts shall include in cases before the state court of tax appeals pursuant to this section.

(c) A district may levy the tax authorized pursuant to this section for a period of time not to exceed two years unless authority to make such levy is renewed by the state court of tax appeals. The state court of tax appeals may renew the authority to make such levy for periods of time not to exceed two years.

(d) The state board shall provide to the state court of tax appeals such school data and information requested by the state court of tax appeals and any other information deemed necessary by the state board.

(e) There is hereby established in every district a fund which shall be called the declining enrollment fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The proceeds from the tax levied by a district under authority of this section shall be credited to the declining enrollment fund of the district. The proceeds from the tax levied by a district credited to the declining enrollment fund 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 state school district finance fund.

Sec. 5. K.S.A. 2009 Supp. 72-6441, 72-6449, 72-6451 and 72-8701 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 14, by striking all after the semicolon; by striking all in line 15; in line 16, by striking all before the period and inserting “amending K.S.A. 2009 Supp. 72-6441, 72-6449, 72-6451 and 72-8701 and repealing the existing sections”

Senator Brownlee moved to amend **HB 2704** on page 2, following line 30, by inserting:

“New Sec. 2. Any student transferring from a school which is closed or discontinued as a result of the consolidation of school districts shall be eligible for interschool activities immediately upon enrollment at another attendance center in the consolidated school district, if the student meets the following conditions:

(a) The student enrolls at an attendance center in the vicinity of the student’s home which is close enough so the student may continue to reside at home; and

(b) the student meets all other eligibility requirements concerning enrollment, age, grade-level and academics.”;

And by renumbering the sections accordingly.

Senator Hensley made a motion to amend **HB 2704** on page 2, by striking all in lines 31 and 32, and inserting the following:

Sec. 2. K.S.A. 2009 Supp. 72-998 is hereby amended to read as follows: 72-998. (a) As used in this section:

(1) “Medicaid children” means exceptional children who receive special education and related services and for which the district receives medicaid payments.

(2) Words and phrases used in this section, have the meanings ascribed thereto in K.S.A. 72-962, and amendments thereto.

(b) ~~The provisions of this section shall be applicable for school years 2007-2008, 2008-2009 and 2009-2010.~~ The state board shall designate a portion of the amount of moneys appropriated as special education services state aid as medicaid replacement state aid. The amount designated by the state board shall not exceed \$9,000,000 in any school year.

(c) Subject to the limitations of this section and appropriations therefor, each school district shall be entitled to medicaid replacement state aid. The amount of such state aid shall be computed by the state board as provided in this section. The state board shall:

(1) Determine the total number of medicaid children in all school districts on March 1 of each school year;

(2) divide the amount of moneys designated as medicaid replacement state aid by the amount determined under paragraph (1); and

(3) multiply the quotient determined under paragraph (2) by the number of medicaid children in each school district on March 1 of each school year. The product is the amount of medicaid replacement state aid the district is entitled to receive.

(d) All amounts received by a school district under this section shall be deposited in the general fund of the district and shall be transferred to the special education fund of the district.

(e) The board of education of any district desiring to receive state aid pursuant to this section shall submit any documentation or information to the state board as it may request. The state board may establish deadlines for the submission of such documentation and information.

(f) The state board shall make the distribution of moneys under this section prior to determining the amount of state aid to be distributed under K.S.A. 72-978, and amendments thereto.

(g) The state board shall prescribe all forms necessary for reporting under this section.

Sec. 3. K.S.A. 2009 Supp. 72-998 and 72-8701 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 14, by striking all after the semicolon; by striking all in line 15; in line 16, by striking all before the period and inserting “amending K.S.A. 2009 Supp. 72-998 and 72-8701 and repealing the existing sections” and **HB 2704** be passed as further amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 488**, **SB 572**, **SB 578**; **Sub HB 2345**; **S Sub for HB 2508**; **HB 2560**, **HB 2561**; **S Sub for HB 2582**; **HB 2660**, **HB 2704** were advanced to Final Action and roll call.

SB 488, An act concerning the secretary of health and environment; relating to office of vital statistics; amending K.S.A. 65-177 and 65-2402 and K.S.A. 2009 Supp. 65-2422d and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 572, An act concerning distribution of certain publications; amending K.S.A. 77-151 and K.S.A. 2009 Supp. 45-116, 77-138 and 77-165 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 578, An act concerning the Kansas cigarette and tobacco products act; violations of act; licensing of retail dealers; amending K.S.A. 79-3304, 79-3309, 79-3371, 79-3373, 79-3374, 79-3375, 79-3377, 79-3378 and 79-3379 and K.S.A. 2009 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3310, 79-3311, 79-3312, 79-3316, 79-3321 and 79-3333 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 79-3310c.

On roll call, the vote was: Yeas 18, Nays 21, Present and Passing 1, Absent or Not Voting 0.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Kelly, Kultala, Lee, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Huntington, Kelsey, Lynn, Marshall, Masterson, McGinn, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Taddiken, Wagle.

Present and Passing: Haley.

A constitutional majority having failed to vote in favor of the bill, **SB 578** did not pass.

Sub HB 2345, An act concerning insurance; relating to life insurance companies; relating to insurance payments for certain property claims; amending K.S.A. 2009 Supp. 40-401 and 50-626 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

S Sub for HB 2508, An act concerning motor vehicle fuel; relating to blending of fuels.

On roll call, the vote was: Yeas 23, Nays 17, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Bruce, Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Lynn, Marshall, McGinn, Morris, Ostmeyer, Schmidt V, Schodorf, Steineger, Taddiken, Vratil.

Nays: Abrams, Brownlee, Colyer, Donovan, Emler, Huelskamp, Kelsey, Masterson, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Teichman, Umbarger, Wagle.

The substitute bill passed.

HB 2560, An act concerning real estate salespersons and brokers; relating to licensure; technical amendments; amending K.S.A. 58-3037, 58-3038, 58-3041, 58-3042, 58-3044, 58-3060, 58-3061, 58-30,101, 58-30,102 and 58-30,103 and K.S.A. 2009 Supp. 58-3035, 58-3043, 58-3062 and 58-3068 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2561, An act regulating traffic; allowing transit buses to operate on certain right shoulders; amending K.S.A. 8-1517 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Donovan, Schmidt D.

The bill passed, as amended.

S Sub for HB 2582, An act concerning emergency communications service; relating to fees, charges, collection and distribution; amending K.S.A. 2009 Supp. 12-5302, 12-5324, 12-5330, 12-5331, 12-5338, 12-5355, 12-5356, 12-5357, 12-5361, 45-221 and 75-5133 and repealing the existing sections; also repealing K.S.A. 12-5301, 12-5304, 12-5305, 12-5306, 12-5307, 12-5308, 12-5309 and K.S.A. 2009 Supp. 12-5310, 12-5321, 12-5322, 12-5323, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5358, 12-5359 and 12-5360.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

HB 2660, An act relating to vehicles; concerning the registration thereof; regulating traffic; providing for a Boy Scouts of America license plate; amending K.S.A. 2009 Supp. 8-126, 8-145d, 8-197, 8-1598 and 8-1749a and repealing the existing sections.

On roll call, the vote was: Yeas 31, Nays 9, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, McGinn, Morris, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Brownlee, Emler, Haley, Huelskamp, Lynn, Masterson, Ostmeyer, Pilcher-Cook, Pyle.

The bill passed, as amended.

HB 2704, An act concerning school districts; amending K.S.A. 2009 Supp. 72-998 72-6441, 72-6449, 72-6451 and 72-8701 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

CHANGE OF REFERENCE

The President withdrew **HB 2410**, **HB 2601** from the Committee on **Education** and referred the bills to the Committee on **Ways and Means**.

The President withdrew **HB 2491** from the Committee on **Financial Institutions and Insurance** and referred the bill to the Committee on **Ways and Means**.

The President withdrew **HB 2226**; **Sub HB 2453**; **HB 2637** from the Committee on **Judiciary** and referred the bills to the Committee on **Ways and Means**.

The President withdrew **HB 2548** from the Committee on **Natural Resources** and referred the bill to the Committee on **Ways and Means**.

The President withdrew **HB 2484** from the Committee on **Transportation** and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 567**, **SB 569** from the Committee on **Assessment and Taxation** and referred the bills to the Committee on **Ways and Means** and withdrew **SB 516** from the Committee on **Assessment and Taxation** and rereferred the bill to the Committee on **Ways and Means**.

The President withdrew **S Sub for HB 2079**, **S Sub for HB 2082**; **HB 2667**, **HB 2473**, **HB 2595** from the Calendar under the heading of **General Orders** and referred the bills to the Committee on **Ways and Means**.

MESSAGE FROM THE GOVERNOR

SB 376, **SB 396**, **SB 398**, **SB 409**, **SB 438**, **SB 440**, **SB 451**, **SB 463**, **SB 464**, **SB 489**, **SB 508** approved on March 24, 2010.

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **HB 2540**, requests a conference and appoints Representatives Morrison, Burgess and Trimmer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Substitute SB 67** and has appointed Representatives Colloton and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 83** and has appointed Representatives Landwehr, Crum and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 146** and has appointed Representatives Schwartz, Shultz and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 293** and has appointed Representatives Hayzlett, Vickrey and Long as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 300** and has appointed Representatives Hayzlett, Vickrey and Long as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 313** and has appointed Representatives Yoder, Merrick and Feuerborn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 346** and has appointed Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 368** and has appointed Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 449** and has appointed Representatives Landwehr, Crum and Flaharty as conferees on the part of the House.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Taddiken moved the Senate concur in house amendments to **H Sub for SB 316**.

H Sub for SB 316. An act concerning water rights; relating to abandonment and termination; creating a water conservation exception; amending K.S.A. 2009 Supp. 82a-718 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

On motion of Senator Barnett the Senate nonconcurred in the House amendments to **H Sub for SB 25** and requested a conference committee be appointed.

The President appointed Senators Barnett, V. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **H Sub for SB 269** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Schodorf the Senate nonconcurred in the House amendments to **SB 359** and requested a conference committee be appointed.

The President appointed Senators Schodorf, Vratil and Hensley as a conference committee on the part of the Senate.

On motion of Senator Schodorf the Senate nonconcurred in the House amendments to **SB 362** and requested a conference committee be appointed.

The President appointed Senators Schodorf, Vratil and Hensley as a conference committee on the part of the Senate.

On motion of Senator Brownlee the Senate nonconcurred in the House amendments to **H Sub for SB 377** and requested a conference committee be appointed.

The President appointed Senators Brownlee, Vratil and Holland as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **H Sub for SB 381** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 382** and requested a conference committee be appointed.

The President appointed Senators Teichman, Brownlee and Steineger as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 388** and requested a conference committee be appointed.

The President appointed Senators Teichman, Brownlee and Steineger as a conference committee on the part of the Senate.

On motion of Senator Brungardt the Senate nonconcurred in the House amendments to **SB 452** and requested a conference committee be appointed.

The President appointed Senators Brungardt, Reitz and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Brungardt the Senate nonconcurred in the House amendments to **H Sub for SB 514** and requested a conference committee be appointed.

The President appointed Senators Brungardt, Reitz and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 537** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5037**.

Announcing passage of **SB 393**.

Also, passage of **Substitute SB 214**, as amended by **House Substitute for Substitute for SB 214, SB 353**, as amended by **Substitute for SB 353; SB 389**, as amended; and **SB 434**, as amended.

The House nonconcurs in Senate amendments to **Senate Substitute for HB 2039**, requests a conference and appoints Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2434**, requests a conference and appoints Representatives Gordon, Donohoe and Benlon as conferees on the part of the House.

The House nonconcurs in Senate amendments to **Senate Substitute for Substitute for HB 2509**, requests a conference and appoints Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House nonconcurs in Senate amendments to **Substitute for HB 2517**, requests a conference and appoints Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2551**, requests a conference and appoints Representatives Gordon, Donohoe and Benlon as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2585**, requests a conference and appoints Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2691**, requests a conference and appoints Representatives Whitham, Hineman and Burroughs as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 213** and has appointed Representatives C. Holmes, Patton and Pauls as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5037 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for HB 2039**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **HB 2434**.

The President appointed Senators McGinn, Teichman and Francisco as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for Sub HB 2509**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **Sub HB 2517**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2540**.

The President appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **HB 2551**.

The President appointed Senators Brownlee, Lynn and Holland as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for HB 2585**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Emler, the Senate acceded to the request of the House for a conference on **HB 2691**.

The President appointed Senators Vratil, McGinn and Kelly as conferees on the part of the Senate.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Kelly as a member of the Conference Committee on **H Sub for SB 25** to replace Senator Haley.

REPORT ON ENGROSSED BILLS

Sub SB 475 reported correctly engrossed March 24, 2010.

Also, **SB 410**, **SB 460**, **SB 491**, **SB 500** correctly re-engrossed March 24, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **HB 2356**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2356," as follows:

"SENATE Substitute for HOUSE BILL No. 2356

By Committee on Public Health and Welfare

"AN ACT concerning child care; relating to supervision of children in child care facilities and licensing and inspection of family child care homes; amending K.S.A. 39-7,129, 65-504, 65-506, 65-512, 65-523, 65-524, 65-530 and 65-531 and K.S.A. 2009 Supp. 59-29a11, 65-503, 65-516, 65-525 and 65-526 and repealing the existing sections; also repealing K.S.A. 65-517, 65-518, 65-519, 65-520, 65-521 and 65-522."; and the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2666**, as amended by House Committee, be amended on page 5, in line 43, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 389** and requested a conference committee be appointed.

The President appointed Senators Teichman, Brownlee and Steineger as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 434** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

CONSIDERATION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HOUSE CONCURRENT RESOLUTION No. 5037—

By Representatives O'Neal, Merrick and Davis

A CONCURRENT RESOLUTION relating to the 2010 regular session of the legislature; extending such session beyond 90 calendar days; and providing for adjournment thereof.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the House of Representatives and two-thirds of the members elected to the Senate concurring therein: That the 2010 regular session of the legislature shall be extended beyond 90 calendar days; and

Be it further resolved: That the legislature shall adjourn at the close of business of the daily session convened on March 24, 2010, and shall reconvene at 10:00 a.m. on March 29, 2010; and

Be it further resolved: That the legislature shall adjourn at the close of business of the daily session convened on March 30, 2010, or at the close of business of the daily session convened on March 31, 2010, or at the close of business of the daily session convened on April 1, 2010, and shall reconvene at 10:00 a.m. on April 28, 2010; and

Be it further resolved: That the legislature may adjourn and reconvene at any time during the period on and after April 28, 2010, to May 28, 2010, but the legislature shall reconvene at 10:00 a.m. on May 28, 2010, at which time the legislature shall continue in session and shall adjourn *sine die* at the close of business on May 28, 2010; and

Be it further resolved: That the secretary of the senate and the chief clerk of the house of representatives and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A. 46-137a, and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the Legislative Coordinating Council or by the President of the Senate or the Speaker of the House of Representatives and members of a conference committee attending a meeting of the conference committee authorized by the President of the Senate and the Speaker of the House of Representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

On motion of Senator D. Schmidt **HCR 5037** was adopted by voice vote.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Monday, March 29, 2010.

Journal of the Senate

FIFTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 29, 2010—10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

It occurred to me that we can have colorful lives . . . some positive +, some
negative –

Our knuckles can get WHITE with anger
Our eyes can get GREEN with envy
Our face can get RED with embarrassment
Our countenance can get PURPLE with rage
We can find ourselves singing the BLUES
We may want to TAN someone's hide

On the other hand . . .

We can be in the PINK
We can have SILVER linings and
GOLDEN moments.

Lord, help us to forsake our negative colors,
And enhance our positive colors.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

CHANGE OF REFERENCE

The President withdrew **HB 2226** from the Committee on **Ways and Means**, and re-referred the bill to the Committee on **Judiciary**.

The President withdrew **HB 2491** from the Committee on **Ways and Means**, and re-referred the bill to the Committee on **Financial Institutions and Insurance**.

MESSAGE FROM THE GOVERNOR

March 17, 2010

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 10-406 for your information.

Sincerely,
Mark Parkinson
Governor

The President announced Executive Directive No. 10-406, Authorizing Expenditure of Federal Funds, is on file in the office of the Secretary of the Senate and is available for review at any time.

March 19, 2010

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 10-407 for your information.

Sincerely,
Mark Parkinson
Governor

The President announced Executive Directive No. 10-407, Authorizing Personnel Transactions, is on file in the office of the Secretary of the Senate and is available for review at any time.

SB 326, SB 437, SB 441, SB 544 approved on March 26, 2010.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Reitz introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1856—

A RESOLUTION recognizing Geary County and Junction City in their observance of Vietnam Veterans Day and the 40th anniversary of the 1st Infantry Division's return to Kansas.

WHEREAS, On March 29, 1973, the final 2,500 American troops were withdrawn from South Vietnam, ending military involvement in what is now the longest war in our country's history; and

WHEREAS, Due to the era's turbulent cultural climate and the general unpopularity of the war, many returning veterans were not shown the respect and appreciation they deserved for their service to this country; and

WHEREAS, Since its unveiling, the Vietnam Memorial Wall in Washington, D.C., has paid eternal tribute to the 58,195 Americans who made the ultimate sacrifice for their country; and

WHEREAS, Of the names listed on the Vietnam Memorial Wall, 627 were from the State of Kansas; and

WHEREAS, In 1965, the 1st Infantry Division (Big Red One), stationed in Fort Riley, Kansas, was the first division called to fight in Vietnam; and

WHEREAS, After nearly five years of combat, the Big Red One returned home to Kansas in 1970. During its service in Vietnam, the division sustained 6,146 casualties; and

WHEREAS, Geary County and Junction City will honor the courage and sacrifice of Vietnam era veterans by marking March 29th as "Vietnam Veterans Day," and also by commemorating the 40th anniversary of the Big Red One's return to Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize Geary County and Junction City in their observance of Vietnam Veterans Day and in the commemoration of the 40th anniversary of the Big Red One's return to Kansas, and join them in extending our sincere gratitude and appreciation to all Vietnam veterans for their service to this country; and

Be it further resolved: That the Secretary of the Senate provide enrolled copies of this resolution to Representative Barbara Craft; Senator Roger Reitz; the Dorothy Bramlage Public Library, 230 W. 7th St., Junction City, Kansas, 66441 and the Geary County Veterans Alliance, P.O. Box 1641, Junction City, Kansas, 66441 and Chuck Ford, Vietnam Veterans of America, Chapter 344, P.O. Box 1492, Junction City, Kansas, 66441.

On emergency motion of Senator Reitz **SR 1856** was adopted unanimously.

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1857—

A RESOLUTION congratulating and commending the Norton Community High School wrestling team and Coach Bill Johnson for winning the 2010 Class 3-2-1A state wrestling championship.

WHEREAS, The Norton Community High School wrestling team won the 2010 Kansas State High School Activities Association Class 3-2-1A state wrestling championship held at the Gross Memorial Coliseum in Hays. Norton scored 174.5 points, outscoring runner-up Smith Center by 94 points. The team had a 32-11 win-loss record, and 9-3 pin ratio for the season; and

WHEREAS, The wrestling program at Norton has a history of success, but this year exceeded all expectations, with nine out of ten wrestlers competing winning medals, and brothers Kaenon and Landon “Tug” Keiswetter and John Risewick winning gold medals; and

WHEREAS, State medalists were:

- 103 pounds—John Risewick, first
- 125 pounds—Troy Bainter, second
- 130 pounds—Billy Broeckelman, fourth
- 140 pounds—Connor Pfannenstiel, fifth
- 145 pounds—Kaenon Keiswetter, first
- 152 pounds—Landon “Tug” Keiswetter, first
- 160 pounds—Spencer Shirk, second
- 171 pounds—Zane Perez, second
- 189 pounds—Kaid McKenna, fourth

At 215 pounds was Tyler Cook, who also wrestled well but just missed placing by two matches; and

WHEREAS, Assisting Head Coach Bill Johnson were Assistant Coaches Doug Ray, Shane Miller and Tony Fiscus, and the team managers were Cayleb Campbell, Vanessa Danesan, Alexis Lively, and Juliana Miller; and

WHEREAS, The members of this outstanding wrestling team, who had a theme this season of “The Brotherhood,” have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The team had the enthusiastic support of the school’s administrators, the faculty, the students, the players’ parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Norton Community High School wrestling team and Coach Johnson be congratulated and commended for winning the 2010 Kansas State High School Activities Association Class 3-2-1A state wrestling championship and that we extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send one enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1857** was adopted unanimously.

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1858—

A RESOLUTION congratulating and commending the Greeley County High School boys Cross Country team for winning the 2009 1A State Championship.

WHEREAS, The Greeley County High School boys Cross Country team won the 2009 1A State Championship in a competition that took place at the Wamego Country Club in Wamego, Kansas; and

WHEREAS, The Greeley County Jackrabbits were led by Isaac Wilson, who had a third place finish, and Kellum Schneider, who placed 10th. Ralph Stone placed 13th. Clay Robertson placed 15th, and Troy Wineinger placed 20th, to round out the top five runners for the Jackrabbits; and

WHEREAS, The team members are Clay Robertson, Kellum Schneider, Jonathan Splitter, Ralph Stone, Isaac Wilson, Seth Wineinger and Troy Wineinger; and

WHEREAS, Coach Greg Cook provided the instruction and guidance that allowed the Jackrabbits to have an outstanding season and to win the state title; and

WHEREAS, The Greeley County community is extremely proud of the team, and recognizes the hard work and dedication that are necessary to compete in such a difficult and intense high school sport: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Greeley County High School boys Cross Country team for winning the 2009 IA Cross Country State Championship and extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send one enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1858** was adopted unanimously.

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1859—

A RESOLUTION congratulating and commending the Greeley County High School girls Cross Country team for winning the 2009 IA State Championship.

WHEREAS, The Greeley County High School girls Cross Country team won the 2009 IA State Championship, defending their championship from last year at the competition that took place at the Wamego Country Club in Wamego, Kansas; and

WHEREAS, The Greeley County Lady Jackrabbits had a dominating performance, led by Madison Moser, who finished in third place, and Kennedy Schneider, who placed 12th. Carly Robertson placed 21st and Brittany Splitter placed 28th as well, to round out the top four runners for the Lady Jackrabbits; and

WHEREAS, The team members are Sarah Jamison, Madison Moser, Carissa Ochsner, Carly Robertson, Kennedy Schneider, Brittany Splitter and Monica Veleta; and

WHEREAS, Coach Greg Cook provided the instruction and guidance that allowed the Lady Jackrabbits to achieve an incredible season and back-to-back titles; and

WHEREAS, The Greeley County community is extremely proud of the team, and recognizes the hard work and dedication that are necessary to compete in such a difficult and intense high school sport: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Greeley County High School girls Cross Country team for winning the 2009 IA Cross Country State Championship and extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send one enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1859** was adopted unanimously.

REPORT ON ENGROSSED BILLS

SB 488, SB 572 reported correctly engrossed March 25, 2010.

REPORT ON ENROLLED BILLS

SB 372, SB 373, SB 394, SB 414, SB 415, SB 497; Sub SB 513; SB 533, SB 541 reported correctly enrolled, properly signed and presented to the Governor on March 26, 2010.

SR 1809, SR 1852, SR 1853, SR 1854 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 26, 2010.

On motion of Senator D. Schmidt, the Senate recessed until 11:00 p.m.

The Senate met pursuant to recess with President Morris in the chair.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Owens moved the Senate concur in house amendments to **Sub SB 67**.

Sub for SB 67, An act concerning crimes and punishment; relating to mistreatment of a dependent adult; identity theft and identity fraud; criminal possession of a firearm; amending K.S.A. 21-3437 and 21-4018 and K.S.A. 2009 Supp. 21-4204 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Owens moved the Senate concur in house amendments to **H Sub for SB 234**.

H Sub for SB 234, An act concerning civil procedure; relating to garnishment; amending K.S.A. 60-734, 60-737, 60-740, 61-3507 and 61-3510 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Owens moved the Senate concur in house amendments to **H Sub for SB 305**.

H Sub for SB 305, An act concerning the Kansas tort claims act; relating to charitable health care providers; amending K.S.A. 2009 Supp. 75-6102 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Owens moved the Senate concur in house amendments to **SB 346**.

SB 346, An act concerning the secretary of corrections; relating to costs of offenders in custody; transfer of certain offenders; amending K.S.A. 21-4632 and K.S.A. 2009 Supp. 75-5220 and repealing the existing sections.

On roll call, the vote was: Yeas 32, Nays 8, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Apple, Colyer, Huelskamp, Lynn, Petersen, Pilcher-Cook, Pyle, Schmidt D.

The Senate concurred.

Senator Owens moved the Senate concur in house amendments to **SB 386**.

SB 386, An act concerning criminal procedure; relating to discovery and inspection; admissibility and certification of forensic examinations; allowing interactive video testimony in limited instances; amending K.S.A. 22-3212 and K.S.A. 2009 Supp. 22-3437 and repealing the existing sections; also repealing K.S.A. 22-3433.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Teichman moved the Senate concur in house amendments to **SB 389**.

SB 389, An act concerning dental benefits under health insurance.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Owens moved the Senate concur in house amendments to **SB 439**.

SB 439, An act concerning the secretary of state; relating to the Kansas register; amending K.S.A. 75-431 and K.S.A. 2009 Supp. 75-430 and repealing the existing sections; also repealing K.S.A. 75-432.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Owens moved the Senate concur in house amendments to **H Sub for SB 458**.

H Sub for SB 458, An act concerning crimes, punishment and criminal procedure; relating to violations of the Kansas uniform securities act; amending K.S.A. 17-12a508 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Vratil moved the Senate concur in house amendments to **SB 461**.

SB 461, An act concerning district magistrate judges; relating to compensation thereof; amending K.S.A. 2009 Supp. 75-3120k and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Owens moved the Senate concur in house amendments to **SCR 1615**.

SCR 1615, A CONCURRENT RESOLUTION claiming sovereignty under the Tenth Amendment to the Constitution of the United States over certain powers; serving notice to the federal government to cease and desist certain mandates; providing that certain federal legislation be prohibited or repealed; and directing distribution.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Francisco, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Vratil, Wagle.

Nays: Faust-Goudeau, Haley, Hensley, Umbarger.

The Senate concurred.

EXPLANATION OF VOTE

MR. PRESIDENT: Once again, I am pleased to vociferously vote "NO" on **SCR 1615**. As a native Kansan and a proud American, who pledges allegiance practically every day to the flag of the United States of America, even "mere" words of sedition from the indivisibility of our great, though sometimes imperfect, country disappoint and even alarm me.

Kansas, though sovereign, is a part of a federal system which is the strongest nation on the face of the planet.

David Haley, as citizen and as Kansas Senator, will proudly defend the sanctity of this Union, as I would hope any *true* patriot might, against any adversary . . . foreign, or domestic. May God bless Kansas and may God bless the United States of America. — DAVID HALEY

On motion of Senator Emler the Senate nonconcurred in the House amendments to **H Sub for SB 306** and requested a conference committee be appointed.

The President appointed Senators Brungardt, Reitz and Faust-Goudeau.

On motion of Senator Emler the Senate nonconcurred in the House amendments to **H Sub for SB 310** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Kelly.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **Sub SB 353** and requested a conference committee be appointed.

The President appointed Senators Owens, D. Schmidt and Haley.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Kelly as a member of the Conference Committees on **SB 368**, **SB 369** to replace Senator Haley.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2115**, 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.

PAT APPLE

MIKE PETERSEN

MARCI FRANCISCO

Conferees on part of Senate

MELVIN NEUFELD

A. BROWN

JUDITH LOGANBILL

Conferees on part of House

On motion of Senator Apple, the Senate adopted the conference committee report on **S Sub for HB 2115**, and requested a conference committee be appointed.

The President appointed Senators Apple, Petersen and Francisco as a second Conference Committee on the part of the Senate on **S Sub for HB 2115**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Lee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1860—

A RESOLUTION congratulating and commending Smith Center football coach Roger Barta for the 300th win of his career.

WHEREAS, Roger Barta, Smith Center High School football coach, achieved the 300th win of his career on November 13, 2009, when his Smith Center Redmen defeated the Meade Buffaloes 10-0; and

WHEREAS, Coach Barta is only the fifth Kansas high school coach to achieve 300 career wins; and

WHEREAS, Coach Barta did not become a head coach until he was 33 years old and achieved all 300 career wins as head coach at Smith Center; and

WHEREAS, Coach Barta has acknowledged the people of Smith Center, school district personnel and his assistant coaches for their support and assistance in achieving 300 career wins; and

WHEREAS, Coach Barta plans to continue coaching and will certainly achieve more in his career: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That Smith Center football coach Roger Barta be congratulated and commended for the 300th win of his career and for his years of excellence in teaching and coaching; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Senator Janis Lee for presentation to Coach Barta.

On emergency motion of Senator Lee **SR 1860** was adopted unanimously.

Senator Lee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1861—

A RESOLUTION congratulating and commending the Thomas More Prep-Marian girls' basketball team for winning their first Class 3A State Basketball Championship and for breaking a school record by winning 24 games in a row.

WHEREAS, The Thomas More Prep-Marian girls' basketball team won the 2010 Kansas State High School Activities Association Class 3A State Basketball Championship with a 56-45 victory over Marion High School in the state championship game at the Sports Arena in Hutchinson on March 13, 2010; and

WHEREAS, The Thomas More Prep-Marian Monarchs girls' basketball team finished the season with a record of 25-1. The team broke a school record by winning 24 straight games and won their first state basketball championship; and

WHEREAS, The members of the championship team are: Kaylee Hoffman, Jessa Stramel, Sophia Schippers, Shaunna Ruder, Rachel Jacobs, Jenna Lang, Rebecca Pray, Allison Marsell, Heather Ruder, Katelyn Schumacher, Jenna Schuckman and Annie Mindrup. The head coach is Alan Billinger and the assistant coach is Dan Ruda. Team managers are Brianna Haselhorst and Bailee Chrisler: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Thomas More Prep-Marian girls' basketball team and Coach Alan Billinger be congratulated for winning the 2010 Kansas High School Activities Association Class 3A State Basketball Championship and for breaking their school record by winning 24 games in a row. We commend their commitment and hard work and extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send 14 enrolled copies of this resolution to Senator Lee.

On emergency motion of Senator Lee **SR 1861** was adopted unanimously.

REPORT ON ENROLLED BILLS

SB 393, SB 410, SB 460; Sub SB 475; SB 491, SB 500, SB 519 reported correctly enrolled, properly signed and presented to the Governor on March 29, 2010.

On motion of Senator D. Schmidt, the Senate recessed until 4:00 p.m.

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2446**.

Passage of **SCR 1623**.

Also, passage of **SB 75, as amended by House Substitute for SB 75, SB 255, as amended by House Substitute for SB 255, SB 312, as amended by House Substitute for SB 312; SB 435, as amended, SB 531, as amended.**

Senate bills stricken from the Calendar under House Rule 1507: **House Substitute for SB 26, House Substitute for SB 43; H Sub for SB 118; House Substitute for SB 345;**

SB 371, SB 380, SB 395; House Substitute for SB 425; SB 455; Substitute for SB 462; SB 471, SB 485, SB 490.

The House nonconcurrs in Senate amendments to **Senate Substitute for Substitute HB 2538**, requests a conference and appoints Representatives Carlson, King and Menghini as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2561**, requests a conference and appoints Representatives Hazlett, Vickrey and Long as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Senate Substitute for HB 2582**, requests a conference and appoints Representatives C. Holmes, Knox and Kuether as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2660**, requests a conference and appoints Representatives Hayzlett, Vickrey and Long as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2704**, requests a conference and appoints Representatives Aurand, Horst and Winn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 25** and has appointed Representatives Landwehr, Crum and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 269** and has appointed Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 359** and has appointed Representatives Aurand, Horst and Winn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 362** and has appointed Representatives McLeland, Aurand and Lane as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 377** and has appointed Representatives Brunk, Grange and Ruiz as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 381** and has appointed Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 382** and has appointed Representatives A. Brown, Proehl and Grant as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 388** and has appointed Representatives Shultz, Peck and Swenson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 389** and has appointed Representatives Shultz, Peck and Swenson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 434** and has appointed Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 452** and has appointed Representatives Neufeld, Kiegerl and Loganbill as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for Substitute SB 514** and has appointed Representatives Neufeld, Kiegerl and Loganbill as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 537** and has appointed Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SCR 1614** and has appointed Representatives Burgess, Landwehr and D. Gatewood as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2446 was thereupon introduced and read by title.

ORIGINAL MOTION

Pursuant to Senate Rule 75, President Morris determined **SB 435**, as amended by the House, to be materially changed.

President Morris referred the bill to the Committee on **Federal and State Affairs**.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2226**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2226," as follows:

"SENATE Substitute for HOUSE BILL No. 2226

By Committee on Judiciary

"AN ACT concerning district court fines, penalties and forfeitures; relating to traffic fines; relating to funding of the alcohol and drug abuse treatment fund; creating the criminal justice information system line fund; amending K.S.A. 2009 Supp. 8-2118 and 74-7336 and repealing the existing sections."; and the substitute bill be passed.

On motion of Senator D. Schmidt, the Senate recessed until 4:45 p.m.

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **House Substitute for SB 306** and has appointed Representatives Neufeld, Kiegerl and Loganbill as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 310** and has appointed Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Substitute for SB 353** and has appointed Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **Sub HB 2345**, requests a conference and appoints Representatives Shultz, Peck and Swenson as conferees on the part of the House.

The House adopted the conference committee report to agree to disagree on **S Sub for HB 2115** and has appointed Representatives Neufeld, A. Brown and Loganbill as second conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **Sub HB 2345**.

The President appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **S Sub for Sub HB 2538**.

The President appointed Senators Brownlee, Lynn and Holland as conferees on the part of the Senate.

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2561**.

The President appointed Senators Umbarger, Huntington and Kultala as conferees on the part of the Senate.

On motion of Senator Apple, the Senate acceded to the request of the House for a conference on **S Sub for HB 2582**.

The President appointed Senators Apple, Petersen and Lee as conferees on the part of the Senate.

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2660**.

The President appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

On motion of Senator Schodorf, the Senate acceded to the request of the House for a conference on **HB 2704**.

The President appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Barnett moved the Senate concur in house amendments to **H Sub for SB 25**.

Senator Brungardt moved the Senate concur in house amendments to **H Sub for SB 75**.

Senator Teichman moved the Senate concur in house amendments to **H Sub for SB 200**.

Senator Donovan moved the Senate concur in house amendments to **H Sub for SB 255**.

Senator Donovan moved the Senate concur in house amendments to **H Sub for SB 312**.

Senator Brungardt moved the Senate concur in house amendments to **SB 531**.

Final Action on the above concurs will be Tuesday, March 30, 2010.

On motion of Senator Brungardt the Senate nonconcurred in the House amendments to **H Sub for SB 214** and requested a conference committee be appointed.

The President appointed Senators Brungardt, Reitz and Faust-Goudeau as a conference committee on the part of the Senate.

CONFERENCE COMMITTEE REPORT

Senator Apple moved the Senate adopt the Conference Committee Report on **HB 2652**.

Final Action on the Conference Committee Report will be Tuesday, March 30, 2010.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Tuesday, March 30, 2010.

Journal of the Senate

FIFTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 30, 2010—10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

The time is getting short,
There's still a lot to do.
Some of it must be done
Before the session's through.

All of them represent
Over 60,000 persons;
All have other responsibilities
Making the pressure worsen.

Almost all have other jobs
Which they have left behind.
Sickness afflicts some of them
Which puts them in a bind.

Kids expect their parents
To attend all their games.
Grandchildren were disappointed
When grandparents never came.

Some of them must travel
Several hundred miles.
Fatigue and lack of time
Are adding to their trials.

I've said it many times before,
And I'll say it once again:
They have too many critics,
Let's PRAY for these women and men!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1630—

By Senators Morris, Abrams, Apple, Barnett, Brownlee, Brungardt, Colyer, Donovan, Em-
ler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey,

Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Ostmeyer, Owens, Petersen, Reitz, D. Schmidt, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil and Wagle
 A CONCURRENT RESOLUTION supporting participation with the State of Colorado in the Pierre Auger Observatory project proposed to be built in Colorado; providing for formation of a task force to lead the Kansas effort in collaboration with Colorado.

WHEREAS, The Pierre Auger Observatory project is a world-class research project proposed to be built in southeastern Colorado (“Auger North”), a location chosen by the scientific community due to its altitude and latitude and because it offers large, relatively unpopulated expanses under clear skies that experience low interference from lights; and

WHEREAS, The observatory, together with the Pierre Auger Cosmic-Ray Observatory located in Argentina (“Auger South”), will conduct the most advanced effort ever in the study of ultra-high energy cosmic rays, the highest energy particles in the universe; and

WHEREAS, The project involves collaboration of 400 scientists from more than 70 universities in 17 countries — Argentina, Australia, Bolivia, Brazil, Czech Republic, France, Germany, Italy, Mexico, Netherlands, Poland, Portugal, Slovenia, Spain, United Kingdom, United States and Vietnam — and would bring scientists from around the world to visit the observatory; and

WHEREAS, The project would bring educational benefits to the region, involving Wichita State University, Kansas State University, the University of Kansas and Fort Hays State University, as well as recognition for being the location of a world renowned research facility; and

WHEREAS, The observatory would create an opportunity in education and outreach and would benefit the economy of the region, attracting tourists from around the world and creating jobs affiliated with the project, as well as a visitor center; and

WHEREAS, The observatory site will cover an area of 8,000 square miles and will require the cooperation of local landowners who could potentially benefit from tax credits if they choose to participate in the project: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Kansas Legislature strongly supports participation with the State of Colorado in Auger North and pledges the support of Kansas educational institutions, with their demonstrated expertise and experience with research; and

Be it further resolved: That a task force be formed to lead the Kansas effort in collaboration with Colorado, such task force to be composed of: The Governor or the Governor’s designee, the President of the Senate or the President’s designee, the Minority Leader of the Senate or the Minority Leader’s designee, the Speaker of the House of Representatives or the Speaker’s designee, the Minority Leader of the House of Representatives or the Minority Leader’s designee and one representative appointed by the chief executive officer of each of the following: The Kansas Board of Regents, Kansas Bioscience Authority, University of Kansas, Wichita State University and Kansas State University; and

Be it further resolved: That the Secretary of State provide enrolled copies of this resolution to Governor Mark Parkinson; Lieutenant Governor Troy Findley; Donald L. Beggs, President, Wichita State University; Kirk Schulz, President, Kansas State University; Bernadette Gray-Little, Chancellor, University of Kansas; Edward H. Hammond, President, Fort Hays State University; Reggie Robinson, President and CEO, Kansas Board of Regents; and Thomas V. Thornton, President and CEO, Kansas Bioscience Authority.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **HB 2446.**

CHANGE OF REFERENCE

The President withdrew **S Sub for HB 2631** from the Calendar under the heading of General Orders, and referred the bill to the Committee on **Ways and Means.**

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2560**.

The House concurs in Senate amendments to **Substitute HB 2345** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2500** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2551** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2553** and requests the Senate to return the bill.

The House nonconcurrs in Senate amendments to **HB 2554**, requests a conference and appoints Representatives Gordon, Donohoe and Benlon as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for Substitute SB 214** and has appointed Representatives Powell, Fund and Lukert as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators D. Schmidt, Marshall and Schodorf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1864—

A RESOLUTION congratulating and commending Ray Woods of Independence, Kansas, for being the most-traveled citizen in Montgomery County.

WHEREAS, Ray Woods of Independence, Kansas, has recently completed his life-long goal of visiting every country, as well as many places not officially recognized, for a total of 319 destinations across the world; and

WHEREAS, Ray was born in Kansas, graduated from the University of Kansas, and is Vice President of Woods Lumber and Independence ReadyMix in Independence, where he lives with his family. He also served as President of the Kansas Ready Mixed Concrete Association in 1980; and

WHEREAS, Ray has always had an adventurous spirit, whether it came to his early travel aspirations with his grandmother, his time spent with the Peace Corps in the Philippines, or his visionary leadership in expanding his business into new areas; and

WHEREAS, Not only has Ray visited common vacation destinations, but he has also traveled to remote and dangerous places, such as Antarctica, Libya, Iran and Iraq. He was the first Westerner to visit Afghanistan after the fall of the Taliban, as well as being one of very few tourists to have seen North Korea. He completed his travel list in Scotland, which he saved as a special destination, as much of his family heritage comes from there; and

WHEREAS, Ray was the recipient of the “Special Award” designation with The Travelers’ Century Club, an exclusive club whose members each have visited at least 100 countries. He also ranked as one of the top world travelers by the Most Traveled People Website; and

WHEREAS, Ray has been very generous with the knowledge he has learned of the world, often speaking to community groups about his travels, and has come to believe that no matter where you go in the world, people are friendly by nature: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Ray Woods for achieving his unique accomplishment of having visited 319 destinations around the world, and for his outstanding leadership, generosity and service to his community, and extend our best wishes for his continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send three enrolled copies of this resolution to Senator D. Schmidt.

On emergency motion of Senator D. Schmidt **SR 1864** was adopted unanimously.

Senator D. Schmidt introduced and congratulated Ray Woods of Independence, Kansas, for being the most-traveled citizen in Montgomery County. Also introduced were family members: Mark Woods, Kathy Woods, Tommy Woods, Kyle Woods and Kara Henshel.

REPORT ON ENGROSSED BILLS

SB 67; H Sub for SB 234; SB 439 reported correctly engrossed March 30, 2010.

Also, **SB 346, SB 386, SB 389, SB 461; SCR 1615** correctly re-engrossed March 30, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **HB 2650** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2650," as follows:
"SENATE Substitute for HOUSE BILL No. 2650

By Committee on Transportation

"AN ACT relating to transportation; providing for a transportation works for Kansas program; relating to the financing thereof; amending K.S.A. 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-143k, 8-195, 8-234b, 8-2409, 12-1775, 68-416, 68-20,120, 68-2316, 68-2320, 68-2321 and 68-2328 and K.S.A. 2009 Supp. 8-142, 8-143, 8-143j, 8-143l, 8-145, 8-172, 8-2406, 8-2425, 12-6a35, 12-6a36, 12-1774, 12-1774a, 12-17,148, 12-17,149, 68-2315, 68-2331, 75-5035, 75-5048, 75-5061, 75-5063, 75-5064, 75-5160, 79-3492b, 79-34,141, 79-34,142, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 68-2314a."; and the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2107** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator McGinn in the chair.

On motion of Senator McGinn the following report was adopted:

On emergency motion of Senator D. Schmidt **HB 2107** was moved to the top of the calendar under the heading of General Orders.

Recommended **HB 2107** be passed.

HB 2666 be amended by adoption of the committee amendments, and the bill be passed as amended.

The Committee Report on **HB 2226** recommending a **Senate Sub for HB 2226** be adopted, and the substitute bill be passed.

The Committee Report on **HB 2356** recommending a **Senate Sub for HB 2356** be adopted, and the substitute bill be passed.

S Sub for Sub HB 2320 be amended by adoption of the committee report recommending a substitute bill. Senator McGinn moved to return **S Sub for Sub HB 2320** to the Committee on Ways and Means. The motion carried.

On motion of Senator D. Schmidt, the Senate recessed until 1:30 p.m.

The Senate met pursuant to recess with President Morris in the chair.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Barnett moved on Monday, March 29, 2010 the Senate concur in house amendments to **H Sub for SB 25**.

H Sub for SB 25. An act concerning social workers; social worker safety awareness training; amending K.S.A. 2009 Supp. 65-6313 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Brungardt moved on Monday, March 29, 2010 the Senate concur in house amendments to **H Sub for SB 75**.

H Sub for SB 75, An act relating to cemetery corporations; providing for certain enforcement actions by the secretary of state; amending K.S.A. 16-326 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Teichman moved on Monday, March 29, 2010 the Senate concur in house amendments to **H Sub for SB 200**.

H Sub for SB 200, An act concerning insurance; relating to privilege fees for health maintenance organizations; amending K.S.A. 2009 Supp. 40-3213 and repealing the existing section.

On roll call, the vote was: Yeas 32, Nays 8, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, McGinn, Morris, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Colyer, Huelskamp, Marshall, Masterson, Ostmeyer, Pilcher-Cook, Pyle. The Senate concurred.

Senator Donovan moved on Monday, March 29, 2010 the Senate concur in house amendments to **H Sub for SB 255**.

H Sub for SB 255, An act concerning sales taxation; relating to countywide retailers' sales tax; Pottawatomie and Kingman counties; amending K.S.A. 12-197 and K.S.A. 2009 Supp. 12-187, as amended by section 1 of 2010 Senate Substitute for House Bill No. 2353, 12-189, as amended by section 2 of 2010 Senate Substitute for House Bill No. 2353, and 12-192, as amended by section 3 of 2010 Senate Substitute for House Bill No. 2353 and repealing the existing sections.

On roll call, the vote was: Yeas 33, Nays 7, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brownlee, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Masterson, McGinn, Morris, Owens, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Bruce, Colyer, Huelskamp, Marshall, Ostmeyer, Pilcher-Cook.

The Senate concurred.

Senator Donovan moved on Monday, March 29, 2010 the Senate concur in house amendments to **H Sub for SB 312**.

H Sub for SB 312, An act concerning property taxation; relating to refunds of taxes; loans to counties by pooled money investment board, terms and limitations; amending K.S.A. 2009 Supp. 75-4209 and 79-2005 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Brungardt moved on Monday, March 29, 2010 the Senate concur in house amendments to **SB 531**.

SB 531, An act enacting the radon certification law; amending K.S.A. 48-1625 and repealing the existing section.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Pilcher-Cook, Pyle.

The Senate concurred.

ORIGINAL MOTION

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **HB 2554**.

The President appointed Senators Brownlee, Lynn and Holland as conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2412**, 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 3, in line 5, by striking "a member" and inserting "the chairperson"; in line 18, after "the" by inserting "chairperson of the"; also in line 18, after "The" by inserting "chairperson of the"; in line 20, after "the" by inserting "chairperson of the"; in line 24, after "The" by inserting "chairperson of the"; in line 25, before "board" by inserting "chairperson of the"; in line 28, after "The" by inserting "chairperson of the";

On page 4, in line 2, after "the" where it appears the first time by inserting "chairperson of the"; in line 7, after "the" where it appears the first time by inserting "chairperson of the";

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

THOMAS C. OWENS

DEREK SCHMIDT

DAVID HALEY

Conferees on part of Senate

PAT COLLOTON

JOE PATTON

MELODY MCCRAY-MILLER

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 2412**.

On roll call, the vote was: Yeas 27, Nays 13, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brownlee, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, Masterson, McGinn, Morris, Owens, Reitz, Schmidt V, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Bruce, Colyer, Huelskamp, Lynn, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schodorf, Taddiken, Wagle.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: **House Bill 2412** is well-intended. Its humanitarian purpose is to allow Kansas inmates within 30 days of death to be released from prison to die at home. I am sympathetic to that humanitarian purpose, and so I have supported this legislation until this final point in the process in the hope that important concerns could be resolved.

Unfortunately, it became apparent to me during the conference committee that one critical concern cannot be resolved. This bill allows the release of a terminal inmate to occur BEFORE notice of the intended release is given to prosecutors, victims, and family members of victims. This is a departure from our current functional incapacitation law.

This early release would be available to terminally ill inmates who have committed serious crimes, such as rape or armed robbery. I cannot support a measure that allows violent felons to be released, even on humanitarian grounds, without prior notice to their victims. Therefore, I vote no on this conference committee report on **House Bill 2412**. — D. SCHMIDT

Senators Lynn and Petersen request the record to show they concur with the “Explanation of Vote” offered by Senator D. Schmidt on **HB 2412**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2435**, 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 25, after line 33, by inserting the following:

“Sec. 19. K.S.A. 2009 Supp. 21-4704 is hereby amended to read as follows: 21-4704.

(a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

SENTENCING RANGE - NONDRUG OFFENSES

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felonies	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felonies	2 + Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Probation
Presumptive Imprisonment

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sentence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) The sentence for the violation of K.S.A. 21-3415, and amendments thereto, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or K.S.A. 21-3411, and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered a departure and shall not be subject to appeal.

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall be as provided by the specific mandatory

sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, except that the term of imprisonment for felony violations of K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: (A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (ii) at the time of the conviction under paragraph (A) (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government; or (B) (i) has been convicted of rape, K.S.A. 21-3502, and amendments thereto; and (ii) at the time of the conviction under paragraph (B) (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in paragraph (2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies or felony violations of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of subsection (a) of K.S.A. 21-3715 and amendments thereto when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715 or 21-3716 and amendments thereto shall be presumed imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or subsection (d) of K.S.A. 21-3812, and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism, such program is

available and the offender can be admitted to such program within a reasonable period of time; or

(2) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence pursuant to this section shall not be considered a departure and shall not be subject to appeal.

(n) The sentence for a third or subsequent violation of subsection (b) of K.S.A. 21-3705, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) The sentence for a felony violation of K.S.A. 21-3701 or 21-3715, and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, and amendments thereto; or the sentence for a felony violation of K.S.A. 21-3701, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, and amendments thereto; or the sentence for a felony violation of K.S.A. 21-3715, and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of subsection (f)(1) of K.S.A. 21-4729, and amendments thereto, shall apply to a defendant sentenced under this subsection.

The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of K.S.A. 21-3701, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716 and amendments thereto, or the sentence for a violation of K.S.A. 21-3715, and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision.

The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q) The sentence for a violation of subsection (a)(2) of K.S.A. 21-3413, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(r) (1) *If the trier of fact makes a finding that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.*

(2) *The sentence imposed pursuant to paragraph (1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.*

(3) *As used in this subsection, "ballistic resistant material" means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection."*

And by renumbering the remaining sections accordingly;

Also on page 25, in line 37, by striking "and" and inserting a comma; also in line 37, after "21-4642" by inserting "and 21-4704";

In the title, in line 18, by striking "and" where it appears the first time and inserting a comma; also in line 18, after "21-4642" by inserting "and 21-4704";

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

THOMAS C. OWENS
DEREK SCHMIDT
DAVID HALEY
Conferees on part of Senate

PAT COLLOTON
JOE PATTON
MELODY MCCRAY-MILLER
Conferees on part of House

Senator D. Schmidt moved the Senate adopt the Conference Committee Report on **HB 2435**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2652**, 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 2, by striking all in lines 15 through 37;

And by renumbering the remaining sections accordingly;

In the title, in line 14, by striking "utilities" and inserting "the Kelsey Smith act"; also in line 14, by striking "K.S.A."; in line 15, by striking "66-1811 and"; in line 16, by striking "sections" and inserting "section";

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

PAT APPLE
 MIKE PETERSEN
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

CARL DEAN HOLMES
 FORREST KNOX
 ANNIE KUETHER
Conferees on part of House

Senator Apple moved the Senate adopt the Conference Committee Report on **HB 2652** on Monday, March 29, 2010.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Barnett, Abrams, Apple, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pitcher-Cook, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1862—

A RESOLUTION designating April 5-11, 2010 as National Public Health Week in Kansas.

WHEREAS, The week of April 5-11 is National Public Health Week and the theme is “A Healthier America: One Community at a Time”; and

WHEREAS, Since 1996, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policy-makers and public health professionals about issues important to improving the public’s health; and

WHEREAS, Our nation spends more on health care than any other country, but an estimated 46.3 million Americans do not have health insurance and millions more do not have access to life-saving clinical preventive services; and

WHEREAS, Millions of people in America do not have access to cost-effective community-based preventive services; and

WHEREAS, Many of the illnesses that are caused by tobacco use, poor diet, physical inactivity and alcohol consumption are potentially preventable; and

WHEREAS, Many neighborhoods lack access to safe walkways and bikeways; are too far from offices, schools, health providers and grocery stores to walk; and are inaccessible to public transportation; and

WHEREAS, Studies have shown that 10.5 million cases of infectious diseases and 33,000 deaths can be prevented in the United States by the standard childhood immunization series; and

WHEREAS, Despite challenges, public health professionals and lawmakers are working on policies that place an emphasis on prevention and support a strong public health infrastructure; and

WHEREAS, By making a change in our individual communities, we will improve the health of our nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we hereby proclaim the week of April 5-11, 2010 as National Public Health Week in Kansas and call upon the people of Kansas to observe this week by helping our families, friends, neighbors, co-workers and

leaders better understand the importance of public health to a successful health system in light of this year's theme, "A Healthier America: One Community at a Time."

Be it further resolved: That the Secretary of the Senate be directed to send eight enrolled copies of this resolution to Senator Barnett.

On emergency motion of Senator Barnett **SR 1862** was adopted unanimously.

In recognition of April 5-11, 2010, as National Public Health Week in Kansas Senator Barnett introduced and thanked members of the Department of Health and Environment: Bob Bremby, Liz Conrade, Dr. Jason Eberhart-Phillips, Linda Franzier, Anne Gray, Heather Heneke, and her daughter Mariah, Tanya Honderick, Robert Lowery, Dick Morrissey, Erin Reece, Elaine Schwartz and Marvin Stottlemire.

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1863—

A RESOLUTION congratulating and commending Bill McCarter upon his retirement from the City of Topeka public works department.

WHEREAS, After 59 years of working for the city of Topeka, Bill McCarter retired in March 2010; and

WHEREAS, Bill worked as an engineering affairs officer in the public works department, where he began working in 1951 as a senior at Topeka High School. Officials in the department believe that he may have set a longevity record for city employees; and

WHEREAS, Bill was known for his vast knowledge of the history of public works in Topeka, as well as his kindness and people skills in answering questions and concerns for the public. He would often go out of his way to help those effected by city projects and would spend his evenings and weekends helping people who he wasn't able to help while he was in the office during regular business hours; and

WHEREAS, In 1985, Bill was the recipient of an Award of Merit from the Kansas Chapter of the American Public Works Association for his outstanding performance; and

WHEREAS, Bill also served 43 years in the Kansas National Guard; and

WHEREAS, Bill and his late wife Shirley raised five children in Topeka, four of whom are still living. The couple celebrated their 50th wedding anniversary in 2002. Bill plans to use his free time to finish a book to preserve his memories of his life with his family now that he has retired: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Bill McCarter for his long and dedicated career with the engineering division of the City of Topeka public works department, thank him for his years of generosity to the people of this city, and wish him all the best with his personal interests in his retirement; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1863** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **HB 2310** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2310," as follows:

"SENATE Substitute for HOUSE BILL No. 2310

By Committee on Public Health and Welfare

"AN ACT concerning the state board of mortuary arts, relating to crematory operations; licensure; fees; amending K.S.A. 65-1760, 65-1763, 65-1764, 65-1765, 65-1766 and 65-1768 and K.S.A. 2009 Supp. 65-1727 and 65-1762 and repealing the existing sections."; and the substitute bill be passed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **HB 2107**; **S Sub for HB 2226**, **S Sub for HB 2356**; **HB 2666** were advanced to Final Action and roll call.

HB 2107, An act concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; affiliation of adjutant general; membership of certain firefighters; contributions.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

S Sub for HB 2226, An act concerning district court fines, penalties and forfeitures; relating to traffic fines; relating to funding of the alcohol and drug abuse treatment fund; creating the criminal justice information system line fund; amending K.S.A. 2009 Supp. 8-2118 and 74-7336 and repealing the existing sections.

On roll call, the vote was: Yeas 30, Nays 10, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, McGinn, Morris, Ostmeyer, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Brownlee, Bruce, Colyer, Huelskamp, Masterson, Petersen, Pilcher-Cook, Pyle, Taddiken, Wagle.

The substitute bill passed.

S Sub for HB 2356, An act concerning child care; relating to supervision of children in child care facilities and licensing and inspection of family child care homes; amending K.S.A. 39-7,129, 65-504, 65-506, 65-512, 65-523, 65-524, 65-530 and 65-531 and K.S.A. 2009 Supp. 59-29a11, 65-503, 65-516, 65-525 and 65-526 and repealing the existing sections; also repealing K.S.A. 65-517, 65-518, 65-519, 65-520, 65-521 and 65-522.

On roll call, the vote was: Yeas 25, Nays 14, Present and Passing 1, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Lynn, Morris, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Brownlee, Bruce, Donovan, Huelskamp, Kelsey, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Taddiken, Wagle.

Present and Passing: McGinn.

The substitute bill passed.

HB 2666, An act concerning the animal health department; relating to fees; amending K.S.A. 47-1001e and K.S.A. 2009 Supp. 47-1011, 47-1503 and 47-2101 and repealing the existing sections.

On roll call, the vote was: Yeas 26, Nays 14, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Masterson, McGinn, Morris, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Abrams, Barnett, Brownlee, Bruce, Colyer, Huelskamp, Kelsey, Lynn, Marshall, Ostmeyer, Pilcher-Cook, Pyle, Schodorf, Wagle.

The bill passed, as amended.

On motion of Senator D. Schmidt, the Senate recessed until 4:30 p.m.

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2666**.

The House concurs in Senate amendments to **Substitute for HB 2517** and requests the Senate to return the bill.

The House concurs in Senate amendments to **Senate Substitute for Substitute for HB 2538** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2608** and requests the Senate to return the bill.

The House adopts the conference committee report on **HB 2412**.

The House adopts the conference committee report on **HB 2435**.

The House adopts the conference committee report on **HB 2652**.

The House adopts the conference committee report on **SB 30**.

The House adopts the conference committee report on **SB 362**.

The House adopts the conference committee report on **SB 369**.

The House not adopts the conference committee report on **SB 368**, requests a conference and appoints Representatives Kinzer, Whitham and Pauls as second conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 226**, requests a conference and appoints Representative Kinzer, Whitham and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2356**, requests a conference and appoints Representatives Landwehr, Crum and Flaharty as conferees on the part of the House.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Brungardt moved the Senate concur in house amendments to **H Sub for SB 213**.

H Sub for SB 213, An act concerning the rules and regulations filing act; pertaining to the filing process; amending K.S.A. 77-415a, 77-415b, 77-417, 77-418, 77-419, 77-420, 77-421a, 77-423, 77-428, 77-429, 77-430a and 77-436 and K.S.A. 2009 Supp. 77-415, 77-416, 77-421, 77-422, 77-424, 77-430, 77-431 and 77-435 and repealing the existing sections.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Pilcher-Cook.

The Senate concurred.

Senator Teichman moved the Senate concur in house amendments to **SB 382**.

SB 382, An act concerning the housing loan deposit program; relating to requirements for borrowers; amending K.S.A. 2009 Supp. 75-4277 and 75-4279 and repealing the existing sections.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Nays: Pilcher-Cook, Taddiken.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2039**, 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 as SENATE Substitute for HOUSE Bill No. 2039, as follows:

On page 1, by striking all in lines 15 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 20 and inserting the following:

“Section 1. K.S.A. 19-804a is hereby amended to read as follows: 19-804a. ~~Except in those counties operating under the provisions of the consolidated law enforcement act,~~ When there shall be no sheriff or undersheriff in ~~an organized~~ any county, it shall be the duty of the county clerk to exercise all the powers and duties of the sheriff of ~~his such clerk's~~ county until a sheriff be elected or qualified, ~~and when.~~ When the sheriff for any cause shall be committed to the jail of ~~his such sheriff's~~ county, the county clerk shall be keeper thereof during the time the sheriff shall remain a prisoner therein.

Sec. 2. K.S.A. 19-804a is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 11, by striking all after “concerning”; by striking all in line 12 and inserting “county officers; relating to undersheriffs; amending K.S.A. 19-804a and repealing the existing section.”;

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

THOMAS OWENS

D. SCHMIDT

D. HALEY

Conferees on part of Senate

LANCE KINZER

JEFF WHITHAM

JANICE PAULS

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **S Sub for HB 2039**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2115**, 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 as Senate Substitute for House Bill No. 2115, as follows:

On page 1, by striking all in lines 22 through 43;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 11 and inserting the following:

“Section 1. K.S.A. 65-445 is hereby amended to read as follows: 65-445. (a) Every medical care facility shall keep written records of all pregnancies which are lawfully terminated within such medical care facility and shall annually submit a written report thereon to the secretary of health and environment in the manner and form prescribed by the secretary. Every person licensed to practice medicine and surgery shall keep a record of all pregnancies which are lawfully terminated by such person in a location other than a medical care facility and shall annually submit a written report thereon to the secretary of health and environment in the manner and form prescribed by the secretary.

(b) Each report required by this section shall include the number of pregnancies terminated during the period of time covered by the report, the type of medical facility in which the pregnancy was terminated, information required to be reported under K.S.A. 65-6703, and amendments thereto, if applicable to the pregnancy terminated, and such other

information as may be required by the secretary of health and environment, but the report shall not include the names of the persons whose pregnancies were so terminated. *Each report required by subsection (c)(4) of K.S.A. 65-6703, and amendments thereto, shall specify the medical diagnosis and condition constituting a substantial and irreversible impairment of a major bodily function or the medical diagnosis and condition which necessitated performance of an abortion to preserve the life of the pregnant woman. Each report required by K.S.A. 65-6703, and amendments thereto, shall include a sworn statement by the physician performing the abortion and the referring physician that such physicians are not legally or financially affiliated.*

(c) Information obtained by the secretary of health and environment under this section shall be confidential and shall not be disclosed in a manner that would reveal the identity of any person licensed to practice medicine and surgery who submits a report to the secretary under this section or the identity of any medical care facility which submits a report to the secretary under this section, except that such information, including information identifying such persons and facilities may be disclosed to the state board of healing arts upon request of the board for disciplinary action conducted by the board and may be disclosed to the attorney general upon a showing that a reasonable cause exists to believe that a violation of this act has occurred. Any information disclosed to the state board of healing arts or the attorney general pursuant to this subsection shall be used solely for the purposes of a disciplinary action or criminal proceeding. Except as otherwise provided in this subsection, information obtained by the secretary under this section may be used only for statistical purposes and such information shall not be released in a manner which would identify any county or other area of this state in which the termination of the pregnancy occurred. A violation of this subsection (c) is a class A nonperson misdemeanor.

(d) In addition to such criminal penalty under subsection (c), any person licensed to practice medicine and surgery or medical care facility whose identity is revealed in violation of this section may bring a civil action against the responsible person or persons for any damages to the person licensed to practice medicine and surgery or medical care facility caused by such violation.

(e) For the purpose of maintaining confidentiality as provided by subsections (c) and (d), reports of terminations of pregnancies required by this section shall identify the person or facility submitting such reports only by confidential code number assigned by the secretary of health and environment to such person or facility and the department of health and environment shall maintain such reports only by such number.

(f) *The annual public report on abortions performed in Kansas issued by the secretary of health and environment shall contain the information required to be reported by this section to the extent such information is not deemed confidential pursuant to this section. The secretary of health and environment shall adopt rules and regulations to implement this section. Such rules and regulations shall prescribe, in detail, the information required to be kept by the physicians and hospitals and the information required in the reports which must be submitted to the secretary.*

Sec. 2. K.S.A. 2009 Supp. 65-2836 is hereby amended to read as follows: 65-2836. A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(a) The licensee has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license.

(b) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency, except that the board may take appropriate disciplinary action or enter into a non-disciplinary resolution when a licensee has engaged in any conduct or professional practice on a single occasion that, if continued, would reasonably be expected to constitute an inability to practice the healing arts with reasonable skill and safety to patients or unprofessional conduct as defined in K.S.A. 65-2837, and amendments thereto.

(c) The licensee has been convicted of a felony or class A misdemeanor, whether or not related to the practice of the healing arts. The board shall revoke a licensee's license following conviction of a felony occurring after July 1, 2000, or a misdemeanor under K.S.A. 65-

6703, and amendments thereto, after July 1, 2010, unless a $\frac{2}{3}$ majority of the board members present and voting determine by clear and convincing evidence that such licensee will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust. In the case of a person who has been convicted of a felony or a misdemeanor under K.S.A. 65-6703, and amendments thereto, after July 1, 2010, and who applies for an original license or to reinstate a canceled license, the application for a license shall be denied unless a $\frac{2}{3}$ majority of the board members present and voting on such application determine by clear and convincing evidence that such person will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust.

(d) The licensee has used fraudulent or false advertisements.

(e) The licensee is addicted to or has distributed intoxicating liquors or drugs for any other than lawful purposes.

(f) The licensee has willfully or repeatedly violated this act, the pharmacy act of the state of Kansas or the uniform controlled substances act, or any rules and regulations adopted pursuant thereto, or any rules and regulations of the secretary of health and environment which are relevant to the practice of the healing arts.

(g) The licensee has unlawfully invaded the field of practice of any branch of the healing arts in which the licensee is not licensed to practice.

(h) The licensee has engaged in the practice of the healing arts under a false or assumed name, or the impersonation of another practitioner. The provisions of this subsection relating to an assumed name shall not apply to licensees practicing under a professional corporation or other legal entity duly authorized to provide such professional services in the state of Kansas.

(i) The licensee has the inability to practice the healing arts with reasonable skill and safety to patients by reason of physical or mental illness, or condition or use of alcohol, drugs or controlled substances. In determining whether or not such inability exists, the board, upon reasonable suspicion of such inability, shall have authority to compel a licensee to submit to mental or physical examination or drug screen, or any combination thereof, by such persons as the board may designate either in the course of an investigation or a disciplinary proceeding. To determine whether reasonable suspicion of such inability exists, the investigative information shall be presented to the board as a whole, to a review committee of professional peers of the licensee established pursuant to K.S.A. 65-2840c, and amendments thereto, or to a committee consisting of the officers of the board elected pursuant to K.S.A. 65-2818, and amendments thereto, and the executive director appointed pursuant to K.S.A. 65-2878, and amendments thereto, or to a presiding officer authorized pursuant to K.S.A. 77-514, and amendments thereto. The determination shall be made by a majority vote of the entity which reviewed the investigative information. Information submitted to the board as a whole or a review committee of peers or a committee of the officers and executive director of the board and all reports, findings and other records shall be confidential and not subject to discovery by or release to any person or entity. The licensee shall submit to the board a release of information authorizing the board to obtain a report of such examination or drug screen, or both. A person affected by this subsection shall be offered, at reasonable intervals, an opportunity to demonstrate that such person can resume the competent practice of the healing arts with reasonable skill and safety to patients. For the purpose of this subsection, every person licensed to practice the healing arts and who shall accept the privilege to practice the healing arts in this state by so practicing or by the making and filing of a renewal to practice the healing arts in this state shall be deemed to have consented to submit to a mental or physical examination or a drug screen, or any combination thereof, when directed in writing by the board and further to have waived all objections to the admissibility of the testimony, drug screen or examination report of the person conducting such examination or drug screen, or both, at any proceeding or hearing before the board on the ground that such testimony or examination or drug screen report constitutes a privileged communication. In any proceeding by the board pursuant to the provisions of this subsection, the record of such board proceedings involving the mental and physical examination or drug screen, or any combination thereof, shall not be used in any other administrative or judicial proceeding.

(j) The licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

(k) The licensee has violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board.

(l) The licensee has failed to report or reveal the knowledge required to be reported or revealed under K.S.A. 65-28,122, and amendments thereto.

(m) The licensee, if licensed to practice medicine and surgery, has failed to inform in writing a patient suffering from any form of abnormality of the breast tissue for which surgery is a recommended form of treatment, of alternative methods of treatment recognized by licensees of the same profession in the same or similar communities as being acceptable under like conditions and circumstances.

(n) The licensee has cheated on or attempted to subvert the validity of the examination for a license.

(o) The licensee has been found to be mentally ill, disabled, not guilty by reason of insanity, not guilty because the licensee suffers from a mental disease or defect or incompetent to stand trial by a court of competent jurisdiction.

(p) The licensee has prescribed, sold, administered, distributed or given a controlled substance to any person for other than medically accepted or lawful purposes.

(q) The licensee has violated a federal law or regulation relating to controlled substances.

(r) The licensee has failed to furnish the board, or its investigators or representatives, any information legally requested by the board.

(s) Sanctions or disciplinary actions have been taken against the licensee by a peer review committee, health care facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

(t) The licensee has failed to report to the board any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a health care facility, a professional association or society, a governmental agency, by a law enforcement agency or a court for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

(u) The licensee has surrendered a license or authorization to practice the healing arts in another state or jurisdiction, has surrendered the authority to utilize controlled substances issued by any state or federal agency, has agreed to a limitation to or restriction of privileges at any medical care facility or has surrendered the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

(v) The licensee has failed to report to the board surrender of the licensee's license or authorization to practice the healing arts in another state or jurisdiction or surrender of the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

(w) The licensee has an adverse judgment, award or settlement against the licensee resulting from a medical liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

(x) The licensee has failed to report to the board any adverse judgment, settlement or award against the licensee resulting from a medical malpractice liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

(y) The licensee has failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a, and amendments thereto.

(z) The licensee has failed to pay the premium surcharges as required by K.S.A. 40-3404, and amendments thereto.

(aa) The licensee has knowingly submitted any misleading, deceptive, untrue or fraudulent representation on a claim form, bill or statement.

(bb) The licensee as the responsible physician for a physician assistant has failed to adequately direct and supervise the physician assistant in accordance with the physician assistant licensure act or rules and regulations adopted under such act.

(cc) The licensee has assisted suicide in violation of K.S.A. 21-3406, and amendments thereto, as established by any of the following:

~~(A)~~ (1) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, and amendments thereto.

~~(B)~~ (2) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 60-4404, and amendments thereto.

~~(C)~~ (3) A copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto.

Sec. 3. K.S.A. 65-6701 is hereby amended to read as follows: 65-6701. As used in ~~this act~~ *K.S.A. 65-6701 through 65-6721, and amendments thereto*:

(a) "Abortion" means the use of any means to intentionally terminate a pregnancy except for the purpose of causing a live birth. Abortion does not include: (1) The use of any drug or device that inhibits or prevents ovulation, fertilization or the implantation of an embryo; or (2) disposition of the product of *in vitro* fertilization prior to implantation.

(b) "Counselor" means a person who is: (1) Licensed to practice medicine and surgery; (2) licensed to practice psychology; (3) licensed to practice professional or practical nursing; (4) registered to practice professional counseling; (5) licensed as a social worker; (6) the holder of a master's or doctor's degree from an accredited graduate school of social work; (7) registered to practice marriage and family therapy; (8) a licensed physician assistant; or (9) a currently ordained member of the clergy or religious authority of any religious denomination or society. Counselor does not include the physician who performs or induces the abortion or a physician or other person who assists in performing or inducing the abortion.

(c) "Department" means the department of health and environment.

(d) "Gestational age" means the time that has elapsed since the first day of the woman's last menstrual period.

(e) "Medical emergency" means that condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

(f) "Minor" means a person less than 18 years of age.

(g) "Physician" means a person licensed to practice medicine and surgery in this state.

(h) "Pregnant" or "pregnancy" means that female reproductive condition of having a fetus in the mother's body.

(i) "Qualified person" means an agent of the physician who is a psychologist, licensed social worker, registered professional counselor, registered nurse or physician.

(j) "Unemancipated minor" means any minor who has never been: (1) Married; or (2) freed, by court order or otherwise, from the care, custody and control of the minor's parents.

(k) "Viable" means that stage of gestation when, in the best medical judgment of the attending physician, the fetus is capable of sustained survival outside the uterus without the application of extraordinary medical means of fetal development when it is the physician's judgment, according to accepted obstetrical or neonatal standards of care and practice applied by physicians in the same or similar circumstances, that there is a reasonable probability that the life of the child can be continued indefinitely outside the mother's womb with natural or artificial life-supportive measures.

Sec. 4. K.S.A. 65-6703 is hereby amended to read as follows: 65-6703. (a) No person shall perform or induce an abortion when the fetus is viable unless such person is a physician and has a documented referral from another physician *who is licensed to practice medicine in this state and who is not legally or financially affiliated with the physician performing or inducing the abortion and both physicians determine provide a written determination, based upon a medical judgment that would be made by a reasonably prudent physician, knowledgeable in the field, and knowledgeable about the case and the treatment possibilities with*

respect to the conditions involved, that: (1) The abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman.

(b) *Except in the case of a medical emergency, a copy of the written documented referral and of the abortion-performing physician's written determination shall be provided to the pregnant woman no less than 30 minutes prior to the initiation of the abortion. The written determination shall be time-stamped at the time it is delivered to the pregnant woman. Such determination shall specify:*

(1) *If the fetus was determined to be nonviable and the medical basis of such determination;*

(2) *if the abortion is necessary to preserve the life of the pregnant woman and the medical basis of such determination, including the specific medical condition the physician believes would cause the death of the pregnant woman; or*

(3) *if a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman and the medical basis of such determination, including the specific medical condition the physician believes would cause a substantial and irreversible impairment of a major bodily function of the pregnant woman.*

↔(c) (1) Except in the case of a medical emergency, prior to performing an abortion upon a woman, the physician shall determine the gestational age of the fetus according to accepted obstetrical and neonatal practice and standards applied by physicians in the same or similar circumstances. If the physician determines the gestational age is less than 22 weeks, the physician shall document as part of the medical records of the woman the basis for the determination. *The medical reasons for the determination of the gestational age of the fetus shall also be reported by the physician as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto.*

(2) If the physician determines the gestational age of the fetus is 22 or more weeks, prior to performing an abortion upon the woman the physician shall determine if the fetus is viable by using and exercising that degree of care, skill and proficiency commonly exercised by the ordinary skillful, careful and prudent physician in the same or similar circumstances. In making this determination of viability, the physician shall perform or cause to be performed such medical examinations and tests as are necessary to make a finding of the gestational age of the fetus and shall enter such findings and determinations of viability in the medical record of the woman. *The medical reasons for the determination of the gestational age of the fetus shall also be reported by the physician as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto.*

(3) If the physician determines the gestational age of a fetus is 22 or more weeks, and determines that the fetus is not viable and performs an abortion on the woman, the physician shall report such determinations, *the medical basis* and the reasons for such determinations in writing to the medical care facility in which the abortion is performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445, and amendments thereto, or if the abortion is not performed in a medical care facility, the physician shall report such determinations, *the medical basis* and the reasons for such determinations in writing to the secretary of health and environment as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto.

(4) If the physician who is to perform the abortion determines the gestational age of a fetus is 22 or more weeks, and determines that the fetus is viable, both physicians under subsection (a) determine in accordance with the provisions of subsection (a) that an abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman and the physician performs an abortion on the woman, the physician who performs the abortion shall report such determinations, *the medical basis* and the reasons for such determinations ~~and the basis~~, *including the specific medical diagnosis* for the determination that an abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will cause a substantial and irreversible impairment of a

major bodily function of the pregnant woman *and the name of the referring physician required by subsection (a)* in writing to the medical care facility in which the abortion is performed for inclusion in the report of the medical care facility to the secretary of health and environment under K.S.A. 65-445, and amendments thereto, or if the abortion is not performed in a medical care facility, the physician who performs the abortion shall report such determinations, *the medical basis and the reasons for such determinations and the basis, including the specific medical diagnosis* for the determination that an abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman *and the name of the referring physician required by subsection (a)* in writing to the secretary of health and environment as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto.

(5) The physician shall retain the medical records required to be kept under paragraphs (1) and (2) of this subsection ~~(b)~~ (c) for not less than ~~five~~ 10 years and shall retain a copy of the written reports required under paragraphs (3) and (4) of this subsection ~~(b)~~ (c) for not less than ~~five~~ 10 years.

(d) *The secretary of health and environment shall adopt rules and regulations to administer this section. These rules and regulations shall include:*

(1) *A detailed list of the information that must be kept by a physician under paragraphs (1) and (2) of subsection (c);*

(2) *the contents of the written reports required under paragraphs (3) and (4) of subsection (c); and*

(3) *detailed information that must be provided by a physician to insure that the specific medical basis and clinical diagnosis regarding the woman and the viability or lack of viability of the fetus is reported.*

~~(e)~~ (e) A woman upon whom an abortion is performed shall not be prosecuted under this section for a conspiracy to violate this section pursuant to K.S.A. 21-3302, and amendments thereto.

~~(f)~~ (f) Nothing in this section shall be construed to create a right to an abortion. Notwithstanding any provision of this section, a person shall not perform an abortion that is prohibited by law.

~~(e)~~ As used in this section, "viable" means that stage of fetal development when it is the physician's judgment according to accepted obstetrical or neonatal standards of care and practice applied by physicians in the same or similar circumstances that there is a reasonable probability that the life of the child can be continued indefinitely outside the mother's womb with natural or artificial life-supportive measures.

(g) (1) *A woman upon whom an abortion is performed in violation of this section, the father, if married to the woman at the time she receives the abortion procedure, and the parents or custodial guardian of the woman, if the woman has not attained the age of 18 years at the time of the abortion, may in a civil action obtain appropriate relief, unless, in a case where the plaintiff is not the woman upon whom the abortion was performed, the pregnancy resulted from the plaintiff's criminal conduct.*

(2) *Such relief shall include:*

(A) *Money damages for all injuries, psychological and physical, occasioned by the violation of this section;*

(B) *statutory damages equal to three times the cost of the abortion; and*

(C) *reasonable attorney fees.*

~~(h)~~ (h) If any provision of this section is held to be invalid or unconstitutional, it shall be conclusively presumed that the legislature would have enacted the remainder of this section without such invalid or unconstitutional provision.

~~(i)~~ (i) Upon a first conviction of a violation of this section, a person shall be guilty of a class A nonperson misdemeanor. Upon a second or subsequent conviction of a violation of this section, a person shall be guilty of a severity level 10, nonperson felony.

Sec. 5. K.S.A. 65-445, 65-6701, 65-6703, 65-6713 and K.S.A. 2009 Supp. 65-2836 are hereby repealed.;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking all after “ACT”; by striking all in lines 10 through 19 and inserting “concerning abortion; amending K.S.A. 65-445, 65-6701, 65-6703 and K.S.A. 2009 Supp. 65-2836 and repealing the existing sections; also repealing K.S.A. 65-6713.”;

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

PAT APPLE

MIKE PETERSEN

Conferees on part of Senate

MELVIN NEUFELD

A. BROWN

Conferees on part of House

Senator Apple was recognized to explain the Conference Committee Report on **S Sub for HB 2115**.

Senator V. Schmidt moved to invoke Rule 26 to lay on the table.

On roll call, the vote was: Yeas 16, Nays 24, Present and Passing 0, Absent or Not Voting 0.

Yeas: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Emler, Huelskamp, Kelsey, Lynn, Marshall, Masterson, McGinn, Morris, Ostneyer, Owens, Petersen, Pilcher-Cook, Pyle, Schmidt D, Taddiken, Umbarger, Wagle.

The motion failed.

Citing Rule 26, Senator Vratil moved to invoke the previous question.

The motion carried.

Senator Apple moved the Senate adopt the Conference Committee Report on **S Sub for HB 2115**.

On roll call, the vote was: Yeas 24, Nays 15, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Emler, Huelskamp, Kelsey, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostneyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Taddiken, Umbarger, Wagle.

Nays: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Vratil.

Present and Passing: Owens.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote “NO” on the conference committee report on **Senate Substitute for HB 2115**.

This conference committee report (that was put into a utilities bill and sent to conference with no opportunities for amendments) makes confusing changes to reporting requirements for physicians. We ask a physician to report if a fetus was determined to be nonviable without defining that term. We ask for the medical reasons for determination of gestational age when we may want to know what methods a physician used to make the determination, and with a definition of gestational age that limits the physician’s reporting. The lack of clarity in reporting requirements is especially troubling because the statutes are being changed to require the Board of Healing Arts to revoke a licensee’s license for a misdemeanor under K.S.A. 65-6703. There are other concerns, but perhaps the most egregious is the repeal of K.S.A. 65-6713 that establishes civil immunity for physicians who are fully compliant with the informed consent process included in the Women’s Right to Know Act and according to standard medical practice. We should allow for health care for women, not set up obstacles for physicians who are following the oath they have taken. — MARCI FRANCISCO

Senators Faust-Goudeau, Haley, Hensley, Kelly and Kultala request the record to show they concur with the “Explanation of Vote” offered by Senator Francisco on **Senate Substitute for HB 2115**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2432**, 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 as SENATE Substitute for HOUSE Bill No. 2432, as follows:

On page 1, by striking all in lines 15 through 43;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 10 and inserting the following:

“Section 1. K.S.A. 60-2006 is hereby amended to read as follows: 60-2006. (a) In actions brought for the recovery of property damages only of less than ~~\$7,500~~ \$15,000 sustained and caused by the negligent operation of a motor vehicle, the prevailing party shall be allowed reasonable attorney fees which shall be taxed as part of the costs of the action unless:

(1) The prevailing party recovers no damages; or

(2) a tender equal to or in excess of the amount recovered was made by the adverse party before the commencement of the action in which judgment is rendered.

(b) For the plaintiff to be awarded attorney fees for the prosecution of such action, a written demand for the settlement of such claim containing all of the claimed elements of property damage and the total monetary amount demanded in the action shall have been made on the adverse party at such party's last known address not less than 30 days before the commencement of the action. For the defendant to be awarded attorney fees, a written offer of settlement of such claim shall have been made to the plaintiff at such plaintiff's last known address not more than 30 days after the defendant filed the answer in the action.

(c) This section shall apply to actions brought pursuant to the code of civil procedure and actions brought pursuant to the code of civil procedure for limited actions.

Sec. 2. K.S.A. 60-2006 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking all after “concerning”; by striking all in lines 10 through 12 and inserting “civil procedure; relating to property damage amount; amending K.S.A. 60-2006 and repealing the existing section.”;

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

THOMAS C. OWENS

DEREK SCHMIDT

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

JEFF WHITHAM

JANICE L. PAULS

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **S Sub for HB 2432**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2472**, 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 1, after line 37, by inserting the following:

“(d) This section shall take effect on and after January 1, 2011.”;

On page 3, after line 6, by inserting the following:

“(p) This section shall take effect on and after January 1, 2011.”;

Also on page 3, in line 7, before “Except” by inserting “(a)”; after line 10, by inserting the following:

“(b) This section shall take effect on and after January 1, 2011.”;

Also on page 3, in line 11, before “Every” by inserting “(a)”; after line 12, by inserting the following:

“(b) This section shall take effect on and after January 1, 2011.”;

Also on page 3, in line 13, before “This” by inserting “(a)”; after line 16, by inserting the following:

“(b) This section shall take effect on and after January 1, 2011.”;

Also on page 3, after line 34, by inserting the following:

“(d) This section shall take effect on and after January 1, 2011.”;

On page 4, after line 9, by inserting the following:

“(d) This section shall take effect on and after January 1, 2011.”;

On page 5, after line 26, by inserting the following:

“(d) This section shall take effect on and after January 1, 2011.”; in line 30, by striking “and officers” and inserting “shall exercise the degree of care and loyalty to the association required of a trustee. Officers”;

On page 6, after line 7, by inserting the following:

“(d) This section shall take effect on and after January 1, 2011.”;

Also on page 6, in line 8, by striking all after “(a)”; in line 9, by striking all before “The”; in line 30, by striking “(c)” and inserting “(b)”; after line 33, by inserting the following:

“(c) This section shall take effect on and after January 1, 2011.”;

On page 7, after line 23, by inserting the following:

“(g) This section shall take effect on and after January 1, 2011.”;

On page 9, after line 10, by inserting the following:

“(k) This section shall take effect on and after January 1, 2011.”;

Also on page 9, after line 29, by inserting the following:

“(d) This section shall take effect on and after January 1, 2011.”;

On page 11, after line 28, by inserting the following:

“(h) This section shall take effect on and after January 1, 2011.”;

On page 13, after line 8, by inserting the following:

“(g) This section shall take effect on and after January 1, 2011.”;

On page 14, after line 1, by inserting the following:

“(i) This section shall take effect on and after January 1, 2011.”;

Also on page 14, after line 34, by inserting the following:

“(c) This section shall take effect on and after January 1, 2011.”;

On page 15, after line 14, by inserting the following:

“(d) This section shall take effect on and after January 1, 2011.”;

Also on page 15, after line 25, by inserting the following:

“(b) Parties to a dispute arising under this act, the declaration, or the bylaws may agree to resolve the dispute by any form of binding or nonbinding alternative dispute resolution, but:

(1) A declarant may agree with the association to do so only after the period of declarant control has expired; and

(2) an agreement to submit to any form of binding alternative dispute resolution must be in a record authenticated by the parties.”;

Also on page 15, in line 26, by striking “(b)” and inserting “(c)”; after line 28, by inserting the following:

“(d) This section shall take effect on and after January 1, 2011.”;

Also on page 15, in line 29, before “The” by inserting “(a)”; after line 36, by inserting the following:

“(b) This section shall take effect on and after January 1, 2011.”;

Also on page 15, in line 40, before “This” by inserting “(a)”;

On page 16, after line 2, by inserting the following:

“(b) This section shall take effect on and after January 1, 2011.”;

Also on page 16, in line 3, before “K.S.A.” by inserting “On and after January 1, 2011.”; in line 4, by striking “23” and inserting “22”; in line 7, by striking “that”; in line 40, before “K.S.A.” by inserting “On and after January 1, 2011.”;

On page 17, in line 6, before “As” by inserting “(a)”; also in line 6, by striking “act” and inserting “section”; in line 7, by striking “(a)” and inserting “(1)”; in line 8, by striking “(b)” and inserting “(2)”; in line 12, by striking all before “On” and inserting “(b)”; after line 19, by inserting the following:

“(c) The provisions of this section shall expire on July 1, 2011.

Sec. 26. K.S.A. 2009 Supp. 12-1750 is hereby amended to read as follows: 12-1750. As used in this act:

(a) “Structure” means any building, wall or other structure.

(b) “Enforcing officer” means the building inspector or other officer designated by ordinance and charged with the administration of the provisions of this act.

(c) “Abandoned property” means any residential real estate for which taxes are delinquent for the preceding two years and which has been unoccupied continuously by persons legally in possession for the preceding ~~150~~ 90 days.

(d) “Organization” means any nonprofit corporation organized under the laws of this state and which has among its purposes the improvement of housing.

(e) “Rehabilitation” means the process of improving the property into compliance with applicable fire, housing and building codes.

(f) “Parties in interest” means any owner or owners of record, judgment creditor, tax purchaser or other party having any legal or equitable title or interest in the property.

(g) “Last known address” includes the address where the property is located, or the address as listed in the tax records.

Sec. 27. K.S.A. 2009 Supp. 12-1756a is hereby amended to read as follows: 12-1756a.

(a) An organization may file a petition with the district court for an order for temporary possession of property if:

(1) The property meets the definition of abandoned as set forth in K.S.A. 12-1750, and amendments thereto;

(2) the organization intends to rehabilitate the property and use the property as housing; and

(3) the organization has sent notice to the enforcing officer and the parties in interest of the property, by certified or registered mail, mailed to their last known address and posted on the property at least 20 days but not more than 60 days before the date the petition is filed, of the organization’s intent to file a petition for possession under K.S.A. 12-1750 through 12-1756e, and amendments thereto.

(b) The proceeding shall be commenced by filing a verified petition in the district court in the county in which the property is located. The petition shall state that the conditions specified in subsection (a) exist. All parties in interest of the property shall be named as defendants in the petition. Summons shall be issued and service shall be made pursuant to K.S.A. 60-303, and amendments thereto. Service may be made by publication if the organization with due diligence is unable to make service of summons upon a defendant pursuant to subsection (a)(3) of K.S.A. 60-307, and amendments thereto.

(c) Any defendant may file as part of such defendant’s answer, as an affirmative defense, a plan for the rehabilitation of the property and evidence of capacity and resources necessary to complete rehabilitation of the property. The court shall grant the defendant 90 days to bring the property into compliance with applicable fire, housing and building codes and to pay all delinquent ad valorem property tax. For good cause shown, the court may extend the ninety-day compliance period *for an additional 90 days*. If the property is brought into such compliance within the ninety-day period or extension of time thereof, the petition shall be dismissed. If the defendant fails to bring the property into such compliance within the

ninety-day period or extension of time thereof, or if the defendant's plan is otherwise insufficient, the defendant's affirmative defense shall be stricken.

(d) At the hearing on the organization's petition, the organization shall submit to the court a plan for the rehabilitation of the property and present evidence that the organization has adequate resources to rehabilitate and thereafter manage the property. For the purpose of developing such a plan, representatives of the organization may be permitted entry onto the property by the court at such times and on such terms as the court may deem appropriate.

(e) The court shall make its own determination as to whether the property is in fact abandoned consistent with the terms of K.S.A. 12-1750 through 12-1756e, and amendments thereto.

(f) If the court approves the petition, the court shall enter an order approving the rehabilitation plan and granting temporary possession of the property to the organization. The organization, subject to court approval, may enter into leases or other agreements in relation to the property. Whether the court approves or denies the petition, the organization shall provide the governing body a copy of the order within 30 days of the organization's receipt or knowledge of such order.

Sec. 28. K.S.A. 2009 Supp. 12-1756g is hereby amended to read as follows: 12-1756g. Any person who purchases a house from an organization which has rehabilitated such house pursuant to K.S.A. 12-1750 et seq., and amendments thereto, shall agree to occupy such house for at least ~~three years~~ *two years* following the date of taking title to such property.

Sec. 29. K.S.A. 19-26,103 is hereby amended to read as follows: As used in K.S.A. 19-26,103 through 19-26,113:

- (a) "County" means ~~Wyandotte~~ *any county, Kansas*.
- (b) "Board" means the board of trustees of the ~~Wyandotte~~ county land bank.
- (c) "Bank" means the ~~Wyandotte~~ county land bank established pursuant to this act.

Sec. 30. K.S.A. 19-26,104 is hereby amended to read as follows: (a) The board of county commissioners ~~of Wyandotte county~~ may establish a county land bank by adoption of a resolution.

(b) The bank shall be governed by a board of trustees. The board of county commissioners ~~of Wyandotte county~~ may appoint the board. Commissioners may serve on or as the board of trustees. Vacancies on the board shall be filled by appointment for the unexpired term.

(c) The board of county commissioners may advance operating funds to the bank to pay expenses of the board of trustees and the bank. Members of the board of trustees shall receive no compensation, but shall be paid their actual and necessary expenses in attending meetings and in carrying out their duties as members of the board.

(d) The bank may be dissolved by resolution of the board of county commissioners. In such case, all property of the bank shall be transferred to and held by the board of county commissioners of the county and may be disposed of as otherwise provided by law.

Sec. 31. K.S.A. 19-26,103 and 19-26,104 and K.S.A. 2009 Supp. 12-1750, 12-1756a and 12-1756g are hereby repealed.”;

Also on page 17, in line 20, before “K.S.A.” where it appears for the first time by inserting “On January 1, 2011,”; in line 23, by striking “January 1, 2011, and”;

And by renumbering the remaining sections accordingly;

In the title, in line 15, after “K.S.A.” by inserting “19-26,103, 19-26,104,”; in line 16, before “repealing” where it appears for the first time by inserting “K.S.A. 2009 Supp. 12-1750, 12-1756a and 12-1756g and”;

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

ROGER P. REITZ
 TERRIE HUNTINGTON
 KELLY KULTALA
Conferees on part of Senate
 SHARON SCHWARTZ
 MITCH HOLMES
 DELIA GARCIA
Conferees on part of House

Senator Reitz moved the Senate adopt the Conference Committee Report on **HB 2472**. On roll call, the vote was: Yeas 35, Nays 5, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Abrams, Haley, Pilcher-Cook, Pyle, Vratil.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2501**, 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 2, after line 2, by inserting the following:

“Sec. 2. K.S.A. 2009 Supp. 40-2118 is hereby amended to read as follows: 40-2118. As used in this act, unless the context otherwise requires, the following words and phrases shall have the meanings ascribed to them in this section:

(a) “Administering carrier” means the insurer or third-party administrator designated in K.S.A. 40-2120, and amendments thereto.

(b) “Association” means the Kansas health insurance association established in K.S.A. 40-2119, and amendments thereto.

(c) “Board” means the board of directors of the association.

(d) “Church plan” means a plan as defined under section 3(33) of the Employee Retirement Income Security Act of 1974.

(e) “Commissioner” means the commissioner of insurance.

(f) “Creditable coverage” means with respect to an individual, coverage of the individual under any of the following:

(1) A group health plan;

(2) health insurance coverage;

(3) part A or part B of Title XVIII of the Social Security Act;

(4) title XIX of the Social Security Act, other than coverage consisting solely of benefit under Section 1928;

(5) chapter 55 of Title 10, United States Code;

(6) a medical care program of the Indian Health Service or of a tribal organization;

(7) a state health benefit risk pool;

(8) a health plan offered under Chapter 89 of Title 5, United States Code;

(9) a public health plan as defined under regulations promulgated by the secretary of health and human services; ~~and~~

(10) a health benefit plan under section 5(e) of the Peace Corps Act (22 U.S.C. 2504(d)); ~~and~~

(11) *A state children’s health insurance program established pursuant to title XXI of the Social Security Act.*

(g) “Dependent” means a resident spouse or resident unmarried child under the age of 19 years, a child who is a student under the age of 23 years and who is financially dependent upon the parent, or a child of any age who is disabled and dependent upon the parent.

(h) “Excess loss” means the total dollar amount by which claims expense incurred for any issuer of a medicare supplement policy or certificate delivered or issued for delivery to persons in this state eligible for medicare by reason of disability and who are under age 65 exceeds 65% of the premium earned by such issuer during a calendar year.

(i) “Federally defined eligible individual” means an individual:

(1) For whom, as of the date the individual seeks coverage under this section, the aggregate of the periods of creditable coverage is 18 or more months and whose most recent prior coverage was under a group health plan, government plan or church plan;

(2) who is not eligible for coverage under a group health plan, Part A or B of Title XVII of the Social Security Act, or a state plan under Title XIX of the Social Security Act, or any successor program, and who does not have any other health insurance coverage;

(3) with respect to whom the most recent coverage was not terminated for factors relating to nonpayment of premiums or fraud; and

(4) who ~~had been~~ if offered the option of continuation coverage under COBRA or under a similar program, ~~who~~ elected such continuation coverage, and ~~who~~ has exhausted such continuation coverage.

(j) "Federally defined eligible individuals for FTAA" means an individual who is:

(1) Legally domiciled in this state; and

(2) eligible for the credit for health insurance costs under section 35 of the internal revenue code of 1986.

(k) "FTAA" means federal trade adjustment assistance under the federal trade adjustment assistance reform act of 2002, public law 107-210.

(l) "Governmental plan" means a plan as defined under section 3(32) of the Employee Retirement Income Security Act of 1974 and any plan maintained for its employees by the government of the United States or by any agency or instrumentality of such government.

(m) "Group health plan" means an employee benefit plan as defined by section 3(1) of the Employee Retirement Income Security Act of 1974 to the extent that the plan provides any hospital, surgical or medical expense benefits to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement or otherwise.

(n) "Health insurance" means any hospital or medical expense policy, health, hospital or medical service corporation contract, and a plan provided by a municipal group-funded pool, or a health maintenance organization contract offered by an employer or any certificate issued under any such policies, contracts or plans. "Health insurance" does not include policies or certificates covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, specified disease, vision care, coverage issued as a supplement to liability insurance, insurance arising out of a workers compensation or similar law, automobile medical-payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(o) "Health maintenance organization" means any organization granted a certificate of authority under the provisions of the health maintenance organization act.

(p) "Insurance arrangement" means any plan, program, contract or any other arrangement under which one or more employers, unions or other organizations provide to their employees or members, either directly or indirectly through a group-funded pool, trust or third-party administrator, health care services or benefits other than through an insurer.

(q) "Insurer" means any insurance company, fraternal benefit society, health maintenance organization and nonprofit hospital and medical service corporation authorized to transact health insurance business in this state.

(r) "Medicaid" means the medical assistance program operated by the state under title XIX of the federal social security act.

(s) "Medicare" means coverage under both parts A and B of title XVIII of the federal social security act, 42 USC 1395.

(t) "Medicare supplement policy" means a group or individual policy of accident and sickness insurance or a subscriber contract of hospitals and medical service associations or health maintenance organizations, other than a policy issued pursuant to a contract under section 1876 of the federal social security act (42 USC 1395 et seq.) or an issued policy under a demonstration project specified in 42 USC 1395ss(g)(1), which is advertised, marketed or designed primarily as a supplement to reimbursements under medicare for the hospital, medical or surgical expenses of persons eligible for medicare.

(u) "Member" means all insurers and insurance arrangements participating in the association.

(v) "Plan" means the Kansas uninsurable health insurance plan created pursuant to this act.

(w) “Plan of operation” means the plan to create and operate the Kansas uninsurable health insurance plan, including articles, bylaws and operating rules, adopted by the board pursuant to K.S.A. 40-2119, and amendments thereto.

Sec. 3. K.S.A. 2009 Supp. 40-2c01 is hereby amended to read as follows: 40-2c01. As used in this act:

(a) “Adjusted RBC report” means an RBC report which has been adjusted by the commissioner in accordance with K.S.A. 40-2c04, and amendments thereto.

(b) “Corrective order” means an order issued by the commissioner specifying corrective actions which the commissioner has determined are required to address a RBC level event.

(c) “Domestic insurer” means any insurance company or risk retention group which is licensed and organized in this state.

(d) “Foreign insurer” means any insurance company or risk retention group not domiciled in this state which is licensed or registered to do business in this state pursuant to article 41 of chapter 40 of the Kansas Statutes Annotated or K.S.A. 40-209, and amendments thereto.

(e) “NAIC” means the national association of insurance commissioners.

(f) “Life and health insurer” means any insurance company licensed under article 4 or 5 of chapter 40 of the Kansas Statutes Annotated or a licensed property and casualty insurer writing only accident and health insurance.

(g) “Property and casualty insurer” means any insurance company licensed under articles 9, 10, 11, 12, 12a, 15 or 16 of chapter 40 of the Kansas Statutes Annotated, but shall not include monoline mortgage guaranty insurers, financial guaranty insurers and title insurers.

(h) “Negative trend” means, with respect to a life and health insurer, a negative trend over a period of time, as determined in accordance with the “trend test calculation” included in the RBC instructions defined in subsection (j).

(i) “RBC” means risk-based capital.

(j) “RBC instructions” mean the risk-based capital instructions promulgated by the NAIC, which are in effect on December 31, ~~2008~~ 2009, or any later version promulgated by the NAIC as may be adopted by the commissioner under K.S.A. 2009 Supp. 40-2c29, and amendments thereto.

(k) “RBC level” means an insurer’s company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

(1) “Company action level RBC” means, with respect to any insurer, the product of 2.0 and its authorized control level RBC;

(2) “regulatory action level RBC” means the product of 1.5 and its authorized control level RBC;

(3) “authorized control level RBC” means the number determined under the risk-based capital formula in accordance with the RBC instructions; and

(4) “mandatory control level RBC” means the product of .70 and the authorized control level RBC.

(l) “RBC plan” means a comprehensive financial plan containing the elements specified in K.S.A. 40-2c06, and amendments thereto. If the commissioner rejects the RBC plan, and it is revised by the insurer, with or without the commissioner’s recommendation, the plan shall be called the “revised RBC plan.”

(m) “RBC report” means the report required by K.S.A. 40-2c02, and amendments thereto.

(n) “Total adjusted capital” means the sum of:

(1) An insurer’s capital and surplus or surplus only if a mutual insurer; and

(2) such other items, if any, as the RBC instructions may provide.

(o) “Commissioner” means the commissioner of insurance.

Sec. 4. K.S.A. 40-2259 is hereby amended to read as follows: 40-2259. (a) As used in this section, “genetic screening or testing” means a laboratory test of a person’s genes or chromosomes for abnormalities, defects or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease or other disorders, whether physical or mental, which test is a direct test for abnormalities, defects or deficiencies, and not an indirect manifestation of genetic disorders.

(b) An insurance company, health maintenance organization, nonprofit medical and hospital, dental, optometric or pharmacy ~~corporations~~ corporation, or a group subject to K.S.A. 12-2616 et seq., and amendments thereto, *offering group policies and certificates of coverage or individual policies providing hospital, medical or surgical expense benefits*, shall not:

(1) Require or request directly or indirectly any individual or a member of the individual's family to obtain a genetic test;

(2) require or request directly or indirectly any individual to reveal whether the individual or a member of the individual's family has obtained a genetic test or the results of the test, if obtained by the individual or a member of the individual's family;

(3) condition the provision of insurance coverage or health care benefits on whether an individual or a member of the individual's family has obtained a genetic test or the results of the test, if obtained by the individual or a member of the individual's family; or

(4) consider in the determination of rates or any other aspect of insurance coverage or health care benefits provided to an individual whether an individual or a member of the individual's family has obtained a genetic test or the results of the test, if obtained by the individual or a member of the individual's family;

(5) *require any individual, as a condition of enrollment or continued enrollment, to pay a premium or contribution which is greater than such premium or contribution for a similarly situated individual on the basis of whether the individual or a member of the individual's family has obtained a genetic test or the results of such test; or*

(6) *adjust premium or contribution amounts on the basis of whether the individual or a member of the individual's family has obtained a genetic test or the result of such test.*

(c) Subsection (b) does not apply to an insurer writing life insurance, disability income insurance or long-term care insurance coverage.

(d) An insurer writing life insurance, disability income insurance or long-term care insurance coverage that obtains information under paragraphs (1) or (2) of subsection (b), shall not:

(1) Use the information contrary to paragraphs (3) or (4) of subsection (b) in writing a type of insurance coverage other than life for the individual or a member of the individual's family; or

(2) provide for rates or any other aspect of coverage that is not reasonably related to the risk involved.

New Sec. 5. (a) (1) Notwithstanding any other law, rule or regulation, an insurer that uses credit information shall, upon written request from an applicant for insurance coverage or an insured, provide reasonable exceptions to the insurer's rates, rating classifications, company or tier placement, or underwriting rules or guidelines for a consumer who has experienced and whose credit information has been directly influenced by an extraordinary life circumstance.

(2) As used in this section "extraordinary life circumstance" means:

(A) Catastrophic event, as declared by the federal or any state government;

(B) serious illness or injury to the consumer or such consumer's immediate family member;

(C) the death of a spouse, child or parent of the insured;

(D) divorce or involuntary interruption of legally-owed alimony or support payments;

(E) identity theft;

(F) temporary loss of employment for a period of three months or more, if it results from involuntary termination;

(G) overseas military deployment; or

(H) other events as determined by the insurer.

(b) If a consumer submits a request for an exception under subsection (a), an insurer may, in its sole discretion:

(1) Require the consumer to provide reasonable written and independently verifiable documentation of the event;

(2) require the consumer to demonstrate that the event had a direct and meaningful impact on the consumer's credit information; and

(3) require such request be made no more than 60 days from the date of the application for insurance or the policy renewal.

(c) An insurer shall not be deemed to be out of compliance with any law, rule or regulation relating to underwriting, rating or rate filing as a result of granting an exception under this section. Nothing in this section shall be construed to provide a consumer or other insured with a cause of action that does not exist in the absence of this section.

(d) The insurer shall provide notice to consumers that reasonable exceptions are available and information about how the consumer may inquire further.

(e)(1) Within 30 days of the insurer's receipt of sufficient documentation of an extraordinary life circumstance as the insurer may request under subsection (b), the insurer shall inform the consumer of the outcome of their request for a reasonable exception.

(2) The insurer may grant an exception despite the consumer not providing the initial request for an exception in writing or grant an exception where the consumer asks for consideration of repeated circumstances or the insurer has considered this circumstance previously.

(3) The insurer shall inform the consumer of the outcome of their request in writing.

(f) This section shall be part of and supplemental to the Kansas insurance score act.

Sec. 6. K.S.A. 2009 Supp. 40-5103 is hereby amended to read as follows: 40-5103. As used in this act:

(a) "Adverse action" means any of the following in connection with the underwriting of personal insurance:

(1) A denial or cancellation of coverage;

~~(2) anything other than the best possible rate; or~~

~~(2)~~ (2) a reduction or other adverse or unfavorable change in the terms of coverage of any insurance regardless of whether such insurance is in existence or has been applied for.

(b) "Affiliate" means any company that controls, is controlled by, or is under common control with another company.

(c) "Agent" shall have the meaning ascribed to it in subsection (k) of K.S.A. 2009 Supp. 40-4902, and amendments thereto, unless the context requires otherwise.

(d) "Applicant" means an individual who has applied to an insurer to be covered by a personal insurance policy.

(e) "Commissioner" means the commissioner of insurance and any authorized designee of the commissioner.

(f) "Consumer" means an insured whose credit information is used or whose insurance score is calculated in the underwriting or rating of a personal insurance policy. "Consumer" also includes an applicant for a personal insurance policy.

(g) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

(h) "Credit information" means any credit related information derived from a credit report, found on a credit report itself, or provided on an application for personal insurance. Credit information shall not include any information which is not credit related, regardless of whether such information is contained in a credit report or in an application or is used to calculate an insurance score.

(i) "Credit report" means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing or credit capacity which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor to determine personal insurance premiums, eligibility for coverage, or tier placement.

(j) "Department" means the insurance department established by K.S.A. 40-102 and amendments thereto.

(k) "Insurance score" means a number or rating that is derived from an algorithm, computer application, model, or other process that is based, in whole or in part, on credit information for the purposes of predicting the future insurance loss exposure of an individual applicant or insured.

(l) "Personal insurance" means private passenger automobile, homeowners, motorcycle, mobile homeowners and non-commercial dwelling fire insurance policies and boat, personal water craft, snowmobile and recreational vehicle policies. For the strict purposes of this act, personal insurance shall also include individually underwritten policies of farmowners.

Sec. 7. K.S.A. 2009 Supp. 40-5104 is hereby amended to read as follows: 40-5104. No insurer authorized to do business in the state of Kansas which uses credit information to underwrite or rate risks, shall:

(a) Use an insurance score that is calculated using income, address, zip code, race, religion, color, sex, disability, national origin, ancestry or marital status of the consumer as a factor.

(b) Without consideration of any other applicable underwriting factor independent of credit information and not expressly prohibited by subsection (a), refuse to quote, deny, cancel or refuse to renew any policy of personal insurance solely on the basis of credit information.

(c) Without consideration of any other applicable factor independent of credit information, base an insured's renewal rates for personal insurance solely upon credit information.

(d) Without consideration of any other applicable factor independent of credit information, take an adverse action against a consumer solely because such consumer does not have a credit card account.

(e) Consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating personal insurance, unless the insurer does one of the following:

(1) Treat the consumer as if the applicant or insured had neutral credit information, as defined by the insurer; or

(2) exclude the use of credit information as a factor and use only other underwriting criteria.

(f) Take an adverse action against a consumer based on credit information, unless an insurer obtains and uses a credit report issued or an insurance score calculated within 90 days from the date the personal insurance policy is first written or notice of renewal is issued.

~~(g) (1) Except as provided in paragraphs (2) and (3), use credit information unless not later than every 36 months following the last time that the insurer obtained current credit information for the insured, the insurer recalculates the insurance score or obtains an updated credit report.~~

~~(2) The insurer shall:~~

(A) Re-underwrite and re-rate the consumer's personal insurance policy, at the annual renewal of such policy, based upon a current credit report or insurance score for such consumer, if requested by the consumer. Such consumer's current credit report or insurance score shall be used if the result of the re-underwrite and re-rate reduces the consumer's rate. Such consumer's current credit report or insurance score shall not be used to increase the consumer's rate. The insurer shall not be found to be in violation of rate filings by adjusting an insured's rate in accordance with this subparagraph. Nothing in this subparagraph shall require an insurer to recalculate a consumer's insurance score or obtain the updated credit report of a consumer more frequently than once in a twelve-month period.

(B) Have the discretion to obtain current credit information upon any renewal before the 36 months, if consistent with such insurer's underwriting guidelines.

~~(3) (2)~~ No insurer shall be required to obtain current credit information for an insured, if:

(A) The insured is in the most favorably-priced tier of the insurer, within a group of affiliated insurers. However, the insurer shall have the discretion to order such report, if consistent with such insurer's underwriting guidelines;

(B) credit was not used for underwriting or rating such insured when the policy was initially written. However, the insurer shall have the discretion to use credit for underwriting or rating such insured upon renewal, if consistent with such insurer's underwriting guidelines; or

(C) The insurer re-evaluates the insured beginning no later than 36 months after inception and thereafter based upon other underwriting or rating factors, excluding credit information.

(h) Use any of the following as a negative factor against a consumer in any insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a policy of personal insurance:

(1) Any credit inquiry not initiated by the consumer or any inquiry requested by the consumer for such consumer's own credit information;

(2) any inquiry relating to insurance coverage, if so identified on a consumer's credit report;

(3) any collection account with a medical industry code, if so identified on the consumer's credit report; or

(4) any additional lender inquiry beyond the first such inquiry related to the same loan purpose, if coded by the consumer reporting agency on the consumer's credit report as being from the given loan industry and made within 30 days of one another.”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 3, by striking “40-3512 is” and inserting “40-2259 and 40-3512 and K.S.A. 2009 Supp. 40-2c01, 40-2118, 40-5103 and 40-5104 are”;

In the title, in line 13, after the semicolon by inserting “relating to health insurance and creditable coverage plans; relating to risk-based capital requirements; relating to genetic testing by insurance and health entities; relating to the use of credit information;”; also in line 13, by striking “40-3512” and inserting “40-2259 and 40-3512 and K.S.A. 2009 Supp. 40-2c01, 40-2118, 40-5103 and 40-5104”; also in line 14, by striking “section” and inserting “sections”;

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

RUTH TEICHMAN

KARIN BROWNLEE

CHRIS STEINEGER

Conferees on part of Senate

CLARK SHULTZ

VIRGIL PECK, JR.

DALE SWENSON

Conferees on part of House

Senator Teichman moved the Senate adopt the Conference Committee Report on **HB 2501**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umberger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2585**, 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 as SENATE Substitute for HOUSE Bill No. 2585, as follows:

On page 1, in line 43, by striking “controversy” and inserting “proceeding”;

On page 2, in line 2, by striking “exercising due diligence” and inserting “a showing of reasonable effort”; also in line 2, after “by” by inserting “readily available”;

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

THOMAS C. OWENS
DEREK SCHMIDT
DAVID HALEY
Conferees on part of Senate

LANCE KINZER
JEFF WHITHAM
JANICE L. PAULS
Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **S Sub for HB 2585**.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Barnett.

The Conference Committee report was adopted.

REPORT ON ENGROSSED BILLS

H Sub for SB 25 reported correctly engrossed March 30, 2010.

Also, **SB 531** correctly re-engrossed March 30, 2010.

REPORT ON ENROLLED BILLS

House Sub for SB 316 reported correctly enrolled, properly signed and presented to the Governor on March 30, 2010.

SR 1855, SR 1856, SR 1857, SR 1858, SR 1859, SR 1860, SR 1861, SR 1862, SR 1863, SR 1864 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 30, 2010.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator McGinn in the chair.

On emergency motion of Senator D. Schmidt, **HB 2310** was moved to the top of the calendar under the heading of General Orders.

On motion of Senator McGinn the following report was adopted:

The committee report on **HB 2310** recommending a **Senate Sub for HB 2310** be adopted, and the substitute bill be passed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **S Sub for HB 2310** was advanced to Final Action and roll call.

S Sub for HB 2310. An act concerning the state board of mortuary arts, relating to crematory operations; licensure; fees; amending K.S.A. 65-1760, 65-1763, 65-1764, 65-1765, 65-1766 and 65-1768 and K.S.A. 2009 Supp. 65-1727 and 65-1762 and repealing the existing sections.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Pilcher-Cook, Pyle.
The substitute bill passed.

On motion of Senator D. Schmidt, the Senate recessed until 8:00 p.m.

EVENING SESSION

The Senate met pursuant to recess with President Morris in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 585, An act concerning state officers; relating to salaries and compensation; amending K.S.A. 46-1102, 75-3120f, 75-3212 and 75-3223 and K.S.A. 2009 Supp. 40-102, 46-137a, 46-137b, 75-3101, 75-3103, 75-3104, 75-3108, 75-3110, 75-3120g, 75-3120h, 75-3120k and 75-7427 and repealing the existing sections, by Ways and Means.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 30**, 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 amendments, as follows:

On page 3, in line 20, by striking “2008” and inserting “2009”; in line 37, by striking “2008” and inserting “2009”;

On page 1, in the title, in line 14, by striking “2008” and inserting “2009”;

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

KEVIN YODER

RAY MERRICK

BILL FEUERBORN

Conferees on part of House

JOHN VRATIL

CAROLYN MCGINN

LAURA KELLY

Conferees on part of Senate

Senator Emler moved the Senate adopt the Conference Committee Report on **SB 30**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 362**, 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, in line 20, by striking “Subject to the provisions of subsection (c), all” and inserting “All”; in line 29, by striking “May 1” and inserting “the third Friday in May”; in line 31, by striking “May 15” and inserting “the 14th calendar day following the third Friday in May”;

On page 2, by striking all in lines 21 through 35; in line 36, by striking “(d)” and inserting “(c)”; in line 41, by striking “Subject to the provisions of subsection (c), written” and inserting “Written”; in line 43, by striking “May 1” and inserting “the third Friday in May”;

On page 3, in line 2, by striking “May 15” and inserting “the 14th calendar day following the third Friday in May”; by striking all in lines 28 through 35;

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

JOE MCLELAND

CLAY AURAND

HAROLD LANE

Conferees on part of House

JEAN SCHODORF

JOHN VRATIL

ANTHONY HENSLEY

Conferees on part of Senate

Senator Schodorf moved the Senate adopt the Conference Committee Report on **SB 362**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 369**, 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 3, in line 5, by striking “allow” and inserting “electronically make copies of public records by allowing”; in line 6, after “device” by inserting “provided by such person”;

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

LANCE KINZER

JEFF WHITHAM

JANICE L. PAULS

Conferees on part of House

THOMAS C. OWENS

DEREK SCHMIDT

LAURA KELLY

Conferees on part of Senate

Senator Owens moved the Senate adopt the Conference Committee Report on **H Sub for SB 369**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **Senate Substitute for HB 2310**, requests a conference and appoints Representatives Bethell, Hill and Williams as conferees on the part of the House.

The House adopts the conference committee report on **SB 62**.

The House adopts the conference committee report on **House Substitute for SB 83**.

The House adopts the conference committee report on **House Substitute for SB 262**.

The House adopts the conference committee report on **House Substitute for SB 269**.

The House adopts the conference committee report on **SB 359**.

The House adopts the conference committee report on **House Substitute for SB 377**.

The House adopts the conference committee report on **House Substitute for SB 449**.

The House adopts the conference committee report on **House Substitute for SB 537**.

ORIGINAL MOTION

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **SB 368**.

The Vice President appointed Senators Owens, Vratil and Kelly as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for HB 2226**.

The Vice President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Barnett, the Senate acceded to the request of the House for a conference on **S Sub for HB 2356**.

The Vice President appointed Senators Barnett, V. Schmidt and Kelly as conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 62**, 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 amendments, as follows:

On page 1, following line 18, by inserting the following:

“New Section 1. (a) A physician or other health care professional who is otherwise authorized by law to provide medical treatment to a pregnant woman shall take or cause to be taken, during the first trimester of pregnancy, a routine opt-out screening for HIV infection. When the physician or other health care professional determines certain pregnant women to be at high risk for acquiring HIV infection, such women shall be administered a repeat screening during the third trimester or at the time of labor and delivery. When a pregnant woman’s HIV status is unknown for any reason at the time of labor and delivery, such woman shall be screened for HIV infection as soon as possible within medical standards. When an HIV rapid test kit is used for screening, a confirmatory sample shall be submitted for serological testing which meets the standards recognized by the United States public health service for the detection of HIV to a laboratory approved by the secretary of health and environment for such serological tests. A pregnant woman shall have the right to refuse screening under this subsection at any time. Before any screening is performed under this subsection, the pregnant woman shall be informed in writing of the provisions of this subsection and the purposes and benefits of the screening, and the pregnant woman shall sign a form provided by the department of health and environment to authorize or opt-out of the screening. The form shall contain the following wording: “I test all of my pregnant patients for HIV as part of the panel of routine tests to alert me to any conditions that can have a very serious effect on your pregnancy and your baby. You will be tested for HIV unless you tell me not to.”

(b) When the mother’s HIV status is unknown because of refusal to take such screening during the pregnancy or any other reasons, such mother’s newborn child shall be screened with an HIV test as soon as possible within medical standards to determine if prophylaxis

is needed. A mother's or a guardian's consent is not required to screen such newborn child, except that this subsection shall not apply to any newborn child whose parents object to the test as being in conflict with their religious tenets and practices. Documentation of a mother's HIV status shall be recorded in both the mother's and newborn's medical records. The mother of the child shall be informed in writing of the provisions of this subsection and of the purposes and benefits of the screening and shall sign a form stating that the mother has received the information.

(c) The secretary of health and environment is hereby authorized to adopt rules and regulations, within six months from the effective date of this section, establishing guidelines for routine HIV infection screening for pregnant women and each newborn child where the HIV status of the mother is unknown at the time of birth. These rules and regulations shall be based on the recommendations and best practices established by the United States centers for disease control and prevention and public health service task force recommendations for use of antiretroviral drugs in pregnant HIV infected women for maternal health and interventions to reduce perinatal HIV transmission in the United States.

(d) As used in this section, physician, HIV and HIV infection have the meanings defined in K.S.A. 65-6001, and amendment thereto.

(e) This section shall be effective on and after July 1, 2010.;

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

"Sec. 4. On and after July 1, 2010, K.S.A. 65-6504 is hereby amended to read as follows: 65-6504. (a) On or after September 1, 1992, it shall be unlawful for any person to engage in the practice of speech-language pathology or audiology in the state of Kansas unless such person has been issued a valid license pursuant to this act or is specifically exempted from the provisions of this act. It shall be unlawful for any person to hold oneself out to the public as a "speech pathologist," "speech therapist," "speech correctionist," "speech clinician," "language pathologist," "voice therapist," "voice pathologist," "logopedist," "communicologist," "aphasiologist," "phoniatrist," "audiologist," "audiometrist," "hearing therapist," "hearing clinician," "hearing aid audiologist," or any variation, unless such person is licensed under this act as a speech-language pathologist or audiologist.

(b) No person licensed under this act shall be authorized to engage in the practice of dispensing and fitting hearing aids as defined under K.S.A. 74-5807 and amendments thereto unless such person is also licensed or holds a certificate of endorsement under the hearing aid act to engage in the practice of dispensing and fitting hearing aids.

(c) Persons licensed under this act to engage in the practice of speech-language pathology or audiology shall not be deemed to be engaged in the practice of the healing arts when practicing under and in accordance with this act.

(d) *Persons licensed under this act to engage in the practice of audiology with doctorate degrees shall use the appropriate words or letters, such as "AuD," "PhD," "EdD" and "ScD," when using the letters or term "Dr." or "Doctor" to identify themselves.*

Sec. 5. On and after July 1, 2010, K.S.A. 65-6505 is hereby amended to read as follows: 65-6505. (a) Speech-language pathologists or audiologists shall meet the following qualifications for licensure under this act:

~~(1)~~ (1) *Except as otherwise provided in subsection (b), possession of at least a master's degree or equivalent in speech-language pathology or audiology from an educational institution with standards consistent with those of the state universities of Kansas approved by the secretary pursuant to rules and regulations;*

~~(2)~~ (2) *completion of supervised clinical practicum experiences from an educational institution or its cooperating programs the content of which shall be consistent with the standards of the state universities of Kansas and delineated in the rules and regulations;*

~~(3)~~ (3) *except as otherwise provided in subsection (c), completion of a postgraduate professional experience pursuant to rules and regulations; and*

~~(4)~~ (4) *passage of an examination in speech-language pathology or audiology pursuant to rules and regulations.*

(b) *Any individual seeking licensure as an audiologist on or after January 1, 2012, shall possess at least a doctorate degree or equivalent in audiology from an educational institution with standards consistent with those of the state universities of Kansas approved by the secretary pursuant to rules and regulations. Any individual who possesses at least a master's*

degree or equivalent in audiology prior to January 1, 2012, shall be deemed to have met the educational requirement of subsection (a)(1) for licensure as an audiologist.

(c) Any applicant who possesses an audiology clinical doctoral degree shall be exempt from the requirements in subsection (a)(3).";

Also on page 3, following line 4, by inserting the following:

"Sec. 7. On and after July 1, 2010, K.S.A. 65-6504 and 65-6505 are hereby repealed."

And by renumbering sections accordingly;

On page 1, in the title, by striking all in line 13; in line 14, by striking all preceding the semicolon and inserting "to screening of diseases; concerning licensure of audiologists"; in line 15, following "amending" by inserting "K.S.A. 65-6504 and 65-6505 and"; in line 16, by striking "section" and inserting "sections";

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

BRENDA LANDWEHR
DAVID CRUM
GERALDINE FLAHARTY
Conferees on part of House

JIM BARNETT
VICKI SCHMIDT
LAURA KELLY
Conferees on part of Senate

Senator Barnett moved the Senate adopt the Conference Committee Report on **SB 62**.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Pyle.

The Conference Committee report was adopted.

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 as House Substitute for Senate Bill No. 83, as follows:

On page 1, in lines 15 and 21, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 3, in lines 4 and 26, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 4, in lines 17 and 27, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 5, in lines 12 and 33, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 6, in line 29, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 7, in line 21, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 8, in lines 13 and 26, preceding "K.S.A." by inserting "On and after January 1, 2011,"; in line 34, by striking "Nothing" and inserting "On and after January 1, 2011, nothing"; in line 37, by striking "required" and inserting "require"; in line 43, preceding "K.S.A." by inserting "On and after January 1, 2011,";

On page 10, following line 14, by inserting the following:

"Sec. 15. K.S.A. 2009 Supp. 65-2910 is hereby amended to read as follows: 65-2910.

(a) The license of every licensed physical therapist and the certification of every certified physical therapist assistant shall expire on the date established by rules and regulations of the board which may provide renewal throughout the year on a continuing basis. In each

case in which a license or certificate is renewed for a period of time of less than one year, the board may prorate the amount of the fee established under K.S.A. 65-2911 and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the renewal fee established under K.S.A. 65-2911 and amendments thereto which shall be paid not later than the expiration date of the license or certificate.

(b) The board shall require every licensed physical therapist or certified physical therapist assistant as a condition of renewal to submit with the application for a renewal evidence of satisfactory completion of a program of continuing education required by the board. The board shall establish the requirements for each such program of continuing education by rules and regulations. In establishing such requirements the board shall consider any existing programs of continuing education currently being offered to licensed physical therapists or certified physical therapist assistants.

(c) At least 30 days before the expiration of the license of a physical therapist or the certificate of a physical therapist assistant, the board shall notify the licensee or certificate holder of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If the licensee or certificate holder fails to pay the renewal fee by the date of expiration, the licensee or certificate holder shall be given a second notice that the license or certificate has expired and the license or certificate may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the license or certificate shall be canceled for failure to renew and shall be reissued only after the physical therapist or physical therapist assistant has been reinstated under subsection (d).

(d) Any licensee or certificate holder who allows the license or certificate to be canceled by failing to renew may be reinstated upon recommendation of the board, upon payment of the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable reeducation and continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate reeducation and continuing education requirements for reinstatement of persons whose licenses or certificates have been canceled for failure to renew.

(e) (1) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any physical therapist who makes written application for a license as a physical therapist on a form provided by the board and remits the fee established pursuant to K.S.A. 65-2911, and amendments thereto. The board may issue an inactive license only to a person who meets all the requirements for a license to practice as a physical therapist and who does not actively practice as a physical therapist in this state. An inactive license shall not entitle the holder to render professional services as a physical therapist. The provisions of subsections (c) and (d) relating to expiration, renewal and reinstatement of a license shall be applicable to an inactive license issued under this subsection. Each inactive licensee may apply to engage in active practice by providing to the board proof that a policy of professional liability insurance will be maintained in compliance with K.S.A. 2009 Supp. 65-2920, and amendments thereto, and rules and regulations adopted by the board.

(2) *For the licensee whose license has been inactive for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for exempt licensees to become licensed to regularly practice physical therapy within Kansas. Any licensee whose license has been inactive for more than two years may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.*

(f) (1) *There is hereby created a designation of exempt license. The board is authorized to issue an exempt license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an exempt license established pursuant to K.S.A. 65-2911, and amendments thereto. The board may issue an exempt license to a person who is not regularly engaged in the practice of physical therapy in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. An exempt license shall entitle the holder to all privileges attendant to the practice of physical therapy for which such license is issued. Each exempt license may be renewed subject to the*

provisions of this section. Each exempt licensee shall be subject to all provisions of the physical therapy act, except as otherwise provided in this subsection. The holder of an exempt license shall be required to submit evidence of satisfactory completion of a program of continuing education required by this section. Each exempt licensee may apply for a license to regularly engage in the practice of physical therapy upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to K.S.A. 65-2911, and amendments thereto.

(2) For the licensee whose license has been exempt for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for exempt licensees to become licensed to regularly practice physical therapy within Kansas. Any licensee whose license has been exempt for more than two years and who has not been in the active practice of physical therapy or engaged in a formal educational program since the license has been exempt may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(3) Nothing in this subsection shall be construed to prohibit a person holding an exempt license from serving as a paid employee or unpaid volunteer of: (A) A local health department as defined by K.S.A. 65-241, and amendments thereto, or (B) an indigent health care clinic as defined by K.S.A. 75-6102, and amendments thereto.

(4) A person who practices under an exempt license shall not be deemed to be rendering professional service as a physical therapist in this state for the purposes of K.S.A. 2009 Supp. 65-2920, and amendments thereto.

(g) (1) There is hereby created a designation of federally active license. The board is authorized to issue a federally active license to any licensee who makes written application for such license on a form provided by the board and remits the same fee required for a license established under K.S.A. 65-2911, and amendments thereto. The board may issue a federally active license only to a person who meets all the requirements for a license to practice physical therapy in Kansas and who practices that branch of physical therapy solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies. A person issued a federally active license may engage in limited practice outside of the course of federal employment consistent with the scope of practice of exempt licenses under subsection (f), except that the scope of practice of a federally active licensee shall be limited to providing direct patient care services gratuitously or providing supervision, direction or consultation for no compensation except that nothing in this subsection (g)(1) shall prohibit a person licensed to practice physical therapy issued a federally active license from receiving payment for subsistence allowances or actual and necessary expenses incurred in providing such services; and rendering professional services as a charitable health care provider as defined in K.S.A. 75-6102, and amendments thereto.

(2) The provisions of subsections (a), (b), and (d) of this section relating to continuing education, expiration and renewal of a license shall be applicable to a federally active license issued under this subsection.

(3) A person who practices under a federally active license shall not be deemed to be rendering professional service as a physical therapist in this state for the purposes of K.S.A. 2009 Supp. 65-2920, and amendments thereto.

Sec. 16. K.S.A. 2009 Supp. 65-2911 is hereby amended to read as follows: 65-2911. (a) The board may adopt such rules and regulations as necessary to carry out the purposes of this act. The executive director of the board shall keep a record of all proceedings under this act and a roster of all persons licensed or certified under the act. The roster shall show the name, address, date and number of the original license or certificate, and the renewal thereof.

(b) (1) The board shall charge and collect in advance fees provided for in this act as fixed by the board by rules and regulations, subject to the following limitations:

Application based upon certificate of prior examination, not more than	\$80
Application based on examination, not more than	100
Exempt license fee, not more than	80
Annual renewal fee, not more than	70

<i>Exempt license renewal fee, not more than</i>	70
Late renewal fee, not more than	75
Reinstatement fee, not more than	80
Certified copy of license or certificate, not more than	15
Duplicate certificate	15
Temporary permit	25
<i>Written verification of license</i>	25

(2) The board shall charge and collect in advance fees for any examination administered by the board under article 29 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto as fixed by the board by rules and regulations in an amount equal to the cost to the board of the examination. If the examination is not administered by the board, the board may require that fees paid for any examination under article 29 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto be paid directly to the examination service by the person taking the examination.

(3) The fees fixed by the board by rules and regulations under article 29 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto and in effect immediately prior to the effective date of this act shall continue in effect until different fees are fixed by the board by rules and regulations as provided under this section.

(c) The board shall remit all moneys received by or for it from fees, charges or penalties 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. Twenty percent of such amount shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from such 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 president of the board or by a person or persons designated by the president of the board.”;

And by renumbering sections accordingly;

Also on page 10, in line 15, preceding “K.S.A.” by inserting “On and after January 1, 2011.”;

On page 12, following line 21, by inserting the following:

“Sec. 18. K.S.A. 2009 Supp. 65-2910 and 65-2911 are hereby repealed.”;

Also on page 12, in line 22, preceding “K.S.A.” by inserting “On and after January 1, 2011.”; in line 26, by striking “January 1, 2011, and”;

On page 1, in the title, in line 9, following “concerning” by inserting “the state board of healing arts; relating to”; also in line 9, by striking “licensure” and inserting “concerning physical therapists”; in line 11, preceding “65-2913” by inserting “65-2910, 65-2911.”;

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

BRENDA LANDWEHR
 DAVID CRUM
 GERALDINE FLAHARTY
Conferees on part of House

JIM BARNETT
 VICKI SCHMIDT
 LAURA KELLY
Conferees on part of Senate

Senator Barnett moved the Senate adopt the Conference Committee Report on **H Sub for SB 83**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen,

Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 262**, 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 as HOUSE Substitute for Senate Bill No. 262, as follows:

On page 22, in line 12, after “systems,” by inserting “first responder systems.”;

On page 28, in line 33, by striking “or” and inserting a comma; in line 34, before the period by inserting “or first responders”;

On page 31, in line 41, before “medical” where it appears for the last time by inserting “emergency”; in line 42, after “systems,” by inserting “first responder systems.”;

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

BRENDA LANDWEHR
DAVID CRUM
GERALDINE FLAHARTY
Conferees on part of House

PETE BRUNGARDT
ROGER P. REITZ
OLETHA FAUST-GOUDEAU
Conferees on part of Senate

Senator Brungardt moved the Senate adopt the Conference Committee Report on **H Sub for SB 262**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 269**, 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 as HOUSE Substitute for SENATE Bill No. 269, as follows:

On page 1, by striking all in lines 13 through 36 and inserting the following:

“Section 1. Sections 1 through 5, and amendments thereto, shall be known and may be cited as the truth in musical performance advertising act. Sections 1 through 5, and amendments thereto, shall be part of and supplemental to the Kansas consumer protection act.

Sec. 2. The following words and phrases when used in the truth in musical performance advertising act, shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(a) “Performing group” means a vocal or instrumental group seeking to use the name of another group that has previously released a commercial sound recording under that name.

(b) “Recording group” means a vocal or instrumental group at least one of whose members has previously released a commercial sound recording under that group’s name and in which the member or members have a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group.

(c) “Sound recording” means a work that results from the fixation on a material object of a series of musical, spoken or other sounds regardless of the nature of the material object, such as a disk, tape or other phono-record, in which the sounds are embodied.

Sec. 3. It shall be unlawful for any person to advertise or conduct a live musical performance or production in this state through the use of a false, deceptive or misleading affiliation, connection or association between a performing group and a recording group. This section does not apply if any of the following apply:

(a) The performing group is the authorized registrant and owner of a federal service mark for that group registered in the United States patent and trademark office.

(b) At least one member of the performing group was a member of the recording group and has a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group.

(c) The live musical performance or production is identified in all advertising and promotion as a salute or tribute.

(d) The advertising does not relate to a live musical performance or production taking place in this state.

(e) The performance or production is expressly authorized by the recording group.

(f) The newspaper, magazine, news wire service, television station or radio station which advertises or promotes the live musical performance or production and is not aware that such performance or production is using a false, deceptive or misleading affiliation, connection or association with another group.

Sec. 4. (a) Whenever the attorney general or a county or district attorney has reason to believe that any person is advertising or conducting or is about to advertise or conduct a live musical performance or production in violation of section 3, and amendments thereto, and that proceedings would be in the public interest, the attorney general or county or district attorney may bring an action against the person to restrain by temporary or permanent injunction that practice.

(b) Whenever any court issues a permanent injunction to restrain and prevent violations of the truth in musical performance advertising act as authorized in subsection (a), the court may direct that the defendant restore to any person in interest any moneys or property, real or personal, which may have been acquired by means of any violation of the truth in musical performance advertising act, under terms and conditions to be established by the court.

(c) Any person who violates the truth in musical performance advertising act shall be liable for a civil penalty as provided in subsection (a) of K.S.A. 50-636, and amendments thereto, which civil penalty shall be in addition to any other relief which may be granted. Each performance or production declared unlawful shall constitute a separate violation.

Sec. 5. It shall be an affirmative defense to a violation of the truth in musical performance advertising act if the person described in section 3, and amendments thereto, has a written contract with the performing or recording group, that states that:

(a) The performing group is an authorized registrant pursuant to subsection (a) of section 3, and amendments thereto; or

(b) at least one member of the performing group was a member of the recording group pursuant to subsection (b) of section 3, and amendments thereto.

Sec. 6. K.S.A. 50-676 is hereby amended to read as follows: 50-676. As used in ~~this act~~ *K.S.A. 50-676 through 50-679, and amendments thereto:*

(a) “Elder person” means a person who is 60 years of age or older.

(b) “Disabled person” means a person who has physical or mental impairment, or both, which substantially limits one or more of such person’s major life activities.

(c) “*Immediate family member*” means *parent, child, stepchild or spouse.*

~~(d)~~ (d) “Major life activities” includes functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(e) “*Member of the military*” means *a member of the armed forces or national guard on active duty or a member of an active reserve unit in the armed forces or national guard.*

~~(f)~~ (f) “Physical or mental impairment” means the following:

(1) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss substantially affecting one or more of the following body systems: Neurological; musculo-

skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; or endocrine; or

(2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairment, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation and emotional illness.

(g) “*Protected consumer*” means:

(1) *An elder person;*

(2) *a disabled person;*

(3) *a veteran;*

(4) *the surviving spouse of a veteran; and*

(5) *an immediate family member of a member of the military.*

(h) “*Substantially limits*” means:

(1) Unable to perform a major life activity that the average person in the general population can perform; or

(2) significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner or duration under which the average person in the general population can perform that same major life activity. Minor temporary ailments or injuries shall not be considered physical or mental impairments which substantially limit a person’s major life activities. Minor temporary ailments include, but are not limited to, colds, influenza or sprains or minor injuries.

(i) “*Veteran*” means a person who has served in the armed forces of the United States of America and separated from the armed forces under honorable conditions.

Sec. 7. K.S.A. 50-677 is hereby amended to read as follows: 50-677. If any person is found to have violated any provision of the Kansas consumer protection act, and such violation is committed against ~~elder or disabled persons~~ a *protected consumer*, in addition to any civil penalty otherwise provided by law, the court may impose an additional civil penalty not to exceed \$10,000 for each such violation.

Sec. 8. K.S.A. 50-678 is hereby amended to read as follows: 50-678. In determining whether to impose a civil penalty as provided in ~~this act~~ K.S.A. 50-676 through 50-679, and amendments thereto, and the amount of such civil penalty, the court shall consider the extent to which one or more of the following factors are present:

(a) Whether the defendant’s conduct was in disregard of the rights of the ~~elder or disabled person~~ *protected consumer*;

(b) whether the defendant knew or should have known that the defendant’s conduct was directed to ~~an elder or disabled person~~ a *protected consumer*;

(c) whether the ~~elder or disabled person~~ *protected consumer* was more vulnerable to the defendant’s conduct because of age, poor health, infirmity, impaired understanding, restricted mobility or disability than other persons and actually suffered substantial physical, emotional or economic damage resulting from the defendant’s conduct;

(d) whether the defendant’s conduct caused ~~an elder or disabled person~~ a *protected consumer* to suffer any of the following:

(1) Mental or emotional anguish;

(2) loss of or encumbrance upon a primary residence of the ~~elder or disabled person~~ *protected consumer*;

(3) loss of or encumbrance upon the ~~elder or disabled person’s~~ *protected consumer’s* principal employment or principal source of income;

(4) loss of funds received under a pension or retirement plan or a government benefits program;

(5) loss of property set aside for retirement or for personal or family care and maintenance; or

(6) loss of assets essential to the health and welfare of the ~~elder or disabled person~~ *protected consumer*; or

(e) any other factors the court deems appropriate.

Sec. 9. K.S.A. 50-679 is hereby amended to read as follows: 50-679. ~~An elder or disabled person~~ A *protected consumer* who suffers damage or injury as a result of a violation of the Kansas consumer protection act has a cause of action to recover actual damages, punitive damages, if appropriate, and reasonable attorney fees. Restitution ordered pursuant to this section has priority over a civil penalty imposed pursuant to K.S.A. 50-677, *and amendments thereto*.

Sec. 10. K.S.A. 50-679a is hereby amended to read as follows: 50-679a. The provisions of K.S.A. 50-676 through 50-679, *and amendments thereto*, shall be part of and supplemental to the consumer protection act.

Sec. 11. K.S.A. 50-676, 50-677, 50-678, 50-679 and 50-679a are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, in line 9, by striking all after “concerning”; by striking all in line 10 and inserting “the Kansas consumer protection act; relating to advertising and conducting certain live musical performances or productions; certain restrictions, enforcement and penalties; enhanced civil penalties for certain victims; amending K.S.A. 50-676, 50-677, 50-678, 50-679 and 50-679a and repealing the existing sections.”;

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

LANCE KINZER

JEFF WHITHAM

JANICE L. PAULS

Conferees on part of House

THOMAS C. OWENS

DEREK SCHMIDT

DAVID HALEY

Conferees on part of Senate

Senator Owens moved the Senate adopt the Conference Committee Report on **H Sub for SB 269**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 359**, 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 3, in line 8, by striking “\$25,000” and inserting “\$36,000”; in line 12, by striking “\$25,000” and inserting “\$36,000”; in line 15, after “72-978” by inserting “or K.S.A. 2009 Supp. 72-998”;

On page 4, in line 40, by striking “(a)” and inserting “(b)”;

On page 6, after line 40, by inserting the following:

“(6) The provisions of this subsection (f) shall expire on June 30, 2013.”;

On page 7, in line 38, by striking “72-988” and inserting “72-998”;

In the title, in line 16, by striking “72-”; in line 17, by striking “988” and inserting “72-998”;

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

CLAY AURAND
DEENA HORST
VALDENIA WINN
Conferees on part of House

JEAN SCHODORF
JOHN VRATIL
ANTHONY HENSLEY
Conferees on part of Senate

Senator Schodorf moved the Senate adopt the Conference Committee Report on **SB 359**.

On roll call, the vote was: Yeas 29, Nays 11, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brownlee, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lynn, Marshall, Masterson, McGinn, Morris, Petersen, Pilcher-Cook, Reitz, Schmidt V, Schodorf, Steineger, Vratil, Wagle.

Nays: Abrams, Bruce, Huelskamp, Lee, Ostmeyer, Owens, Pyle, Schmidt D, Taddiken, Teichman, Umbarger.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Senate Substitute for Substitute for HB 2509**, 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 1, in line 20, after “where” by inserting “such offense resulted in a conviction and”; in line 25, by striking “knowing” and inserting “intentional”;

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

THOMAS C. OWENS
DEREK SCHMIDT
DAVID HALEY
Conferees on part of Senate

PAT COLLOTON
JOE PATTON
MELODY MCCRAY-MILLER
Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **S Sub for Sub HB 2509**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: Having previously, and most reluctantly, voted “Present But Passing” on **S Sub for Sub HB 2509** (concerning a \$150,000 minimum civil suit damage threshold for victims of child pornography), I am now pleased, and relieved, to be able to strongly support the product of the Judiciary Conference Committee. My only concern in the original bill, which has herein been alleviated, was for those teens choosing to exchange

arguably pornographic photos, by a method commonly known as “sexting” wherein electronic images are produced and shared (or by other means), and later be sued by an undoubtedly “former” partner. With the basis in **S Sub for Sub for HB 2509** now being a crime under *existing* law (which a “Romeo and Juliet” age proximity does contemplate as a defense) for the *civil* (\$150,000 +) suit, I am satisfied with this necessary and timely measure crafted in compromise by the great legal minds, and mine, in the Conference Committee.
— DAVID HALEY

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2528**, 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 2, in line 10, by striking “one year” and inserting “two years”;

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

THOMAS OWENS

DEREK SCHMIDT

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

JEFF WHITHAM

JANICE PAULS

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **S Sub for HB 2528**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2554**, 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 3, in line 37, by striking all after “thereto”; in line 38, by striking all before the period;

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

KARIN BROWNLEE

JULIA LYNN

TOM HOLLAND

Conferees on part of Senate

LANA GORDON

OWEN DONOHOE

LISA BENLON

Conferees on part of House

Senator Brownlee moved the Senate adopt the Conference Committee Report on **HB 2554**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2605**, 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 26, after the comma by inserting “unless the municipality has an agreement with the laboratory providing services that sets a restitution amount to be paid by the person that is directly related to the cost of laboratory services.”;

On page 3, in line 38, by striking “\$100” and inserting “\$200”; in line 42, after “custody” by inserting “, unless the person can prove to the court that the person: (1) Has paid such fees in connection with a prior conviction or adjudication; and (2) did not submit specimens of blood or an oral or other biological sample authorized by the Kansas bureau of investigation to the Kansas bureau of investigation for the current offense of conviction or adjudication”;

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

THOMAS OWENS
DEREK SCHMIDT
DAVID HALEY

Conferees on part of Senate

PAT COLLOTON
JOE PATTON
MELODY MCCRAY-MILLER

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 2605**.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Francisco, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Faust-Goudeau, Haley.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2656**, 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 72, in line 33, by striking “and” and inserting a comma; also in line 33, before the period, by inserting “, and days on which the office of the clerk of the court is not accessible”;

On page 73, in line 11, by striking “or” and inserting a comma; also in line 11, before “and” where it appears for the last time by inserting “or days on which the office of the clerk of the court is not accessible.”;

On page 79, in line 9, by striking “and” and inserting a comma; also in line 9, before “from” by inserting “and days on which the office of the clerk of the court is not accessible.”;

On page 255, in line 1, after “action” by inserting a comma; in line 40, after “known,” by inserting “and”;

On page 279, in line 30, by striking “15” and inserting “14”;

On page 286, in line 31, by striking “five” and inserting “seven”;

On page 307, in line 14, by striking “and 60-260”;

On page 325, in line 30, after “59-2947,” by inserting “59-2947, as amended by section 11 of 2010 House Bill No. 2364.”; in line 31, after “59-3052,” by inserting “59-3052, as amended by section 12 of 2010 House Bill No. 2364.”;

On page 326, in line 7, after “2229,” by inserting “38-2229, as amended by section 3 of 2010 House Bill No. 2364.”; also in line 7, after “38-2343,” by inserting “38-2343, as amended by section 8 of 2010 House Bill No. 2364.”; in line 8, after “60-206,” by inserting “60-206, as amended by section 14 of 2010 House Bill No. 2364.”;

In the title, in line 42, after “K.S.A.” by inserting “59-2947, as amended by section 11 of 2010 House Bill No. 2364, 59-3052, as amended by section 12 of 2010 House Bill No. 2364.”; also in line 42, after “60-258b” by inserting “and K.S.A. 2009 Supp. 38-2229, as amended by section 3 of 2010 House Bill No. 2364, 38-2343, as amended by section 8 of 2010 House Bill No. 2364, and 60-206, as amended by section 14 of 2010 House Bill No. 2364”;

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

THOMAS C. OWENS

DEREK SCHMIDT

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

JEFF WHITHAM

JANICE L. PAULS

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 2656**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2668**, 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 20, in line 14, by striking “232” and inserting “229”; in line 16, by striking “233” and inserting “230”;

On page 21, in line 14, by striking “196” and inserting “193”; in line 16, by striking “205” and inserting “202”; in line 18, by striking “205” and inserting “202”;

On page 25, in line 17, by striking “288” and inserting “285”;

On page 40, in line 27, by striking “232.”; in line 28, by striking “233 and 234” and inserting “229, 230 and 231”;

On page 50, in line 34, by striking “287” and inserting “284”;

On page 56, in line 32, by striking “250” and inserting “247”;

On page 96, in line 4, by striking “189 or 190” and inserting “186 or 187”;

On page 106, in line 7, by striking “257” and inserting “254”;

On page 115, in line 24, by striking “184” and inserting “181”; in line 26, by striking “182” and inserting “179”;

On page 125, in line 42, by striking “189” and inserting “186”; also in line 42, by striking “190” and inserting “187”;

On page 126, in line 12, by striking “189” and inserting “186”; also in line 12, by striking “190” and inserting “187”; in line 16, by striking “189” and inserting “186”; in line 17, by striking “190” and inserting “187”; in line 29, by striking “189, 190, 192,”; in line 30, by striking “193 or 196” and inserting “186, 187, 189, 190 or 193”;

On page 131, in line 26, by striking “201 through 204” and inserting “198 through 201”;

On page 142, in line 14, by striking “217 through 223” and inserting “214 through 220”;

On page 147, in line 15, by striking “226 through 231” and inserting “223 through 228”;

On page 152, in line 5, by striking “226” and inserting “223”; in line 16, by striking “226” and inserting “223”; in line 27, by striking “228” and inserting “225”; in line 28, by striking “226” and inserting “223”;

On page 157, in line 35, by striking “242” and inserting “239”;

On page 158, in line 20, by striking “244 through 272” and inserting “241 through 269”;

On page 159, in line 29, by striking “244 through 259” and inserting “241 through 256”; in line 30, by striking “274 through 289” and inserting “271 through 286”;

On page 160, in line 25, by striking “287” and inserting “284”; in line 35, by striking “274” and inserting “271”;

On page 161, in line 28, by striking “252” and inserting “249”; in line 31, by striking “245” and inserting “242”;

On page 162, in line 20, by striking “180” and inserting “177”; in line 43, by striking “245” and inserting “242”;

On page 163, in line 30, by striking “249” and inserting “246”;

On page 164, in line 8, by striking “249” and inserting “246”; in line 21, by striking “308” and inserting “305”; in line 25, by striking “308” and inserting “305”;

On page 165, in line 43, by striking “308” and inserting “305”;

On page 166, in line 8, by striking “308” and inserting “305”; in line 13, by striking “289” and inserting “286”; in line 16, by striking “308” and inserting “305”; in line 24, by striking “308” and inserting “305”;

On page 172, in line 12, by striking “252” and inserting “249”;

On page 175, in line 39, by striking “289” and inserting “286”; in line 42, by striking “288” and inserting “285”; in line 43, by striking “289” and inserting “286”;

On page 176, in line 3, by striking “288” and inserting “285”; in line 4, by striking “289” and inserting “286”;

On page 184, in line 34, by striking “261 and 265” and inserting “258 and 262”;

On page 185, in line 13, by striking “267” and inserting “264”; in line 31, by striking “267” and inserting “264”;

On page 187, in line 5, by striking “261” and inserting “258”; in line 8, by striking “260” and inserting “257”; in line 9, by striking “260” and inserting “257”; in line 20, by striking “267” and inserting “264”; in line 34, by striking “267” and inserting “264”; in line 37, by striking “266” and inserting “263”; in line 42, by striking “266” and inserting “263”;

On page 188, in line 1, by striking “260” and inserting “257”; in line 6, by striking “263, 265, 266, 267 and 268” and inserting “260, 262, 263, 264 and 265”; in line 7, by striking “260” and inserting “257”; in line 16, by striking “260”; in line 17, by striking “262, 267, 268, 271 and 272” and inserting “257, 259, 264, 265, 268 and 269”; in line 29, by striking “263, 266, 267 and”; in line 30, by striking “268” and inserting “260, 263, 264 and 265”;

On page 189, in line 5, by striking “260, 262, 267,”; in line 6, by striking “268, 271 and 272” and inserting “257, 259, 264, 265, 268 and 269”; in line 9, by striking “263, 266, 267 and”; in line 10, by striking “268” and inserting “260, 263, 264 and 265”;

On page 190, in line 4, by striking “266” and inserting “263”;

On page 191, in line 17, by striking “260” and inserting “257”;

On page 193, in line 5, by striking “233” and inserting “230”; in line 17, by striking “269” and inserting “266”; in line 40, by striking “269” and inserting “266”;

On page 194, in line 22, by striking “285 through 308” and inserting “282 through 305”; in line 39, by striking “269 or”; in line 40, by striking “270” and inserting “266 or 267”;

On page 197, in line 20, by striking "255" and inserting "252"; in line 23, by striking "245" and inserting "242"; in line 30, by striking "245" and inserting "242";

On page 200, in line 9, by striking "274" and inserting "271";

On page 202, in line 13, by striking "273" and inserting "270"; in line 17, by striking "273" and inserting "270"; in line 27, by striking "273" and inserting "270"; in line 30, by striking "273" and inserting "270"; in line 41, by striking "273" and inserting "270";

On page 203, in line 1, by striking "273" and inserting "270";

On page 204, in line 11, by striking "281" and inserting "278"; in line 14, by striking "280" and inserting "277";

On page 205, in line 29, by striking "274" and inserting "271"; in line 32, by striking "278" and inserting "275"; in line 39, by striking "279" and inserting "276";

On page 206, in line 1, by striking "258" and inserting "255"; in line 3, by striking "258" and inserting "255"; in line 38, by striking "285 through 308" and inserting "282 through 305"; in line 42, by striking "285 through 308" and inserting "282 through 305";

On page 207, in line 5, by striking "285 through 308" and inserting "282 through 305"; in line 18, by striking "285 through 308" and inserting "282 through 305";

On page 208, in line 8, by striking "288" and inserting "285"; in line 9, by striking "289" and inserting "286";

On page 211, in line 8, by striking "226" and inserting "223"; also in line 8, by striking "230" and inserting "227"; in line 11, by striking "291" and inserting "288"; in line 15, by striking "291" and inserting "288"; in line 20, by striking "226" and inserting "223"; also in line 20, by striking "230" and inserting "227";

On page 213, in line 37, by striking "308" and inserting "305";

On page 217, in line 30, by striking "288" and inserting "285"; in line 39, by striking "299" and inserting "296";

On page 218, in line 37, by striking "285 through 308" and inserting "282 through 305";

On page 219, in line 7, by striking "305" and inserting "302"; in line 12, by striking "260, 261, 262, 265, 267, 268, 271 and 272" and inserting "257, 258, 259, 262, 264, 265, 268 and 269"; in line 16, by striking "233" and inserting "230"; in line 19, by striking "269" and inserting "266"; in line 21, by striking "270" and inserting "267"; in line 23, by striking "288" and inserting "285";

On page 220, in line 11, by striking "289" and inserting "286";

On page 221, in line 36, by striking "299" and inserting "296";

On page 222, in line 37, by striking "294" and inserting "291";

On page 223, in line 9, by striking "189" and inserting "186"; in line 11, by striking "197" and inserting "194";

On page 224, in line 11, by striking "294" and inserting "291";

On page 225, in line 39, by striking "308" and inserting "305"; in line 40, by striking "308" and inserting "305";

On page 226, in line 2, by striking "308" and inserting "305";

On page 227, in line 9, by striking "301" and inserting "298";

On page 232, in line 22, by striking "299"; in line 23, by striking "or 300" and inserting "296 or 297"; in line 37, by striking "299 through 302" and inserting "296 through 299";

On page 233, in line 9, by striking "299" and inserting "296"; in line 11, by striking "299" and inserting "296"; in line 34, by striking "251" and inserting "248"; in line 37, by striking "249" and inserting "246"; in line 40, by striking "249" and inserting "246";

On page 239, in line 14, by striking "297" and inserting "294"; in line 27, by striking "251" and inserting "248"; in line 40, by striking "247" and inserting "244";

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

THOMAS C. OWENS

DEREK SCHMIDT

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

JEFF WHITHAM

JANICE L. PAULS

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 2668**.
On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Huelskamp moved the Senate concur in house amendments to **H Sub for Sub SB 514**.

Citing Rule 26, Senator Hensley made a substitute motion to postpone to day certain, Wednesday, April 28, 2010 at 10:00 a.m.

On roll call, the vote was: Yeas 22, Nays 18, Present and Passing 0, Absent or Not Voting 0.

Yeas: Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Colyer, Donovan, Holland, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Wagle.

The motion carried.

MESSAGE FROM THE HOUSE

The House adopts the conference committee report on **Senate Substitute for HB 2039**.

The House adopts the conference committee report on **Senate Substitute for HB 2432**.

The House adopts the conference committee report on **HB 2472**.

The House adopts the conference committee report on **HB 2501**.

The House adopts the conference committee report on **Senate Substitute for HB 2585**.

The House adopts the conference committee report on **SB 430**.

The House adopts the conference committee report on **Substitute for SB 353**.

The House adopts the conference committee report on **House Substitute for SB 381**.

ORIGINAL MOTION

On motion of Senator Barnett, the Senate acceded to the request of the House for a conference on **S Sub for HB 2310**.

The President appointed Senators Barnett, V. Schmidt and Kelly as conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Substitute for SB 353**, 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.

PAT COLLOTON

JOE PATTON

MELODY MCCRAY-MILLER

Conferees on part of House

THOMAS C. OWENS

DEREK SCHMIDT

DAVID HALEY

Conferees on part of Senate

Senator Owens moved the Senate adopt the Conference Committee Report on **Sub for SB 353**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 377**, 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 as House Substitute for Senate Bill No. 377, as follows:

On page 1, in line 19, by striking “a retainage bond,”; in line 22, by striking all before “security” and inserting ““Alternate””; also in line 22, before “performance” by inserting “a””; also in line 22, by striking “and” and inserting “bond or a””; in line 23, by striking “bonds” and inserting “bond”;

On page 2, in line 10, by striking “, architect””; also in line 10, by striking “general””; also in line 10, by striking “determine” and inserting “determines””; in line 14, by striking “general””; in line 16, by striking “and architect””; in line 18, by striking “the” and inserting “all remaining””; in line 19, after “due” by inserting “to a contractor””; in line 20, before “subcontractor” by inserting “contractor or””; in line 21, by striking “under its subcontract””; in line 22, by striking “subcontract” and inserting “work””; in line 24, by striking all after “(d)””; by striking all in line 25; in line 26, by striking all before the period and inserting “An owner may withhold not more than 150% of the value of incomplete work, provided that the incomplete work is due to the fault of a contractor””; following line 28, by inserting:

“(e) A contractor may withhold not more than 150% of the value of incomplete work, provided that the incomplete work is due to the fault of a subcontractor. Any amounts retained for incomplete work shall be paid within 45 days after completion of the work as part of the regular payment cycle.

(f) A subcontractor may withhold not more than 150% of the value of incomplete work that is the responsibility of another subcontractor, provided that the incomplete work is due to the fault of such other subcontractor. Any amounts retained for incomplete work shall be paid within 45 days after completion of the work as a part of the regular payment cycle.”;

And by relettering remaining subsections accordingly;

Also on page 2, in line 31, by striking “general””; in line 33, by striking “one may be accepted. However””; in line 34, by striking “general”;

On page 3, in line 16, by striking “a retainage bond,”; in line 19, by striking “Provided however, “alternate” and inserting ““Alternate””; also in line 19, before “performance” by inserting “a””; also in line 19, by striking “and” and inserting “bond or a””; in line 20, by striking “bonds” and inserting “bond”;

On page 4, in line 16, by striking “, architect””; also in line 16, by striking “general””; also in line 16, by striking “determine” and inserting “determines””; in line 20, by striking “general””; in line 22, by striking “and architect””; in line 24, by striking all after “(c)””; by striking all in line 25; in line 26, by striking all before the period and inserting “An owner may withhold not more than 150% of the value of incomplete work, provided that the incomplete work is due to the fault of a contractor””; following line 28, by inserting:

“(c) A contractor may withhold not more than 150% of the value of incomplete work, provided that the incomplete work is due to the fault of a subcontractor. Any amounts retained for incomplete work shall be paid within 45 days after completion of the work as part of the regular payment cycle.

(d) A subcontractor may withhold not more than 150% of the value of incomplete work that is the responsibility of another subcontractor, provided that the incomplete work is due to the fault of such other subcontractor. Any amounts retained for incomplete work shall be paid within 45 days after completion of the work as a part of the regular payment cycle.”;

And by relettering remaining subsections accordingly;

Also on page 4, in line 29, by striking “general”; in line 31, by striking “general”; in line 32, by striking “1” and inserting “3”; in line 33, by striking “one may be accepted. However”; in line 34, by striking “general”; in line 36, by striking “1” and inserting “3”; in line 38, by striking “the” and inserting “all remaining”; in line 41, before “subcontractor” by inserting “contractor or”; in line 42, by striking “under its subcontract”; in line 43, by striking “subcontract” and inserting “work”;

On page 5, by striking all in lines 19 through 43;

On page 6, by striking all in lines 1 through 43;

On page 7, by striking all in lines 1 through 43;

On page 8, by striking all in lines 1 through 43;

On page 9, by striking all in lines 1 through 43;

On page 10, by striking all in lines 1 through 43;

On page 11, by striking all in lines 1 through 43;

On page 12, by striking all in lines 1 through 43;

On page 13, by striking all in lines 1 through 23;

And by renumbering remaining sections accordingly;

Also on page 13, by striking lines 26 and 27;

In the title, in line 11, by striking all after the semicolon where it first appears; in line 12, by striking all before “amending”; in line 13, by striking the comma where it first appears and inserting “and”; also in line 13, by striking “, 60-1103, 60-1110 and 60-1111”;

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

STEVEN R. BRUNK

JOHN C. GRANGE

LOUIS E. RUIZ

Conferees on part of House

KARIN BROWNLEE

JOHN VRATIL

TOM HOLLAND

Conferees on part of Senate

Senator Brownlee moved the Senate adopt the Conference Committee Report on **H Sub for SB 377**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HOUSE Substitute for SB 381**, 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 follows:

On page 1, after line 14, by inserting the following:

“New Section 1. The provisions of this act are to be construed and applied retroactively.”;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 30, by striking “(3)” and inserting “(b)”; also in line 30, by striking “merely”; also in line 30, by striking “par-”; in line 31, by striking “agraph (2)” and inserting “subsection (a)(1)”; by striking all in lines 34 and 35;

On page 3, in line 13, by striking “degree” and inserting “use”; also in line 13, by striking “or”; in line 14, by striking “threat thereof”; also in line 14, by striking “man” and inserting “person”; in line 21, after “of” by inserting “any”; in line 24, after “of” by inserting “any”;

in line 29, after “of” by inserting “deadly”; also in line 29, by striking “which is likely to cause death or great”; in line 30, by striking “bodily harm to the assailant”; in line 33, after “of” by inserting “such”; in line 34, after “of” by inserting “such”;

On page 4, in line 1, before “force” by inserting “deadly”; also in line 1, by striking “likely to cause death or great bodily harm”; in line 2, by striking “use of”; in line 4, by striking “use of”; in line 20, after “of” by inserting “deadly”; also in line 20, by striking “likely to cause death or great”; in line 21, by striking “bodily harm”; also in line 21, by striking “use”; in line 22, by striking “of”; in line 37, by striking “meet force”; in line 38, by striking “with the use of force” and inserting “use any force which such person would be justified in using under article 32 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto”;

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

LANCE KINZER

JEFF WHITHAM

JANICE L. PAULS

Conferees on part of House

THOMAS C. OWENS

DEREK SCHMIDT

DAVID HALEY

Conferees on part of Senate

Senator Owens moved the Senate adopt the Conference Committee Report on **H Sub for SB 381**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 430**, 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 amendments, as follows:

On page 11, by striking all in lines 34 and 35, and by inserting the following:

“Sec. 6. K.S.A. 12-1,104 is hereby amended to read as follows: 12-1,104. (a) Every taxpayer receiving earnings which are taxable under the provisions of this act shall file a return on or before ~~July 1 in the year 1983~~ *April 15 following the taxable year*, with the county clerk of the county in which the gross earnings has acquired situs ~~and on or before April 15 of each year thereafter with the director of taxation of the state department of revenue~~. Such return shall contain such information and be made upon forms prescribed and provided by the director of taxation *and provided by the county clerk*. ~~On or before June 30 of each year, the director of taxation shall certify to the county clerk of each county the amount of taxable earnings received by each taxpayer during the taxable year of the taxpayer ending in the preceding calendar year.~~ The county clerk shall compute the tax due and payable on such taxable earnings of each taxpayer and shall certify such amount to the county treasurer. The director of taxation shall ~~include forms prescribe to the county clerk the form~~ for the making of such return and a current listing of each taxing subdivision imposing a tax on gross earnings derived from money, notes and other evidence of debt for which the listing has been received pursuant to subsection (d) of K.S.A. 12-1,101 by July 15 of the year preceding the year of imposition of the tax ~~with each state income tax return distributed by the state department of revenue~~.

(b) A return listing the gross earnings of every resident conservatee which are taxable pursuant to this act shall be filed by the conservator of such conservatee. The return of

every resident minor shall be filed by the minor's father, if living and of sound mind, but if such father is not living or is an incapacitated person, by the minor's mother or if neither the father or mother is living, by the person having possession or control of the minor's property.

A return listing the gross earnings of a resident trustee or cotrustee of a revocable trust created by a resident settlor which are taxable pursuant to this act shall be filed by the resident settlor. A return listing the gross earnings of a resident trustee or cotrustee of an irrevocable or testamentary trust created by a resident settlor or a resident decedent which are taxable pursuant to this act shall be filed by any beneficiary residing in this state who receives earnings from such trust, to the extent of such earnings, otherwise a return listing such gross earnings shall be filed by the resident trustee to the extent that such earnings are not distributed. A nonresident beneficiary shall not be obligated to file a return listing earnings taxable pursuant to this act nor shall the trustee be obligated to file a return listing the same to the extent they were distributed to a nonresident beneficiary. Where a resident trustee or cotrustee is acting under a revocable, irrevocable or testamentary trust of a nonresident settlor or nonresident decedent, the trustee shall not be required to file a return listing earnings taxable pursuant to this act, but any beneficiary of such trust, residing in this state, who receives or is entitled to receive such earnings from such trust shall be required to file a return. Any resident of this state including the settlor of a revocable trust who receives or is entitled to receive earnings taxable pursuant to this act from a trust, not having a situs in this state, shall file a return listing such resident's share of such earnings.

For the purposes of this act, a settlor of a revocable trust shall be deemed to be entitled to the gross earnings on money, notes and other evidence of debt of such trust whether or not such settlor actually receives the same and a beneficiary shall be deemed to be entitled to a share of such earnings if all or a specific part or percentage of the net income of the trust must be distributed to such beneficiary or if the beneficiary may withdraw all or a specific part of the net income. If such beneficiary may receive earnings only on the exercise of discretion by the trustee or on the occurrence of an event outside of the beneficiary's sole control such beneficiary shall not be deemed to have received the earnings and shall file a return listing only earnings actually received. If earnings of a trust which are taxable pursuant to this act are accumulated and subsequently distributed in a different calendar year than the year in which received by the trust and if the same are reported as income under the revenue laws of Kansas and regulations promulgated thereunder, and if a return listing such earnings has not been filed by the trustees in the year in which earned, then a return listing such earnings shall be filed by such beneficiary in the year in which the same are reported under the revenue laws of Kansas, but otherwise a return listing the same shall not be filed. Where the beneficiary of any trust is required to file a return listing earnings which are taxable pursuant to this act and which are held in trust, such beneficiary for purposes of this act shall be deemed to have received or to be entitled to receive such beneficiary's pro rata share of the earnings without specific allocation, unless the trust provides otherwise, and based upon the proportion which the beneficiary's share of the earnings bears to the total earnings of the trust. A return listing gross earnings taxable under this act which belong to the estate of a resident decedent shall be filed by the executor or administrator. If the decedent is a nonresident, such executor or administrator shall not be required to file a return listing such gross earnings.

A return listing the gross earnings of persons, companies or corporations which are taxable pursuant to this act, whose assets are in the hands of receivers shall be filed by such receivers and a return listing the gross earnings belonging to a corporation, and subject to this act, shall be filed by some person designated for that purpose by such corporation.

A return listing the gross earnings which are taxable pursuant to this act which belong to a corporation, association or a partnership shall be listed by an agent or partner. Unless subject to tax by reason of K.S.A. 12-1,103, *and amendments thereto*, no return listing the gross earnings from money, notes and other evidence of debt collected or received by any agent or representative of any person, company, or corporation, which is to be transmitted immediately to such person, company or corporation, shall be filed by such agent or representative, but such agent or representative shall, upon request, *shall* state under oath the

amount of such money or credits and ~~to whom the same has~~ *the person, company or corporation to whom such money or credits have* been or is to be transmitted.

Taxes levied pursuant to this act shall be paid by the person or fiduciary required to file such return.

Sec. 7. K.S.A. 2009 Supp. 79-2971 is hereby amended to read as follows: 79-2971. (a) Any individual who is responsible for collection or payment of excise taxes imposed under the provisions of K.S.A. 12-1692 et seq., 12-1696 et seq., 41-501 et seq., 79-3301 et seq., 79-3370 et seq., 79-3401 et seq., 79-3490 et seq., 79-34,108 et seq., 79-3817 et seq., 79-4101 et seq. or 79-41a01, and amendments thereto, or for control, receipt, custody or disposal of funds due and owing under such acts who willfully fails to collect such tax, or account for and pay over such tax, or attempts in any manner to evade or defeat such tax or the payment thereof shall be personally liable for the total amount of the tax evaded, or not collected, or not accounted for and paid over, together with any interest and penalty imposed thereon. The provisions of this section shall apply regardless of the: (1) Relationship with the taxpayer held by such individual; (2) form under which the taxpayer conducts business, whether a sole proprietorship, partnership or corporation; or (3) dissolution of the business. *As used in this section, "willfully" has the same meaning as such term has for federal tax purposes in 26 U.S.C. 6672.*

(b) A notice of assessment issued to a responsible individual shall be considered to be a proceeding for the collection of the tax liability of the business. If the liability of the business is determined in a proceeding that has become final, any notice of assessment to a responsible individual must be issued within three years after the proceeding against the business became final.

(c) Within 60 days after the mailing of a notice of assessment to a responsible individual, the person assessed may request an informal conference with the secretary of revenue under K.S.A. 79-3226, and amendments thereto, for a determination of whether such person is a responsible individual under subsection (a), and for a determination of the tax liability of the business.

(d) If a notice of assessment and a warrant are issued to a responsible individual pursuant to a jeopardy provision of chapter 79 of the Kansas Statutes Annotated, the person assessed may request that the informal conference held pursuant to subsection (c) be expedited. When such a request is made, the secretary shall schedule the conference to be held within 21 days after receipt of the request and shall issue a written final determination within 21 days after the close of the conference.

Sec. 8. K.S.A. 2009 Supp. 79-3298 is hereby amended to read as follows: 79-3298. (a) Every employer, payer, person or organization deducting and withholding tax shall remit the taxes and file returns in accordance with the following provisions:

(1) Whenever the total amount withheld exceeds \$100,000 in any calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld in accordance with the following schedule: Each calendar month shall be divided into four remittance periods that end on the 7th, 15th, 21st and the last day of such month. If at the end of any one or all of such remittance periods the total undeposited taxes equal or exceed \$667, the taxes shall be remitted within three banking days. Saturdays, Sundays and legal holidays shall not be treated as banking days.

(2) Whenever the total amount withheld exceeds \$8,000 but does not exceed \$100,000 in any calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld for wages paid during the first 15 days of any month on or before the 25th day of the month. The employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld for wages paid during the remainder of that month on or before the 10th day of the following month.

(3) Whenever the total amount withheld exceeds \$1,200 but does not exceed \$8,000 in any calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld during any month on or before the 15th day of the following month.

(4) Whenever the total amount withheld exceeds \$200 but does not exceed \$1,200 in any calendar year, the employer, payer, person or organization deducting and withholding

tax shall remit the taxes withheld in any calendar quarter on or before the 25th day of the first month following the end of that calendar quarter.

(5) Whenever the total amount withheld does not exceed \$200 in any calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld during that year on or before January 25 of the following year.

(b) Each remittance required under the provisions of subsection (a) shall be accompanied by a Kansas withholding tax remittance form *and shall be filed in the manner* prescribed ~~and furnished~~ by the director, *including electronic filing*.

(c) Every employer, payer, person or organization deducting and withholding tax and making remittances pursuant to subsection (a) shall file a return on a form *or in the format and shall file in the manner* prescribed ~~and furnished~~ by the director, *including electronic filing*, for each calendar year on or before the last day of February of the following year.

(d) The excess of any remittance over the actual taxes withheld in any withholding period shall be credited against the liability for following withholding periods until exhausted. A refund shall be allowed in accordance with K.S.A. 79-32,105, and amendments thereto, where an overpayment cannot be adjusted by an offset against the liability for a subsequent withholding period.

(e) For purposes of determining filing requirements, determinations of amounts withheld during a calendar year by employers, payers, persons or organizations deducting and withholding tax shall be made by the director upon the basis of amounts withheld by those employers, payers, persons or organizations during the preceding calendar year or by estimates in cases of employers, payers, persons or organizations having no previous withholding histories. The director is hereby authorized to modify the filing schedule for any employer, payer, person or organization deducting and withholding tax when it is apparent that the original determination was inaccurate.

(f) Whenever the director has cause to believe that money withheld by an employer, payer, person or organization deducting and withholding tax pursuant to this act may be converted, diverted, lost, or otherwise not timely paid in accordance with this section, the director shall have the power to require returns and payment from any such employer, payer, person or organization at any time at more frequent intervals than prescribed by this section in order to secure full payment to the state of all amounts withheld by such employer, payer, person or organization in accordance with this act.

Sec. 9. K.S.A. 2009 Supp. 79-32,100c is hereby amended to read as follows: 79-32,100c. (a) If an employer, payer, person or organization deducting and withholding tax fails to deduct and withhold the tax as required under this act, and thereafter, the income tax against which the tax may be credited is paid, the tax required to be deducted and withheld shall not be collected from the employer, payer, person or organization. The payment of such tax does not, however, operate to relieve the employer, payer, person or organization from liability for penalties, interest or additions to the tax applicable with respect to such failure to deduct and withhold. The employer, payer, person or organization shall not be relieved under this provision from liability for payment of the tax required to be withheld unless it can be shown that the income tax against which the tax required to be withheld under this act may be credited has been paid.

(b) Every agent or other person having control, receipt, custody or disposal of, or paying the wages of an employee or group of employees employed by one or more employers, is for the purpose of this act designated to be an employer. In the case of the corporation, the officers and board of directors are likewise considered employers. Employers of classes named in this section shall be subject to all the provisions of law including penalties as is their principal. Any employer who willfully fails to collect the tax imposed by the Kansas withholding tax act or truthfully account for any pay over such tax, or willfully attempts in any manner to evade or defeat any tax or the payment thereof, shall be subject to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over in addition to other penalties provided by law. *As used in this section, "willfully" has the same meaning as such term has for federal tax purposes in 26 U.S.C. 6672.*

Sec. 10. K.S.A. 79-32,107 is hereby amended to read as follows: 79-32,107. (a) All penalties and interest prescribed by K.S.A. 79-3228, and amendments thereto, for noncompliance with the income tax laws of Kansas shall be applicable for noncompliance with the

provisions of the Kansas withholding and declaration of estimated tax act relating to withholding tax which shall be enforced in the same manner as the Kansas income tax act. A penalty at the same rate per annum prescribed by subsection (b) of K.S.A. 79-2968, and amendments thereto, for interest upon delinquent or unpaid taxes shall be applied and added to a taxpayer's amount of underpayment of estimated tax due from the date the estimated tax payment was due until the same is paid or until the 15th day of the fourth month following the close of the taxable year for which such estimated tax is a credit, whichever date is earlier, but such penalty shall not be added if the total amount thereof does not exceed \$1. For purposes of this subsection, the amount of underpayment of estimated tax shall be the excess of the amount of the installment which would be required to be paid if the estimated tax were equal to 90% of the tax shown on the return for the taxable year or, if no return was filed, 90% of the tax for such year, over the amount, if any, of the installment paid on or before the last date prescribed for payment. Amounts due from any employer on account of withholding or from any taxpayer for estimated tax may be collected by the director in the manner provided for the collection of state income tax in K.S.A. 79-3235, and amendments thereto. For purposes of this subsection, "underpayment of tax" means the difference between the amount of tax actually paid and the amount of tax which would have been required to be paid to avoid penalty pursuant to subsection (b) or (c).

(b) No penalty or interest shall be imposed upon any individual with respect to any underpayment of any installment if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least:

(1) The tax shown on the return of the individual for the preceding taxable year, if a return showing a liability for tax was filed by the individual for the preceding taxable year;

(2) zero if no return was required to be filed or if the tax liability on the individual's return was less than \$200 for the preceding taxable year;

(3) an amount equal to 66 2/3%, in the case of individuals referred to in subsection (b) of K.S.A. 79-32,102, and amendments thereto, and 90%, in the case of all other individuals, of the tax for the taxable year computed by placing on an annualized basis, pursuant to rules and regulations adopted by the secretary of revenue, the taxable income for the months in the taxable year ending before the month in which the installment is required to be made.

(c) No penalty or interest shall be imposed upon any corporation with respect to any underpayment of any installment of estimated tax if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least:

(1) The tax shown on the return of the corporation for the preceding taxable year, if a return showing a liability for tax was filed by the corporation for the preceding taxable year, or zero if no return was required to be filed, or if the tax liability on the corporation's return was less than \$500 for the preceding taxable year; or

(2) (A) an amount equal to 90% of the tax for the taxable year computed by placing on an annualized basis the taxable income: (i) For the first three months of the taxable year, in the case of the installment required to be paid in the fourth month; (ii) for the first three months or for the first five months of the taxable year, in the case of the installment required to be paid in the sixth month; (iii) for the first six months or for the first eight months of the taxable year in the case of the installment required to be paid in the ninth month; and (iv) for the first nine months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the 12th month of the taxable year.

(B) For purposes of this subsection (2), the taxable income shall be placed on an annualized basis by (i) multiplying by 12 the taxable income referred to in subsection (2)(A), and (ii) dividing the resulting amount by the number of months in the taxable year (three, five, six, eight, nine, or 11, as the case may be) referred to in subsection (2)(A).

(d) If the employer, in violation of the provisions of this act, fails to deduct and withhold under this chapter, and thereafter the tax against which such withholding may be credited is paid, the amount otherwise required to be deducted and withheld shall not be collected from the employer; ~~but~~. This subsection shall in no case relieve the employer from liability

for any penalties or additions to the tax otherwise applicable in respect of such failure to deduct and withhold.

(e) Any person required to collect, truthfully account for, and pay over any tax imposed by this act, who willfully fails to collect such tax, or truthfully account for and pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall in addition to the other penalties of this section be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over. *As used in this section, "willfully" has the same meaning as such term has for federal tax purposes in 26 U.S.C. 6672.*

(f) In case of failure by any employer required by subsection (b) of K.S.A. 79-3298, and amendments thereto, to remit any amount of withheld taxes by the date prescribed therefor, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be imposed upon such person a penalty of 15% of the amount of the underpayment. For purposes of this subsection, the term "underpayment" means the excess of the amount of the tax required to be withheld and remitted over the amount, if any, remitted on or before the date prescribed therefor. The failure to remit for any withholding period shall be deemed not to continue beyond the last date prescribed for filing the annual return as required by subsection (d) of K.S.A. 79-3298, and amendments thereto. Penalty and interest as prescribed by K.S.A. 79-3228, and amendments thereto, shall not begin to accrue under subsection (a) of this section on the amount of any such underpayment until the due date of the annual return for the calendar year in which such failure to remit occurs.

(g) Whenever the secretary or the secretary's designee determines that the failure of the taxpayer to comply with the provisions of subsections (a), (e), or (f) of this section was due to reasonable causes, the secretary or the secretary's designee may waive or reduce any of said penalties and may reduce the interest rate to the underpayment rate prescribed and determined for the applicable period under section 6621 of the federal internal revenue code as in effect on January 1, 1994, upon making a record of the reasons therefor.

Sec. 11. K.S.A. 2009 Supp. 79-3607 is hereby amended to read as follows: 79-3607. (a) Retailers shall make returns to the director at the times prescribed by this section *in the manner prescribed by the director, including electronic filing, upon forms or format prescribed and furnished* by the director stating: (1) The name and address of the retailer; (2) the total amount of gross sales of all tangible personal property and taxable services rendered by the retailer during the period for which the return is made; (3) the total amount received during the period for which the return is made on charge and time sales of tangible personal property made and taxable services rendered prior to the period for which the return is made; (4) deductions allowed by law from such total amount of gross sales and from total amount received during the period for which the return is made on such charge and time sales; (5) receipts during the period for which the return is made from the total amount of sales of tangible personal property and taxable services rendered during such period in the course of such business, after deductions allowed by law have been made; (6) receipts during the period for which the return is made from charge and time sales of tangible personal property made and taxable services rendered prior to such period in the course of such business, after deductions allowed by law have been made; (7) gross receipts during the period for which the return is made from sales of tangible personal property and taxable services rendered in the course of such business upon the basis of which the tax is imposed. The return shall include such other pertinent information as the director may require. In making such return, the retailer shall determine the market value of any consideration, other than money, received in connection with the sale of any tangible personal property in the course of the business and shall include such value in the return. Such value shall be subject to review and revision by the director as hereinafter provided. Refunds made by the retailer during the period for which the return is made on account of tangible personal property returned to the retailer shall be allowed as a deduction under subdivision (4) of this section in case the retailer has theretofore included the receipts from such sale in a return made by such retailer and paid taxes therein imposed by this act. The retailer shall, at the time of making such return, pay to the director the amount of tax herein imposed, except as otherwise provided in this section. The director may extend the time for making returns and paying the tax required by this act for any period not to exceed 60 days under such rules

and regulations as the secretary of revenue may prescribe. When the total tax for which any retailer is liable under this act, does not exceed the sum of \$50 in any calendar year, the retailer shall file an annual return on or before January 25 of the following year. When the total tax liability does not exceed \$3,200 in any calendar year, the retailer shall file returns quarterly on or before the 25th day of the month following the end of each calendar quarter. When the total tax liability exceeds \$3,200 in any calendar year, the retailer shall file a return for each month on or before the 25th day of the following month. When the total tax liability exceeds \$32,000 in any calendar year, the retailer shall be required to pay the sales tax liability for the first 15 days of each month to the director on or before the 25th day of that month. Any such payment shall accompany the return filed for the preceding month. A retailer will be considered to have complied with the requirements to pay the first 15 days' liability for any month if, on or before the 25th day of that month, the retailer paid 90% of the liability for that fifteen-day period, or 50% of such retailer's liability in the immediate preceding calendar year for the same month as the month in which the fifteen-day period occurs computed at the rate applicable in the month in which the fifteen-day period occurs, and, in either case, paid any underpayment with the payment required on or before the 25th day of the following month. Such retailers shall pay their sales tax liabilities for the remainder of each such month at the time of filing the return for such month. Determinations of amounts of liability in a calendar year for purposes of determining filing requirements shall be made by the director upon the basis of amounts of liability by those retailers during the preceding calendar year or by estimates in cases of retailers having no previous sales tax histories. The director is hereby authorized to modify the filing schedule for any retailer when it is apparent that the original determination was inaccurate.

(b) All model 1, model 2 and model 3 sellers are required to file returns electronically. Any model 1, model 2 or model 3 seller may submit its sales and use tax returns in a simplified format approved by the director. Any seller that is registered under the agreement, which does not have a legal requirement to register in this state, and is not a model 1, model 2 or model 3 seller, may submit its sales and use tax returns as follows: (1) Upon registration, the director shall provide to the seller the returns required;

(2) seller shall file a return anytime within one year of the month of initial registration, and future returns are required on an annual basis in succeeding years; and

(3) in addition to the returns required in subsection (b)(2), sellers are required to submit returns in the month following any month in which they have accumulated state and local sales tax funds for this state in the amount of \$1,600 or more.

Sec. 12. K.S.A. 2009 Supp. 79-3609 is hereby amended to read as follows: 79-3609. (a) Every person engaged in the business of selling tangible personal property at retail or furnishing services taxable in this state, shall keep records and books of all such sales, together with invoices, bills of lading, sales records, copies of bills of sale and other pertinent papers and documents. Such books and records and other papers and documents shall, at all times during business hours of the day, be available for and subject to inspection by the director, or the director's duly authorized agents and employees, for a period of three years from the last day of the calendar year or of the fiscal year of the retailer, whichever comes later, to which the records pertain. Such records shall be preserved during the entire period during which they are subject to inspection by the director, unless the director in writing previously authorizes their disposal. Any person selling tangible personal property or furnishing taxable services shall be prohibited from asserting that any sales are exempt from taxation unless the retailer has in the retailer's possession a properly executed exemption certificate provided by the consumer claiming the exemption, except as follows: (1) A retailer is relieved of liability for tax otherwise applicable if the retailer obtains a fully completed exemption certificate or captures the relevant data elements required by the director within 90 days subsequent to the date of the sale; or (2) if the retailer has not obtained an exemption certificate or all relevant data elements, the retailer, within 120 days subsequent to a request for substantiation by the director, either may ~~prove that the transaction was not subject to tax by other means~~ or obtain a fully completed exemption certificate from the purchaser, taken in good faith *which meets the requirements specified in this subsection, or obtain other information establishing that the transaction was not subject to tax.* Otherwise, the sales shall be deemed to be taxable sales under this act. *The seller shall obtain an exemption*

certificate that claims an exemption that was authorized pursuant to Kansas law on the date of the transaction in the jurisdiction where the transaction is sourced pursuant to law, could be applicable to the item being purchased and is reasonable for the purchaser's type of business. If the seller obtains an exemption certificate or other information as described in this subsection, the seller is relieved of any liability for the tax on the transaction unless it is discovered through the audit process that the seller had knowledge or had reason to know at the time such information was provided that the information relating to the exemption claimed was materially false or the seller otherwise knowingly participated in activity intended to purposefully evade the tax that is properly due on the transaction, and it must be established that the seller had knowledge or had reason to know at the time the information was provided that the information was materially false.

(b) The amount of tax imposed by this act is to be assessed within three years after the return is filed, and no proceedings in court for the collection of such taxes shall be begun after the expiration of such period. In the case of a false or fraudulent return with intent to evade tax, the tax may be assessed or a proceeding in court for collection of such tax may be begun at any time, within two years from the discovery of such fraud. No assessment shall be made for any period preceding the date of registration of the retailer by more than three years except in cases of fraud. For any refund or credit claim filed after June 15, 2009, no refund or credit shall be allowed by the director after one year from the due date of the return for the reporting period as provided by K.S.A. 79-3607, and amendments thereto, unless before the expiration of such period a claim therefor is filed by the taxpayer, and, except as otherwise provided in K.S.A. 2009 Supp. 79-3694, and amendments thereto, no suit or action to recover on any claim for refund shall be commenced until after the expiration of six months from the date of filing such claim satisfying the requirements specified by K.S.A. 2009 Supp. 79-3693, and amendments thereto, therefor with the director. A refund claim shall not be deemed filed unless such claim is complete as required by K.S.A. 2009 Supp. 79-3693, and amendments thereto. For all mailed returns, including refund claims, each return or refund claim shall be presumed to have been filed with the department on the postmark date of such return or refund claim or if such date is illegible, the date three days prior to the date such return or refund claim is received.

(c) Before the expiration of time prescribed in this section for the assessment of additional tax or the filing of a claim for refund, the director is hereby authorized to enter into an agreement in writing with the taxpayer consenting to the extension of the periods of limitations for the assessment of tax or for the filing of a claim for refund, at any time prior to the expiration of the period of limitations. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. In consideration of such agreement or agreements, interest due in excess of 48 months on any additional tax shall be waived.

(d) Interest at the rate prescribed by K.S.A. 79-2968, and amendments thereto, shall be allowed on any overpayment of tax computed from the filing date of the return claiming the refund, except that no interest shall be allowed on any such refund if the same is paid within 120 days after the filing date of the return claiming the refund or the date of payment, whichever is later, provided that such return or refund claim satisfies the requirements specified by K.S.A. 2009 Supp. 79-3693, and amendments thereto, at the time the return or refund claim is received.

(e) Notwithstanding any other provision of this section or the provisions of the Kansas compensating tax act:

(1) (A) Any claim for refund of tax imposed by the Kansas retailers' sales tax act or the Kansas compensating tax act based upon the provisions of subsection (kk) of K.S.A. 79-3606 in existence prior to its amendment by this act which is without dispute shall be allowed, but, with respect to any claim exceeding \$10,000, the refund associated therewith shall not be paid until after 510 days from the date such claim was filed and shall not include interest from such date. As used in this subparagraph, a claim for refund without dispute shall not include any claim the basis for which is a judicial or quasi-judicial interpretation of such subsection occurring after the effective date of this act.

(B) Any refund of tax resulting from a final determination or adjudication with regard to any claim submitted or to be submitted for refund of tax imposed by the Kansas retailers'

sales tax act or the Kansas compensating tax act based upon the provisions of subsection (kk) of K.S.A. 79-3606 in existence prior to its amendment by this act not described by subparagraph (A) shall, with respect to any refund exceeding \$50,000, be paid in equal annual installments over 10 years commencing with the year of such final determination or adjudication. Interest shall not accrue during the time period of such payment.

(2) No claim for refund of tax imposed by the Kansas retailers' sales tax act or the Kansas compensating tax act based upon the application of the provisions of subsection (n) of K.S.A. 79-3606 pursuant to its interpretation by the court of appeals of the state of Kansas in its opinion filed on August 13, 1999, in the case entitled *In re appeal of Water District No. 1 of Johnson County* shall be allowed for tax paid prior to the effective date of this act. The provisions of this subsection shall not be applicable to Water District No. 1 of Johnson county.

Sec. 13. K.S.A. 2009 Supp. 79-3643 is hereby amended to read as follows: 79-3643. (a) Any individual who is responsible for collection or payment of sales or compensating tax or control, receipt, custody or disposal of funds due and owing under the Kansas retailers' sales and compensating tax acts who willfully fails to collect such tax, or account for and pay over such tax, or attempts in any manner to evade or defeat such tax or the payment thereof shall be personally liable for the total amount of the tax evaded, or not collected, or not accounted for and paid over, together with any interest and penalty imposed thereon. The provisions of this section shall apply regardless of the: (1) Relationship with the retailer held by such individual; (2) form under which the retailer conducts business, whether a sole proprietorship, partnership or corporation; or (3) dissolution of the business. *As used in this section, "willfully" has the same meaning as such term has for federal tax purposes in 26 U.S.C. 6672.*

(b) A notice of assessment issued to a responsible individual shall be considered to be a proceeding for the collection of the tax liability of the business. If the liability of the business is determined in a proceeding that has become final, any notice of assessment against a responsible individual must be issued within three years after the proceeding against the business has become final.

(c) Within 60 days after the mailing of a notice of assessment against a responsible individual, the person assessed may request an informal conference with the secretary of revenue under K.S.A. 79-3226, and amendments thereto, for a determination of whether such person is a responsible individual under subsection (a) and for a determination of the tax liability of the business.

(d) If notice of assessment and warrant are issued to a responsible individual pursuant to K.S.A. 79-3610, and amendments thereto, or any other jeopardy provision of chapter 79 of the Kansas Statutes Annotated, the person assessed may request that the informal conference held pursuant to subsection (c) be expedited. When such a request is made, the secretary shall schedule the conference to be held within 21 days after receipt of the request and shall issue a written final determination within 21 days after the close of the conference.

(e) The provisions of this section shall be deemed to be supplemental to the Kansas retailers' sales and compensating tax acts.

Sec. 14. K.S.A. 2009 Supp. 79-3651 is hereby amended to read as follows: 79-3651. (a) For the purpose of the proper administration of the Kansas retailers' sales tax act and to prevent evasion of the tax imposed thereunder, it shall be presumed that all gross receipts from the sale of tangible personal property or enumerated services are subject to tax until the contrary is established. The burden of proving that a sale is not subject to tax is upon the seller unless the seller takes from the purchaser an exemption certificate to the effect that the property or service purchased is not subject to tax.

(b) An exemption certificate shall relieve the seller from collecting and remitting tax if the seller has obtained the required identifying information as determined by the director, from the purchaser and the reason for claiming the exemption at the time of purchase and has maintained proper records of exempt transactions pursuant to subsection (a) of K.S.A. 79-3609, and amendments thereto and provided them to the director when requested, except that no such relief from liability shall apply to a seller who: Fraudulently fails to collect the tax; solicits purchasers to participate in the unlawful claim of an exemption; accepts an exemption certificate claiming an entity based exemption when the subject of

the transaction is actually received by the purchaser at a location operated by the seller and the director provides an exemption certificate that clearly and affirmatively indicates that the claimed exemption is not available. The seller shall obtain the same information for proof of a claimed exemption regardless of the medium in which the transaction occurred. The purchaser improperly claiming an exemption shall remain liable for the nonpayment of tax.

(c) The exemption certificate shall be substantially in such form as the director may prescribe. The seller shall use the standard form for claiming an exemption electronically as adopted by the director. A seller may require a purchaser to provide a copy of the purchaser's sales tax registration certificate with a resale certificate as a condition for honoring the purchaser's resale exemption claim, except that in the case of drop shipment sales into this state, the third party vendor may claim a resale exemption based on an exemption certificate provided by its customer, re-seller, or any other information acceptable to the secretary available to the third party vendor evidencing qualification for a resale exemption, regardless of whether the customer, re-seller, is registered to collect and remit sales and use tax in this state. A purchaser is not required to provide a signature to claim an exemption from tax unless a paper exemption certificate is used. A seller is relieved of liability for the tax otherwise applicable if it obtains a blanket exemption certificate for a purchaser with which the seller has a recurring business relationship. Such blanket certificate need not be renewed or updated by the seller for exemption certificate information or data elements when there is a recurring business relationship between the buyer and seller. For purposes of this subsection, a recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.

(d) To lawfully present a resale exemption certificate the purchaser must be engaged in the business of selling property or services of the same kind that is purchased, hold a registration certificate, except as otherwise permitted in subsection (c) for drop shipment sales into this state, and at the time of purchase, either intend to resell the property in the regular course of business or be unable to ascertain whether the property will be resold or used for some other purpose. A resale exemption certificate may be used for resale of services to tangible personal property and not for services to real property.

(e) Any person who issues a resale certificate or other exemption certificate in order to unlawfully avoid payment of tax for business or personal gain shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or by both. In addition, if the director determines that a person issued a resale certificate in order to unlawfully avoid payment of tax for business or personal gain, the director shall increase any penalty that is due from the person under K.S.A. 79-3615, and amendments thereto, by \$250 or 10 times the tax due, whichever is greater, on each transaction where the misuse of a resale certificate occurred.

(f) Exemption certificates issued by an entity claiming a specific exemption under K.S.A. 79-3606, and amendments thereto, based on the status of the entity shall bear the name, address of the entity and identification number issued to the entity pursuant to K.S.A. 2009 Supp. 79-3692, and amendments thereto, ~~and indicate the subsection under which the exemption is being claimed.~~ Such certificate shall be signed by an ~~officer, office manager or other administrator~~ *authorized person* of the nonprofit entity, if in paper form, and contain the tax identification number of the entity. The certificate shall be substantially in such form as the director may prescribe. ~~A seller may require that payments be made on an exempt entity's check, warrant, voucher or is charged to the entity's account shall relieve the seller from collecting and remitting the tax if it is taken in good faith as a condition for honoring the entity's exemption claim.~~

(g) It shall be the duty of every person who purchases tangible personal property or services that are taxable under this act to pay the full amount of tax that is lawfully due to the retailer making the sale. Any person who willfully and intentionally refuses to pay such tax to the retailer shall be guilty of a misdemeanor and upon conviction shall be punished and fined as provided by subsection (g) of K.S.A. 79-3615, and amendments thereto.

Sec. 15. K.S.A. 2009 Supp. 79-3666 is hereby amended to read as follows: 79-3666. State sales tax rate changes must take effect on the first day of a calendar quarter. The secretary shall make a reasonable effort to provide sellers with as much advance notice as

practicable of any rate changes, legislative change in the tax base and amendments to sales and use tax rules and regulations. Failure of a seller to receive such notice or failure of the secretary to provide such notice to a seller or limit the effective date of a rate change shall not relieve the seller of its obligation to collect sales or use tax or otherwise comply with any such legislative, rule or regulatory changes. *Whenever there is less than 30 days between the effective date of any amendments to K.S.A. 79-3603 and 79-3703, which make a change in the retailers' sales tax or compensating use tax rate and the date such rate change takes effect as provided by this section, the seller shall be relieved from liability for failing to collect tax at the changed rate if:*

(a) *The seller collected tax at the immediately preceding rate during such time period; and*

(b) *the seller's failure to collect at the changed rate does not extend beyond 30 days after such effective date.*

When the seller fraudulently failed to collect at the new sales tax rate or solicits purchasers based on the immediately preceding effective rate, such relief from liability does not apply to such seller.

Sec. 16. K.S.A. 2009 Supp. 79-3672 is hereby amended to read as follows: 79-3672. (a) (1) ~~Notwithstanding the provisions of K.S.A. 2009 Supp. 79-3670 and amendments thereto, a purchaser of direct mail that is not a holder of a direct pay permit shall provide to the seller in conjunction with the purchase either a direct mail form or information to show the jurisdictions to which the direct mail is delivered to recipients:~~

~~(2) Upon receipt of the direct mail form, the seller is relieved of all obligations to collect, pay or remit the applicable tax and the purchaser is obligated to pay or remit the applicable tax on a direct pay basis. A direct mail form shall remain in effect for all future sales of direct mail by the seller to the purchaser until it is revoked in writing;~~

~~(3) Upon receipt of information from the purchaser showing the jurisdictions to which the direct mail is delivered to recipients, the seller shall collect the tax according to the delivery information provided by the purchaser. In the absence of bad faith, the seller is relieved of any further obligation to collect tax on any transaction where the seller has collected tax pursuant to the delivery information provided by the purchaser:~~

~~(b) If the purchaser of direct mail does not have a direct pay permit and does not provide the seller with either a direct mail form or delivery information, as required by subsection (a), the seller shall collect the tax according to subsection (a)(5) of K.S.A. 2009 Supp. 79-3670 and amendments thereto. Nothing in this subsection shall limit a purchaser's obligation for sales or use tax to any state to which the direct mail is delivered;~~

~~(c) If a purchaser of direct mail provides the seller with documentation of direct pay authority, the purchaser shall not be required to provide a direct mail form or delivery information to the seller. the following provisions apply to sales of "advertising and promotional direct mail":~~

~~(1) A purchaser of "advertising and promotional direct mail" may provide the seller with either:~~

~~(A) A direct pay permit;~~

~~(B) an exemption certificate, or other statement approved, authorized or accepted by the secretary, claiming "direct mail"; or~~

~~(C) information showing the jurisdictions to which the "advertising and promotional direct mail" is to be delivered to recipients.~~

~~(2) If the purchaser provides the permit, certificate or statement referred to in subsections (a)(1)(A) or (a)(1)(B), the seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any tax on any transaction involving "advertising and promotional direct mail" to which the permit, certificate or statement applies. The purchaser shall source the sale to the jurisdictions to which the "advertising and promotional direct mail" is to be delivered to the recipients and shall report and pay any applicable tax due.~~

~~(3) If the purchaser provides the seller information showing the jurisdictions to which the "advertising and promotional direct mail" is to be delivered to recipients, the seller shall source the sale to the jurisdictions to which the "advertising and promotional direct mail" is to be delivered and shall collect and remit the applicable tax. In the absence of bad faith, the seller is relieved of any further obligation to collect any additional tax on the sale of~~

“advertising and promotional direct mail” where the seller has sourced the sale according to the delivery information provided by the purchaser.

(4) If the purchaser does not provide the seller with any of the items listed in subsections (a)(1)(A), (a)(1)(B) or (a)(1)(C), the sale shall be sourced according to subsection (a)(5) of K.S.A. 2009 Supp. 79-3670, and amendments thereto.

(b) Notwithstanding the provisions of K.S.A. 2009 Supp. 79-3670, and amendments thereto, the following provisions apply to sales of “other direct mail”:

(1) Except as otherwise provided in this subsection, sales of “other direct mail” are sourced in accordance with subsection (a)(3) of K.S.A. 2009 Supp. 79-3670, and amendments thereto.

(2) A purchaser of “other direct mail” may provide the seller with either:

(A) A direct pay permit; or

(B) an exemption certificate, or other statement approved, authorized or accepted by the secretary, claiming “direct mail.”

(3) If the purchaser provides the permit, certificate or statement referred to in subsection (b)(2)(A) or (b)(2)(B), the seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any tax on any transaction involving “other direct mail” to which the permit, certificate or statement apply. Notwithstanding subsection (b)(1) the sale shall be sourced to the jurisdictions to which the “other direct mail” is to be delivered to the recipients and the purchaser shall report and pay any applicable tax due.

(c) For purposes of this section:

(1) “Advertising and promotional direct mail” means:

(A) Printed material that meets the definition of “direct mail”; and

(B) the primary purpose of which is to attract public attention to a product, person, business or organization, or to attempt to sell, popularize or secure financial support for a product, person, business or organization. As used in this subsection, the word “product” means tangible personal property, a product transferred electronically or a service;

(2) “other direct mail” means any direct mail that is not “advertising and promotional direct mail” regardless of whether “advertising and promotional direct mail” is included in the same mailing. The term includes, but is not limited to:

(A) Transactional direct mail that contains personal information specific to the addressee including, but not limited to, invoices, bills, statements of account and payroll advices;

(B) any legally required mailings including, but not limited to, privacy notices, tax reports and stockholder reports; and

(C) other non-promotional direct mail delivered to existing or former shareholders, customers, employees or agents including, but not limited to, newsletters and informational pieces.

“Other direct mail” does not include the development of billing information or the provision of any data processing service that is more than incidental.

(d) (1) (A) This section applies to a transaction characterized as the sale of services only if the service is an integral part of the production and distribution of printed material that meets the definition of “direct mail”.

(B) This section does not apply to any transaction that includes the development of billing information or the provision of any data processing service that is more than incidental regardless of whether “advertising and promotional direct mail” is included in the same mailing.

(2) If a transaction is a “bundled transaction” that includes advertising and promotional direct mail, this section shall apply only if the primary purpose of the transaction is the sale of products or services that meet the definition of “advertising and promotional direct mail.”

(3) Nothing in this section shall limit any purchaser’s:

(A) Obligation for sales or use tax to any state to which the direct mail is delivered;

(B) right, if any, to a credit for sales or use taxes legally due and paid to other jurisdictions; or

(C) right, if any, to a refund of sales or use taxes overpaid to any jurisdiction.

(4) This section applies for purposes of uniformly sourcing direct mail transactions.

New Sec. 17. For any tax established pursuant to law which is administered by the Kansas department of revenue, any taxpayer having a delinquent tax liability and entering

into an agreement with the department providing for an installment payment plan allowing the pay off of such liability in a time period in excess of 90 days from the date when such agreement is entered into shall be assessed a service fee of \$10. The secretary of revenue shall remit all moneys received by or for the secretary from such fees and collected under this section 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 recovery fund for enforcement actions and attorney fees. The secretary of revenue shall remit the first \$350,000 of delinquent taxes, including penalties and interest, collected during any fiscal year for income tax or any other tax that would otherwise be deposited 100% in the state general fund, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the recovery fund for enforcement actions and attorney fees. All expenditures from the recovery fund for enforcement actions and attorney fees 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 revenue or by a person or persons designated by the secretary.

Sec. 18. K.S.A. 12-1,104 and 79-32,107 and K.S.A. 2009 Supp. 74-50,154, 74-8133, 74-99c09, 79-2971, 79-3298, 79-32,100c, 79-32,211, 79-32,264, 79-3607, 79-3609, 79-3643, 79-3651, 79-3666 and 79-3672 are hereby repealed.”;

And by renumbering section 7 as section 19;

On page 1, in the title, in line 12, by striking “income”; also in line 12, by striking all after “to” and inserting “income tax credits, limitations; intangibles tax, filing procedure; electronic filing of returns, reports or other documents; willful failure to collect taxes or to commit other violations; streamlined sales and use tax agreement conformity; establishing service fee for taxpayers on installment payment plans for delinquent tax liability;”; in line 13, after “amending” by inserting “K.S.A. 12-1,104 and 79-32,107 and”; also in line 13, by striking “79-”; in line 14, by striking “32,211 and 79-32,264” and inserting “79-2971, 79-3298, 79-32,100c, 79-32,211, 79-32,264, 79-3607, 79-3609, 79-3643, 79-3651, 79-3666 and 79-3672”;

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

RICHARD CARLSON
JEFF KING
JULIE MENGhini
Conferees on part of House

LESLIE DONOVAN
DEREK SCHMIDT
TOM HOLLAND
Conferees on part of Senate

Senator Donovan moved the Senate adopt the Conference Committee Report on **SB 430**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGimm, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 449**, 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 as House Substitute for Senate Bill No. 449, as follows:

On page 2, in line 43, by striking “inspection of” and inserting “an inspector certified by a nationally-recognized code organization to inspect”;

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

BRENDA LANDWEHR
DAVID CRUM
GERALDINE FLAHARTY
Conferees on part of House

JIM BARNETT
VICKI SCHMIDT
LAURA KELLY
Conferees on part of Senate

Senator Barnett moved the Senate adopt the Conference Committee Report on **H Sub for SB 449**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 537**, 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 amendments, as follows:

On page 2, in line 2, by striking “may” and inserting “shall”; in line 3, by striking “, including” and inserting “and may award the prevailing party”; in line 8, by striking “\$500 or actual damages” and inserting “actual and liquidated damages up to \$10,000 or, if actual damages exceed \$10,000, all actual damages.”; in line 11, after “claims” by inserting “, or future liens or claims against persons specified by the court.”;

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

LANCE KINZER
JEFF WHITHAM
JANICE L. PAULS
Conferees on part of House

THOMAS C. OWENS
DEREK SCHMIDT
DAVID HALEY
Conferees on part of Senate

Senator Owens moved the Senate adopt the Conference Committee Report on **SB 537**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1865—

A RESOLUTION memorializing the 75th Anniversary of “Black Sunday,” April 14, 1935, during the Dust Bowl in Kansas.

WHEREAS, In the 1930’s in Kansas, as well as other states in the Midwest, there occurred a series of devastating dust storms that swept the Plains that became known as the “Dust Bowl”; and

WHEREAS, The worst of these storms took place on April 14, 1935, a day that became known as “Black Sunday,” when the sky was completely darkened with a massive, fast-moving cloud of dust that traveled hundreds of miles and left the land, including thousands of acres of farmland, devastated; and

WHEREAS, These dust storms were largely the result of poor irrigation and farming techniques and were aggravated by drought; and

WHEREAS, Southwest Kansas was one of the areas most effected by the Dust Bowl, which caused large numbers of people to migrate West due to the resulting drought and famine; and

WHEREAS, The impact of the Dust Bowl effected the entire nation, and lead to the United States Congress passing the Soil Conservation Act of 1936: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we remember April 14, 1935, known as “Black Sunday,” and commemorate the 75th anniversary of this tragic event, which had a significant impact on the State of Kansas and forever changed the way farmers work the land; and that we salute the intestinal fortitude of those Kansas farmers and families who withstood this unprecedented devastating force of nature, vividly described as being of near plague proportion, and vow not now nor ever to allow the people of Kansas to be compelled to forget our fellow Kansans’ sacrifices; and

Be it further resolved: That the Secretary of the Senate be directed to send 18 enrolled copies of this resolution to Senator Haley, two each to be distributed to the Kansas Farm Bureau; Kansas Corn Growers Association; Kansas Association of Wheat Growers; Farm Credit Associations of Kansas; Kansas Agricultural Alliance; Kansas Seed Industry Association; Kansas Livestock Association; Kansas Grain & Feed; and Kansas 4-H; and one enrolled copy to be sent to Senator Haley, whose grandfather, Simon Alexander Haley, taught college-level Agriculture and would reference the Kansas Dust Bowl as an example of survival and perseverance.

On emergency motion of Senator Haley **SR 1865** was adopted unanimously.

MESSAGE FROM THE HOUSE

The House adopts the conference committee report on **Senate Substitute for HB 2115**.
The House adopts the conference committee report on **HB 2605**.

INTRODUCTION OF ORIGINAL MOTION AND SENATE RESOLUTIONS

Mary Pilcher-Cook, citing Senate Rule 11, submitted in writing a motion to withdraw **SCR 1626** from the Committee on Judiciary and be placed on the calendar under the heading of General Orders.

Motion Pursuant to Senate Rule 11 Committee Action on Bills and Resolutions

Comes now Kansas State Senator Mary Pilcher-Cook of the 10th Kansas State Senate District and moves pursuant to Rule 11 of the Rules of the Kansas State Senate that Senate Concurrent Resolution 1626, A Proposition to amend the constitution of the state of Kansas by adding a new article 16 thereto, concerning health care, which would preserve the freedom of Kansans to provide for their health care, having been referred to the Senate Judiciary Committee, be withdrawn from that Committee and placed upon the Kansas State Senate calendar for the 28th day of April, 2010, under the heading of General Orders subsequent to adoption of the motion by the body.

In support of this motion, Kansas State Senator Mary Pilcher-Cook, states the following:

At this late date in the session, in addition to the federal health care bill recently becoming new law on Sunday, March 21, 2010, there is a fresh urgency to preserving the freedom of Kansas citizens so they are not forced into a governmental health care system they do not

support or want, and which would greatly diminish their liberty as to their health care decisions.

Given that a primary duty of a state legislator is to protect the liberty of the state's citizens, and whereas the Senate Judiciary Committee failed to bring SCR 1626 out of committee on a 4-4 tie vote before the federal health care legislation was passed into law, the significance and importance of preserving Kansans' freedom in regards to health care has been elevated, and the appropriate next action is that of referring SCR 1626 to the Committee of the Whole on General Orders.

Whereas the vote in the Senate Judiciary Committee was on March 18, 2010, significant circumstances have changed regarding Kansas health care issues as of March 21, evidencing the need for Kansas citizens' protection of health care freedom. Due to the federal health care bill becoming law and because of the public outcry by Kansas citizens, it is incumbent upon this body to allow forty senators an opportunity to vote on SCR 1626, particularly when the Kansas House vote two days later on March 22, 2010 was a bipartisan vote of 75-47, which was clearly an overwhelming majority in favor of the legislation with only four Republicans out of seventy-three voting against the measure.

On February 9, 2010, testimony was presented before joint Kansas House and Senate health committees where there was only one opponent. The Senate health committee passed the measure out without a recommendation. On March 11, 2010, testimony was presented before a Senate Judiciary subcommittee. The majority and minority reports, in addition to the committee action, reflected numerous tie votes.

Our country was founded on principles of liberty and freedom — not command and control government — and it recognized citizens have a right to pursue health care in the way they see fit. A state constitutional amendment is most appropriate because as it protects the liberty of Kansas citizens against federal government unconstitutional mandates, it also ensures that future lawmakers can never infringe upon protected rights. A state constitution is the organic law of the state, reflecting the most fundamental values shared by our citizens—and as such, a state constitutional amendment will give Kansas the strongest protection in defense of excessive governmental power.

The weight and value of the Kansas Health Care Freedom Amendment is apparent when there are 39 other states working on some form of this legislation in order to protect their citizens, with 2 states already enacting a law and 2 states (AZ and OK) having a proposed constitutional amendment on the 2010 ballot.

Whereas today in Massachusetts, after having passed a health insurance mandate, one-third of the people still don't have coverage and state health insurance rates are 40 percent higher than other states. Massachusetts legislators expect a \$2 to \$4 billion shortfall over the next decade, so instead of addressing escalating health care costs, the state-model of the federal health care bill has not only caused prices to skyrocket, but has degraded the efficiency and quality of health care in Massachusetts with longer waits and a shortage of medical health care providers.

The Kansas Health Care Freedom Amendment will not block federal health care reform as long as the new federal law does not require a mandate to purchase health insurance or forbid patients from paying directly for their medical services. Rather, it challenges those provisions of the law that are unconstitutional. The people of Kansas, if they choose to do so, can still participate in any federal or state governmental health plan — they just can't be forced to participate in any health care system.

Mandating that individuals must have health insurance would be an exceptional violation of individual liberties. By its nature it would have to be enforced, and to enforce it, the government would have to inflict penalties for noncompliance — unpaid penalties would lead to collection agencies, garnishment of wages and ultimately jail time, as we have seen in the federal health law. This is jail time for simply being born and refusing to buy a service, which begs the question: what service or product would government force us to buy next. If there are no rights of liberty and equality given to man as a matter of moral principle,

then any one of us is subject to being enslaved to the man who has the most power, or to the man whose self-interest and force of self-expression is greater than ours.

It is incumbent upon Kansas state legislators today to protect the liberty of the people of Kansas in regards to their health care. The proposed constitutional amendment is neutral to health care reforms — we can still reform health care to contain costs and make it more accessible to all — but we need to protect the liberty of the people of Kansas first.

This body passed the State Sovereignty resolution yesterday, 36 to 4, and we are now sending a warning message to the federal government that it needs to recognize the limited nature of its powers. The next step is the application of state sovereignty to the subject of health care. Through the tenth amendment and state sovereignty, the state senators who vote to withdraw SCR 1626 from the Judiciary Committee would be resolving to preserve the liberty of the citizens in the great state of Kansas in regards to their health care decisions.

Therefore I beseech this body to support my motion to withdraw Senate Concurrent Resolution 1626 from the Kansas State Senate Judiciary Committee and have it placed upon the Kansas State Senate calendar for the 28th day of April, 2010, under the heading of General Orders subsequent to adoption of the motion by the body.

Respectfully,

Mary Pilcher-Cook

On motion of Senator D. Schmidt and pursuant to **HCR 5037** the Senate adjourned until 10:00 a.m., Wednesday, April 28, 2010.

Journal of the Senate

FIFTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 28, 2010—10:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

The Apostle Paul made it clear
All authority comes from You.
Legislators are held accountable
For everything they do.

So while we wrestle with the budget
And other issues in this session,
Remind us not to turn our backs
When You call us to confession.

Budget deficits are demanding,
And other issues, too;
But what matters most to us
Is obedience to You!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 586, An act reconciling amendments to certain statutes; amending K.S.A. 8-2410, as amended by section 2 of 2010 House Bill No. 2547, 21-3447, as amended by section 4 of 2010 House Bill No. 2435, 21-4643, as amended by section 18 of 2010 House Bill No. 2435, 22-4906, as amended by section 1 of 2010 House Bill No. 2468, 65-6a34a, as amended by section 8 of 2010 Senate Bill No. 393, and 65-7216, as amended by section 171 of 2010 Senate Bill No. 376, and K.S.A. 2009 Supp. 8-1567, 21-36a05, as amended by section 2 of 2010 House Bill No. 2661, 21-36a10, as amended by section 5 of 2010 House Bill No. 2661, 21-4204, as amended by section 7 of 2010 House Bill No. 2661, 21-4704, as amended by section 9 of 2010 House Bill No. 2661, 22-4902, as amended by section 11 of 2010 House Bill No. 2661, 28-172a, as amended by section 7 of 2010 Senate Substitute for House Bill No. 2476, 38-2242, as amended by section 5 of 2010 House Bill No. 2364, 38-2243, as amended by section 6 of 2010 House Bill No. 2364, 38-2305, as amended by section 4 of 2010 House Bill No. 2195, 38-2361, as amended by section 9 of 2010 House Bill No. 2364, 40-3104, as amended by section 1 of 2010 House Bill No. 2492, 47-2101, as amended by section 4 of 2010 House Bill No. 2666, 65-516, as amended by section 13 of 2010 House Bill No. 2661, 72-978, as amended by section 3 of 2010 Senate Bill No. 357, 74-596, as amended by section 179 of 2010 Senate Bill No. 376, 74-2426, as amended by section 182

of 2010 Senate Bill No. 376, and 75-6606, as amended by section 3 of 2010 Senate Bill No. 30, and repealing the existing sections; also repealing K.S.A. 8-1567, as amended by section 6 of chapter 107 of the 2009 Session Laws of Kansas, 8-2410, as amended by section 20 of 2010 Senate Bill No. 376, 21-3447, as amended by section 2 of 2010 Substitute for Senate Bill No. 353, 21-4643, as amended by section 3 of 2010 Substitute for Senate Bill No. 353, 22-4906, as amended by section 5 of 2010 Substitute for Senate Bill No. 353, 65-6a34a, as amended by section 124 of 2010 Senate Bill No. 376, and 65-7216, as amended by section 12 of 2010 Senate Bill No. 83, and K.S.A. 2009 Supp. 21-36a05, as amended by section 14 of 2010 House Bill No. 2435, 21-36a10, as amended by section 15 of 2010 House Bill No. 2435, 21-4204, as amended by section 3 of 2010 Substitute for Senate Bill No. 67, 21-4704, as amended by section 19 of 2010 House Bill No. 2435, 22-4902, as amended by section 4 of 2010 Substitute for Senate Bill No. 353, 25-4156b, 28-172a, as amended by section 6 of 2010 Senate Bill No. 519, 38-2242, as amended by section 9 of 2010 Senate Bill No. 460, 38-2243, as amended by section 10 of 2010 Senate Bill No. 460, 38-2305, as amended by section 19 of 2010 Senate Bill No. 460, 38-2305, as amended by section 7 of 2010 Senate Bill No. 519, 38-2361, as amended by section 20 of 2010 Senate Bill No. 460, 40-3104, as amended by section 4 of 2010 Senate Bill No. 533, 47-2101, as amended by section 92 of 2010 Senate Bill No. 376, 65-516, as amended by section 122 of 2010 Senate Bill No. 376, 65-1643c, 72-978, as amended by section 2 of 2010 Senate Bill No. 359, 74-596, as amended by section 10 of 2010 Senate Bill No. 393, 74-2426, as amended by section 30 of 2010 House Bill No. 2557, and 75-6606, as amended by section 1 of 2010 House Bill No. 2415, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were referred to Committees as indicated:

Commerce: **SCR 1630**.

Ways and Means: **SB 585**.

REPORT ON ENGROSSED BILLS

SB 369 reported correctly engrossed March 31, 2010.

Also, **SB 30**, **SB 362**, **SB 382** correctly re-engrossed March 31, 2010.

H Sub for SB 377, **H Sub for SB 381** reported correctly engrossed April 1, 2010.

Also, **SB 359** correctly re-engrossed April 1, 2010.

H Sub for SB 83, **H Sub for SB 262**, **H Sub for SB 269**, **H Sub for SB 449**, reported correctly engrossed April 2, 2010.

Also, **SB 62**, **SB 537**, **SB 430** correctly re-engrossed April 2, 2010.

REPORT ON ENROLLED BILLS

H Sub for SB 25; **Sub SB 67**; **H Sub for SB 75**, **H Sub for SB 200**, **H Sub for SB 213**, **H Sub for SB 234**, **H Sub for SB 255**, **H Sub for SB 305**, **H Sub for SB 312**; **SB 346**, **SB 386**, **SB 389**, **SB 439**; **H Sub for SB 458**; **SB 461**, **SB 531** reported correctly enrolled, properly signed and presented to the Governor on April 5, 2010.

SR 1865 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 5, 2010.

SCR 1615, **SR 1623** reported correctly enrolled, properly signed and presented to the Secretary of State on April 5, 2010.

SB 30, **SB 62**; **H Sub for SB 83**, **H Sub for SB 262**, **H Sub for SB 269**; **Sub SB 353**; **SB 359**, **SB 362**; **H Sub for SB 369**; **H Sub for SB 377**, **H Sub for SB 381**; **SB 382**, **SB 430**; **H Sub for SB 449**; **SB 537** reported correctly enrolled, properly signed and presented to the Governor on April 9, 2010.

MESSAGE FROM THE GOVERNOR

SB 372, **SB 373**, **SB 394**, **SB 414**, **SB 415**, **SB 497**; **Sub for SB 513**; **SB 533**, **SB 541** approved March 31, 2010.

H Sub for SB 316; **SB 393**, **SB 410**, **SB 460**; **Sub for SB 475**; **SB 491**, **SB 500**, **SB 519** approved on April 6, 2010.

H Sub for SB 25; Sub for SB 67; H Sub for SB 75, H Sub for SB 200, H Sub for SB 213, H Sub for SB 234, H Sub for SB 255, H Sub for SB 305, H Sub for SB 312; SB 346, SB 386, SB 389, SB 439; H Sub for SB 458; SB 461, SB 531 approved April 8, 2010.

SB 30, SB 362, SB 369, SB 382 approved April 15, 2010.

SB 62; H Sub for SB 83, H Sub for SB 262, H Sub for SB 269, Sub for SB 353; SB 359; H Sub for SB 377, H Sub for SB 381; SB 430; H Sub for SB 449; SB 537 approved April 19, 2010.

March 2, 2010

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are the appointments made by me as the Governor of the State of Kansas, pursuant to law.

Mark Parkinson
Governor

Member, State Banking Board, Richard Fish, pursuant to the authority vested in me by KSA 74-3004, effective upon the date of confirmation by the Senate, to serve a three year term ending March 15, 2012.

Member, Pooled Money Investment Board, John W. Lehman, pursuant to the authority vested in me by KSA 75-4221a, effective upon the date of confirmation by the Senate, to serve a four year term ending March 15, 2014.

March 30, 2010

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate is the appointment made by me as the Governor of the State of Kansas, pursuant to law.

Mark Parkinson
Governor

Member, State Public Trust — Treece Buyout Board of Trustees, John O. Delmont, pursuant to the authority vested in me by KSA 2009 Supplement 49-512, effective upon the date of confirmation by the Senate to serve a four year term expiring March 15, 2014.

April 1, 2010

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are the appointments made by me as the Governor of the State of Kansas, pursuant to law.

Mark Parkinson
Governor

Member, State Public Trust — Treece Buyout Board of Trustees, Eddie L. Hamilton, pursuant to the authority vested in me by KSA 2009 Supplement 49-512, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2011.

Member, State Public Trust — Treece Buyout Board of Trustees, Betty J. McBride, pursuant to the authority vested in me by KSA 2009 Supplement 49-512, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2012.

Member, State Public Trust — Treece Buyout Board of Trustees, James J. Dahmen, pursuant to the authority vested in me by KSA 2009 Supplement 49-512, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2013.

Member, State Public Trust — Treece Buyout Board of Trustees, Gene Bicknell, pursuant to the authority vested in me by KSA 2009 Supplement 49-512, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2013.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS HEALTH POLICY AUTHORITY

September 21, 2009

Dr. Andrew Allison, Ph.D., Executive Director of the Kansas Health Policy Authority, has announced Nicholas M. Kramer as the Authority's new Inspector General.

February 16, 2010

In accordance with KSA 74-99b04(d), Senator Anthony Hensley appointed Dan Watkins to the Kansas Bioscience Authority (KBA), effective March 15, 2010.

KANSAS STATE BOARD OF HEALING ARTS

February 19, 2010

Michael J. Beezley, M.D., President, Kansas State Board of Healing Arts, has announced the appointment of Kathleen J. Selzler Lippert as Acting Executive Director of the Board pending Senate confirmation.

HOUSE OF REPRESENTATIVES

STATE OF IDAHO

March 31, 2010

Bonnie Alexander, Chief Clerk of the Idaho House of Representatives, has announced House Concurrent Resolution 44, was adopted by the House of Representatives and the State Senate during the Second Regular Session of the Sixtieth Idaho Legislature.

WYOMING SECRETARY OF STATE

April 1, 2010

As directed by the State of Wyoming's Sixtieth Legislature — 2010 Budget Session, Max Maxfield, Wyoming Secretary of State, sent a copy of original House Joint Resolution 9, House Enrolled Joint Resolution 3, demanding Congress to cease and desist from enacting mandates that are beyond the enumerated powers granted to the Congress by the United States Constitution; and, to amend the tenth amendment and the interstate commerce clause in article 1, section 8 of the United States Constitution.

The President announced the above communications are on file in the office of the Secretary of the Senate and are available for review at any time.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **Senate Substitute for HB 2160** and requests the Senate to return the bill.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Emler introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1866—

A RESOLUTION congratulating and commending Steve Errebo for rescuing Michele Pasley and three of her children from a burning vehicle.

WHEREAS, Steve Errebo, a farmer and Lincoln County Commissioner, rescued Tescott residents Michele Pasley and three of her children, 3-year-old twins Danika and Justin, and 1-year-old Loni Marie, from her burning minivan in July of 2009; and

WHEREAS, Due to dusty conditions caused by wheat being harvested, Mrs. Pasley did not see Mr. Errebo's wheat truck until it was too late, causing her to strike him from behind. The impact of the collision trapped her inside the vehicle, which promptly caught fire, as well as causing the surrounding wheat stubble field to catch fire. Mr. Errebo heard her cries for help and pulled the three Pasley children to safety through a broken window, before finally pulling Mrs. Pasley free as well. The two adults and three children made it to safety shortly before the gas tank blew and the entire van was engulfed in flames; and

WHEREAS, The twins, Justin and Danika, were flown to Wichita to be treated for their injuries. Justin was released in two days and Danika in about 10 days. Mrs. Pasley and the

youngest child, Loni, were both unharmed. The family considers Mr. Errebo to be their angel, and are forever grateful for his life-saving acts; and

WHEREAS, Mr. Errebo was surprised by Representative Elaine Bowers, as well as Steve Howe on behalf of Representative Jerry Moran, Kansas EMS Board Executive Director Robert Waller, Lincoln County Emergency Manager Rod Job, Lincoln County EMS Director Wendy Gronau, Sheriff Russ Black, and Mr. and Mrs. Pasley and their children, when they presented Mr. Errebo with several awards for his heroism, including a Medal of Valor on behalf of Lincoln County. Representative Bowers also alerted the magazine Reader's Digest of the heroic action taken by Mr. Errebo, resulting in a feature story about the incident: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Steve Errebo for his immediate response to this emergency situation, for his selfless and courageous acts in the face of imminent danger, and for saving the lives of Michele, Justin, Danika and Loni Marie Pasley; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Steve Errebo.

On emergency motion of Senator Emler **SR 1866** was adopted unanimously.

Senator Emler introduced and congratulated Steve Errebo for rescuing Michele Pasley and three of her children from a burning vehicle. Steve Errebo, Marilyn Errebo, Ben Errebo, Steve Sutton, Al Jo Wallace and Wendy Gronau were acknowledged with a standing ovation.

Senator Holland introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1867—

A RESOLUTION congratulating and commending Baldwin High School for being named national champions in the Real World Design Challenge.

WHEREAS, The Baldwin High School design team was named the national champions of the Real World Design Challenge held at the National Air and Space Museum in Washington, D.C. in March; and

WHEREAS, The annual contest challenges high school students to solve real problems faced by the engineering industry, with this year's contest addressing fuel efficiency in aviation; and

WHEREAS, The Baldwin High School team was asked to design and optimize a business jet wing and tail for a flight condition of 400 knots true airspeed and altitude of 37,000 feet. The final configuration had to balance lift, weight, thrust, drag and zero pitching moments. The participants were given tools provided by PTC, Mentor Graphics, Cessna and NASA; and

WHEREAS, Out of 26 states competing, Baldwin beat out teams from Minnesota, and last year's winners from Hawaii, to win the competition. The team also won an award for outstanding mentor collaboration; and

WHEREAS, The team members were Mason Johnson, Carson Barnes, Brandon Baltzell, Shelby Gregory, Carrie Dietz, Mac Halpin and Austin Kraus. The team mentors were Sandy Barnes and Baldwin High School teacher Pam Davis: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Baldwin High School team for being named national champions in the Real World Design Challenge in Washington D.C., we commend them for setting an example of excellence for their peers and we extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send 8 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1867** was adopted unanimously.

Senator Holland congratulated the Baldwin High School for being named national champions in the Real World Design Challenge. The following Baldwin High School design team were introduced: Carrie Dietz, Mason Johnson, Mac Halpin, Carson Barnes, Shelby Gregory, Austin Kraus and Brandon Baltzell. Also accompanying the team were Coach Pam Davis and Sandy Barnes.

Senator Holland introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1868—

A RESOLUTION honoring Kansas artist Robert Sudlow.

WHEREAS, Robert Sudlow, 90, a nationally recognized Kansas artist died Thursday, March 25, at his home; and

WHEREAS, Mr. Sudlow was born February 25, 1920, in Holton, the son of Fred and Adria Newton Sudlow. He received a Bachelor of Fine Arts degree in 1942 from the University of Kansas, where he studied under Albert Bloch. He then enlisted in the U.S. Navy and served as a rescue pilot in World War II and was awarded the Distinguished Flying Cross. Mr. Sudlow continued his education with a Master of Fine Arts from the California College of Arts and Crafts, studying under the painter Richard Diebenkorn, and later studied at academies in Paris and the University of California at Berkeley; and

WHEREAS, In 1947, Mr. Sudlow began teaching drawing and painting at the University of Kansas, where he stayed for 41 years, retiring in 1987 as professor emeritus of art. The paintings that he produced throughout his life have been featured in numerous exhibits in galleries all over the country. His works are part of the permanent collections at the Nelson-Atkins Museum of Art in Kansas City, the Brooklyn Museum in New York, The Joslyn Museum of Art in Omaha, Nebraska, the Saint Louis Art Museum, the Mulvane Museum of Topeka, the Wichita Art Museum, the Marianna Kistler Beach Museum of Art at Kansas State University, the Spencer Museum of Art at the University of Kansas and many others. In 2001 he traveled to Lawrence's sister city, Eutin, Germany, for an exhibit of his work as part of a cultural exchange; and

WHEREAS, Kansas was the subject matter of Mr. Sudlow's paintings throughout his life. He would paint outside, in the Flint Hills or various other prairie and wooded areas around the eastern part of the state. The impressionistic paintings that he produced captured the Kansas landscape in a way that reflected his reverence for his lifelong home. There have been two books published of his work. The first book was called "Landscapes in Kansas," in 1987, and the second was "Spiritual Journeys: The Art of Robert Sudlow," in 2002; and

WHEREAS, Mr. Sudlow received several awards throughout his distinguished career, including the first Kansas Governor's Art Award in 1974, and Kansan of the Year from the Native Sons and Daughters of Kansas in 1997; and

WHEREAS, Mr. Sudlow is survived by his wife Barbara Keeler Wolf, daughters Mitzi, Amy, and Gretchen Sudlow, a son, Peter Sudlow, three stepchildren, Felicia Owens, Mindy Small, and Grant Wolf, two grandchildren and ten stepgrandchildren, a sister, Alice Ash, and a niece and nephew: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we express our appreciation for Robert Sudlow's lifetime of paintings and lithographs that will continue to inspire everyone who sees them of the beauty and natural wonders of the state of Kansas for years to come, and we give our deepest sympathy to his family and friends; and

Be it further resolved: That the Secretary of the Senate be directed to send 3 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1868** was adopted unanimously.

Senator Holland honored nationally recognized Kansas artist Robert Sudlow, age 90, who passed away March 25, 2010. His wife Barbara and daughters Mitzi Sudlow and Amy Sudlow were recognized and introduced with a standing ovation.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **H Sub for Sub SB 514.**

CONSIDERATION OF MOTIONS AND SENATE RESOLUTIONS

President Morris announced the time had arrived to consider the motion to concur on **H Sub for Sub SB 514**, postponed to day certain, Wednesday, April 28, 2010 by Senator Hensley.

Senator Huelskamp moved to concur on **H Sub for Sub SB 514.**

H Sub for Sub SB 514, An act establishing the community defense act; amending K.S.A. 2009 Supp. 22-3901 and repealing the existing section.

On roll call, the vote was: Yeas 20, Nays 20, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Colyer, Donovan, Holland, Huelskamp, Kelsey, Lynn, Masterson, McGinn, Morris, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schodorf, Wagle.

Nays: Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Huntington, Kelly, Kultala, Lee, Marshall, Owens, Reitz, Schmidt V, Steineger, Taddiken, Teichman, Umbarger, Vratil.

The motion to concur failed and **H Sub for Sub SB 514** remains in conference.

EXPLANATION OF VOTE

MR. PRESIDENT: The floor debate has made it clear there is a lack of understanding of what actually passed the House and what the floor amendments actually achieve. In addition, questions during floor debate were not answered, apparently because the answers were not known.

This bill has only been in conference one session day. There has been no time to even review, the bill, let alone discuss needed changes. The procedural motion would potentially pass a bill about which too little is known.

Mr. President, I vote no.—JAY SCOTT EMLER

Senators Francisco, Huntington, Kelly, Kultala, Lee, V. Schmidt, Teichman, Umbarger and Vratil requests the record to show they concur with the “Explanation of Vote” offered by Senator Emler.

MR. PRESIDENT: I vote no on **House Substitute for Substitute for Senate Bill No. 514**. For those who believe in the free market system where business succeeds or fails on its own without undue government interference, this bill defies that belief.

For those who believe the Legislature cannot and should not legislate morality, this bill defies that belief.

And, for those who believe that government should stay out of peoples’ personal lives, that government should not overreach in regulating businesses, and that “the best government is that which governs least,” this bill goes beyond the pale of those beliefs.

In our state’s longstanding tradition of local control, Kansas local governments have the authority under current law and on many occasions have used that authority to regulate the adult entertainment industry. These businesses have been regulated by local elected officials at the behest of local residents who believe that they can and should speak and act for themselves.

This bill is unwarranted and unnecessary, and comes at a time when our constituents want us to work on more important issues, such as the half-billion dollar budget deficit we face and the need for a constitutional amendment to create a rainy day fund.—ANTHONY HENSLEY

Senators Bruce, Faust-Goudeau, Haley, Kelly, Kultala, Lee, Umbarger and Vratil request the record to show they concur with the “Explanation of Vote” offered by Senator Hensley on **H Sub for Sub SB 514**.

MR. PRESIDENT: My vote has to do with my concern that the bill as amended by the House will not do what the proponents and supporters believe it will do.

As a former Assistant City Attorney I frequently dealt with issues that were non-uniform in statute thereby allowing cities and counties to opt out of legislation under home rule.

The amendment added by the House specifically states that the act will not apply to certain cities and counties. I cannot vote for something that sends a false message to the public. It would be better for this bill to be returned to the conference committee to attempt to clarify or to “Fix” the problems identified on the floor in the discussion by the Senate.

I vote “No” in order to return this matter to the Federal and State Affairs Conference Committee. Thank you Mr. President—THOMAS C. OWENS

Senators Hensley, Huntington, Kultala, Kelly, Lee, Teichman, Umbarger and Vratil request the record to show they concur with the “Explanation of Vote” offered by Senator Owens.

President Morris announced the time had arrived to consider the motion, submitted in writing, by Senator Pilcher-Cook, citing Senate Rule 11, to withdraw **SCR 1626** from the Committee on **Judiciary** and be placed on the calendar under the heading of General Orders.

SCR 1626, A PROPOSITION to amend the constitution of the state of Kansas by adding a new article 16 thereto, concerning health care.

On roll call, the vote was: Yeas 19, Nays 21, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostneyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

The motion failed and **SCR 1626** remains in committee.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote “NO” on bringing **SCR 1626** out of Committee. The National Health Care Reform bill has been mislabeled “Obamacare” time and again. True, this reform did pass during the first term of an Obama Administration but it means *health* insurance and *health* care for 300,000 Kansans and millions of Americans, well *beyond* this Congress’ and this Administration’s era in office.

It will mean that not only the wealthy, who have health insurance, nor the poor, who too have a sort of health insurance through Medicare, but Kansans of *all* income levels will have access to and a means to pay for health care.

It means that no pre-existing medical or physical condition can be a basis for denial of a health insurance policy. It means that high school and college students and even graduate school students can be maintained on a parent’s policy. It means health security to so many who today simply can not afford our current health care system, and so much more.

Mr. President, the national debate has been intense on this issue but since it is now over, it is time to move on. In time, when the dust settles on health reform and America has a near seamless system of coverage for all citizens, our grandchildren may look on our vote here today and wonder why would anyone *not* have supported this national call to a stronger healthier America.

Our legacies as Kansas legislators should lean towards the common good. Time will show that those who promote further debate on connecting hundreds of thousands of Kansans to greater health security will be on the wrong side of history.—DAVID HALEY

Senators Faust-Goudeau, Francisco, Hensley and Schodorf request the record to show they concur with the “Explanation of Vote” offered by Senator Haley on **SCR 1626**.

MR. PRESIDENT: It is not often that the Kansas Senate is faced with a very clear opportunity to send a message to Washington, D.C.—but this vote presents that very occasion. On this vote, the Kansas Senate finally has our ONE opportunity to be heard on the issue of ObamaCare, the recently-passed massive federal take-over of our nation’s health care system.

SCR 1626 is the Health Care Freedom Amendment, a proposed constitutional amendment that would protect the liberty of Kansas citizens in their health care choices, despite the unconstitutional dictates of Washington politicians and bureaucrats.

Mr. President, I strongly oppose ObamaCare and instead support the liberty of Kansans. And I oppose ObamaCare not only with my voice, but with my Vote as well—I vote Aye on this motion to let us debate the Health Care Freedom Amendment. To vote otherwise would ignore my constitutional responsibility to defend the citizens of Kansas from an ever-growing, ever-expanding federal government.—TIM HUELSKAMP

MR. PRESIDENT: Lest there be any misunderstanding by a member of the body as to my position on the issue of the Obama Health Care Plan, I am opposed to the Obama Plan. However I believe in the process and this issue had “4 bites at the apple.” It went through 2 committees and failed to receive anything but a tie vote. The Judiciary Committee did not pass it after 3 votes (including one in a subcommittee) and the vote from Public Health and Safety passed it out with “no recommendation.”

It is obvious by the vote here today and by the votes in both committees that the position is very divided and as we vote here we do represent all Kansans. With the vote that close I believe we should respect the results of the two committees who considered it and not pull it from the committee. I vote no on withdrawing it from the Judiciary Committee.—THOMAS C. OWENS

Senators Huntington, Kelly, Morris, Schodorf, Teichman and Umbarger request the record to show they concur with the “Explanation of Vote” offered by Senator Owens on **SCR 1626**.

MR. PRESIDENT: Our country was founded on principles of liberty and freedom—no command and control government. It is a primary duty of state legislators to protect the liberty of the citizens they represent. The 2010 federal health care legislation will take away the freedom of Kansas citizens to make their own health care decisions without government mandates. It will set up perverse incentives that will cause a multitude of unintended consequences, including a heavy financial burden to families, the rationing of health care and an increase of taxes, thereby doing more severe damage to our state’s and nation’s economy. The state constitution reflects the most fundamental values shared by the citizens of the state, and this proposed constitutional amendment would have ensured state and federal laws could never infringe upon health care freedom. We could have ensured more Kansans access to quality health care with incentives that take natural human action into consideration within market-friendly policies. I will continue to work for legislation so Kansas citizens are not forced into a governmental health care system they do not support or want, and which would greatly diminish their liberty as to their health care decisions.—MARY PILCHER-COOK

REPORT ON ENROLLED BILLS

SR 1866 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 28, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2446**, as further amended by House Committee, be passed.

MESSAGE FROM THE HOUSE

The House adopts the conference committee report on **Senate Substitute for Substitute HB 2509**.

The House adopts the conference committee report on **Substitute for HB 2528**.

The House adopts the conference committee report on **HB 2656**.

The House adopts the conference committee report on **HB 2668**.

On motion of Senator D. Schmidt, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

CHANGE OF REFERENCE

The President withdrew **HB 2595** from the Committee on **Ways and Means**, and placed the bill on the Calendar under the heading of General Orders.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1869—

A RESOLUTION declaring April 28, 2010, as Workers' Memorial Day in Kansas.

WHEREAS, The Kansas AFL-CIO and its affiliated unions are joining in a nationwide effort to commemorate workers injured, disabled or killed on the job and focus attention on what needs to be done to prevent such senseless deaths and injuries; and

WHEREAS, Each April 28, since 1989, Workers' Memorial Day has been observed in nearly one hundred countries and officially endorsed by the International Confederation of Free Trade Unions; and

WHEREAS, April 28 falls on the anniversary of the enactment of federal legislation creating the Occupational Safety and Health Administration (OSHA), which was signed into law by President Richard Nixon on April 28, 1971; and

WHEREAS, Since its inception, OSHA has assisted employers and employees to create better working conditions, and has helped to cut workplace fatalities by more than 60% and occupational injury and illness by 40%; and

WHEREAS, Despite OSHA's best efforts, each year 5,000 workers nationwide die from job-related injuries and illnesses and millions more are injured. A hundred thousand more die a slow death from cancer, lung disease or other disabling conditions caused by exposure to toxins at work; and

WHEREAS, Last year, 34 of our fellow Kansans lost their lives in the workplace; and

WHEREAS, Today, April 28, 2010, the 40th anniversary of the Occupational Safety and Health Act, Kansas workers will remember those who have suffered and died in the workplace. They will also join their brothers and sisters all across this country in a renewed commitment to prevent those tragedies from happening again: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we remember the American workers who have been injured, disabled or killed on the job by declaring April 28, 2010, as Workers' Memorial Day in Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to the Kansas AFL-CIO, 2131 S.W. 31st St., Topeka, KS 66611.

On emergency motion of Senator Hensley **SR 1869** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SCR 1630** be amended on page 2, in line 24, by striking "Reggie Robinson" and inserting "Andy Tompkins"; and the concurrent resolution be adopted as amended.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Thursday, April 29, 2010.

Journal of the Senate

FIFTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 29, 2010—10:00 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-eight senators present.
Senators Colyer and Lynn were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Today I thank You for Dr. John Witherspoon, a Presbyterian minister, who came to America from England in 1768 to serve as President of the College of New Jersey which became Princeton University.

He represented New Jersey in Congress and had a deep respect for his fellow Congressmen whom he called statesmen instead of politicians.

I was impressed, O God, by what he called the three indispensable elements of a statesman and patriot:

1. Be an active and sincere promoter of “true and undefiled religion.”
2. Avoid profanity and immorality of every kind.
3. If an individual opposes what God stands for, he opposes the very foundation upon which America has built.

Dr. Witherspoon was a signer of the Declaration of Independence. One year later his son was killed in battle;

His property destroyed,

And his beloved college ruined almost beyond recognition.

I’ve made a hobby, Lord, of studying the founding fathers, and the more I learn, the more I understand why they won a war which they should not have been able to win, and founded a nation that grew to be a magnet for immigrants from all over the world.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **SB 586**.

CHANGE OF REFERENCE

The Vice President withdrew **S Sub for HB 2650** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Transportation**.

REFERRAL OF APPOINTMENTS

The following appointments made by the Governor, the Senate Minority Leader, the Board of Healing Arts and the Health Policy Authority and submitted to the Senate for confirmation, were referred to Committees as indicated:

*By the Governor:**Pooled Money Investment Board:*

John W. Lehman, Member, effective upon the date of confirmation by the Senate, to serve a four year term ending March 15, 2014.

(Financial Institutions and Insurance)

State Banking Board:

Richard Fish, Member, effective upon the date of confirmation by the Senate, to serve a three year term ending March 15, 2010.

(Financial Institutions and Insurance)

State Public Trust, Treece Buyout Board of Trustees:

Gene Bicknell, Member, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2013.

(Public Health and Welfare)

State Public Trust, Treece Buyout Board of Trustees:

James J. Dahmen, Member, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2013.

(Public Health and Welfare)

State Public Trust, Treece Buyout Board of Trustees:

John O. Delmont, Member, effective upon the date of confirmation by the Senate, to fulfill a four year term expiring March 15, 2014.

(Public Health and Welfare)

State Public Trust, Treece Buyout Board of Trustees:

Eddie L. Hamilton, Member, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2011.

(Public Health and Welfare)

State Public Trust, Treece Buyout Board of Trustees:

Betty J. McBride, Member, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2012.

(Public Health and Welfare)

*By the Senate Minority Leader:**Kansas Bioscience Authority:*

Dan Watkins, Member, effective upon the date of confirmation by the Senate, effective March 15, 2010.

(Commerce)

*By the Board of Healing Arts:**Kansas Board of Healing Arts:*

Kathleen J. Selzler Lippert, Executive Director, effective upon the date of confirmation by the Senate.

(Public Health and Welfare)

*By the Health Policy Authority:**Kansas Health Policy Authority:*

Nicholas M. Kramer, Inspector General, effective upon the date of confirmation by the Senate.

(Public Health and Welfare)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Brownlee, Lynn and Colyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1870—

A RESOLUTION congratulating and commending the Olathe East High School Girls Cross Country team for winning the 2009 Class 6A Kansas State Cross Country Championship.

WHEREAS, The Olathe East High School Girls Cross Country team won the 2009 Class 6A State Championship at Rim Rock Farm in Lawrence; and

WHEREAS, The Olathe East Running Hawks also won the Blue Valley Invitational, Bishop Miege Invitational, Topeka Seaman Invitational, Haskell University Invitational and Sunflower League and Regional Championships; and

WHEREAS, There is a tradition of excellence with the Cross Country team, placing in the top five teams eight times. They also placed second in the state meet in 2005, won the state title in 2006, and finished third in 2007; and

WHEREAS, The state team roster was: Whitney Ashlock, Kara Bartels, Brenda Ellis, Brooklyn Ellis, Riley Gay, McKenzie Greeley, Brenna McDannold, Darci Miller, Lexi Null, Schyler Slaven, Paige Stein, Natalie Sturd and Jessica Thomas. The head coach was Tony Bozarth and assistant coaches were Glenn Daniels, Shanna Evans and Josie Stiles; and

WHEREAS, Not only did the team demonstrate their excellence in athletics, they also had a team grade point average of 3.5 on a 4.0 scale and participated in many community service projects. The girls are positive role models for their peers and are enthusiastically supported by the Olathe East Cross Country Parents Booster Club, their classmates, teachers and the community of Olathe, who recognize the hard work and dedication that are necessary to compete in such a difficult and intense high school sport: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Olathe East High School Girls Cross Country team for winning the 2009 Class 6A Cross Country State Championship and extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send 18 enrolled copies of this resolution to Senator Brownlee.

On emergency motion of Senator Brownlee **SR 1870** was adopted unanimously.

The team members and coaches were guests and were recognized with a standing ovation.

Senators Brownlee, Lynn and Colyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1871—

A RESOLUTION congratulating the Olathe South High School girls basketball team for winning the 2010 Class 6A State Basketball Championship.

WHEREAS, The Olathe South High School girls basketball team won the 2010 Kansas State High School Activities Association Class 6A State Basketball Championship with a 54-49 victory over Wichita Heights High School in the state championship game at White Auditorium in Emporia; and

WHEREAS, The Olathe South girls basketball team finished the season with a record of 24-1. Olathe South has a history of excellence in girls basketball, having won 10 Sunflower League championships, and finishing second in the state tournament in 2000, 2007 and 2009; and

WHEREAS, The members of the championship team are: Kelsey Balcom, Megan Balcom, Navia Palu, Ebonee Bell, Brooke Rinehart, Natalie Knight, Laura McKnight, Dani Burleson, Brittany Jacobson, Vickie Dolan, Alex Hugo and Riley White. The head coach is Steve Ingram and the assistant coaches are Mike Allen, Megan Grisell and Crystal Wittlinger; and

WHEREAS, Not only did the team win the championship, but Natalie Knight also won the Olathe News girls basketball player of the year for the second straight season, as well as earning the Kansas City Star's All-Metro girls player of the year award and the Greater Kansas City Basketball Coaches Association (GKCBCA) DiRenna Award, which awards the city's top player; and

WHEREAS, The GKCBCA also awarded Coach Ingram the Eddie Ryan Coaching Award, and the Kansas City Star awarded him the All-Metro girls basketball coach of the year. Coach Ingram has been coaching the Falcons for 21 years, and had 10 state tournament

appearances and eight Sunflower League titles. He has had at least 21 wins six seasons in a row, and now has a state championship as well: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Olathe South High School girls basketball team and Coach Steve Ingram be congratulated for winning the 2010 Kansas High School Activities Association Class 6A State Basketball Championship. Their hard work and athleticism are points of pride for their families, school and the community of Olathe. We extend our best wishes for their continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send 18 enrolled copies of this resolution to Senator Brownlee.

On emergency motion of Senator Brownlee **SR 1871** was adopted unanimously.

The team members and coaches were guests and were recognized with a standing ovation.

Senators Brownlee, Lynn and Colyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1872—

A RESOLUTION congratulating and commending the Olathe East High School girls track and field team for winning the 2009 Class 6A title.

WHEREAS, The Olathe East High School girls track and field team won the 2009 Kansas State High School Activities Association Class 6A state championship for the second year in a row. The team gained its championship status by competing at the state meet which was held at Cessna Stadium in Wichita, where they dominated the competition, finishing with 95 points, which was 36 more than second-place Leavenworth; and

WHEREAS, Although the championship was the result of the participation of all team members, significant contributions were made by Breeana Coleman, who was a member of the second place 400 relay team and placed first in the 100, 200 and 100 hurdles; Ashley Reid took third place in the triple jump and won the high jump; Courtney Reinke, who placed first in the triple jump; Casey Epps, who placed fourth in the 1,600 and 800; Chelsey Borders, who placed fourth in the 100 and sixth in the 200; Jessica Medlin, who placed third in the javelin; Brenda Ellis and Brooklyn Ellis, who placed third in the 4 by 800 relays; Jenny Pinkston, who placed fourth in the high jump; and Kayla Hannam, who placed fifth in the high jump. Team members Kaylyn Williams, Precious Ojiaka and Megan Powell also competed; and

WHEREAS, The head coach was Mike Wallace, and assistant coaches were Jeff Meyers, Glenn Daniels, Shanna Evans, Tony Bozarth, Nathaniel Thuston and Mike Stephens; and

WHEREAS, The members of this outstanding team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The success of this team was due to its strong competitive spirit and determination to win. The team also had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Olathe East High School girls track and field team and Coach Wallace upon being the 2009 Kansas State High School Activities Association Class 6A state champion and wish them continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send 22 enrolled copies of this resolution to Senator Brownlee.

On emergency motion of Senator Brownlee **SR 1872** was adopted unanimously.

The team members and coaches were guests and were recognized with a standing ovation.

Senator Lee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1873—

A RESOLUTION congratulating and commending the Thomas More Prep-Marian High School team for winning the Class 3A KSHSAA State Scholars' Bowl.

WHEREAS, The Thomas More Prep-Marian High School Scholars' Bowl team won the regional championship in the Scholars' Bowl, and then advanced to win the state

championship at the 2010 Kansas State High School Activities Association Class 3A State Scholars' Bowl tournament in February; and

WHEREAS, The competition consists of teams of students answering questions in several categories, such as social studies, science and health, mathematics, language arts, fine arts and current events; and

WHEREAS, Thomas More Prep-Marian won four out of five matches in the tournament, beating Wichita-Independent in the final match to win the championship. The win resulted in medals for each team member and a trophy to be displayed in the school. The team ended their season with an overall record of 69-12; and

WHEREAS, The team members are Matthew Applequist, Alex Becker, Nathan Lawson, Jin Lim, Kaleb Stark and Tanner Youmie. The coach is Don Hageman: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Thomas More Prep-Marian Scholars' Bowl team for winning the state championship, we commend them for their hard work and dedication in being outstanding role models to their peers and extend our best wishes for their continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send 8 enrolled copies of this resolution to Senator Lee.

On emergency motion of Senator Lee **SR 1873** was adopted unanimously.

On motion of Senator D. Schmidt, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS HUMAN RIGHTS COMMISSION

April 29, 2010

Pursuant to KSA 44-1004 (13), William V. Minner, Executive Director, submitted the Annual Report for the Fiscal Year 2009 July 1, 2008 - June 30, 2009.

KANSAS DEPARTMENT OF CORRECTIONS

April 30, 2010

In accordance with the provisions of KSA 60-4117, Roger Werholtz, Secretary of Corrections, submitted the report of the Kansas Department of Corrections State Forfeiture Fund for the period of December 1, 2008 through December 1, 2009.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Friday, April 30, 2010.

Journal of the Senate

FIFTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 30, 2010—10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

“Love your enemies”

Jesus has said...

When we're more inclined

To hate them instead.

But His work for love

Does not intend

To mean the same as the love

For family and friend.

The love for family

And the love for friend

Is a natural affection,

Easy to extend.

But the love for an enemy

Is an act of the will;

We make up our mind

Not to wish him ill.

We want You to see

We did what we could,

Always aiming

For his greater good.

Edwin Markham's poem seems to sum it up, Lord...

He drew a circle that shut me out,

Heretic, rebel, a thing to flout.

But love and I had a wit to win,

We drew a circle that took him in.

I pray in the name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

CHANGE OF REFERENCE

The President withdrew **HB 2383** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Judiciary**.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2561** and requests the Senate to return the bill.

The House not adopts the conference committee report on **HB 2554**, requests a conference and appoints Representatives Gordon, Donohoe and Benlon as second conferees on the part of the House.

The House announces the appointment of Representative Vickrey to replace Representative King as a conferee on **HB 2130**.

The House announces the appointment of Representative Vickrey to replace Representative King as a conferee on **HB 2482**.

The House announces the appointment of Representative Vickrey to replace Representative King as a conferee on **HB 2486**.

The House announces the appointment of Representative Vickrey to replace Representative King as a conferee on **House Substitute for SB 293**.

The House announces the appointment of Representative Vickrey to replace Representative King as a conferee on **House Substitute for SB 300**.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2446, HB 2691**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2691**, 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.

JOHN VRATIL
CAROLYN MCGINN
LAURA KELLY

Conferees on part of Senate

JEFF WHITHAM
DON HINEMAN
TOM BURROUGHS

Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2691**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

ORIGINAL MOTION

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **HB 2554**.

The President appointed Senators Brownlee, Lynn and Holland as second conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Barnett introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1874—

A RESOLUTION congratulating and commending the 2009-2010 Emporia State University women's basketball team.

WHEREAS, Emporia State University has seen its student athletes achieve tremendous success in recent athletic competitions; and

WHEREAS, The ESU Lady Hornet basketball team won the 2010 NCAA Division II Women's Basketball National Championship, capping off a 30-5 season with a 65-53 victory over Fort Lewis College, marking the first Division II National Championship for ESU; and

WHEREAS, Alli Volkens was named Most Outstanding Player of the Elite Eight and was named to the NCAA Division II Women's Elite Eight All-Tournament Team, along with Cassandra Boston and Brittney Miller; and

WHEREAS, Coach Brandon Schneider was named the NCAA Division II National Coach of the Year by the Women's D-II bulletin; and

WHEREAS, The Lady Hornets, many of whom are native Kansans, serve as positive role models for young Kansans through their dedication to excellence and their proud representation of their school and state in the arena of competition; and

WHEREAS, The Lady Hornets have demonstrated a commitment to the classroom as well as the basketball court by maintaining a grade point average of 3.09; and

WHEREAS, Cassandra Boston earned ESPN The Magazine's All-District Honors for the second straight year with a 3.68 grade point average in accounting; the seventh straight year a Lady Hornet has earned Academic All-District Honors; and

WHEREAS, Coach Brandon Schneider continues to guide his team with class, demonstrating all that is best about collegiate competition; and

WHEREAS, The members of the 2010 National Champion Lady Hornets were Jamie Augustyn, Cassandra Boston, Lacy Corker, Jocelyn Cummings, Ashley Ferrell, Rachel Hanf, Kayla Krueger, Sophia Lenard, Dava Logsdon, Brittney Miller, Kelsey Newman, Negesti Taylor and Alli Volkens. The team manager was Amanda Pfannensteil. The team trainer was Alicia Thomas. The head coach was Brandon Schneider and assistant coaches were Jory Collins and Kiel Unruh. Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the Emporia State University Women's Basketball team on winning the 2010 NCAA Division II Women's Basketball National Championship and wish them continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send 20 enrolled copies of this resolution to Senator Barnett.

On emergency motion of Senator Barnett **SR 1874** was adopted unanimously.

Senator Barnett congratulated and commended the Emporia State University women's basketball team on winning the 2010 NCAA Division II Women's Basketball National Championship. The Emporia State University women's basketball team were introduced as follows: Cassandra Boston, Rachel Hanf, Jocelyn Cummings, Jamie Augustyn, Lacy Corker, Kelsey Newman, Brittney Miller, Sophia Lenard, Ashley Ferrell, Negesti Taylor, Kayla Krueger, Dava Logsdon and Alli Volkens. Also in attendance were Emporia State University President Michael Lane, Trainer Alica Thomas, Assistant Coach Jory Collins and Graduate Assistant Coach Kiel Unruh.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Donovan in the chair.

On motion of Senator Donovan the following report was adopted:

Recommended **HB 2446** be passed.

SCR 1630 be amended by the adoption of the committee amendments, and the resolution be adopted as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a 2/3 constitutional majority, and **SCR 1630**; **HB 2446** were advanced to Final Action and roll call.

SCR 1630, A concurrent resolution supporting participation with the State of Colorado in the Pierre Auger Observatory project proposed to be built in Colorado; providing for formation of a task force to lead the Kansas effort in collaboration with Colorado.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The resolution was adopted, as amended.

HB 2446, An act concerning certain postsecondary educational institutions; relating to investments and gifts; amending K.S.A. 76-308, 76-410a, 76-604 and 76-718a and repealing the existing sections; also repealing K.S.A. 76-347, 76-349, 76-360 and 76-362.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

On motion of Senator D. Schmidt, the Senate recessed until sound of the gavel.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 587, An act concerning the secretary of corrections; relating to inmate access to information containing personally identifying information, by Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 54**, as amended.

Also, passage of **SCR 1622**.

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **HB 2650** as amended by substituting a new bill as recommended by the Senate Committee on Transportation as reported in the Journal of the Senate on March 30, 2010, and the substitute bill be amended by substituting a new bill to be designated as "SENATE Substitute for Senate Substitute for HOUSE BILL No. 2650," as follows:

"SENATE Substitute for Senate Substitute for HOUSE BILL No. 2650

By Committee on Transportation

"AN ACT relating to transportation; providing for a transportation works for Kansas program; relating to the financing thereof; amending K.S.A. 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-143k, 8-195, 8-234b, 8-2409, 12-1775, 68-416, 68-20,120, 68-2316, 68-

2320, 68-2321 and 68-2328 and K.S.A. 2009 Supp. 8-142, 8-143, 8-143j, 8-143l, 8-145, 8-172, 8-2406, 8-2425, 12-6a35, 12-6a36, 12-1774, 12-1774a, 12-17,148, 12-17,149, 68-2315, 68-2331, 75-5035, 75-5048, 75-5061, 75-5063, 75-5064, 75-5160, 79-3492b, 79-34,141 and 79-34,142 and repealing the existing sections; also repealing K.S.A. 68-2314a.”;

and the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2360**, as amended by House Committee, be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2360,” as follows:

“SENATE Substitute for HOUSE BILL No. 2360

By Committee on Ways and Means

“AN ACT concerning taxation; relating to tax upon cigarettes and tobacco products, rates; rate of sales taxation, distribution of revenue, refunds on sales of food; income taxation, adjusted gross income and income tax credit or benefit eligibility; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2009 Supp. 79-32,117, 79-32,138, 79-3301, 79-3310, 79-3310c, 79-3311, 79-3312, 79-3603, 79-3620, 79-3633, 79-3635, 79-3666, as amended by section 15 of 2010 Senate Bill No. 430, 79-3703 and 79-3710 and repealing the existing sections.”;

and the substitute bill be passed.

Also, **HB 2631** (As Amended by House Committee) be amended as recommended by the Committee on Ways and Means, as reported in the Journal of the Senate for March 15, 2010, by substituting a new bill designated as Senate Substitute for HB 2631, and further recommends that Senate Substitute for HB 2631 be amended on page 1, in line 31, by striking “not be subject to the provisions” and inserting “be known and may be cited as the omnibus appropriation act of 2010 and shall constitute the omnibus reconciliation spending limit bill for the 2010 regular session of the legislature for purposes”;

On page 2, in line 10, by striking “\$70,400,000” and inserting “\$67,650,000”;

On page 3, in line 17, by striking “\$589,299” and inserting “\$607,299”; in line 30, by striking “the effective date of this act” and inserting “July 1, 2010”;

On page 4, in line 1, by striking “\$15,040” and inserting “\$10,549”;

On page 5, in line 6, by striking “the effective date of this act” and inserting “July 1, 2010”;

in line 40, by striking “\$3,885,857” and inserting “\$4,027,385”;

On page 6, by striking all in lines 39 through 43;

On page 7, by striking all in lines 1 through 15;

On page 8, in line 8, by striking “\$15,000,000” and inserting “\$16,840,057”; after line 8, by inserting the following:

“(i) On the effective date of this act, there is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2010, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects \$261,800

(j) On the effective date of this act, of the \$58,015,398 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 64(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the cash assistance account, the sum of \$376,320 is hereby lapsed.

(k) On the effective date of this act, there is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Other medical assistance \$642,890”;

Also on page 8, in line 14, by striking “\$40,567,543” and inserting “\$46,567,543”;

On page 9, by striking all in lines 17 through 27 and inserting the following:

“(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 59 (b) of chapter 124 of the 2009 Session Laws of Kansas on the soldiers’ home fee fund is hereby increased from \$2,262,066 to no limit.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 59 (b) of chapter 124 of the 2009 Session Laws of Kansas on the veterans’ home fee fund is hereby increased from \$3,359,588 to no limit.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 59 (b) of chapter 124 of the 2009 Session Laws of Kansas on the VA burial reimbursement fund — federal is hereby increased from \$35,667 to no limit.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 59 (b) of chapter 124 of the 2009 Session Laws of Kansas on the veterans home federal fund is hereby increased from \$3,077,188 to no limit.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 59 (b) of chapter 124 of the 2009 Session Laws of Kansas on the soldiers home federal fund is hereby increased from \$3,530,819 to no limit.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 59 (b) of chapter 124 of the 2009 Session Laws of Kansas on the commission on veterans affairs federal fund is hereby increased from \$250,259 to no limit.”;

And by relettering the remaining subsections accordingly;

On page 10, by striking all in lines 16 through 31;

On page 12, after line 31, by inserting the following:

“(b) On the effective date of this act, of the \$3,769,578 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 13(i) of chapter 144 of the 2009 Session Laws of Kansas from the state general fund in the purchase of services account, the sum of \$914,847 is hereby lapsed.”;

On page 14, in line 6, by striking “\$28,090” and inserting “\$95,590”;

On page 15, after line 31, by inserting the following:

“Sec. 41.

DEPARTMENT ON AGING

(a) On the effective date of this act, of the \$114,937,676 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 62(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — NF account, the sum of \$861,550 is hereby lapsed.

Sec. 42.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 12(a) of chapter 124 of the 2009 Session Laws of Kansas on the behavioral sciences regulatory board fee fund is hereby increased from \$595,421 to \$601,166.

Sec. 43.

STATE BOARD OF INDIGENTS’ DEFENSE SERVICES

(a) On the effective date of this act, there is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Assigned counsel expenditures \$686,456

Provided, That expenditures for indigents’ defense services are authorized to be made from the assigned counsel expenditures account regardless of when services were rendered.

Sec. 44.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective day of this act, notwithstanding the provisions of K.S.A. 38-2101, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$4,430,134 from the state general fund to the Kansas endowment for youth fund.”;

On page 16, after line 14, by inserting the following:

“(c) Any unencumbered balance in the legislative reserve account of the legislative coordinating council in excess of \$100 as of June 30, 2010, is hereby reappropriated to the operations (including official hospitality) account of the legislature for fiscal year 2011.”;

On page 26, after line 10, by inserting the following:

“Domestic violence prevention grants \$200,000”;

On page 27, in line 2, by striking the colon; by striking all in lines 3 through 6; in line 7, by striking all before the period;

On page 29, in line 17, by striking “water plan” and inserting “general”; in line 21, by striking “water plan” and inserting “general”; in line 25, by striking “water plan” and inserting “general”; in line 29, by striking “water plan” and inserting “general”; in line 33, by striking “water plan” and inserting “general”; in line 37, by striking “water plan” and inserting “general”;

On page 40, in line 13, by striking “\$7,904,015” and inserting “\$8,103,156”;

On page 41, in line 20, by striking “\$99,079,087” and inserting “\$101,354,087”;

On page 42, by striking all in lines 40 through 43;

On page 43, by striking all in lines 1 through 15 and inserting the following:

“Correctional supervision fund..... No limit”;

On page 44, in line 40, by striking “\$55,118,748” and inserting “\$59,764,922”; by striking all in lines 41 through 43;

On page 45, by striking all in lines 1 and 2;

On page 68, after line 30, by inserting the following:

“(q) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, to provide additional financing for the capital improvement project to construct, equip, furnish, renovate, reconstruct and repair the state capitol: *Provided*, That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of administration may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$36,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.”;

On page 69, in line 28, by striking “\$15,951,517” and inserting “\$15,922,517”;

On page 74, in line 13, by striking “August”; in line 14, by striking “25” and inserting “July 15”; also in line 14, by striking “25th” and inserting “15th”; in line 15, by striking “25” and inserting “15”; in line 24, by striking “25th” and inserting “15th”; also in line 24, by striking “25” and inserting “15”;

On page 83, after line 24, by inserting the following:

“(h) During the fiscal year ending June 30, 2011, no expenditures shall be made by the department of commerce from any moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011, as authorized by this or other appropriation act of the 2010 regular session of the legislature, to respond to requests for proposals or bid for contract work for the purpose of providing job search services, labor exchange services, case management software, or any related work for state workforce agencies, or to otherwise attempt to obtain further contracts or subcontracts services with any state of Kansas agency other than the department of commerce or any other state agency

in other states with which the department of commerce has contracts executed on or before March 31, 2010.”;

On page 90, by striking all in lines 22 through 37; in line 43, by striking “\$3,634,892” and inserting “\$3,739,891”;

On page 91, in line 6, by striking “\$4,386,075” and inserting “\$4,456,157”; in line 10, by striking “\$813,522” and inserting “\$837,022”; in line 14, by striking “\$4,849,029” and inserting “\$4,805,709”; in line 21, by striking “\$7,271,033” and inserting “\$7,243,065”; in line 42, by striking “\$94,665” and inserting “\$97,400”;

On page 92, in line 6, by striking “\$447,617” and inserting “\$462,146”; in line 10, by striking “\$220,196” and inserting “\$226,557”; in line 14, by striking “\$47,869” and inserting “\$49,252”; in line 18, by striking “\$99,601” and inserting “\$50,368”; in line 22, by striking “\$473,524” and inserting “\$467,202”; in line 26, by striking “\$102,671” and inserting “\$105,537”; in line 30, by striking “\$201,655” and inserting “\$207,480”; after line 33, by inserting the following:

“Infant and toddlers program	\$373,032
Pregnancy maintenance initiative	\$162,500
Teen pregnancy prevention activities	\$162,500

Provided, That expenditures from the teen pregnancy prevention activities account shall be made to give highest priority to recipients of temporary assistance to families and other medicaid eligible teens.”;

On page 95, in line 33, by striking “\$250,000” and inserting “\$215,460”; in line 37, by striking “\$5,700,000” and inserting “\$5,326,968”; in line 41, by striking “\$1,000,000” and inserting “\$934,556”;

On page 96, in line 2, by striking “\$50,000” and inserting “\$37,639”; in line 6, by striking “\$75,000” and inserting “\$61,911”; in line 10, by striking “\$321,309” and inserting “\$276,840”;

On page 98, in line 17, by striking “\$4,248,339” and inserting “\$4,164,182”; in line 23, by striking “\$3,340,236” and inserting “\$3,424,393”;

On page 102, in line 37, by striking “\$1,898,457” and inserting “\$1,636,243”;

On page 104, in line 42, by striking “\$660,173” and inserting “\$1,223,051”;

On page 105, in line 17, by striking “\$466,277” and inserting “\$3,077,233”; in line 37, by striking “\$1,852,760” and inserting “\$1,814,423”;

On page 106, in line 3, by striking “\$24,955,371” and inserting “\$25,420,017”; in line 11, preceding the period by inserting the following material to read as follows:

“: *And provided further*, That expenditures shall be made from this account to expand the telehealth pilot study by 500 telehealth monitor units for fiscal year 2011: *And provided further*, That such units shall be distributed geographically statewide: *And provided further*, That if legislation which authorizes an annual, uniform assessment per licensed bed, referred to as a quality care assessment, on each skilled nursing care facility, is passed by the legislature during the 2010 regular session and enacted into law, no such funds collected by such assessment shall be expended for any telehealth monitor units”;

Also on page 106, in line 12, by striking “\$127,658,325” and inserting “\$133,149,324”; in line 24, by striking “\$1,696,418” and inserting “\$1,857,166”;

On page 110, in line 37, preceding the period by inserting the following material to read as follows:

“: *Provided further*, That expenditures shall be made from this account for the drug utilization review board to perform an annual review of the approved exemptions to the current single source limit by program”;

Also on page 110, in line 42, by striking “\$426,649,784” and inserting “\$437,713,309”;

On page 111, in line 2, preceding the period by inserting the following material to read as follows:

“: *Provided further*, That expenditures may be made from this account for the purpose of implementing or expanding any prior authorization project: *And provided further*, That an evaluation of the automated implementation, savings obtained from implementation, and other outcomes of the implementation or expansion shall be submitted to the health policy oversight committee prior to the start of the 2011 legislative session”;

Also on page 111, in line 6, preceding the period by inserting the following material to read as follows:

“: *Provided further*, That no increases shall be made to monthly premium payments for the state children’s health insurance program until approval of the increase is received by the Kansas health policy authority from the federal centers for medicare and medicaid services”;

On page 113, in line 7, by striking “\$107,382,124” and inserting “\$111,089,328”; in line 15, preceding the period by inserting the following material to read as follows:

“: *And provided further*, That expenditures shall be made from this account to contract with Kansas legal services for the purpose of providing legal representation and disability determination case management for adult cash assistance recipients”;

Also on page 113, in line 21, by striking “\$119,259,900” and inserting “\$134,678,400”;

On page 115, in line 10, by striking “\$109,366,779” and inserting “\$111,023,868”; in line 14, by striking “\$5,469,209” and inserting “\$6,219,209”; in line 26, by striking “\$54,286,708” and inserting “\$52,304,404”; in line 30, by striking “\$64,974,959” and inserting “\$66,508,295”; in line 34, by striking “\$99,315,783” and inserting “\$101,529,886”; after line 37, by inserting the following:

“Community mental health centers supplemental funding \$2,500,000

Provided, That any unencumbered balance in the community mental health center supplemental funding account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.”;

On page 118, in line 43, by striking “\$411,817” and inserting “\$407,850”;

On page 119, in line 4, by striking “\$2,888,331” and inserting “\$3,274,992”; in line 8, by striking “\$3,800,435” and inserting “\$4,127,411”; in line 12, by striking “\$1,064,122” and inserting “\$1,053,873”; in line 17, by striking “\$6,417,537” and inserting “\$7,276,655”; in line 21, by striking “\$2,463,489” and inserting “\$3,028,953”; in line 25, by striking “\$2,624,412” and inserting “\$3,226,815”; in line 29, by striking “\$380,044” and inserting “\$430,920”; in line 33, by striking “\$8,436,836” and inserting “\$9,560,824”;

On page 123, in line 23, by striking “\$1,092,250” and inserting “\$1,159,395”; in line 31, by striking “\$10,701,741” and inserting “\$10,717,436”;

On page 124, in line 41, by striking “\$10,000” and inserting “\$670,000”;

On page 125, in line 1, by striking “\$10,000 for the teacher of the year program” and inserting the following material to reads as follows:

“\$250,000 for after school programs for middle school students in the sixth, seventh and eighth grades: *Provided further*, That the after school programs may also include fifth and ninth grade students, if they attend a junior high school: *And provided further*, That such discretionary grants shall be awarded to after school programs that operate for a minimum of two hours a day, every day that school is in session, and a minimum of six hours a day for a minimum of five weeks during the summer: *And provided further*, That the discretionary grants awarded to after school programs shall require a dollar-for-dollar local match: *And provided further*, That the aggregate amount of discretionary grants awarded to any one after school program for fiscal year 2011 shall not exceed \$25,000”;

Also on page 125, in line 4, by striking “\$304,402,545” and inserting “\$291,602,545”;

On page 128, in line 12, by striking “\$3,800,435” and inserting “\$4,309,200”; in line 13, by striking “\$5,730,676” and inserting “\$6,771,964”;

On page 137, in line 37, after “lines” by inserting a comma;

On page 157, in line 40, preceding the period by inserting the following material to read as follows:

“: *And provided further*, That the above agency, working in conjunction with the University of Kansas, Kansas State University and Wichita State University, shall develop and provide a multi-year plan for accomplishing the necessary expansion in the engineering programs to alleviate the severe shortage of engineering graduates: *And provided further*, That the plan shall be submitted to the governor and the legislature on or before September 1, 2010”;

On page 165, in line 41, by striking “\$7,901,469” and inserting “\$4,301,469”;

On page 172, in line 19, by striking “\$23,332,627” and inserting “\$23,767,732”;

On page 173, in line 1, by striking “\$4,115,404” and inserting “\$4,187,174”;

On page 174, in line 24, by striking “\$29,960,851” and inserting “\$5,173,836”;

On page 175, after line 20, by inserting the following:

“911 statewide coordinating fees fund \$129,683”;

On page 181, in line 1, by striking “\$510,135” and inserting “\$780,135”;

On page 185, in line 10, preceding the period by inserting the following material to read as follows:

“: *Provided further*, That, if 2010 Senate Substitute for House Bill No. 2226 is passed by the legislature during the 2010 regular session and enacted into law, then, on July 1, 2010, of the \$14,508,932 appropriated for the above agency for the fiscal year ending June 30, 2011, by this section from the state general fund in the operating expenditures account, the sum of \$218,000 is hereby lapsed”;

Also on page 185, after line 41, by inserting the following:

“Criminal justice information system line fund..... \$660,000”;

On page 192, following line 20, by inserting the following:

“Agricultural land valuations \$29,000”;

On page 198, by striking all in lines 17 through 31;

On page 200, in line 17, preceding the period by inserting the following material to read as follows:

“: *Provided further*, That the state conservation commission may make expenditures during fiscal year 2011 from the lake restoration account, from fiscal year 2009 encumbered moneys under contract in the water supply restoration program, for the installation of an alternative public water supply solution for Washington county rural water district no. 1”;

On page 209, in line 12, by striking “\$5,934,743” and inserting “\$6,261,987”;

On page 211, by striking all in lines 18 through 27;

On page 212, after line 13, by inserting the following:

“Passenger rail service revolving fund No limit”;

Also on page 212, in line 14, by striking “\$267,865,758” and inserting “\$268,052,188”;

On page 214, by striking all in lines 1 through 6;

And by relettering the remaining subsections accordingly;

Also on page 214, in line 22, by striking “\$26,250,000” and inserting “\$37,325,000”;

On page 215, in line 25, by striking “288.65” and inserting “294.65”; in line 35, by striking “364.40” and inserting “363.40”; in line 37, by striking “431.03” and inserting “428.03”; in line 40, by striking “570.20” and inserting “546.70”; in line 41, by striking “976.20” and inserting “953.70”; in line 42, by striking “441.40” and inserting “439.40”; in line 43, by striking “497.20” and inserting “495.20”;

On page 216, in line 1, by striking “122.20” and inserting “121.20”; in line 12, by striking “219.00” and inserting “221.00”; in line 20, by striking “341.50” and inserting “343.50”; after line 20, by inserting the following:

“*Provided*, That, if 2010 Senate Bill No. 570 is not passed by the legislature during the 2010 regular session and enacted into law, then, on July 1, 2010, the position limitation established for the fiscal year ending June 30, 2011, by this subsection for the Kansas department of agriculture is hereby decreased from 343.50 to 341.50.”;

On page 218, in line 24, by striking “above agency” and inserting “state finance council”;

On page 219, in line 17, by striking “and 75-7001” and inserting “, 75-7001, 76-714 and 76-715”;

On page 224, in line 20, by striking “\$1,415,629” and inserting “\$2,702,629”;

On page 226, in line 42, by striking “\$551,909” and inserting “\$1,385,765”;

On page 227, after line 12, by inserting the following:

“Johnson building roofing project..... \$239,700”;

Also on page 227, after line 18, by inserting the following:

“Electrical distribution project \$339,415”;

On page 261, by striking all in lines 28 through 43;

By striking all on pages 262 through 270;

On page 271, by striking all in lines 1 through 34;

On page 273, by striking all in lines 35 through 43;

On page 274, by striking all in lines 1 through 4;

On page 277, by striking all in lines 32 through 43;

By striking all on pages 278 through 280;

On page 281, by striking all in lines 1 through 11 and inserting the following:

“Sec. 150. On July 1, 2010, K.S.A. 2009 Supp. 76-783, as amended by Section 33 of 2010 House Bill No. 2557, is hereby amended to read as follows: 76-783. (a) (1) The Kansas development finance authority is hereby authorized to issue from time to time bonds on behalf of the board of regents in such principal amounts as the Kansas development finance authority and the board of regents determine to be necessary to provide sufficient funds to finance scientific research and development facilities, including, but not limited to, the payment of interest on such bonds, the establishment of reserves to secure such bonds, costs of issuance, refunding any outstanding bonds, and all other expenditures of the board of regents incident to and necessary or convenient to carry out the powers and functions authorized by this act. The Kansas development finance authority shall not issue any bond or bonds on behalf of the corporation formed by the board of regents under this act. The Kansas development finance authority shall not issue bonds under this act for more than \$120,000,000, in the aggregate, plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such scientific research and development facilities and any required reserves for payment of principal and interest on any such bond.

(2) Except as may otherwise be expressly provided by the board of regents, every obligation of the board of regents with respect to such bonds shall be an obligation of the board of regents payable out of any revenues or moneys of the board of regents derived from annual appropriations of the legislature. Subject only to any agreements with holders of particular bonds pledging any particular revenues, the board of regents shall use moneys derived from scientific research and development facilities to provide funds sufficient to pay principal and interest on any bonds issued pursuant to this act commencing after the date a project is completed and has been accepted by the board of regents. Subject to the provisions of appropriation acts, payment of principal and interest on the bonds shall be made by the state board of regents from annual appropriations by the legislature from such revenues as are furnished by the board of regents, or from any other available funds, in amounts sufficient to pay principal and interest on the bonds until the bonds are finally paid.

(3) Upon acceptance by the board of regents of each project initiated and completed under this act and upon a determination by the board of regents that the period for repayment of debt for such project is to commence, the board of regents shall certify to the director of accounts and reports that principal and interest payments for such project are to commence and the dates and amounts of all principal and interest payments for such project. Pursuant to each such certification and commencing on or after July 1, 2004, the director of accounts and reports shall transfer, from the state general fund to the debt service fund or funds at a state educational institution as specified in the certification for such project, the amount certified on or before the respective payment date therefor. Transfers shall be made under this section pursuant to any such certification on or after July 1, 2004. *All such transfers during the fiscal years ending June 30, 2011, and June 30, 2012, shall be considered to be revenue transfers from the state general fund.* The aggregate of all such transfers from the state general fund during any fiscal year shall not exceed \$10,000,000 and the aggregate of all such transfers from the state general fund under this section shall not exceed \$50,000,000. The Kansas development finance authority and the board of regents shall enter into contracts with respect to the scientific research and development facilities financed under this act prescribing the obligation of the board of regents and the state educational institutions to provide for repayment of amounts of bond debt service in addition to those amounts provided for by transfers under this section from the state general fund.

(b) (1) The bonds shall be authorized by a resolution adopted by the board of directors of the Kansas development finance authority.

(2) Except as otherwise provided in this act, bonds issued by the Kansas development finance authority under authority of this act shall be subject to the provisions of K.S.A. 74-8901 *et seq.*, and amendments thereto.

(c) Any resolution authorizing the board of regents to incur any obligation with respect to bonds issued by the Kansas development finance authority may contain such provisions as deemed appropriate by the board of regents for the purpose of carrying out the purposes of this act and securing such bonds, which shall be a part of the contract with the holders thereof, including, but not limited to, provisions:

(1) Pledging all or any part of the revenues of the board of regents derived from scientific research and development facilities to secure the payment of the bonds or of any issue thereof, subject to such agreements with bondholders as may then exist;

(2) the setting aside of reserves or sinking funds and the regulation and disposition thereof;

(3) limitations on the issuance of additional bonds or other obligations, the terms upon which additional bonds or obligations may be issued and secured, and the refunding of outstanding or other bonds;

(4) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the board of regents to the Kansas development finance authority, the applicable bond trustee or the holders of the bonds, except that such rights and remedies shall not be inconsistent with the general laws of this state and the other provisions of this act; and

(5) any other matters, of like or different character, which in any way affect the security or protection of the holders of the notes or bonds.

(d) Any of the provisions relating to any bonds described in this section may be set forth in a trust indenture, loan agreement, lease agreement or other financing document authorized by a resolution of the board of regents or the board of directors of the Kansas development finance authority.

(e) The bonds of each issue may, in the discretion of the board of directors of the Kansas development finance authority, be made redeemable before maturity at such prices and under such terms and conditions as may be determined by the board of directors of the Kansas development finance authority. Bonds issued on behalf of the board of regents shall mature at such time, not exceeding 30 years from their date of issue, as may be determined by the board of regents and the board of directors of the Kansas development finance authority. The bonds may be issued as serial bonds payable in annual installments or as term bonds or as a combination thereof. The bonds shall bear interest at such rate either fixed or variable, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment and at such place, and be subject to such terms of redemption as provided in the resolution of trust indenture. The bonds may be sold by the Kansas development finance authority, at public or private sale, at such price as the board of directors of the Kansas development finance authority shall determine.

(f) In case any officer of the Kansas development finance authority whose signature or a facsimile of whose signature appears on any bonds or coupons attached thereto ceases to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

(g) Any bonds issued by the Kansas development finance authority pursuant to this section, and the income therefrom (including any profit from the sale thereof) shall at all times be free from taxation by the state or any agency, political subdivision or instrumentality of the state, including income and property taxes.

(h) Any holder of bonds issued under the provisions of this act, or any coupons appertaining thereto and the trustee under any trust agreement or resolution authorizing the issuance of such bonds, except the rights under this act may be restricted by such trust agreement or resolution, may, either at law or in equity by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the state or granted under this act or under such agreement or resolution, or under any other contract executed by the board of regents pursuant to this act, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the board of regents or by an officer thereof.

(i) The bonds shall be special, limited obligations of the Kansas development finance authority and the state shall not be liable for bonds issued by the Kansas development

finance authority on behalf of the board of regents, and such bonds shall not constitute a debt of the state.

(j) Neither the board of regents, the board of the Kansas development finance authority nor any authorized employee of the board of regents or the Kansas development finance authority shall be personally liable for such bonds by reason of the issuance thereof.

(k) Nothing in this act shall be construed as a restriction or limitation upon any other powers which the board of regents might otherwise have under any other law of this state, and this act is cumulative to any such powers. This act does and shall be construed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws. The issuance of bonds under the provisions of this act need not comply with the requirements of any other state law applicable to the issuance of bonds. No proceedings, notice or approval shall be required for the issuance of any bonds or any instrument as security therefor, except as is provided in this act.

(l) Any of the provisions relating to bonds described in this section may be included in any contracts between the board of regents and the Kansas development finance authority relating to obligations of the Kansas development finance authority issued on behalf of the board of regents.”;

On page 295, in line 29, by striking “25” and inserting “15”; in line 33, by striking “25” and inserting “15”;

On page 296, after line 17, by inserting the following:

“Sec. 161. On the effective date of this act, Section 52 of Chapter 124 of the 2009 Session Laws of Kansas is hereby amended to read as follows:

Sec. 52.

KANSAS LOTTERY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2010, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Lottery prize payment fund	No limit
Lottery operating fund	No limit

Provided, That expenditures from the lottery operating fund for official hospitality shall not exceed \$5,000.

Expanded lottery receipts fund	No limit
Lottery gaming facility manager fund	No limit
Expanded lottery act revenues fund	\$0

(b) Notwithstanding the provisions of K.S.A. 74-8711, and amendments thereto, and subject to the provisions of this subsection, an amount of not less than \$4,500,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before August 15, 2009, and on or before the 15th of each month thereafter through ~~July~~ June 15, 2010: *Provided*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the lottery operating fund to the state gaming revenues fund and shall credit such amount to the state gaming revenues fund for the fiscal year ending June 30, 2010: *Provided, however*, That, after the date that an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2010 pursuant to this subsection, the executive director of the Kansas lottery shall continue to certify amounts to the director of accounts and reports on or before the 15th of each month through July 15, 2010, except that the amounts certified after such date shall not be subject to the minimum amount of \$4,500,000: *Provided further*, That the amounts certified by the executive director of the Kansas lottery to the director of accounts and reports, after the date an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2010 pursuant to this subsection, shall be determined by the executive director so that an aggregate of all amounts certified pursuant to this subsection for fiscal year 2010 is equal to or more than ~~\$73,540,000~~ \$67,650,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state

gaming revenues fund for fiscal year 2010 pursuant to this subsection shall be equal to or more than ~~\$73,540,000~~ \$67,650,000: *And provided further*, That the transfers prescribed by this subsection shall be made in lieu of transfers under subsection (d) of K.S.A. 74-8711, and amendments thereto, for fiscal year 2010.

(c) Notwithstanding the provisions of K.S.A. 79-4801, and amendments thereto, or any other statute and in addition to the requirements of subsection (b) of this section, on or after June 15, 2010, upon certification by the executive director of the lottery, the director of accounts and reports shall transfer from the lottery operating fund to the state gaming revenues fund the amount of total profit attributed to the special veterans benefits game under K.S.A. 2008 Supp. 74-8724, and amendments thereto, during fiscal year 2010: *Provided*, That the director of accounts and reports shall transfer immediately thereafter such amount of total profit attributed to the special veterans benefits game from the state gaming revenues fund to the state general fund: *Provided further*, That, on or before June 15, 2010, the executive director of the lottery shall certify to the director of accounts and reports the amount equal to the amount of total profit attributed to the special veterans benefits game under K.S.A. 2008 Supp. 74-8724, and amendments thereto, during fiscal year 2010: *And provided further*, That, at the same time as such certification is transmitted to the director of accounts and reports, the executive director of the lottery shall transmit a copy of such certification to the director of the budget and the director of legislative research.

(d) In addition to the purposes for which expenditures of moneys in the lottery operating fund may be made, as authorized by provisions of K.S.A. 2008 Supp. 74-8711, and amendments thereto, moneys in the lottery operating fund may be used for payment of all costs incurred in the operation and administration of the Kansas lottery, the Kansas lottery act, and the Kansas expanded lottery act.

(e) During the fiscal year ending June 30, 2010, notwithstanding the provisions of K.S.A. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer all moneys, other than moneys received for privilege fees, that are credited to the expanded lottery act revenues fund from the expanded lottery act revenues fund to the state general fund within 10 days after such moneys are credited to the expanded lottery act revenues fund: *Provided*, That no moneys received for privilege fees that are credited to the expanded lottery act revenues fund shall be transferred to the state general fund pursuant to this subsection: *Provided further*, That the transfer of such amounts shall be in addition to any other transfer from the expanded lottery act revenues fund to the state general fund as prescribed by law: *Provided further*, That the moneys transferred from the expanded lottery act revenues fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of revenue, and other state agencies, by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 162. (a) (1) On and after July 1, 2010, notwithstanding the provisions of K.S.A. 74-4927, and amendments thereto, or any other statute, no state agency shall pay to the Kansas public employees retirement system any amounts to the group insurance reserve fund attributable to the months of April, May and June, 2011, that constitute such state agency's portion of the state's contribution to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto.

(2) On July 1, 2010, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2011, by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or other appropriation act of the 2010 regular session of the legislature, and that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2011, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2011, is hereby lapsed from each such account.

(3) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of

Kansas, by 2010 Senate Substitute for House Bill No. 2222, by this or other appropriation act of the 2010 regular session of the legislature, or by the state finance council on each special revenue fund in the state treasury is hereby decreased for fiscal year 2011 by the amount equal to the amount that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2011, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2011, from such special revenue fund, or account thereof.

(4) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount in each account of each special revenue fund of each state agency that is equal to the aggregate of all amounts that would have been paid from such account to the Kansas public employees retirement system as a contribution for the period commencing on April 1, 2011, and ending on June 30, 2011, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, subject to any applicable federal limitations or restrictions, as certified by the director of the budget to the director of accounts and reports for fiscal year 2011, from such special revenue fund, or account thereof, to the state general fund: *Provided*, That the amounts transferred from special revenue funds to the state general fund pursuant to this subsection (a)(4) are to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 296, in line 19, by striking “75-752,”; also in line 19, after “79-4801” by inserting “and Section 52 of Chapter 124 of the 2009 Session Laws of Kansas”; in line 20, by striking “40-3403,”; in line 21, after “76-783,” by inserting “as amended by Section 33 of 2010 House Bill No. 2557,”;

And by renumber the sections accordingly;

On page 1, in the title, in line 15, by striking “40-3403,”; in line 16, by striking “75-752,”; also in line 16, after “76-783,” by inserting “as amended by Section 33 of 2010 House Bill No. 2557,”; in line 18, after “82a-953a” by inserting “and Section 52 of Chapter 124 of the 2009 Session Laws of Kansas”; and the substitute bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, May 3, 2010.

Journal of the Senate

FIFTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 3, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Two months ago my prayer dealt with the eight beatitudes with which Jesus began His Sermon on the Mount. Today I would like to thank You for each beatitude one day at a time. (Unless You lead me to a different subject.)

The first beatitude is
“Blessed are the poor in spirit, for theirs is the kingdom of heaven.”

We find the word “Blessed”
Means joy and peace
(From the Hebrew “shalom”)
Neither of which will cease.

All of the beatitudes
Are intended to employ
The ways to experience
Your peace and Your joy.

The “poor in spirit” have no confidence
In their achievements and success,
But are solely dependent
On God to bless.

The Kingdom of God is also promised
To those who are spiritually poor;
Which guarantees their joy and peace
Will forever more endure!

I thank You, Lord, in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Judiciary: **SB 587**.

CHANGE OF REFERENCE

The President withdrew **S Sub for HB 2360** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Ways and Means**.

The President withdrew **S Sub for HB 2631** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Ways and Means**.

MESSAGE FROM THE HOUSE

Announcing the House herewith transmits the veto message from the Governor, together with the enrolled copy of **SENATE SUBSTITUTE for HOUSE BILL No. 2115**, AN ACT concerning abortion; amending K.S.A. 65-445, 65-6701, 65-6703 and K.S.A. 2009 Supp. 65-2836 and repealing the existing sections; also repealing K.S.A. 65-6713, was received on April 15, 2009, and read on April 28, 2010.

“Kansas’ current law concerning abortion was passed more than a decade ago and strikes a reasonable balance on a very difficult issue. I support the current law and believe that an annual legislative battle over the issue is not in the public’s best interest.

“My view is that all abortions are tragedies, which is why I would encourage women who have unwanted pregnancies to consult with their partners, families, doctors and spiritual advisors. I would not encourage women to consult with state legislators, as this is a private decision and should not be dictated by public officials.

“Therefore, with respect to people on both sides of the issue, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto S. Sub HB 2115.”

Mark Parkinson, Governor

Dated: April 15, 2010

A motion was made that, notwithstanding the Governor’s objections to **SENATE SUBSTITUTE for HOUSE BILL No. 2115**, the bill be passed. By a vote of 86 Yeas and 35 Nays, the motion having received the required two-thirds majority of the elected members of the House of Representatives, voting in the affirmative to approve the bill, the bill did pass.

REPORT ON ENROLLED BILLS

SR 1867, SR 1868, SR 1869, SR 1870, SR 1871, SR 1872, SR 1873, SR 1874 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 3, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SB 586** be amended on page 50, in line 16, after “Aggravated” by inserting “human”;

On page 68, in line 17, after the comma where it appears the first time by inserting “38-2361, as amended by section 6 of 2010 Substitute for Senate Bill No. 353.”;

In the title, on page 2, in line 8, after the comma where it appears the third time by inserting “38-2361, as amended by section 6 of 2010 Substitute for Senate Bill No. 353.”; and the bill be passed as amended.

On motion of Senator D. Schmidt, the Senate recessed until 3:15 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 54; H Sub for Sub SB 214**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Brungardt moved the Senate concur in house amendments to **SB 54**.

SB 54, An act concerning the state capitol and grounds creating the capitol preservation committee; repealing K.S.A. 75-2266 and K.S.A. 2009 Supp. 75-36, 105 and 75-36, 106.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Senate concurred.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote YES for **SB 54**.

This legislation will allow our children and grandchildren and future generations to come and enjoy the history of the Brown vs. Board of Education mural on the walls of our state's capitol building.

I am grateful for this historical event of Brown vs. Board of Education which had a direct impact on my educational success and has given me the opportunity to serve in the Kansas Senate. If it were not for this historical event, perhaps I would not be here today.

Thank you, Mr. President. — OLETHA FAUST-GOUDEAU

Senator Haley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Faust-Goudeau.

Senator Brungardt moved the Senate concur in house amendments to **H Sub for Sub SB 214**.

H Sub for Sub SB 214, An act concerning cities; relating to annexation of territory; amending K.S.A. 2009 Supp. 12-520 and repealing the existing section.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Lee.

The Senate concurred.

EXPLANATION OF VOTE

MR. PRESIDENT: **H Sub for Sub SB 214** helps to clarify existing law.

This legislation is not about preventing annexation by cities. For advance planning of growth, consistent and safe annexation standards need to apply and do apply. Further, cities have an opportunity, under certain conditions, for "island annexation." This does not prevent cities from annexing property that is needed to legitimately plan for growth of the city.

For some time, strip annexations, aka snake annexations, have been very tightly controlled and illegitimate annexations are and always have been contrary to Kansas Law.

This legislation will identify and curtail proposed annexations that have no tangible value. For instance, if a city tried to annex a strip of property 100 feet wide and 5 miles long that snaked through the countryside without tangible value, this legislation would allow citizens to challenge such annexation.

It is my belief that valueless snake annexations serve no good public policy and therefore I vote "Aye."

Thank you Mr. President.— STEVE ABRAMS

Senators Kelsey, Lynn and Umbarger request the record to show they concur with the "Explanation of Vote" offered by Senator Abrams on **H Sub for Sub SB 214**.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Minority Leader of the Senate:

Kansas Bioscience Authority: K.S.A. 2009 Supp. 74-99b04

Dan Watkins, term expires March 15, 2014

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Kansas Health Policy Authority:

Inspector General: K.S.A. 2009 Supp. 75-7427

Nicholas M. Kramer, serves at the pleasure of the Kansas Health Policy Authority

By the State Board of Healing Arts:

Executive Director of State Board of Healing Arts: K.S.A. 2009 Supp. 65-2878

Kathleen Jo Selzler Lippert, serves at the pleasure of the State Board of Healing Arts

By the Governor:

State Public Trust: K.S.A. 2009 Supp. 49-512

John O. Delmont, term expires March 15, 2011

Eddie L. Hamilton, term expires March 15, 2012

Betty J. McBride, term expires March 15, 2013

Gene Bicknell, term expires March 15, 2014

James J. Dahmen, term expires March 15, 2014

On motion of Senator D. Schmidt, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Morris in the chair.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends that **House Bill No. 2360**, As Amended by House Committee, be amended as recommended by the Committee on Ways and Means, as reported in the Journal of the Senate for April 30, 2010, by substituting a new bill designated as SENATE Substitute for HB 2360, and further recommends that Senate Substitute for HB 2360 be amended on page 1, by striking all in lines 19 through 43;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 14;

And by renumbering sections accordingly;

On page 15, in line 27, by striking "June" and inserting "July"; in line 28, by striking "5.6%" and inserting "5.7%";

On page 21, in line 26, by striking "June" and inserting "July"; in line 43, by striking "16.964%" and inserting "18.421%";

On page 22, in line 1, by striking "5.6%" and inserting "5.7%";

On page 23, in line 14, by striking "June" and inserting "July"; in line 15, by striking "5.6%" and inserting "5.7%";

On page 24, in line 18, by striking "June" and inserting "July"; in line 35, by striking "16.964%" and inserting "18.421%"; in line 36, by striking "5.6%" and inserting "5.7%";

On page 26, in line 26, by striking "\$33,000" and inserting "\$35,000";

On page 27, in line 27, by striking "\$16,500" and inserting "\$17,500"; also in line 27, by striking "\$88" and inserting "\$90"; in line 29, by striking "\$16,500" and inserting "\$17,500"; also in line 29, by striking "\$33,000" and inserting "\$35,000"; in line 30, by striking "\$44" and inserting "\$45"; in line 33, by striking "\$44 or \$88" and inserting "\$45 or \$90"; in line 41, by striking "\$44 or \$88" and inserting "\$45 or \$90";

On page 28, in line 1, by striking "\$44 or \$88" and inserting "\$45 or \$90"; by striking all in lines 26 through 43;

On page 29, by striking all in lines 1 through 6; in line 7, by striking "K.S.A. 79-3371 and 79-3378 and"; in line 8, by striking "79-3301, 79-3310, 79-3310c, 79-3311, 79-3312, "; in line 9, by striking all after "79-3635, "; in line 10, by striking all before "79-3703";

On page 1, in the title, in line 9, by striking all following "to"; in line 10, by striking "products, rates, "; in line 11, by striking "and income"; in line 12, by striking all before the

semicolon; also in line 12, by striking all following “amending”; in line 13, by striking “and”; also in line 13, by striking “79-3301, 79-3310, 79-”; in line 14, by striking “3310c, 79-3311, 79-3312.”; also in line 14, by striking “79-”; in line 15, by striking all before “79-3703”; and the substitute bill be passed as amended.

Also, **HB 2631** (As Amended by House Committee) be amended as recommended by the Committee on Ways and Means, as reported in the Journal of the Senate for March 15, 2010, by substituting a new bill designated as Senate Substitute for HB 2631, and further recommends that Senate Substitute for HB 2631 be amended, as further recommended by the Committee on Ways and Means, as reported in the Journal of the Senate for April 30, 2010, and further recommends that Senate Substitute for House Bill No. 2631, as amended by Senate Committee, be amended on page 85, after line 30, by inserting the following:

“Connected nation ARRA — federal fund No limit”;

On page 86, by striking all in lines 35 through 43;

On page 87, by striking all in lines 1 through 4;

On page 109, in line 28, by striking “\$1,814,423” and inserting “\$1,532,869”; in line 37, by striking “\$25,420,017” and inserting “\$21,554,366”;

On page 110, in line 12, by striking “\$133,149,324” and inserting “\$112,857,112”; in line 24, by striking “\$1,857,166” and inserting “\$1,551,955”;

On page 115, in line 2, by striking “\$437,713,309” and inserting “\$354,900,882”;

On page 116, in line 9, by striking “\$37,390,236” and inserting “\$54,284,610”;

On page 117, after line 15, by inserting the following:

“(f) On July 1, 2010, or as soon hereafter as moneys are available, the director of accounts and reports shall transfer \$9,675,000 from the HBA clearing fund — remittance to admin service org account of the HBA clearing fund to the state general fund.

(g) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2010 and fiscal year 2011 for the Kansas health policy authority as authorized by chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from the state general fund or any special revenue fund or funds for fiscal year 2010 or fiscal year 2011 to enter into a one-year contract for a pilot project for health care cost containment and recovery services to be implemented regarding programs of state agencies or programs responsible for the payment of medical or pharmacy claims, including the department of social and rehabilitation services, department on aging, Kansas health policy authority, juvenile justice authority, department of labor, department of health and environment and the state health care benefits program, as provided in K.S.A. 75-6501 through 75-6523, and amendments thereto: *Provided*, That the pilot project shall be designed to provide statewide efficiencies and cost savings across multiple state agencies and the state health care benefits program: *Provided further*, That the pilot project shall include services to extract savings and recover funds for health care services paid by any state agency to include, but not be limited to, the recovery of overpayments identified through claims review and provider audits; and coordination of payment between private insurers, Medicare, and other public and private payers of health care claims: *And provided further*, That the pilot project shall include these services and additional services as approved by the Kansas health policy authority and the affected state agency: *And provided further*, That the pilot project shall be supplemental to audit and recovery projects already conducted by individual state agencies and shall determine ways to improve efficiencies by coordinating audits and recovery program activities across multiple state agencies: *And provided further*, That the contract for the pilot project shall provide for the vendor to be compensated by a percentage of recoveries or savings attained: *And provided further*, That, upon completion of the pilot project, the executive directory of the Kansas health policy authority shall report to the legislature the savings generated from the pilot program and make recommendations regarding extension of the pilot program, termination of the program, or competitive procurement for the services provided thereunder: *And provided further*, That such contract shall be entered into through a request for proposal process: *And provided however*, That nothing in the

contract for such pilot project shall make null and void any other contract that a selected vendor under such request for proposal may currently be entered into with the state of Kansas: *And provided further*, That such pilot project shall be implemented in such a manner as to coordinate with federal requirements to establish a medicaid recovery audit contract pursuant to the federal patient protection and affordable care act, H.R. 3590.”;

Also on page 117, in line 38, by striking “\$134,678,400” and inserting “\$117,674,506”;

On page 120, in line 4, by striking “\$66,508,295” and inserting “\$58,187,993”; in line 8, by striking “\$101,529,886” and inserting “\$86,521,952”;

On page 122, in line 38, by striking “\$38,399,729” and inserting “\$39,303,198”;

On page 177, in line 22, by striking “\$23,767,732” and inserting “\$23,331,916”;

On page 224, after line 8, by inserting the following:

“Sec. 115. On the effective date of this act, section 14 of 2010 Senate Substitute for House Bill No. 2222, is hereby amended to read as follows: Sec. 14. (a) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2010, in each account of the state general fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by this or other appropriation act of the 2010 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2010, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 5% of the amount so determined is hereby lapsed: *Provided, however, That the lapse provided for in this subsection shall not apply to the appropriations or reappropriations for fiscal year 2010 in each account of the state general fund for the state board of regents, or any state educational institution under the control and supervision of the state board of regents.*

(b) On the effective date of this act, notwithstanding the provisions of K.S.A. 2-1904, 17-2233, 20-155, 20-318, 20-3122, 20-3124, 25-4119a, 32-801, 40-102, 40-110, 44-1003, 46-137a, 46-137b, 46-1102, 46-1210, 46-1211, 46-1212a, 48-203, 72-7602, 74-560, 74-601, 74-630, 74-2434, 74-2613, 74-3203a, 74-4908, 74-5002a, 74-8005, 74-8105, 74-8703, 75-412, 75-622, 75-711, 75-2535, 75-2701, 75-2935b, 75-3101, 75-3102, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111, 75-3120f, 75-3120g, 75-3120h, 75-3120j, 75-3122, 75-3123, 75-3124, 75-3125, 75-3126, 75-3135, 75-3136, 75-3137, 75-3141, 75-3148, 75-3149, 75-3150, 75-3212, 75-3223, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5702, 75-5708, 75-5903, 75-6301 and 75-7001 and K.S.A. 2009 Supp. 75-3135a, 75-7206, 75-7207, 75-7402 and 75-7427, and amendments thereto, or any other statute, the rate of compensation for each state officer is hereby reduced by 5% for the period commencing on the first day of the first payroll period commencing after the effective date of this act and for each payroll period thereafter chargeable to fiscal year 2010: *Provided*, That such reduction shall not apply to payroll periods commencing on or after June 13, 2010.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by the state finance council on each special revenue fund in the state treasury is hereby decreased for fiscal year 2010 by the amount equal to 5% of the amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2010 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports: *Provided, however, That the reduction in the expenditure limitations provided for in this subsection shall not apply to the special revenue funds in the state treasury for fiscal year*

2010 of the state board of regents, or any state educational institution under the control and supervision of the state board of regents.

(d) As used in this section, (1) “state agency” has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor’s department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch;

(2) “state officer” means (A) the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each secretary of a department or other chief executive officer of a department of the executive branch, each member of a board, commission, council or authority of the executive branch, (B) each member of the legislature, each legislative officer specified in K.S.A. 46-137b, and amendments thereto, each member of the staff of each legislative officer specified in K.S.A. 46-137b, and amendments thereto, (C) each justice of the supreme court, each judge of the court of appeals, each district judge, each district magistrate judge, and (D) each other state officer in the executive branch, legislative branch or judicial branch of state government whose position is specified by statute or is otherwise determined to be a salaried officer of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the Constitution of the State of Kansas, and in any case “state officer” includes all salaried officers of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the Constitution of the State of Kansas; and

(3) “compensation” means any salary or per diem compensation provided by law for a state officer.”;

And by renumbering sections accordingly;

On page 308, in line 12, after “(a) (1)” by inserting “On and after the effective date of this act, notwithstanding the provisions of K.S.A. 74-4927, and amendments thereto, or any other statute, no state agency shall pay to the Kansas public employees retirement system any amounts to the group insurance reserve fund attributable to the months of April, May and June, 2010, that constitute such state agency’s portion of the state’s contribution to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto.

(2) On the effective date of this act, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2010, by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or other appropriation act of the 2010 regular session of the legislature, and that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2010, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2010, is hereby lapsed from each such account.

(3) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, by this or other appropriation act of the 2010 regular session of the legislature, or by the state finance council on each special revenue fund in the state treasury is hereby decreased for fiscal year 2010 by the amount equal to the amount that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2010, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2010, from such special revenue fund, or account thereof.

(4) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount in each account of each special revenue fund of each state agency that is equal to the aggregate of all amounts that would have been paid from such account to the Kansas public employees retirement system as a contribution for the period commencing on April 1, 2010, and ending on June 30, 2010, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, subject to any applicable federal limitations or restrictions, as certified by the director of the budget to the director of accounts and reports for fiscal year 2010, from such special revenue fund,

or account thereof, to the state general fund: *Provided*, That the amounts transferred from special revenue funds to the state general fund pursuant to this subsection (a)(4) are to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) (1)";

On page 309, in line 15, by striking "(a)(4)" and inserting "(b)(4)"; in line 22, after "79-4801" by inserting ", section 14 of 2010 Senate Substitute for House Bill No. 2222,";

On page 1, in the title, in line 20, after "82a-953a", by inserting ", section 14 of 2010 Senate Substitute for House Bill No. 2222,"; and the substitute bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Tuesday, May 4, 2010.

Journal of the Senate

FIFTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 4, 2010—10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Thank You for the second beatitude: "Blessed are those
who mourn, for they shall be comforted."

We take note, O God,
That the word for mourn
Means grieving for the evil
That this world has borne.

Mourning for the suffering
That wickedness has brought;
Mourning for the victims
That evil deeds have wrought.

You have promised comfort
For those broken hearts
Who have grieved and wept
At a world torn apart.

A little poem by Robert Browning Hamilton may help
us to understand better how this can happen...

I walked a mile with Pleasure,
She chatted all the way,
But left me none the wiser
For all she had to say.

I walked a mile with Sorrow,
And ne'er a word said she,
But, oh, the things I learned from her
When Sorrow walked with me!

Again I thank You....praying in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee Report to agree to disagree on **H Sub for SB 306** and has appointed Representatives Neufeld, Kiegerl and Loganbill as second conferees on the part of the House.

The House announces the appointment of Representatives Aurand, Horst and Winn to replace Representatives Huntington, Rhodes and Mah as conferees on **SB 131**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Pilcher-Cook introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1875—

A RESOLUTION designating September 19-26, 2010, and September 18-25, 2011, as Mitochondrial Disease Awareness Weeks.

WHEREAS, Mitochondrial disease is an under-recognized and misunderstood disease which has only recently been diagnosed in children and adults; and

WHEREAS, Mitochondrial disease results when there is a defect that reduces the ability of the mitochondria in virtually every cell to produce needed energy for the cell to function properly. This failure to produce energy results in a severe failure of major organ systems, and the compromise or end of life; and

WHEREAS, There are more than 40 specifically identified mitochondrial diseases, but the vast majority have not yet been identified; and

WHEREAS, Mitochondrial disease may be due to genetics, environment, or some combination of the two factors, and most likely a genetic predisposition to an environmental cause in the individual suffering from mitochondrial disease; and

WHEREAS, Every 30 minutes, a child is born with mitochondrial disease; and

WHEREAS, Mitochondrial diseases may present themselves at any age, but more than half of those affected by the disease are children who show symptoms before five years of age and approximately 80% of whom will not survive beyond 20 years of age; and

WHEREAS, There are no cures for any of the specifically identified mitochondrial diseases; and

WHEREAS, Early treatment of symptoms of mitochondrial diseases may reduce the impact of symptoms and limit further disability; and

WHEREAS, Awareness of mitochondrial disease will promote an enhanced research effort aimed at improved understanding of the disease and dysfunction and the development of treatments for mitochondrial disease: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate September 19-26, 2010, and September 18-25, 2011, as Mitochondrial Disease Awareness Weeks to improve the quality of life of those children and adults affected by this devastating disease; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Pam Johnson, M.D., President of the Kansas City Chapter of the United Mitochondrial Disease Foundation, 370 Terrace Trail West, Lake Quivira, Kansas 66217.

On emergency motion of Senator Pilcher-Cook **SR 1875** was adopted unanimously.

On motion of Senator D. Schmidt, the Senate recessed until 3:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1631—

By Senators Umbarger and Teichman

A CONCURRENT RESOLUTION reactivating the task force created by 2007 Senate Concurrent Resolution No. 1603 formed to study the design and implementation of an electronic motor vehicle financial security verification system.

WHEREAS, The Kansas Legislature created a task force to study the design and implementation of an electronic motor vehicle financial security verification system which provided a report to the 2009 Kansas Legislature as required by Senate Concurrent Resolution No. 1603; and

WHEREAS, The report of the task force identified four goals for implementation of an electronic motor vehicle financial security verification system and considered various design features of such a system; and

WHEREAS, There continues to be a need for all drivers operating vehicles to have motor vehicle liability insurance as required by law yet an estimated ten percent or more of drivers are not in compliance with the state's mandatory financial security laws; and

WHEREAS, Since the acceptance of the task force report in 2009, several states have successfully enacted and are currently operating electronic verification systems to increase compliance with financial security laws of those jurisdictions and which generate increased law enforcement revenues for their respective states and local governments: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the task force created by 2007 Senate Concurrent Resolution No. 1603 continue its work on the subject of design and implementation of an electronic motor vehicle financial security verification system and report to the 2011 Kansas Legislature containing the following: A listing of all electronic verification systems currently being successfully operated in the various states; an evaluation of whether any such system will measurably reduce the incidence of driver noncompliance with Kansas motor vehicle financial security laws; recommendations on a list of the design features essential for a successful operation of a system for the state of Kansas; a recommendation of design features which minimize cost and inconvenience to drivers properly insured, law enforcement personnel, corrections facilities, private insurers, judicial systems and state agencies; recommendations on how such a system can be paid for; suggestions on what fines should be levied against persons apprehended by any such electronic verification system; estimates on how much such a system might generate for the state and local governments; suggestions on how enforcement revenues from such a new system should be distributed to state and local governments; and suggestions for a time table for implementation of such a system.

CHANGE OF REFERENCE

The President withdrew **S Sub for S Sub for HB 2650** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Transportation**.

MESSAGE FROM THE HOUSE

The House adopts the conference committee report on **HB 2691**.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub for SB 306; HB 2454; S Sub for HB 2582**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 306**, 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.

MELVIN NEUFELD

MIKE KIEGERL

JUDITH LOGANBILL

Conferees on part of House

PETE BRUNGARDT
 ROGER P. REITZ
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

On motion of Senator Brungardt, the Senate adopted the conference committee report on **H Sub for SB 306**, and requested a new conference committee be appointed.

The President appointed Senators Brungardt, Reitz and Faust-Goudeau as a second Conference Committee on the part of the Senate on **H Sub for SB 306**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2454**, 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 15 through 18;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 14 and inserting the following:

"Section 1. K.S.A. 65-177 is hereby amended to read as follows: 65-177. (a) The term "data" as used in ~~this act~~ K.S.A. 65-177 through 65-179, and amendments thereto, shall be construed to include all facts, information, records of interviews, written reports, statements, notes, or memoranda secured in connection with an authorized medical research study.

(b) The secretary of health and environment ~~may~~ shall receive data secured in connection with medical research studies conducted for the purpose of reducing morbidity or mortality from maternal, perinatal and anesthetic causes. Such studies may be conducted by the secretary of health and environment and ~~his~~ staff or with other qualified persons, agencies or organizations. *If such studies are conducted with any funding not provided by the state of Kansas, then the source of such funding shall be clearly identified in such study.* Where authorization to conduct such a study is granted by the secretary of health and environment, all data voluntarily made available to the secretary of health and environment in connection with such study shall be treated as confidential and shall be used solely for purposes of medical research. Research files and opinions expressed upon the evidence found in such research shall not be admissible as evidence in any action in any court or before any other tribunal. ~~Provided, however, That any, except that statistics or tables resulting from such data shall be admissible and may be received as evidence. Provided, That this act.~~ This section shall not affect the right of any patient or ~~his~~ such patient's guardians, representatives or heirs to require hospitals, physicians, sanatoriums, rest homes, nursing homes or other persons or agencies to furnish ~~his~~ such patient's hospital record to ~~his~~ such patient's representatives upon written authorization, or the admissibility in evidence thereof.

(c) No employee of the secretary of health and environment shall interview any patient named in any such report, nor any relative of any such patient. ~~Provided, That, unless otherwise provided in K.S.A. 65-2422d, and amendments thereto.~~ Nothing in this ~~act~~ section shall prohibit the publication by the secretary of health and environment or a duly authorized cooperating person, agency or organization, of final reports or statistical compilations derived from morbidity or mortality studies, which reports or compilations do not identify individuals, associations, corporations or institutions which were the subjects of such studies, or reveal sources of information.

Sec. 2. K.S.A. 65-2402 is hereby amended to read as follows: 65-2402. (a) The secretary shall: (1) Establish within the division of health suitable offices properly equipped for the preservation of official records. (2) Maintain a complete cross-index on all records filed under the provisions of this act. (3) Install a statewide system of vital statistics. (4) Make and may amend, after notice and hearing, necessary regulations, give instructions and prescribe forms for collection, transcribing, compiling and preserving vital statistics. (5) Enforce this act and the regulations made pursuant thereto.

(b) *Any person offered a position of employment in the office of vital statistics, subject to a criminal history records check, shall be given a written notice that a criminal history records check is required. The secretary shall require such applicant to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The secretary shall submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the secretary in taking and processing of fingerprints of applicants. The secretary may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the applicant and in the official determination of the eligibility of the applicant to perform tasks within the office of vital statistics. If the criminal history record information is used to disqualify an applicant, the applicant shall be informed in writing of that decision.*

Sec. 3. K.S.A. 2009 Supp. 65-2422d is hereby amended to read as follows: 65-2422d.

(a) The records and files of the division of health pertaining to vital statistics shall be open to inspection, subject to the provisions of ~~this~~ *the uniform vital statistics act* and rules and regulations of the secretary. It shall be unlawful for any officer or employee of the state to disclose data contained in vital statistical records, except as authorized by ~~this~~ *the uniform vital statistics act* and the secretary, and it shall be unlawful for anyone who possesses, stores or in any way handles vital statistics records under contract with the state to disclose any data contained in the records, except as authorized by law.

(b) No information concerning the birth of a child shall be disclosed in a manner that enables determination that the child was born out of wedlock, except upon order of a court in a case where the information is necessary for the determination of personal or property rights and then only for that purpose, or except that employees of the office of child support enforcement of the federal department of health and human services shall be provided information when the information is necessary to ensure compliance with federal reporting and audit requirements pursuant to title IV-D of the federal social security act or except that the secretary of social and rehabilitation services or the secretary's designee performing child support enforcement functions pursuant to title IV-D of the federal social security act shall be provided information and copies of birth certificates when the information is necessary to establish parentage in legal actions or to ensure compliance with federal reporting and audit requirements pursuant to title IV-D of the federal social security act. Nothing in this subsection shall be construed as exempting such employees of the federal department of health and human services or the secretary of social and rehabilitation services or the secretary's designee from the fees prescribed by K.S.A. 65-2418, and amendments thereto.

(c) Except as provided in subsection (b), and amendments thereto, the state registrar shall not permit inspection of the records or issue a certified copy or abstract of a certificate or part thereof unless the state registrar is satisfied the applicant therefor has a direct interest in the matter recorded and the information contained in the record is necessary for the determination of personal or property rights. The state registrar's decision shall be subject, however, to review by the secretary or by a court in accordance with the *Kansas judicial review act* ~~for judicial review and civil enforcement of agency actions~~, subject to the limitations of this section.

(d) The secretary shall permit the use of data contained in vital statistical records for research purposes only, but no identifying use of them shall be made. *The secretary shall permit the use of birth, death and still birth certificates as identifiable data for purposes of maternal and child health surveillance and monitoring. The secretary or the secretary's designee may interview individuals for purposes of maternal and child health surveillance and monitoring only with an approval of the health and environmental institutional review board as provided in title 45, part 46 of the code of federal regulations. The secretary shall inform such individuals that the participation in such surveillance and monitoring is voluntary and may only be conducted with the written consent of the person who is the subject of the information or with the informed consent of a parent or legal guardian if the*

person is under 18 years of age. Informed consent is not required if the person who is the subject of the information is deceased.

(e) Subject to the provisions of this section the secretary may direct the state registrar to release birth, death and stillbirth certificate data to federal, state or municipal agencies.

(f) On or before the 20th day of each month, the state registrar shall furnish to the county election officer of each county and the clerk of the district court in each county, without charge, a list of deceased residents of the county who were at least 18 years of age and for whom death certificates have been filed in the office of the state registrar during the preceding calendar month. The list shall include the name, age or date of birth, address and date of death of each of the deceased persons and shall be used solely by the election officer for the purpose of correcting records of their offices and by the clerk of the district court in each county for the purpose of correcting juror information for such county. Information provided under this subsection to the clerk of the district court shall be considered confidential and shall not be disclosed to the public. The provisions of subsection (b) of K.S.A. 45-229, and amendments thereto, shall not apply to the provisions of this subsection.

(g) No person shall prepare or issue any certificate which purports to be an original, certified copy or abstract or copy of a certificate of birth, death or fetal death, except as authorized in this act or rules and regulations adopted under this act.

(h) Records of births, deaths or marriages which are not in the custody of the secretary of health and environment and which were created before July 1, 1911, pursuant to chapter 129 of the 1885 Session Laws of Kansas, and any copies of such records, shall be open to inspection by any person and the provisions of this section shall not apply to such records.

(i) Social security numbers furnished pursuant to K.S.A. 65-2409a and amendments thereto shall only be used as permitted by title IV-D of the federal social security act and amendments thereto or as permitted by section 7(a) of the federal privacy act of 1974 and amendments thereto. The secretary shall make social security numbers furnished pursuant to K.S.A. 65-2409a and amendments thereto available to the department of social and rehabilitation services for purposes permitted under title IV-D of the federal social security act.

(j) Fact of death information may be disseminated to state and federal agencies administering benefit programs. Such information shall be used for file clearance purposes only.

Sec. 4. K.S.A. 65-177 and 65-2402 and K.S.A. 2009 Supp. 65-2422d and 65-2422d, as amended by section 138 of 2010 Senate Bill No. 376, are hereby repealed.”;

And by renumbering the remaining section accordingly;

Also on page 8, in line 16, by striking “statute book” and inserting “Kansas register”;

In the title, in line 10, by striking all after “concerning”; by striking all in lines 11 and 12 and inserting “the secretary of health and environment; relating to office of vital statistics; amending K.S.A. 65-177 and 65-2402 and K.S.A. 2009 Supp. 65-2422d and repealing the existing sections; also repealing K.S.A. 2009 Supp. 65-2422d, as amended by section 138 of 2010 Senate Bill No. 376.”;

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

THOMAS C. OWENS

DEREK SCHMIDT

DAVID HALEY

Conferees on part of Senate

PAT COLLOTON

JOE PATTON

MELODY MCCRAY-MILLER

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 2454**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Senate Substitute for HB 2582**, 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 further amendments by Senate Committee of the Whole, as follows:

On page 1, by striking all in lines 26 through 43;

By striking all on pages 2 through 31;

On page 32, by striking all in lines 1 through 13 and inserting the following:

"Section 1. K.S.A. 12-5301 is hereby amended to read as follows: 12-5301. As used in this act, unless the context otherwise requires:

(a) "Emergency telephone service" means a telephone system utilizing a single three digit number "911" for reporting police, fire, medical or other emergency situations;

(b) "emergency telephone tax" means a tax to finance the operation of emergency telephone service;

(c) "exchange access facilities" means all facilities provided by the service supplier for the facility which provides local telephone exchange access to a service user;

(d) "*local collection point administrator (LCPA)*" means the statewide association of cities established by K.S.A. 12-1610e, and amendments thereto, and the statewide association of counties established by K.S.A. 19-2690, and amendments thereto;

(e) "tariff rate" means the rate or rates billed by a service supplier and as stated in the service supplier's tariffs, approved by the state corporation commission which represent the service supplier's recurring charges for exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever;

(f) "public agency" means any city, county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical or other emergency services;

(g) "governing body" means the board of county commissioners of a county or the governing body of a city;

(h) "person" means any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy or any other service user;

(i) "service supplier" means any person providing exchange telephone services or wireless service to any service user in this state;

(j) "service user" means any person who is provided exchange telephone service or wireless in this state;

(k) "*subscriber radio equipment*" means mobile and portable radio equipment installed in vehicles or carried by persons for voice communication with a radio system;

(l) "wireless carrier" means any common, private or other radio carrier licensed by the federal communications commission to provide two-way voice or text radio service in this state which provides interconnection to the public switched telephone network and access to a 24-hour answering point;

(m) "wireless service" means a two-way voice or text radio service provided by a wireless carrier; and

(n) "PSAP" means public safety answering point.

Sec. 2. K.S.A. 12-5304 is hereby amended to read as follows: 12-5304. (a) Any governing body imposing the tax authorized by K.S.A. 12-5302, and amendments thereto, may contract directly with the provider of the emergency telephone service or may contract and cooperate with any public agency or with other states or their political subdivisions or with any association or corporation for their political subdivisions or with any association or corporation for the administration of emergency telephone service as provided by law.

(b) Funds collected from tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, shall be spent solely to pay for any or all of the following: (1) The monthly recurring charges billed by the service supplier for the emergency telephone service; (2) initial installation, service establishment; nonrecurring start-up charges billed by the service supplier for the emergency telephone service; (3) charges for capital improvements and equipment or other physical enhancements to the emergency telephone system, *not to include subscriber radio equipment*; or (4) the acquisition and installation of road signs designed to aid in the delivery of emergency service.

(c) *Prior to January 10, 2011, every PSAP shall provide to the LCPA an accounting of all PSAP's receipts from the governing body during the 2010 calendar year.*

Sec. 3. K.S.A. 2009 Supp. 12-5322 is hereby amended to read as follows: 12-5322. As used in the wireless enhanced 911 act, unless the context otherwise requires:

(a) "Advisory board" means the wireless enhanced 911 advisory board established under K.S.A. 2009 Supp. 12-5326, and amendments thereto.

(b) "Automatic number identification" means a feature by which a person calling a public safety answering point has such person's 10-digit telephone number simultaneously forwarded to the public safety answering point and to the public safety answering point's display and transfer.

(c) "Eligible municipality" means: (1) Any county having a population of less than 75,000 or any city located within such a county; or (2) any two or more such counties or cities.

(d) "Emergency telephone service" means a telephone system utilizing a single three digit number "911" for reporting police, fire, medical or other emergency situations.

(e) "Enhanced 911 service" means an emergency telephone service that generally may provide, but is not limited to, selective routing, automatic number identification and automatic location identification features.

(f) "Exchange access facilities" means all facilities provided by the service supplier for the facility which provides local telephone exchange access to a service user.

(g) "Fund" means the wireless enhanced 911 grant fund established by this act.

(h) "Governing body" means the board of county commissioners of a county or the governing body of a city.

(i) "Local collection point administrator" means the statewide association of cities as established by K.S.A. 12-1610e, and amendments thereto, and the statewide association of counties as established by K.S.A. 19-2690, and amendments thereto.

(j) "Mobile telephone number" means the telephone number assigned to a wireless telephone at the time of initial activation.

(k) "Person" means any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy or any other legal entity.

(l) "Prepaid wireless telephone service" means wireless telephone service that is activated in advance by payment for a finite dollar amount of service or for a finite set of minutes that terminate either upon use by a customer and delivery by the wireless provider of an agreed-upon amount of service corresponding to the total dollar amount paid in advance or within a certain period of time following the initial purchase or activation, unless additional payments are made.

(m) "Primary place of use" has the meaning provided in the mobile telecommunications act (4 U.S.C. 116, et seq., as in effect on the effective date of this act).

(n) "Project" means the development and acquisition of the necessary improvements in order to facilitate the establishment of wireless enhanced 911 service.

(o) "Project costs" means all costs or expenses which are necessary or incident to a project and which are directly attributable thereto.

(p) "PSAP" means public safety answering point.

(q) "Pseudo-automatic number identification" means a feature by which automatic number identification is provided to a public safety answering point of the 10-digit telephone number of the specific cell site or cell site sector from which a wireless call originated.

(r) "Public agency" means any city, county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical or other emergency services.

(s) "Secretary" means the secretary of administration.

(t) "Service supplier" means any person providing exchange telephone service to any service user in this state.

(u) "Service user" means any person who is provided exchange telephone service or wireless service in this state.

(v) "Subscriber account" means the 10-digit access number assigned to a wireless service customer regardless of whether more than one such number is aggregated for the purpose of billing a service user.

(w) "*Subscriber radio equipment*" means mobile and portable radio equipment installed in vehicles or carried by persons for voice communication with a radio system.

~~(x)~~ (x) "Tariff rate" means the rate or rates billed by a service supplier and as stated in the service supplier's tariffs, approved by the state corporation commission which represent the service supplier's recurring charges for exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever.

~~(y)~~ (y) "Valid request" means a request to a wireless carrier for wireless enhanced 911 service, made by a PSAP which is capable of receiving and utilizing the data elements associated with wireless enhanced 911 service as determined in accordance with 47 CFR 20.18 (October 1, 2002).

~~(z)~~ (z) "Wholesaler of prepaid wireless service" means a person who purchases at wholesale wireless service from a wireless carrier for resale as prepaid wireless service.

~~(aa)~~ (aa) "Wireless automatic location identification information" means a feature by which information is provided to a public safety answering point identifying the location of a 911 caller within the parameters established by the federal communications commission.

~~(ab)~~ (bb) "Wireless carrier" means any common, private or other radio carrier licensed by the federal communications commission to provide two-way voice service in this state which provides interconnection to the public switched telephone network and access to a 24-hour answering point.

~~(ac)~~ (cc) "Wireless enhanced 911 grant fee" means the fee imposed under K.S.A. 2009 Supp. 12-5324, and amendments thereto.

~~(ad)~~ (dd) "Wireless enhanced 911 local fee" means the fee imposed under K.S.A. 2009 Supp. 12-5330, and amendments thereto.

~~(ae)~~ (ee) "Wireless enhanced 911 service" means a communication service by which wireless carriers can provide automatic number identification, pseudo-automatic number identification and wireless automatic location identification information to a requesting PSAP, as defined in FCC docket 94-102, which is capable of receiving and utilizing the data elements associated with wireless enhanced 911 service.

~~(af)~~ (ff) "Wireless service" means a two-way voice service provided by a wireless carrier.

Sec. 4. K.S.A. 2009 Supp. 12-5330 is hereby amended to read as follows: 12-5330. (a) Effective July 1, 2004, there is hereby imposed a wireless enhanced 911 local fee. Subject to the provisions of K.S.A. 2009 Supp. 12-5338, and amendments thereto, the amount of such fee shall be \$.25 per month per wireless subscriber with primary place of use in the state of Kansas. Such fee shall not be imposed on prepaid wireless service.

(b) Subject to the provisions of K.S.A. 2009 Supp. 12-5338, and amendments thereto, the proceeds of the wireless enhanced 911 local fee, and any interest earned on revenue derived from such fee, shall be used only for necessary and reasonable costs incurred or to be incurred by PSAP's for: (1) Implementation of wireless enhanced 911 service and VoIP enhanced 911 service; (2) purchase of equipment and upgrades and modification to

equipment used solely to process the data elements of wireless enhanced 911 service and VoIP enhanced 911 service; and (3) maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or for other capital outlay, *subscriber radio equipment*, or other equipment not expressly authorized by this act.

(c) Each PSAP shall submit to the secretary an annual report accounting for the money received by the PSAP from the wireless enhanced 911 local fee. Such report shall be submitted on a form provided by the secretary.

(d) (1) Subject to the provisions of subsection (d)(3), each PSAP shall submit to wireless carriers a valid request for wireless enhanced 911 service by July 1, 2007.

(2) Subject to the provisions of subsection (d)(3), if a PSAP has not submitted to wireless carriers a valid request for wireless enhanced 911 service by July 1, 2007: (A) Such PSAP shall pay to the secretary all moneys from the wireless enhanced 911 local fee which have been or are received by such PSAP; (B) the secretary shall notify the local collection point administrator that the PSAP has not made a valid request when required and that distributions of moneys from the wireless enhanced 911 local fee to the PSAP shall be stopped and that such moneys shall be instead remitted to the secretary until the secretary notifies the local collection point administrator that the PSAP has made a valid request; (C) the PSAP thereafter shall not be eligible to receive moneys from the fund or from distributions by the local collection point administrator until the PSAP has submitted to the secretary evidence satisfactory to the secretary that the PSAP has submitted to wireless carriers a valid request for wireless enhanced 911 service. The secretary shall remit any moneys received from the repayment by the PSAP or from distributions by the local collection point administrator to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.

(3) If a PSAP is unable to make a valid request by July 1, 2007, the advisory board may approve not to exceed two one-year extensions of such date to not later than July 1, 2008, if the advisory board determines that: (A) Equipment necessary to receive and utilize the data elements associated with wireless enhanced 911 service has been ordered by the PSAP but is unavailable; or (B) there is other just cause to extend the date.

Sec. 5. K.S.A. 2009 Supp. 12-5338 is hereby amended to read as follows: 12-5338. (a) On July 1, ~~2010~~ 2011:

(1) The wireless enhanced 911 grant fee shall be discontinued, the advisory board shall be abolished, any unobligated balance of the wireless enhanced 911 grant fund shall be paid to the local collection point administrator for distribution to PSAP's based on the population of the municipality or municipalities served by the respective PSAP and the fund shall be abolished.

(2) Within any county which has a population of 125,000 or more, the amount of the tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, shall not exceed \$.25 per month per access line or its equivalent and the amount of the wireless enhanced 911 local fee within such jurisdiction shall be an equal amount per month per wireless subscriber account.

(3) Within any county which has a population of less than 125,000 the amount of the tax imposed to K.S.A. 12-5302, and amendments thereto, shall not exceed \$.50 per month per access line or its equivalent and the amount of the wireless enhanced 911 local fee shall be an equal amount per month per wireless subscriber account.

(4) The provisions of K.S.A. 2009 Supp. 12-5323 through 12-5329, and amendments thereto, shall expire.

(b) On and after July 1, ~~2010~~ 2011, the proceeds of the wireless enhanced 911 local fee shall be used only to pay for costs of emergency telephone service described in K.S.A. 12-5304, and amendments thereto, and expenditures authorized by K.S.A. 2009 Supp. 12-5330, and amendments thereto.

Sec. 6. K.S.A. 2009 Supp. 12-5361 is hereby amended to read as follows: 12-5361. (a) On July 1, ~~2010~~ 2011:

(1) The VoIP enhanced 911 grant fee shall be discontinued.

(2) The amount of the tax per access line or its equivalent imposed within a jurisdiction pursuant to K.S.A. 12-5302, and amendments thereto, and the amount of the VoIP enhanced 911 local fee per VoIP subscriber whose primary residence is within such jurisdiction shall be an equal amount per month.

(3) The provisions of K.S.A. 2009 Supp. 12-5354 and 12-5355, and amendments thereto, shall expire.

(b) On and after July 1, ~~2010~~ 2011, the proceeds of the VoIP local fee shall be used only to pay for costs of emergency telephone service described in K.S.A. 12-5304, and amendments thereto, and expenditures authorized by K.S.A. 2009 Supp. 12-5330, and amendments thereto.

Sec. 7. K.S.A. 12-5301 and 12-5304 and K.S.A. 2009 Supp. 12-5322, 12-5330, 12-5338 and 12-5361 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 15, by striking all after “amending”; by striking all in lines 6 through 23 and inserting “K.S.A. 12-5301 and 12-5304 and K.S.A. 2009 Supp. 12-5322, 12-5330, 12-5338 and 12-5361 and repealing the existing sections.”;

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

PAT APPLE

MIKE PETERSEN

JANIS K. LEE

Conferees on part of Senate

CARL DEAN HOLMES

FORREST KNOX

ANNIE KUETHER

Conferees on part of House

Senator Apple moved the Senate adopt the Conference Committee Report on **S Sub for HB 2582**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **S Sub for HB 2582** only to advance the funding for another year. It is with great disappointment that I vote on this version of the bill which really prevents Kansas from moving forward to plan and provide for next generation 911 services. The work of the Senate committee was commendable but will need the cooperation of the House committee in 2011 to insure Kansans continue to have quality emergency services. — KARIN BROWNLEE

REPORT ON ENGROSSED BILLS

SB 54 reported correctly engrossed May 4, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Pooled Money Investment Board: K.S.A. 2009 Supp. 75-4221a

John W. Lehman, term expires March 15, 2014

State Banking Board: K.S.A. 74-3004

Richard L. Fish, term expires March 15, 2012

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Owens in the chair.

On motion of Senator Owens the following report was adopted:

SB 586 be amended by adoption of the committee amendments, and the bill be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 586** was advanced to Final Action and roll call.

SB 586, An act reconciling amendments to certain statutes; amending K.S.A. 8-2410, as amended by section 2 of 2010 House Bill No. 2547, 21-3447, as amended by section 4 of 2010 House Bill No. 2435, 21-4643, as amended by section 18 of 2010 House Bill No. 2435, 22-4906, as amended by section 1 of 2010 House Bill No. 2468, 65-6a34a, as amended by section 8 of 2010 Senate Bill No. 393, and 65-7216, as amended by section 171 of 2010 Senate Bill No. 376, and K.S.A. 2009 Supp. 8-1567, 21-36a05, as amended by section 2 of 2010 House Bill No. 2661, 21-36a10, as amended by section 5 of 2010 House Bill No. 2661, 21-4204, as amended by section 7 of 2010 House Bill No. 2661, 21-4704, as amended by section 9 of 2010 House Bill No. 2661, 22-4902, as amended by section 11 of 2010 House Bill No. 2661, 28-172a, as amended by section 7 of 2010 Senate Substitute for House Bill No. 2476, 38-2242, as amended by section 5 of 2010 House Bill No. 2364, 38-2243, as amended by section 6 of 2010 House Bill No. 2364, 38-2305, as amended by section 4 of 2010 House Bill No. 2195, 38-2361, as amended by section 9 of 2010 House Bill No. 2364, 40-3104, as amended by section 1 of 2010 House Bill No. 2492, 47-2101, as amended by section 4 of 2010 House Bill No. 2666, 65-516, as amended by section 13 of 2010 House Bill No. 2661, 72-978, as amended by section 3 of 2010 Senate Bill No. 357, 74-596, as amended by section 179 of 2010 Senate Bill No. 376, 74-2426, as amended by section 182 of 2010 Senate Bill No. 376, and 75-6606, as amended by section 3 of 2010 Senate Bill No. 30, and repealing the existing sections; also repealing K.S.A. 8-1567, as amended by section 6 of chapter 107 of the 2009 Session Laws of Kansas, 8-2410, as amended by section 20 of 2010 Senate Bill No. 376, 21-3447, as amended by section 2 of 2010 Substitute for Senate Bill No. 353, 21-4643, as amended by section 3 of 2010 Substitute for Senate Bill No. 353, 22-4906, as amended by section 5 of 2010 Substitute for Senate Bill No. 353, 65-6a34a, as amended by section 124 of 2010 Senate Bill No. 376, and 65-7216, as amended by section 12 of 2010 Senate Bill No. 83, and K.S.A. 2009 Supp. 21-36a05, as amended by section 14 of 2010 House Bill No. 2435, 21-36a10, as amended by section 15 of 2010 House Bill No. 2435, 21-4204, as amended by section 3 of 2010 Substitute for Senate Bill No. 67, 21-4704, as amended by section 19 of 2010 House Bill No. 2435, 22-4902, as amended by section 4 of 2010 Substitute for Senate Bill No. 353, 25-4156b, 28-172a, as amended by section 6 of 2010 Senate Bill No. 519, 38-2242, as amended by section 9 of 2010 Senate Bill No. 460, 38-2243, as amended by section 10 of 2010 Senate Bill No. 460, 38-2305, as amended by section 19 of 2010 Senate Bill No. 460, 38-2305, as amended by section 7 of 2010 Senate Bill No. 519, 38-2361, as amended by section 20 of 2010 Senate Bill No. 460, 38-2361, as amended by section 6 of 2010 Substitute for Senate Bill No. 353, 40-3104, as amended by section 4 of 2010 Senate Bill No. 533, 47-2101, as amended by section 92 of 2010 Senate Bill No. 376, 65-516, as amended by section 122 of 2010 Senate Bill No. 376, 65-1643c, 72-978, as amended by section 2 of 2010 Senate Bill No. 359, 74-596, as amended by section 10 of 2010 Senate Bill No. 393, 74-2426, as amended by section 30 of 2010 House Bill No. 2557, and 75-6606, as amended by section 1 of 2010 House Bill No. 2415.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

On motion of Senator D. Schmidt, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Morris in the chair.

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **HB 2650** as amended by substituting a new bill as recommended by the Senate Committee on Transportation as reported in the Journal of the Senate on March 30, 2010, and further amended by substituting a new bill as recommended by the Senate Committee on Transportation as reported in the Journal of the Senate on April 30, 2010, and further recommends that Senate Substitute for Senate Substitute for House Bill No. 2650 be amended on page 6, in line 21, by striking all after "\$11"; in line 22, by striking all before the semicolon; in line 23, by striking all after "\$16"; in line 24, by striking "\$36"; in line 28, by striking ", on"; in line 29, by striking all before the semicolon; in line 30, by striking the comma, where it appears for the second time; in line 31, by striking all before the semicolon; in line 35, by striking ", on January 1, 2013, \$24, on January 1, 2014, \$34";

On page 8, in line 14, by striking "\$50" and inserting "\$40";

On page 9, in line 1, by striking "\$60" and inserting "\$40";

On page 18, in line 23, by striking "\$10" and inserting "\$3";

On page 26, by striking all in lines 20 through 43;

On page 27, by striking all in lines 1 through 6;

On page 28, by striking all in lines 34 through 43;

By striking all on page 29;

On page 30, by striking all in lines 1 through 26;

On page 32, by striking all in lines 37 through 43;

By striking all on pages 33 through 35;

On page 36, by striking all in lines 1 through 27;

And by renumbering sections accordingly;

On page 62, in line 40, by striking "8-"; in line 41, by striking "195,;" also in line 41, by striking "8-2409,;" in line 43, by striking "8-143l,;" also in line 43, by striking "8-172, 8-2406, 8-2425,;"

In the title, in line 13, by striking "8-195,;" also in line 13, by striking "8-2409,;" in line 15, by striking "8-143l,;" also in line 15, by striking "8-172, 8-"; in line 16, by striking "2406, 8-2425,;"

And the substitute bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Wednesday, May 5, 2010.

Journal of the Senate

FIFTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 5, 2010—10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
Thank You for the third beatitude: Blessed are the meek for they will inherit
the earth.

In the English language, meek
Is usually described as someone weak.
But in the New Testament language, meek
Means almost anything but weak!

Like wild horses the meek
Were out of control.
But retaining their strength
Became God-controlled.

The meek do get angry,
But stay in control,
Confessing their weakness
They are spiritually bold!

The reward that they earn
Of immeasurable worth
Beyond imagination
They inherit the earth!

I thank you again, Lord, for this third beatitude, and pray in the Name of Jesus
Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was referred to Committee as indicated:
Committee of the Whole: **SCR 1631**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Kultala, Steineger and Haley introduced the following Senate resolution, which
was read:

SENATE RESOLUTION No. 1876—

A RESOLUTION congratulating the Kansas City Kansas Community College Debate and
Forensics Team for winning the Phi Rho Pi Community College National Championship.

WHEREAS, The Kansas City Kansas Community College Debate and Forensics Team

won a record seventh consecutive title in Team Policy Debate at the Phi Rho Pi National Tournament in New Orleans in April; and

WHEREAS, In addition, the team won its sixth consecutive title in the Lincoln-Douglas policy debate at the tournament. The team completely dominated this debate. Students are not allowed to compete against their own team, so when each duo of team members defeated their opponents, all six of the KCKCC team members were awarded gold medals. The team also won the Top Debate Program Sweepstakes Award and Top Overall Program Sweepstakes Award; and

WHEREAS, The team also won the national title in Poetry Interpretation and finished second in Program of Oral Interpretation. By the end of the tournament, the KCKCC team had accumulated 102 points, almost double the points scored by the second place finisher; and

WHEREAS, In addition, the team of Corey Lande and Nick Novak received the Bell-Scroggins Award, which is an award given to the best team in the National Tournament, as voted by their competitors; and

WHEREAS, Individual debaters in the tournament were: Kristyn Russell of Lansing, Kansas; Aaron Thomas of Kansas City, Missouri; Blake Burge of Leavenworth, Kansas; Dennis Sudac of Kansas City, Kansas; Marquis Bell-Ard of Oak Park, Illinois; Katelyn Lawson of Leavenworth, Kansas; Nick Novak of Lansing, Kansas and Corey Lande of Belton, Missouri. Individual members of the forensics team were: Michael Kelley of Olathe, Kansas; Stephanie Henderson of Independence, Missouri and Tiara Tyson of Blue Springs, Missouri. Coaches of the national championship team were: Head coach Darren Elliott and assistant coaches Amy Arellano, Clay Crockett, John Brethauer, Adrian Self, Ashley-Michelle Papon and Ashley Cook; and

WHEREAS, The entire KCKCC Debate and Forensics Team brings great credit upon themselves and their families, coaches and college and are deserving of being applauded for the hard work and effort required to excel in this activity: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Kansas City Kansas Community College Debate and Forensics Team for their outstanding season and for winning the Phi Rho Pi National Tournament, and extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send 29 enrolled copies of this resolution to Senator Kultala.

On emergency motion of Senator Kultala **SR 1876** was adopted unanimously.

Senator Kultala congratulated the Kansas City Kansas Community College Debate and Forensics Team for winning the Phi Rho Pi community college national championship. The Kansas City Kansas Community College Debate and Forensics Team were introduced as follows: Aaron Thomas, Kristyn Russell, Blake Burge, Dennis Sudac, Nick Novak, Corey Lande, Katelyn Lawson, Marquis Bell-Ard, Tiara Tyson, Stephanie Henderson and Michael Kelley. Also introduced were College President Dr. Thomas Burke, Head Coach Darren Elliott and Assistant Coach Amy Arellano.

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1877—

A RESOLUTION commending Dale Cushinberry for his dedicated and distinguished career in public education and his active involvement in the Topeka community and congratulating him on his retirement as principal of Highland Park High School.

WHEREAS, Dale Cushinberry grew up in Topeka, attended the Topeka public schools and graduated from Highland Park High School in 1965. He received a Bachelor's degree in elementary and secondary education from the Kansas State Teachers College in 1970. He also received a Master's degree in school counseling and psychotherapy; and

WHEREAS, Dale began his distinguished career in public education in 1970 as a teacher at Parkdale Elementary School in Topeka. He was a school counselor from 1973 to 1979 and acting principal at Highland Park Junior High in 1979 and 1980. He then became an assistant principal at Highland Park High School from 1980 to 1982, a position he left to become an assistant professor and administrator at Washburn University. From 1989 to

1994, he served as principal at Whitson Elementary School. In 1994, he became principal of Highland Park High School, a position he has held until the current school year; and

WHEREAS, Dale has received numerous awards for his service to public education, including the 1997 Distinguished Kansan in the field of education from the Topeka Capital-Journal. In 1998, he received the Educator Excellence Award by the Brown Foundation. In 2004, he was the recipient of the Whitney Young National Award for Outstanding Service to Youth. He received the Topeka Public School Distinguished Staff Administrative Award in 2007 and in 2010 he was presented with the Onan C. Burnett Award from the Kappa Alpha Psi Fraternity; and

WHEREAS, Dale has been actively involved in the Topeka community, serving on numerous boards as director, including the Topeka Youth Project, Kansas Childrens' Service League, the Capper Foundation, Menninger Lecture Series, Battered Women's Task Force, Living the Dream and USD 501 Partners in Education; and

WHEREAS, Dale has also served on the Emporia State University Board of Trustees, Washburn University President's Advisory Board, Kansas Supreme Court Nomination Commission and Kansas At-Risk Council; and

WHEREAS, As principal of Highland Park High School, Dale Cushinberry has been an outstanding role model and leader for the school's administrators, teachers and staff, as well as the students. He coined the phrase "It's Great to be a Scot," which is a source of great pride and is prominently displayed on signs and banners throughout the school. He also coined the phrase "You Can Get There From Here," which reminds students of the real life examples of the careers and accomplishments of people throughout the United States who are graduates of Highland Park High School; and

WHEREAS, The entire Highland Park community has a deep respect, love and affection for the man known to them simply as "Cush": Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we express our appreciation to Dale Cushinberry for his dedicated and distinguished career in public education and we congratulate him on his retirement as principal of his beloved Highland Park High School; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Highland Park High School, c/o Dale Cushinberry, 2424 SE California Ave., Topeka, KS 66605.

On emergency motion of Senator Hensley **SR 1877** was adopted unanimously.

Senator Hensley introduced and congratulated Dale E. Cushinberry upon his retirement as principal of Highland Park High School. Also introduced were Anita Cushinberry, Superintendent Dr. Kevin Singer, Ron Harbaugh, Larry Robbins, Steve Burkholder, Mrs. Janel Johnson and Hal Gardner.

ACTION ON VETO MESSAGE

President Morris announced the time had arrived for reconsideration of **S Sub for HB 2115**.

Senator Colyer moved the Senate reconsider the veto of **S Sub for HB 2115** and the bill be passed notwithstanding the Governor's veto.

S Sub for HB 2115, An act concerning abortion; amending K.S.A. 65-445, 65-6701, 65-6703 and K.S.A. 2009 Supp. 65-2836 and repealing the existing sections; also repealing K.S.A. 65-6713.

On roll call, the vote was: Yeas 26, Nays 14, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Emler, Huelskamp, Kelsey, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Taddiken, Umbarger, Wagle.

Nays: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Schmidt V, Schodorf, Steineger, Teichman, Vratil.

A two-thirds constitutional majority having not voted in favor of overriding the Governor's veto, the motion did not prevail and the veto was sustained.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote “NO” on the motion to over-ride the Governor’s veto on **S Sub for HB 2115**.

The language was put in a utilities bill and sent as a conference committee report to the Senate allowing no opportunity for amendments. The bill makes confusing changes to reporting requirements. We ask a physician to report if a fetus was determined to be nonviable without defining that term. We ask for the medical reasons for determination of gestational age when we may want to know what methods a physician used to make the determination, and with a definition of gestational age that limits the physician’s response. The lack of clarity in reporting requirements is especially troubling because the statutes are being changed to require the Board of Healing Arts to revoke a licensee’s license for a misdemeanor under K.S.A. 65-6703. There are other concerns, but perhaps the most egregious is the repeal of K.S.A. 65-6713 that established civil immunity for physicians who are fully compliant with the informed consent process included in the Women’s Right to Know Act and according to standard medical practice. Women’s health care should not include obstacles for the physicians who are providing that health care. — MARCI FRANCISCO

Senators Kelly and Teichman request the record to show they concur with the “Explanation of Vote” offered by Senator Francisco on **HB 2115**.

MR. PRESIDENT: This is an issue that is very difficult for everyone in this room. For the last 2 years, this bill has come to the Senate on the last day of the regular session with no opportunity for input on changes.

I want to see proper regulations for reporting and I want to see compassion for a woman who is facing the most difficult, horrific time of her life and her unborn child.

I believe we can pass a better bill if we get all parties to the table to talk about reporting regulations.

I am sending a letter to the two parties offering to work on a compromise bill. — JEAN SCHORDORF

Senators Francisco, Huntington, Kelly, Teichman and Vratil request the record to show they concur with the “Explanation of Vote” offered by Senator Schodorf on **HB 2115**.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub for HB 2360; HB 2595; S Sub for S Sub for HB 2650**.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator V. Schmidt in the chair.

The morning session recommended.

SCR 1631 be amended by Senator Umbarger on page 1, in line 17, by striking “1603” and inserting “1616”; in line 32, by striking “2007” and inserting “2008”; in line 33, by striking “1603” and inserting “1616”;

In the title, in line 10, by striking “2007” and inserting “2008”; also in line 10, by striking “1603” and inserting “1616” and the resolution be adopted as amended.

HB 2595 be amended by adoption of the committee amendments and further amended by Senator Schodorf on page 1, in line 21, before the period, by inserting “and no part of which is located in Johnson county, Sedgwick county, Shawnee county or Wyandotte county” and the bill be passed as further amended.

A motion by Senator Brownlee to amend **HB 2595** failed and the following amendment was rejected: page 1, after line 16, by inserting the following:

“New Section 1. (a) The KPERS weighting of each district shall be determined by the state board as follows:

(1) Determine the amount of money disbursed to the school district under K.S.A. 2009 Supp. 74-4939a, and amendments thereto; and

(2) divide the amount determined under (1) by base state aid per pupil. The quotient is the KPERS weighting of the district.

(b) The provisions of this section shall be part of and supplemental to the school district finance and quality performance act.

Sec. 2. K.S.A. 2009 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) (1) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district.

(2) Except as otherwise provided in paragraph (3) of this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school bears to full-time attendance. Except as provided by this section for preschool-aged exceptional children and virtual school pupils, a pupil enrolled in a district and attending special education and related services, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services provided for by the district and also attending a virtual school shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school bears to full-time attendance. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services or in the custody of the commissioner of juvenile justice and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddell Boys Ranch, shall be counted as two pupils. Except as provided in section 1 of chapter 76 of the 2009 Session Laws of the state of Kansas, and amendments thereto, a pupil in the custody of the secretary of social and rehabilitation services or in the custody of the commissioner of juvenile justice and enrolled in unified school district No. 409, Atchison, Kansas, but housed, maintained and receiving educational services at the youth residential center located on the grounds of the former Atchison juvenile correctional facility, shall be counted as two pupils.

(3) A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution or a psychiatric residential treatment facility shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs.

(e) "Enrollment" means: (1) (A) Subject to the provisions of paragraph (1)(B), for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this paragraph (1), the number of pupils regularly enrolled in the district on September 20; (B) a pupil who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the district for at least one semester or two quarters or the equivalent thereof;

(2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; or

(3) the number of pupils as determined under K.S.A. 72-6447 or K.S.A. 2009 Supp. 72-6448, and amendments thereto.

(f) "Adjusted enrollment" means: (1) Enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, high density at-risk pupil weighting, if any, medium density at-risk pupil weighting, if any, nonproficient pupil weighting, if any, high enrollment weighting, if any, declining enrollment weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, cost of living weighting, if any, special education and related services weighting, *KPERS weighting* and transportation weighting to enrollment; or (2) adjusted enrollment as determined under K.S.A. 2009 Supp. 72-6457 or 72-6458, and amendments thereto.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having to which high enrollment weighting is assigned pursuant to K.S.A. 2009 Supp. 72-6442b, and amendments thereto.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Cost of living weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2009 Supp. 72-6449, and amendments thereto, apply on the basis of costs attributable to the cost of living in the district.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" has the meaning ascribed thereto by 72-8187, and amendments thereto.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

(p) "Virtual school" means any school or educational program that: (1) Is offered for credit; (2) uses distance-learning technologies which predominately use internet-based methods to deliver instruction; (3) involves instruction that occurs asynchronously with the teacher and pupil in separate locations; (4) requires the pupil to make academic progress toward the next grade level and matriculation from kindergarten through high school graduation; (5) requires the pupil to demonstrate competence in subject matter for each class or subject in which the pupil is enrolled as part of the virtual school; and (6) requires age-appropriate pupils to complete state assessment tests.

(q) "Declining enrollment weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2009 Supp. 72-6451, and amendments thereto, apply on the basis of reduced revenues attributable to the declining enrollment of the district.

(r) "High enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 2009 Supp. 72-6442b, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto.

(s) "High density at-risk pupil weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2009 Supp. 72-6455, and amendments thereto, apply.

(t) "Nonproficient pupil" means a pupil who is not eligible for free meals under the national school lunch act and who has scored less than proficient on the mathematics or reading state assessment during the preceding school year and who is enrolled in a district which maintains an approved proficiency assistance plan.

(u) "Nonproficient pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of nonproficient pupils pursuant to K.S.A. 2009 Supp. 72-6454, and amendments thereto.

(v) "Psychiatric residential treatment facility" has the meaning ascribed thereto by K.S.A. 72-8187, and amendments thereto.

(w) "Medium density at-risk pupil weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2009 Supp. 72-6459, and amendments thereto, apply.

(x) "*KPERS weighting*" means an addend component assigned to enrollment of districts on the basis of costs attributable to school districts' employer contributions to the Kansas public employees retirement system.

Sec. 3. K.S.A. 2009 Supp. 72-6433d is hereby amended to read as follows: 72-6433d. (a) (1) The provisions of this subsection shall apply in any school year in which the amount of base state aid per pupil is \$4,433 or less.

(2) The board of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the base state aid per pupil was \$4,433 or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(b) (1) The provisions of this subsection shall apply in any school year in which the amount appropriated for state aid for special education and related services is less than the amount appropriated for state aid for special education and related services in school year 2008-2009.

(2) The board of education of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the district received state aid for special education and related services equal to the amount of state aid for special education and related services received in school year 2008-2009, or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(c) The board of education of any school district may exercise the authority granted under subsection (a) or (b) or both subsections (a) and (b).

(d) To the extent that the provisions of K.S.A. 72-6433, and amendments thereto, conflict with this section, this section shall control.

(e) *The local option budget of a school district adopting a local option budget under this section shall be determined as follows:*

(1) *Determine the adjusted enrollment of the school district, excluding special education weighting;*

(2) *multiply the number determined under (1) by \$4,433;*

(3) *add the amount of state aid for special education or related services received by the school district in school year 2008-2009 to the product obtained under (2);*

(4) *add the amount disbursed to the school district in the current school year under K.S.A. 2009 Supp. 74-4939a, and amendments thereto; and*

(5) *multiply the sum obtained under (4) by the percentage of the state financial aid stated in the local option budget resolution adopted by the board of education. The product is the local option budget of the school district.*

(f) The provisions of this section shall expire on June 30, 2012.

Sec. 4. K.S.A. 2009 Supp. 74-4939a is hereby amended to read as follows: 74-4939a. On and after the effective date of this act for each fiscal year commencing with fiscal year 2005, notwithstanding the provisions of K.S.A. 74-4939 and amendments thereto or any other statute, all moneys appropriated for the department of education from the state general fund commencing with fiscal year 2005, and each ensuing fiscal year thereafter, by appropriation act of the legislature, in the KPERS employer contributions account and all moneys appropriated for the department of education from the state general fund or any special revenue fund for each fiscal year commencing with fiscal year 2005, and each ensuing fiscal year thereafter, by any such appropriation act in that account or any other account for payment of employer contributions for school districts, shall be distributed by the department of education to school districts in accordance with this section. Notwithstanding the provisions of K.S.A. 74-4939, and amendments thereto, the department of education shall disburse to each school district that is an eligible employer as specified in subsection (1) of K.S.A. 74-4931 and amendments thereto an amount certified by the board of trustees of the Kansas public employees retirement system which is equal to the participating employer's obligation of such school district to the system in accordance with policies and procedures which are hereby authorized and directed to be adopted by the department of education for the purposes of this section and in accordance with any requirements prescribed by the board of trustees of the Kansas public employees retirement system. Upon receipt of each such disbursement of moneys, the school district shall deposit the entire amount thereof into *the general fund of the school district and transfer an equal amount to the special retirement contributions fund of the school district*, which shall be established by the school district in accordance with such policies and procedures and which shall be used for the sole purpose of receiving such disbursements from the department of education and making the remittances to the system in accordance with this section and such policies and procedures. Upon receipt of each such disbursement of moneys from the department of education, the school district shall remit, in accordance with the provisions of such policies

and procedures and in the manner and on the date or dates prescribed by the board of trustees of the Kansas public employees retirement system, an equal amount to the Kansas public employees retirement system from the special retirement contributions fund of the school district to satisfy such school district's obligation as a participating employer. Notwithstanding the provisions of K.S.A. 74-4939 and amendments thereto, each school district that is an eligible employer as specified in subsection (1) of K.S.A. 74-4931 and amendments thereto shall show within the budget of such school district all amounts received from disbursements into the special retirement contributions fund of such school district. Notwithstanding the provisions of any other statute, no official action of the school board of such school district shall be required to approve a remittance to the system in accordance with this section and such policies and procedures. All remittances of moneys to the system by a school district in accordance with this subsection and such policies and procedures shall be deemed to be expenditures of the school district.”;

By renumbering sections accordingly;

On page 2, by striking all in line 43 and inserting the following:

“Sec. 6. K.S.A. 2009 Supp. 72-1046b, 72-6407, 72-6433d and 74-4939a are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 12, after the semicolon, by inserting “relating to school finance; amending K.S.A. 2009 Supp. 72-1046b, 72-6407, 72-6433d and 74-4939a and repealing the existing sections.”

Upon the showing of five hands a roll call was requested:

On roll call, the vote was: Yeas 16, Nays 22, Present and Passing 2, Absent or Not Voting 0.

Yeas: Abrams, Brownlee, Bruce, Colyer, Donovan, Francisco, Holland, Huntington, Lynn, Morris, Owens, Petersen, Pilcher-Cook, Schodorf, Vratil, Wagle.

Nays: Apple, Barnett, Brungardt, Faust-Goudeau, Haley, Hensley, Huelskamp, Kelly, Kelsey, Kultala, Lee, Marshall, Masterson, McGinn, Ostmeyer, Pyle, Reitz, Schmidt D, Schmidt V, Taddiken, Teichman, Umbarger.

Present and Passing: Emler, Steineger.

The motion failed and the amendment was rejected.

A motion by Senator Masterson to amend **HB 2595** failed and following amendment was rejected:

I move to amend **HB 2595**, as amended by Senate Committee, on page 2, by striking all in line 43 and inserting the following:

“New Sec. 2. (a) On July 1, 2010, or as soon as moneys are available therefor, the director of accounts and reports shall transfer from the federal K-12 fiscal stabilization fund to the at-risk pupil grant fund an amount equal to \$47,500,000.

(b) On July 1, 2010, or as soon as moneys are available therefor, the director of accounts and reports shall transfer from the federal K-12 fiscal stabilization fund to the school district funding stabilization grant fund an amount equal to \$5,000,000.

New Sec. 3. (a) There is hereby created in the state treasury the at-risk pupil grant fund which shall be administered by the state board of education.

(b) All expenditures from the at-risk pupil grant fund shall be in accordance with appropriations acts and shall be expended for the purpose of funding grants awarded pursuant to this section.

(c) In school year 2010-2011, each school district shall be paid a special at-risk pupil assistance grant in an amount determined by the state board as provided by this subsection. The state board shall:

(1) Determine the statewide full-time equivalent enrollment of at-risk pupils in grades three and below in school year 2010-2011;

(2) determine the statewide full-time equivalent enrollment of pupils in grades four through 12 who scored below proficiency on the state assessments for mathematics or reading in school year 2009-2010;

(3) divide the amount of money credited to the at-risk pupil grant fund pursuant to section 2 by the sum of the numbers determined under (1) and (2);

(4) determine the full-time equivalent enrollment of at-risk pupils in grades three and below in the school district in school year 2010-2011;

(5) determine the full-time equivalent enrollment of pupils in grades four through 12 who scored below proficiency on the state assessments for mathematics or reading in the school district in school year 2009-2010; and

(6) multiply the quotient obtained under (3) by the sum of the numbers determined under (4) and (5). The product is the amount of the special at-risk pupil assistance grant of the school district.

(d) All moneys received by a school district under subsection (c) shall be deposited in the general fund of the district and shall be expended for the purpose of providing at-risk assistance or programs for at-risk pupils in grades three and below and pupils in grades four through 12 who scored below proficiency on the state assessments for mathematics or reading in school year 2009-2010.

(e) This section shall be part of and supplemental to the school district finance and quality performance act.

New Sec. 4. (a) As used in this section:

(1) "School district" means any school district which does not have unencumbered moneys in the funds of the school district sufficient in an aggregate amount to allow the district to expend the same amount from the general fund of the school district in school year 2010-2011 as the school expended in school year 2009-2010.

(2) "Fund" means any of the following funds of a school district: At-risk education fund, preschool-aged at-risk education fund, vocational education fund, contingency reserve fund, summer program fund, bilingual education fund and professional development fund.

(b) There is hereby created in the state treasury the school district funding stabilization grant fund which shall be administered by the state board of education.

(c) All expenditures from the at-risk pupil grant fund shall be in accordance with appropriations acts and shall be expended for the purpose of funding grants awarded under this section.

(d) For school districts as defined by subsection (a), the state board shall:

(1) Determine the full-time equivalent enrollment of pupils in grades three and below in school year 2010-2011;

(2) determine the full-time equivalent enrollment of pupils in grades four through 12 who scored below proficiency on the state assessments for mathematics or reading in school year 2009-2010;

(3) divide the amount of money credited to the school district funding stabilization grant fund pursuant to this section by the sum of the numbers determined under (1) and (2);

(4) determine the full-time equivalent enrollment of at-risk pupils in grades three and below in the school district in school year 2010-2011;

(5) determine the full-time equivalent enrollment of pupils in grades four through 12 who scored below proficiency on the state assessments for mathematics or reading in the school district in school year 2009-2010; and

(6) multiply the quotient obtained under (3) by the sum of the numbers determined under (4) and (5). The product is the amount of the school district funding stabilization assistance grant of the school district.

(e) All moneys received by a school district under subsection (d) shall be deposited in the general fund of the district and shall be expended for the purpose of providing at-risk assistance or programs for at-risk pupils in grades three and below and pupils in grades four through 12 who scored below proficiency on the state assessments for mathematics or reading in school year 2009-2010.

(f) This section shall be part of and supplemental to the school district finance and quality performance act.

New Sec. 5. In addition to the other purposes for which expenditures may be made by the department of education or any other state agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 for the department of education, or any other state agency involved in processing the state aid payments to school districts referred to in this subsection, as authorized by any appropriation act of the 2010 regular session of the legislature, notwithstanding the provisions of any other

statute, expenditures shall be made by the department of education, and each other state agency involved in processing the state aid payments to school districts referred to in this subsection, shall make expenditures during fiscal year 2011 to provide for the state to make all aid payments to school districts, including payments for special education or related services, KPERS employer contributions, general state aid, supplemental general state aid, capital outlay state aid, capital improvement state aid, or any other state aid payable to school districts, on the date on which such payments are regularly scheduled for payment during the first 11 months of fiscal year 2011.

New Sec. 6. (a) The KPERS weighting of each school district shall be determined as follows:

(1) Determine the amount of moneys distributed to each school district under K.S.A. 2009 Supp. 74-4939a, and amendments thereto; and

(2) divide the amount determined under (1) by base state aid per pupil. The product is the KPERS weighting of the district.

(b) The provisions of this section shall expire on June 30, 2011.

Sec. 7. K.S.A. 2009 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) (1) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district.

(2) Except as otherwise provided in paragraph (3) of this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{3}{4}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{3}{4}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school bears to full-time attendance. Except as provided by this section for preschool-aged exceptional children and virtual school pupils, a pupil enrolled in a district and attending special education and related services, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services provided for by the district and also attending a virtual school shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school bears to full-time attendance. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services or in the custody of the commissioner of juvenile justice and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils. Except as provided in section 1 of chapter 76 of the 2009 Session Laws of the state of Kansas, and amendments thereto, a pupil in the custody of the secretary of social and rehabilitation services or in the custody

of the commissioner of juvenile justice and enrolled in unified school district No. 409, Atchison, Kansas, but housed, maintained and receiving educational services at the youth residential center located on the grounds of the former Atchison juvenile correctional facility, shall be counted as two pupils.

(3) A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution or a psychiatric residential treatment facility shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs.

(e) "Enrollment" means: (1) (A) Subject to the provisions of paragraph (1)(B), for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this paragraph (1), the number of pupils regularly enrolled in the district on September 20; (B) a pupil who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the district for at least one semester or two quarters or the equivalent thereof;

(2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; or

(3) the number of pupils as determined under K.S.A. 72-6447 or K.S.A. 2009 Supp. 72-6448, and amendments thereto.

(f) "Adjusted enrollment" means: (1) Enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, high density at-risk pupil weighting, if any, medium density at-risk pupil weighting, if any, nonproficient pupil weighting, if any, high enrollment weighting, if any, declining enrollment weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, cost of living weighting, if any, special education and related services weighting, *KPERS weighting* and transportation weighting to enrollment; or (2) adjusted enrollment as determined under K.S.A. 2009 Supp. 72-6457 or 72-6458, and amendments thereto.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) “Low enrollment weighting” means an addend component assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having to which high enrollment weighting is assigned pursuant to K.S.A. 2009 Supp. 72-6442b, and amendments thereto.

(j) “School facilities weighting” means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities.

(k) “Transportation weighting” means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) “Cost of living weighting” means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2009 Supp. 72-6449, and amendments thereto, apply on the basis of costs attributable to the cost of living in the district.

(m) “Ancillary school facilities weighting” means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) “Juvenile detention facility” has the meaning ascribed thereto by 72-8187, and amendments thereto.

(o) “Special education and related services weighting” means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

(p) “Virtual school” means any school or educational program that: (1) Is offered for credit; (2) uses distance-learning technologies which predominately use internet-based methods to deliver instruction; (3) involves instruction that occurs asynchronously with the teacher and pupil in separate locations; (4) requires the pupil to make academic progress toward the next grade level and matriculation from kindergarten through high school graduation; (5) requires the pupil to demonstrate competence in subject matter for each class or subject in which the pupil is enrolled as part of the virtual school; and (6) requires age-appropriate pupils to complete state assessment tests.

(q) “Declining enrollment weighting” means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2009 Supp. 72-6451, and amendments thereto, apply on the basis of reduced revenues attributable to the declining enrollment of the district.

(r) “High enrollment weighting” means an addend component assigned to enrollment of districts pursuant to K.S.A. 2009 Supp. 72-6442b, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto.

(s) “High density at-risk pupil weighting” means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2009 Supp. 72-6455, and amendments thereto, apply.

(t) “Nonproficient pupil” means a pupil who is not eligible for free meals under the national school lunch act and who has scored less than proficient on the mathematics or reading state assessment during the preceding school year and who is enrolled in a district which maintains an approved proficiency assistance plan.

(u) “Nonproficient pupil weighting” means an addend component assigned to enrollment of districts on the basis of enrollment of nonproficient pupils pursuant to K.S.A. 2009 Supp. 72-6454, and amendments thereto.

(v) “Psychiatric residential treatment facility” has the meaning ascribed thereto by K.S.A. 72-8187, and amendments thereto.

(w) “Medium density at-risk pupil weighting” means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2009 Supp. 72-6459, and amendments thereto, apply.

(x) “*KPERS weighting*” means an addend component assigned to enrollment of districts on the basis of costs attributable to school districts’ employer contributions to the Kansas public employees retirement system.

Sec. 8. K.S.A. 2009 Supp. 72-6410 is hereby amended to read as follows: 72-6410. (a) “State financial aid” means an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

(b) (1) “Base state aid per pupil” means an amount of state financial aid per pupil. Subject to the other provisions of this subsection, the amount of base state aid per pupil is ~~\$4,433 in school year 2008-2009 and \$4,492 in school year 2009-2010~~ \$4,100 in school year 2010-2011 and \$4,492 in school year 2011-2012 and each school year thereafter.

(2) The amount of base state aid per pupil is subject to reduction commensurate with any reduction under K.S.A. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.

(c) “Local effort” means the sum of an amount equal to the proceeds from the tax levied under authority of K.S.A. 72-6431, and amendments thereto, and an amount equal to any unexpended and unencumbered balance remaining in the general fund of the district, except amounts received by the district and authorized to be expended for the purposes specified in K.S.A. 72-6430, and amendments thereto, and an amount equal to any unexpended and unencumbered balances remaining in the program weighted funds of the district, except any amount in the vocational education fund of the district if the district is operating an area vocational school, and an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to the repeal of such statutory sections, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district under the provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district pursuant to contracts made and entered into under authority of K.S.A. 72-6757, and amendments thereto, and an amount equal to the amount credited to the general fund in the current school year from amounts distributed in such year to the district under the provisions of articles 17 and 34 of chapter 12 of Kansas Statutes Annotated and under the provisions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated, and an amount equal to the amount of payments received by the district under the provisions of K.S.A. 72-979, and amendments thereto, and an amount equal to the amount of a grant, if any, received by the district under the provisions of K.S.A. 72-983, and amendments thereto, and an amount equal to 70% of the federal impact aid of the district.

(d) “Federal impact aid” means an amount equal to the federally qualified percentage of the amount of moneys a district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid defined herein as an amount equal to the federally qualified percentage of the amount of moneys provided for the district under title I of public law 874 shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

Sec. 9. K.S.A. 72-6411 is hereby amended to read as follows: 72-6411. (a) The transportation weighting of each district shall be determined by the state board as follows:

(1) Determine the total expenditures of the district during the preceding school year from all funds for transporting pupils of public and nonpublic schools on regular school routes;

(2) divide the amount determined under (1) by the total number of pupils who were included in the enrollment of the district in the preceding school year and for whom transportation was made available by the district;

(3) multiply the quotient obtained under (2) by the total number of pupils who were included in the enrollment of the district in the preceding school year, were residing less than 2½ miles by the usually traveled road from the school building they attended, and for whom transportation was made available by the district;

(4) multiply the product obtained under (3) by 50%;

(5) subtract the product obtained under (4) from the amount determined under (1);

(6) divide the remainder obtained under (5) by the total number of pupils who were included in the enrollment of the district in the preceding school year, were residing 2½ miles or more by the usually traveled road from the school building they attended and for whom transportation was made available by the district. The quotient is the per-pupil cost of transportation;

(7) on a density-cost graph plot the per-pupil cost of transportation for each district;

(8) construct a curve of best fit for the points so plotted;

(9) locate the index of density for the district on the base line of the density-cost graph and from the point on the curve of best fit directly above this point of index of density follow a line parallel to the base line to the point of intersection with the vertical line, which point is the formula per-pupil cost of transportation of the district;

(10) divide the formula per-pupil cost of transportation of the district by base state aid per pupil;

(11) (A) multiply the quotient obtained under (10) by the number of pupils who are included in the enrollment of the district, are residing 2 1/2 miles or more by the usually traveled road to the school building they attend, and for whom transportation is being made available by, and at the expense of, the district. *Except as provided in paragraph (B)*, the product is the transportation weighting of the district.

(B) *In school year 2010-2011, the state board shall multiply the product obtained under subsection (11) by .83. The product is the transportation weighting of the district.*

(b) For the purpose of providing accurate and reliable data on pupil transportation, the state board is authorized to adopt rules and regulations prescribing procedures which districts shall follow in reporting pertinent information relative thereto, including uniform reporting of expenditures for transportation.

(c) "Index of density" means the number of pupils who are included in the enrollment of a district in the current school year, are residing 2½ miles or more by the usually traveled road from the school building they attend, and for whom transportation is being made available on regular school routes by the district, divided by the number of square miles of territory in the district.

(d) "Density-cost graph" means a drawing having: (1) A horizontal or base line divided into equal intervals of density, beginning with zero on the left; and (2) a scale for per-pupil cost of transportation to be shown on a line perpendicular to the base line at the left end thereof, such scale to begin with zero dollars at the base line ascending by equal per-pupil cost intervals.

(e) "Curve of best fit" means the curve on a density-cost graph drawn so the sum of the distances squared from such line to each of the points plotted on the graph is the least possible.

~~(f) The provisions of this section shall take effect and be in force from and after July 1, 1992.~~

Sec. 10. K.S.A. 2009 Supp. 72-6412 is hereby amended to read as follows: 72-6412. (a) The low enrollment weighting shall be determined by the state board as provided by this section.

(b) For districts with enrollment of ~~1,637 or more in school year 2006-2007, and 1,622 or more in school year 2007-2008 and each school year thereafter~~ 1,622 or more, the low enrollment weighting shall be 0.

(c) For districts with enrollment of less than 100, the low enrollment weighting shall be equal to the low enrollment weighting of a district with enrollment of 100.

(d) For districts with enrollment of less than ~~1,637~~ in school year 2006-2007 and less than ~~1,622~~ in school year 2007-2008 and each school year thereafter 1,622 and more than 99, the low enrollment weighting shall be determined by the state board as follows:

- (1) Determine the low enrollment weighting for such districts for school year 2004-2005;
- (2) multiply the low enrollment weighting of each district determined under paragraph (1) by 3,863;
- (3) add 3,863 to the product obtained under paragraph (2);
- (4) divide the product obtained under paragraph (3) by 4,107; and
- (5) subtract 1 from the product obtained under paragraph (4). *Except as provided by subsection (e), the difference shall be the low enrollment weighting of the district.*

(e) In school year 2010-2011, the state board shall multiply the difference obtained under subsection (d)(5) by .83. The product is the low enrollment weighting of the district.

Sec. 11. K.S.A. 2009 Supp. 72-6413 is hereby amended to read as follows: 72-6413. (a) The program weighting of each district shall be determined by the state board as follows:

- (1) Compute full time equivalent enrollment in programs of bilingual education and multiply the computed enrollment by .395;
- (2) compute full time equivalent enrollment in approved vocational education programs and multiply the computed enrollment by 0.5;
- (3) add the products obtained under (1) and (2). *Except as provided by subsection (b), the sum is the program weighting of the district.*

(b) In school year 2010-2011, the state board shall multiply the sum obtained under subsection (a)(3) by .83. The product is the program weighting of the district.

(c) A school district may expend amounts received from the bilingual weighting to pay the cost of providing at-risk and preschool-aged at-risk education programs and services.

Sec. 12. K.S.A. 2009 Supp. 72-6414 is hereby amended to read as follows: 72-6414. (a) (1) The at-risk pupil weighting of each district shall be determined by the state board by multiplying the number of at-risk pupils included in enrollment of the district by ~~.278~~ for school year 2006-2007, by ~~.378~~ for school year 2007-2008 and by ~~.456~~ for school year 2008-2009 and each school year thereafter .456. *Except as provided by subsection (2), the product is the at-risk pupil weighting of the district.*

(2) In the school year 2010-2011, the state board shall multiply the product obtained under subsection (a)(1) by .83. The product is the at-risk pupil weighting of the district.

(b) Except as provided in subsection (d), of the amount a district receives from the at-risk pupil weighting, an amount produced by a pupil weighting of .01 shall be used by the district for achieving mastery of basic reading skills by completion of the third grade in accordance with standards and outcomes of mastery identified by the state board under K.S.A. 72-7534, and amendments thereto.

(c) A district shall include such information in its at-risk pupil assistance plan as the state board may require regarding the district's remediation strategies and the results thereof in achieving the third grade reading standards and outcomes of mastery identified by the state board. The reporting requirements shall include information documenting remediation strategies and improvement made by pupils who performed below the expected standard on the second grade diagnostic reading test prescribed by the state board.

(d) A district whose pupils substantially achieve the state board standards and outcomes of mastery of reading skills upon completion of third grade may be released, upon request, by the state board from the requirements of subsection (b).

(e) (1) A district may expend amounts received from the at-risk pupil weighting to pay for the cost of providing full-day kindergarten to any pupil enrolled in the district and attending full-day kindergarten whether or not such pupil is an at-risk pupil.

(2) Nothing in this subsection shall be construed as requiring school districts to provide full-day kindergarten nor as requiring any pupil to attend full-day kindergarten.

(3) As used in this subsection (e):

(A) "District" means any school district which offers both full-day and half-day kindergarten.

(B) "Cost" means that portion of the cost of providing full-day kindergarten which is not paid by the state.

(f) A school district may expend amounts received from the at-risk weighting to pay the cost of providing preschool-aged at-risk, bilingual and vocational education programs and services.

Sec. 13. K.S.A. 72-6415 is hereby amended to read as follows: 72-6415. (a) The school facilities weighting of each district shall be determined in each school year in which such weighting may be assigned to enrollment of the district as follows:

(1) Determine the number of pupils, included in enrollment of the district, who are attending a new school facility;

(2) multiply the number of pupils determined under (1) by .25. *Except as provided by subsection (b)*, the product is the school facilities weighting of the district.

~~(b) The provisions of this section shall take effect and be in force from and after July 1, 1992. In school year 2010-2011, the state board shall multiply the product obtained under subsection (a)(2) by .83. The product is the school facilities weighting of the district.~~

Sec. 14. K.S.A. 2009 Supp. 72-6433d is hereby amended to read as follows: 72-6433d. (a) (1) The provisions of this subsection shall apply in any school year in which the amount of base state aid per pupil is \$4,433 or less.

(2) The board of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the base state aid per pupil was \$4,433 or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(b) (1) The provisions of this subsection shall apply in any school year in which the amount appropriated for state aid for special education and related services is less than the amount appropriated for state aid for special education and related services in school year 2008-2009.

(2) The board of education of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the district received state aid for special education and related services equal to the amount of state aid for special education and related services received in school year 2008-2009, or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(c) In school year 2010-2011, the board of education of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the district received payment of KPERS employer contributions for the school district equal to the amount of such payment in school year 2009-2010, or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(d) The board of education of any school district may exercise the authority granted under subsection (a) or (b) or both subsections (a) and (b) any or all of subsections (a), (b) or (c).

~~(e) To the extent that the provisions of K.S.A. 72-6433, and amendments thereto, conflict with this section, this section shall control.~~

~~(f) The provisions of this section shall expire on June 30, 2012.~~

Sec. 15. K.S.A. 2009 Supp. 72-6442b is hereby amended to read as follows: 72-6442b. The high enrollment weighting of each district with ~~1,637 or over enrollment in school year 2006-2007, 1,622 or over enrollment in school year 2007-2008 and each school year thereafter~~ enrollment of 1,622 or over shall be determined by the state board as follows:

(a) Determine the schedule amount for a district with ~~1,637 enrollment in school year 2006-2007, and 1,622 enrollment in school year 2007-2008 and each school year thereafter~~ enrollment of 1,622 or over as derived from the linear transition under (d) of K.S.A. 72-6412, and amendments thereto, and subtract the amount determined under (c) of K.S.A. 72-6412, and amendments thereto, from the schedule amount so determined;

(b) divide the remainder obtained under (a) by the amount determined under (c) of K.S.A. 72-6412, and amendments thereto, and multiply the quotient by the enrollment of the district in the current school year. *Except as provided by subsection (c)*, the product is the high enrollment weighting of the district.

(c) In school year 2010-2011, the state board shall multiply the product obtained under subsection (b) by .83. The product is the high enrollment weighting of the district.

Sec. 16. K.S.A. 2009 Supp. 72-6454 is hereby amended to read as follows: 72-6454. (a) The nonproficient pupil weighting of each district shall be determined by the state board as follows:

(1) Determine the number of pupils who were not eligible for free meals under the national school lunch act and who scored below proficiency or failed to meet the standards established by the state board on either the mathematics or reading state assessments in the preceding school year; and

(2) multiply the number determined under paragraph (1) by .0465. *Except as provided by subsection (b)*, the product is the nonproficient pupil weighting of the district.

(b) *In school year 2010-2011, the state board shall multiply the product obtained under subsection (a)(2) by .83. The product is the nonproficient pupil weighting of the district.*

(c) If the state board determines that as a result of the occurrence of a disaster in the school district, pupils in the school district are unable to participate in the state assessments, the nonproficient pupil weighting of the school district shall be equal to the nonproficient pupil weighting of the district in the preceding school year.

As used in this subsection, "disaster" means the occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including but not limited to fire, flood, earthquake, tornado, wind, storm, drought, epidemics, air contamination, blight, drought, infestation or explosion.

Sec. 17. K.S.A. 2009 Supp. 72-6455 is hereby amended to read as follows: 72-6455. (a) As used in this section, school district means any district having: (1) An enrollment of at least 50% at-risk pupils; or (2) an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile.

(b) The high density at-risk pupil weighting of each school district shall be determined by the state board by multiplying the number of at-risk pupils by .10. *Except as provided by subsection (d)*, the product is the high density at-risk pupil weighting of the district.

(c) *Except as provided by subsection (d)*, if a school district becomes ineligible for high density at-risk pupil weighting because enrollment of at-risk pupils in the district falls below the requirements of subsection (a), the high density at-risk pupil weighting of the district shall be the greater of: (1) The high density at-risk pupil weighting in the current school year; (2) the high density at-risk pupil weighting in the prior school year; or (3) the average of the high density at-risk pupil weighting in the current school year and the preceding two school years.

The provisions of this subsection shall expire on June 30, 2011.

(d) *In school year 2010-2011, the state board shall multiply the product obtained under subsection (b) or the amount obtained under subsection (c) by .83. The product is the high density at-risk pupil weighting of the district.*

Sec. 18. K.S.A. 2009 Supp. 72-6459 is hereby amended to read as follows: 72-6459. (a) As used in this section, "school district" means any district having an enrollment of at least 40% but less than 50% at-risk pupils.

(b) The medium density at-risk pupil weighting of each school district shall be determined by the state board by multiplying the number of at-risk pupils by .06. *Except as provided by subsection (d)*, the product is the medium density at-risk pupil weighting of the district.

(c) If a school district becomes ineligible for medium density at-risk pupil weighting because enrollment of at-risk pupils in the district falls below the requirement of subsection (a), the medium density at-risk pupil weighting of the district shall be the greater of: (1) The medium density at-risk pupil weighting in the current school year; (2) the medium density at-risk pupil weighting in the prior school year; or (3) the average of the medium density at-risk pupil weighting in the current school year and the preceding two school years.

The provisions of this subsection shall expire on June 30, 2011.

(d) *In school year 2010-2011, the state board shall multiply the product obtained under subsection (b) or the amount obtained under subsection (c) by .83. The product is the medium density at-risk pupil weighting of the district.*

Sec. 19. K.S.A. 2009 Supp. 74-4939a is hereby amended to read as follows: 74-4939a. On and after the effective date of this act for each fiscal year commencing with fiscal year 2005, notwithstanding the provisions of K.S.A. 74-4939 and amendments thereto or any other statute, all moneys appropriated for the department of education from the state general fund commencing with fiscal year 2005, and each ensuing fiscal year thereafter, by appropriation act of the legislature, in the KPERS employer contributions account and all moneys appropriated for the department of education from the state general fund or any

special revenue fund for each fiscal year commencing with fiscal year 2005, and each ensuing fiscal year thereafter, by any such appropriation act in that account or any other account for payment of employer contributions for school districts, shall be distributed by the department of education to school districts in accordance with this section. Notwithstanding the provisions of K.S.A. 74-4939, and amendments thereto, the department of education shall disburse to each school district that is an eligible employer as specified in subsection (1) of K.S.A. 74-4931 and amendments thereto an amount certified by the board of trustees of the Kansas public employees retirement system which is equal to the participating employer's obligation of such school district to the system in accordance with policies and procedures which are hereby authorized and directed to be adopted by the department of education for the purposes of this section and in accordance with any requirements prescribed by the board of trustees of the Kansas public employees retirement system. Upon receipt of each such disbursement of moneys, the school district shall deposit the entire amount thereof into ~~the~~ *the general fund of the school district and transfer an equal amount to the* special retirement contributions fund of the school district, which shall be established by the school district in accordance with such policies and procedures and which shall be used for the sole purpose of receiving such disbursements from the department of education and making the remittances to the system in accordance with this section and such policies and procedures. Upon receipt of each such disbursement of moneys from the department of education, the school district shall remit, in accordance with the provisions of such policies and procedures and in the manner and on the date or dates prescribed by the board of trustees of the Kansas public employees retirement system, an equal amount to the Kansas public employees retirement system from the special retirement contributions fund of the school district to satisfy such school district's obligation as a participating employer. Notwithstanding the provisions of K.S.A. 74-4939 and amendments thereto, each school district that is an eligible employer as specified in subsection (1) of K.S.A. 74-4931 and amendments thereto shall show within the budget of such school district all amounts received from disbursements into the special retirement contributions fund of such school district. Notwithstanding the provisions of any other statute, no official action of the school board of such school district shall be required to approve a remittance to the system in accordance with this section and such policies and procedures. All remittances of moneys to the system by a school district in accordance with this subsection and such policies and procedures shall be deemed to be expenditures of the school district.

Sec. 20. K.S.A. 2009 Supp. 72-6414a is hereby amended to read as follows: 72-6414a. (a) There is hereby established in every district a fund which shall be called the at-risk education fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a district directly attributable to providing at-risk assistance or programs, including assistance or programs provided to nonproficient pupils, shall be paid from the at-risk education fund.

(b) Any balance remaining in the at-risk education fund at the end of the budget year shall be carried forward into the at-risk education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the at-risk education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

Any unencumbered balance of moneys remaining in the at-risk education fund of a school district on June 30, 2010, may be expended by the school district for general education purposes of the school district in school year 2010-2011.

(c) Each year the board of education of each school district shall prepare and submit to the state board a report on the at-risk program or assistance provided by the district. Such report shall include information specifying the number of at-risk pupils and nonproficient pupils who were served or provided assistance, the type of service provided, the research upon which the district relied in determining that a need for service or assistance existed, the results of providing such service or assistance and any other information required by the state board.

(d) In order to achieve uniform reporting of the number of at-risk pupils and nonproficient pupils provided service or assistance by school districts in at-risk programs, districts shall report the number of at-risk pupils and nonproficient pupils served or assisted in the manner required by the state board.

Sec. 21. K.S.A. 2009 Supp. 72-6414b is hereby amended to read as follows: 72-6414b. (a) There is hereby established in every district a fund which shall be called the preschool-aged at-risk education fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a district directly attributable to providing preschool-aged at-risk assistance or programs shall be paid from the preschool-aged at-risk education fund.

(b) A school district may expend amounts received from the preschool-aged at-risk weighting to pay the cost of providing at-risk, bilingual and vocational education programs and services.

(c) Any balance remaining in the preschool-aged at-risk education fund at the end of the budget year shall be carried forward into the preschool-aged at-risk education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the preschool-aged at-risk education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

Any unencumbered balance of moneys remaining in the preschool-aged at-risk education fund of a school district on June 30, 2010, may be expended by the school district for general education purposes of the school district in school year 2010-2011.

(d) Each year the board of education of each school district shall prepare and submit to the state board a report on the preschool-aged at-risk program or assistance provided by the district. Such report shall include information specifying the number of pupils who were served or provided assistance, the type of service provided, the research upon which the district relied in determining that a need for service or assistance existed, the results of providing such service or assistance and any other information required by the state board.

Sec. 22. K.S.A. 2009 Supp. 72-6421 is hereby amended to read as follows: 72-6421. (a) There is hereby established in every district a fund which shall be called the vocational education fund. All moneys received by a district for any course or program authorized and approved under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated; ~~except for courses and programs conducted in an area vocational school;~~ shall be credited to the vocational education fund. All moneys received by the district from tuition, fees or charges or from any other source for vocational education courses or programs; ~~except for courses and programs conducted in an area vocational school;~~ shall be credited to the vocational education fund. The expenses of a district directly attributable to vocational education shall be paid from the vocational education fund.

(b) Obligations of a district pursuant to lawful agreements made under K.S.A. 72-4421, and amendments thereto, shall be paid from the vocational education fund established by this section. If any such agreement expresses an obligation of a district in terms of a mill levy, such obligation shall be construed to mean an amount equal to that which would be produced by the levy.

(c) Any balance remaining in the vocational education fund at the end of the budget year shall be carried forward into the vocational education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the vocational education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

Any unencumbered balance of moneys attributable to appropriations by the legislature in the vocational education fund of a school district on June 30, 2010, may be expended by the school district for general education purposes of the school district in school year 2010-2011.

Sec. 23. K.S.A. 72-8237 is hereby amended to read as follows: 72-8237. (a) The board of education of any school district may: (1) Establish, operate and maintain a summer program for pupils; (2) enter into cooperative or interlocal agreements with one or more other boards of education for the establishment, operation and maintenance of a summer program for pupils; and (3) prescribe and collect fees for providing a summer program for pupils or provide such program without charge.

(b) Fees for providing a summer program for pupils shall be prescribed and collected only to recover the costs incurred as a result of and directly attributable to the establishment, operation and maintenance of the program.

(c) No school district may collect fees for providing a summer program for pupils required to attend such a program in accordance with the provisions of law, rules and regulations of the state board of education, policy of the board of education, or an individualized education plan developed for an exceptional child.

(d) There is hereby established in every district which establishes, operates and maintains a summer program a fund which shall be called the summer program fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by a district from fees collected under this section or from any other source for summer programs shall be credited to the summer program fund. The expenses of a district directly attributable to summer programs shall be paid from the summer program fund.

Any unencumbered balance of moneys remaining in the summer program fund of a school district on June 30, 2010, may be expended by the school district for general education purposes of the school district in school year 2010-2011.

(e) As used in this section, the term "summer program" means a program which is established by the board of education of a school district and operated during the summer months for the purpose of giving remedial instruction to pupils or for the purpose of conducting special projects and activities designed to enrich and enhance the educational experience of pupils, or for both such purposes.

Sec. 24. K.S.A. 2009 Supp. 72-9509 is hereby amended to read as follows: 72-9509. (a) There is hereby established in every school district a fund which shall be called the bilingual education fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a district directly attributable to such bilingual education programs shall be paid from the bilingual education fund.

(b) Any balance remaining in the bilingual education fund at the end of the budget year shall be carried forward into the bilingual education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the bilingual education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

Any unencumbered balance of moneys remaining in the bilingual education fund of a school district on June 30, 2010, may be expended by the school district for general education purposes of the school district in school year 2010-2011.

(c) Each year the board of education of each school district shall prepare and submit to the state board a report on the bilingual education program and assistance provided by the district. Such report shall include information specifying the number of pupils who were served or provided assistance, the type of service provided, the research upon which the district relied in determining that a need for service or assistance existed, the results of providing such service or assistance and any other information required by the state board.

Sec. 25. K.S.A. 2009 Supp. 72-9609 is hereby amended to read as follows: 72-9609. There is hereby established in every school district a fund which shall be called the professional development fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by the school district from whatever source for professional development programs established under this act shall be credited to the fund established by this section. The expenses of a school district directly attributable to professional development programs shall be paid from the professional development fund.

Any unencumbered balance of moneys remaining in the professional development fund of a school district on June 30, 2010, may be expended by the school district for general education purposes of the school district in school year 2010-2011.

Sec. 26. K.S.A. 72-6411, 72-6415 and 72-8237 and K.S.A. 2009 Supp. 72-1046b, 72-6407, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6421, 72-6433d, 72-6442b, 72-6454, 72-6455, 72-6459, 72-9509, 72-9609 and 74-4939a are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 12, by striking all after the semicolon; by striking all in lines 13 and 14 and inserting “relating to school finance; amending K.S.A. 72-6411, 72-6415 and 72-8237 and K.S.A. 2009 Supp. 72-1046b, 72-6407, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6421, 72-6433d, 72-6442b, 72-6454, 72-6455, 72-6459, 72-9509, 72-9609 and 74-4939a and repealing the existing sections.”

Upon the showing of five hands a roll call was requested:

On roll call, the vote was: Yeas 12, Nays 28, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Brownlee, Bruce, Donovan, Huelskamp, Kelsey, Lynn, Masterson, Petersen, Pilcher-Cook, Pyle, Wagle.

Nays: Apple, Barnett, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, McGinn, Morris, Ostmeyer, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

The motion failed and the amendment was rejected.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on this amendment to **HB 2595** first and foremost because it could increase local property taxes by \$65 million statewide.

This amendment could cause hundreds of local school districts to adopt huge percentage increases in their local option budget. For example, USD 274 Oakley could have a 25.5% increase on top of their current local option budget. USD 368 Paola could see a 12% LOB increase and USD 490 El Dorado could see a 12.2% increase in their LOB.

This amendment reduces current weights across-the-board to 83% which would drastically reduce funding for at-risk and bilingual students, and low-enrollment school districts.

We should adequately fund schools at the state level in order to reduce reliance on property taxes at the local level. This amendment does the opposite.

Senators voting for this amendment support a tax shift onto their local property taxpayers.

— ANTHONY HENSLEY

The Committee rose and reported progress (See Committee of the Whole, afternoon session).

On motion of Senator D. Schmidt, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

The House adopts the conference committee report on **SB 434**.

The House concurs in Senate amendments to **Senate Substitute for HB 2310** and requests the Senate to return the bill.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **SB 434**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 434**, 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 amendments, as follows:

On page 1, after line 21, by inserting the following:

“New Section 1. There is hereby created in the state treasury the department of corrections forensic psychologist fund. All moneys credited to the department of corrections forensic psychologist fund shall be used by the department of corrections for the purpose of contracting for the services of forensic psychologists. All expenditures from the department of corrections forensic psychologist 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 corrections or the secretary’s designee.

Sec. 2. K.S.A. 2009 Supp. 12-4117 is hereby amended to read as follows: 12-4117. (a) In each case filed in municipal court charging a crime other than a nonmoving traffic violation, where there is a finding of guilty or a plea of guilty, a plea of no contest, forfeiture of bond or a diversion, a sum in an amount of ~~\$19~~ \$20 shall be assessed and such assessment shall be credited as follows:

One dollar to the local law enforcement training reimbursement fund established pursuant to K.S.A. 74-5620, and amendments thereto, \$11.50 to the law enforcement training center fund established pursuant to K.S.A. 74-5619, and amendments thereto, \$2.50 to the Kansas commission on peace officers’ standards and training fund established by K.S.A. 74-5619, and amendments thereto, \$2 to the juvenile detention facilities fund established pursuant to K.S.A. 79-4803, and amendments thereto, to be expended for operational costs of facilities for the detention of juveniles, \$.50 to the protection from abuse fund established pursuant to K.S.A. 74-7325, and amendments thereto, \$.50 to the crime victims assistance fund established pursuant to K.S.A. 74-7334, and amendments thereto ~~and~~, \$1 to the trauma fund established pursuant to K.S.A. 2009 Supp. 75-5670, and amendments thereto, *and \$1 to the department of corrections forensic psychologist fund established pursuant to section 1, and amendments thereto.*

(b) The judge or clerk of the municipal court shall remit the appropriate assessments received pursuant to this section 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 local law enforcement training reimbursement fund, the law enforcement training center fund, the Kansas commission on peace officers’ standards and training fund, the juvenile detention facilities fund, the crime victims assistance fund ~~and~~, the trauma fund *and the department of corrections forensic psychologist fund* as provided in this section.

(c) For the purpose of determining the amount to be assessed according to this section, if more than one complaint is filed in the municipal court against one individual arising out of the same incident, all such complaints shall be considered as one case.”;

On page 6, by striking all in lines 23 through 26;

By striking all on pages 7 through 12;

On page 13, by striking all in lines 1 through 23 and inserting the following:

“Sec. 5. K.S.A. 2009 Supp. 21-4704, as amended by section 9 of 2010 House Bill No. 2661, is hereby amended to read as follows: 21-4704. (a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 33 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
30-60 Days
Presumptive Imprisonment

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sentence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) The sentence for the violation of K.S.A. 21-3415, and amendments thereto, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or K.S.A. 21-3411, and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered departure and shall not be subject to appeal.

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall be as provided by the specific mandatory

sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, except that the term of imprisonment for felony violations of K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: (A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (ii) at the time of the conviction under paragraph (A) (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government; or (B) (i) has been convicted of rape, K.S.A. 21-3502, and amendments thereto; and (ii) at the time of the conviction under paragraph (B) (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in paragraph (2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies, felony violations of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies, felony violations of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of subsection (a) of K.S.A. 21-3715 and amendments thereto when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715 or 21-3716 and amendments thereto shall be presumed imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or subsection (d) of K.S.A. 21-3812, and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism, such program is available and the offender can be admitted to such program within a reasonable period of time; or

(2) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence pursuant to this section shall not be considered a departure and shall not be subject to appeal.

(n) The sentence for a third or subsequent violation of subsection (b) of K.S.A. 21-3705, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) The sentence for a felony violation of K.S.A. 21-3701 or 21-3715, and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, and amendments thereto; or the sentence for a felony violation of K.S.A. 21-3701, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, and amendments thereto; or the sentence for a felony violation of K.S.A. 21-3715, and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

(1) Substance abuse was an underlying factor in the commission of the crime;

(2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of subsection (f)(1) of K.S.A. 21-4729, and amendments thereto, shall apply to a defendant sentenced under this subsection.

The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of K.S.A. 21-3701, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716 and amendments thereto, or the sentence for a violation of K.S.A. 21-3715, and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

(1) Substance abuse was an underlying factor in the commission of the crime;

(2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of

imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision.

The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q) The sentence for a violation of subsection (a)(2) of K.S.A. 21-3413, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(r) *The sentence for a violation of K.S.A. 21-3520, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.*

(s) (1) *If the trier of fact makes a finding that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.*

(2) *The sentence imposed pursuant to paragraph (1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.*

(3) *As used in this subsection, "ballistic resistant material" means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.*

Sec. 6. On and after July 1, 2011, K.S.A. 2009 Supp. 21-4704, as amended by section 5, is hereby amended to read as follows: 21-4704. (a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

SENTENCING RANGE - NONDRUG OFFENSES

Category ↓	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felony	2 Person Felony	1 Person & 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felony	2 Nonperson Felony	1 Nonperson Felony	2 + Misdemeanor	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 23	21 20 19	18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Nonperson Felony
Person Felony
Presumptive Imprisonment

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sentence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) The sentence for the violation of K.S.A. 21-3415, and amendments thereto, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or K.S.A. 21-3411, and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered departure and shall not be subject to appeal.

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall be as provided by the specific mandatory

sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, except that the term of imprisonment for felony violations of K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: (A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (ii) at the time of the conviction under paragraph (A) (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government; or (B) (i) has been convicted of rape, K.S.A. 21-3502, and amendments thereto; and (ii) at the time of the conviction under paragraph (B) (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in paragraph (2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies, felony violations of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies, felony violations of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of subsection (a) of K.S.A. 21-3715, and amendments thereto, *or any attempt or conspiracy, as defined in K.S.A. 21-3301 or 21-3302, and amendments thereto, to commit such offense*, when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715 or 21-3716, and amendments thereto, *or any attempt or conspiracy to commit such offense*, shall be ~~presumed~~ *presumptive* imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or subsection (d) of K.S.A. 21-3812, and amendments thereto, shall be presumptive imprisonment. If an offense under such

sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism, such program is available and the offender can be admitted to such program within a reasonable period of time; or

(2) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence pursuant to this section shall not be considered a departure and shall not be subject to appeal.

(n) The sentence for a third or subsequent violation of subsection (b) of K.S.A. 21-3705, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) The sentence for a felony violation of K.S.A. 21-3701 or 21-3715, and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, and amendments thereto; or the sentence for a felony violation of K.S.A. 21-3701, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, and amendments thereto; or the sentence for a felony violation of K.S.A. 21-3715, and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

(1) Substance abuse was an underlying factor in the commission of the crime;

(2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of subsection (f)(1) of K.S.A. 21-4729, and amendments thereto, shall apply to a defendant sentenced under this subsection.

The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of K.S.A. 21-3701, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716 and amendments thereto, or the sentence for a violation of K.S.A. 21-3715, and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

(1) Substance abuse was an underlying factor in the commission of the crime;

(2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court

and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision.

The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q) The sentence for a violation of subsection (a)(2) of K.S.A. 21-3413, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of K.S.A. 21-3520, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) (1) If the trier of fact makes a finding that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.

(2) The sentence imposed pursuant to paragraph (1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) As used in this subsection, "ballistic resistant material" means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.";

On page 20, by striking all in lines 40 through 43 and inserting the following:

"(2) Inmates sentenced for a class A or class B felony who have not had a parole board hearing in the five years prior to July 1, 2010, shall have such inmates' cases reviewed by the parole board on or before July 1, 2012. Such review shall begin with the inmates with the oldest deferral date and progress to the most recent. Such review shall be done utilizing existing resources unless the parole board determines that such resources are insufficient. If the parole board determines that such resources are insufficient, then the provisions of this paragraph are subject to appropriations therefor.";

On page 23, by striking all in lines 28 through 43;

By striking all on pages 24 through 26;

On page 27, by striking all in lines 1 through 23 and inserting the following:

"Sec. 8. On and after July 1, 2010, K.S.A. 2009 Supp. 22-4902, as amended by section 11 of 2010 House Bill No. 2661, is hereby amended to read as follows: 22-4902. As used in the Kansas offender registration act, unless the context otherwise requires:

(a) "Offender" means: (1) A sex offender as defined in subsection (b);
 (2) a violent offender as defined in subsection (d);
 (3) a sexually violent predator as defined in subsection (f);
 (4) any person who, on and after May 29, 1997, is convicted of any of the following crimes when the victim is less than 18 years of age:

(A) Kidnapping as defined in K.S.A. 21-3420 and amendments thereto, except by a parent;

(B) aggravated kidnapping as defined in K.S.A. 21-3421 and amendments thereto; or

(C) criminal restraint as defined in K.S.A. 21-3424 and amendments thereto, except by a parent;

(5) any person convicted of any of the following criminal sexual conduct if one of the parties involved is less than 18 years of age:

(A) Adultery as defined by K.S.A. 21-3507, and amendments thereto;

(B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-3505, and amendments thereto;

(C) promoting prostitution as defined by K.S.A. 21-3513, and amendments thereto;

(D) patronizing a prostitute as defined by K.S.A. 21-3515, and amendments thereto; or

(E) lewd and lascivious behavior as defined by K.S.A. 21-3508, and amendments thereto; or

~~(F) unlawful sexual relations as defined by K.S.A. 21-3520, and amendments thereto;~~

(6) any person who has been required to register under any federal, military or other state's law or is otherwise required to be registered;

(7) any person who, on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;

(8) any person who has been convicted of an offense in effect at any time prior to May 29, 1997, that is comparable to any crime defined in subsection (4), (5), (7) or (11), or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in subsection (4), (5), (7) or (11);

(9) any person who has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in subsection (4), (5), (7) or (10);

(10) any person who has been convicted of aggravated *human* trafficking as defined in K.S.A. 21-3447, and amendments thereto; or

(11) any person who has been convicted of: (A) Unlawful manufacture or attempting such of any controlled substance or controlled substance analog as defined by K.S.A. 65-4159, prior to its repeal or K.S.A. 2009 Supp. 21-36a03, and amendments thereto, unless the court makes a finding on the record that the manufacturing or attempting to manufacture such controlled substance was for such person's personal use;

(B) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance as defined by subsection (a) of K.S.A. 65-7006, prior to its repeal or subsection (a) of K.S.A. 2009 Supp. 21-36a09, and amendments thereto, unless the court makes a finding on the record that the possession of such product was intended to be used to manufacture a controlled substance for such person's personal use; or

(C) K.S.A. 65-4161, prior to its repeal or subsection (a)(1) of K.S.A. 2009 Supp. 21-36a05, and amendments thereto. The provisions of this paragraph shall not apply to violations of subsections (a)(2) through (a)(6) or (b) of K.S.A. 2009 Supp. 21-36a05, and amendments thereto, which occurred on and after July 1, 2009, through the effective date of this act.

Convictions which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this section. A conviction from another state shall constitute a conviction for purposes of this section.

(b) "Sex offender" includes any person who, on or after April 14, 1994, is convicted of any sexually violent crime set forth in subsection (c) or is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c).

(c) "Sexually violent crime" means:

(1) Rape as defined in K.S.A. 21-3502 and amendments thereto;

(2) indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto;

(3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto;

(4) criminal sodomy as defined in subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;

(5) aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto;

(6) indecent solicitation of a child as defined by K.S.A. 21-3510 and amendments thereto;

(7) aggravated indecent solicitation of a child as defined by K.S.A. 21-3511 and amendments thereto;

(8) sexual exploitation of a child as defined by K.S.A. 21-3516 and amendments thereto;

(9) sexual battery as defined by K.S.A. 21-3517 and amendments thereto;

(10) aggravated sexual battery as defined by K.S.A. 21-3518 and amendments thereto;
 (11) aggravated incest as defined by K.S.A. 21-3603 and amendments thereto;
 (12) electronic solicitation as defined by K.S.A. 21-3523, and amendments thereto,
 committed on ~~and~~ or after April 17, 2008;

(13) *unlawful sexual relations as defined by K.S.A. 21-3520, and amendments thereto, committed on or after July 1, 2010;*

(14) any conviction for an offense in effect at any time prior to April 29, 1993, that is comparable to a sexually violent crime as defined in subparagraphs (1) through (11), or any federal, military or other state conviction for an offense that under the laws of this state would be a sexually violent crime as defined in this section;

~~(14)~~ (15) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of a sexually violent crime, as defined in this section; or

~~(15)~~ (16) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, “sexually motivated” means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant’s sexual gratification.

(d) “Violent offender” includes any person who, *on or after* May 29, 1997, is convicted of any of the following crimes:

(1) Capital murder as defined by K.S.A. 21-3439 and amendments thereto;
 (2) murder in the first degree as defined by K.S.A. 21-3401 and amendments thereto;
 (3) murder in the second degree as defined by K.S.A. 21-3402 and amendments thereto;
 (4) voluntary manslaughter as defined by K.S.A. 21-3403 and amendments thereto;
 (5) involuntary manslaughter as defined by K.S.A. 21-3404 and amendments thereto;
 (6) any conviction for an offense in effect at any time prior to May 29, 1997, that is comparable to any crime defined in this subsection, or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in this subsection.

(e) “Law enforcement agency having jurisdiction” means the sheriff of the county in which the offender expects to reside upon the offender’s discharge, parole or release.

(f) “Sexually violent predator” means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq. and amendments thereto.

(g) “Nonresident student or worker” includes any offender who crosses into the state or county for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, for the purposes of employment, with or without compensation, or to attend school as a student.

(h) “Aggravated offenses” means engaging in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence, or engaging in sexual acts involving penetration with victims less than 14 years of age, and includes the following offenses:

(1) Rape as defined in subsection (a)(1)(A) and subsection (a)(2) of K.S.A. 21-3502, and amendments thereto;

(2) aggravated criminal sodomy as defined in subsection (a)(1) and subsection (a)(3)(A) of K.S.A. 21-3506, and amendments thereto; and

(3) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in this subsection.

(i) “Institution of higher education” means any post-secondary school under the supervision of the Kansas board of regents.

Sec. 9. K.S.A. 21-3520 and K.S.A. 2009 Supp. 12-4117, 21-3826, 21-4704, as amended by section 9 of 2010 House Bill No. 2661, 21-4704, as amended by section 19 of 2010 House Bill No. 2435, 21-4704, as amended by section 8 of 2010 Senate Bill No. 586, 22-3717, 22-4902, as amended by section 11 of 2010 House Bill No. 2661, 22-4902, as amended by section 4 of 2010 Substitute for Senate Bill No. 353, and 22-4902, as amended by section 9 of 2010 Senate Bill No. 586, are hereby repealed.

Sec. 10. On and after July 1, 2011, K.S.A. 2009 Supp. 21-4704, as amended by section 5, is hereby repealed.”;

And by renumbering the sections accordingly;

In the title, in line 15, before “relating” by inserting “creating the department of corrections forensic psychologist fund;”; also in line 15, after “to” by inserting “municipal court assessments;”; in line 18, after “Supp.” by inserting “12-4117;”; also in line 18, after “21-4704” by inserting “, as amended by section 9 of 2010 House Bill No. 2661, 21-4704, as amended by section 5”; also in line 18, after “22-4902” by inserting “, as amended by section 11 of 2010 House Bill No. 2661;”; in line 19, after “sections” by inserting “; also repealing K.S.A. 2009 Supp. 21-4704, as amended by section 19 of 2010 House Bill No. 2435, 21-4704, as amended by section 8 of 2010 Senate Bill No. 586, 22-4902, as amended by section 4 of 2010 Substitute for Senate Bill No. 353, and 22-4902, as amended by section 9 of 2010 Senate Bill No. 586”;

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

PAT COLLOTON

JOE PATTON

MELODY MCCRAY-MILLER

Conferees on part of House

THOMAS C. OWENS

DEREK SCHMIDT

DAVID HALEY

Conferees on part of Senate

Senator Owens moved the Senate adopt the Conference Committee Report on **SB 434**.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Emler.

The Conference Committee report was adopted.

REPORT ON ENGROSSED BILLS

SB 586 reported correctly engrossed May 5, 2010.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for further consideration of bills upon the calendar under the heading of General Orders with Senator V. Schmidt in the chair.

On motion of Senator V. Schmidt the morning and following afternoon reports were adopted:

Senator D. Schmidt made a motion to reconsider **HB 2595**. Senator Vratil moved to amend **HB 2595** on page 2, after line 42, by inserting the following:

“Sec. 2. K.S.A. 2009 Supp. 31-150 is hereby amended to read as follows: 31-150. (a) Except as otherwise provided in this section, the construction, *reconstruction or renovation* of school buildings shall comply with the requirements of the 2000 edition of the international building code as published by the international codes council. All electric wiring shall conform to requirements of the 1999 issue of the national electric code of the national fire protection association.

(b) The construction, *reconstruction or renovation* of mobile, modular, portable or relocatable school buildings shall conform to the requirements of the 2000 edition of the life safety code as published by the national fire protection association.

(c) The construction, *reconstruction or renovation* of all school buildings shall conform to the provisions for making buildings and facilities accessible to, and usable by, persons with a disability, as required by K.S.A. 58-1301 through 58-1311, and amendments thereto.

(d) No contract shall be let for the construction, *reconstruction or renovation* of any school building, and it shall be illegal to pay out any public funds for the construction, *reconstruction or renovation* of a school building ~~until~~ *unless* the plans for such building ~~shall~~ (1) bear the seal of an architect or a professional engineer licensed by the state board of technical professions of the state of Kansas certifying that the plans meet the applicable requirements of this act; and (2) ~~be submitted to the state board of education for approval as to compliance with such requirements.~~

(e) The provisions of subsections (c) and (d) ~~of this section~~ shall not apply to any building or structure operated or used for any purpose by, or located upon the land of any community college, ~~area vocational school, area vocational-technical school,~~ technical college, municipal university, institution under the governance of the state board of regents or other institutions of post secondary education as defined by K.S.A. 74-3249, and amendments thereto. Prior to construction of ~~any new building or remodeling of any existing building, reconstruction or renovation of a building or structure,~~ all community colleges, ~~area vocational schools, area vocational-technical schools,~~ technical colleges, any municipal university, institutions under the governance of the state board of regents or other institutions of post secondary education as defined by K.S.A. 74-3249, and amendments thereto, shall submit to the state fire marshal a code footprint for evaluation and approval of the fire/life safety features of such ~~buildings~~ *building or structure*.

(f) The relocation of school buildings to which the provisions of subsection (b) apply shall not be construed to be construction or reconstruction under the provisions, ~~or for the purposes,~~ of this section.

~~(g) The construction or reconstruction of a school building, whether funded by bonds or other moneys, in a school district where general obligation bonds were authorized to be issued by a vote of the electors in an election held on or before July 1, 2000, shall be governed by the provisions of this section that were in effect on January 1, 2001.~~

~~The provisions of this subsection shall expire on July 1, 2006.~~

~~(h) (g) The state fire marshal shall adopt rules and regulations specifying those subsequent editions of the codes enumerated in subsections (a) and (b) which the state fire marshal has determined provide protection equivalent to those editions specified herein. Compliance with any subsequent edition specified by such rules and regulations shall be considered compliance with the edition of the code specified by this section.~~”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 43, by striking “72-1046b is” and inserting “31-150 and 72-1046b are”;

In the title, in line 13, after the semicolon by inserting “relating to school buildings;”; also in line 13, after “Supp.” by inserting “31-150 and”; in line 14, by striking “section” and inserting “sections” and **HB 2595** be passed as further amended.

S Sub for HB 2631 be amended by adoption of the committee amendments, be further amended by motion of Senator Emler on page 312, in line 7, before the period by inserting “: *Provided, however,* That the lapse provided for in this subsection shall not apply to the appropriations or reappropriations for fiscal year 2010 in each account of the state general fund for the state board of regents, or any state educational institution under the control and supervision of the state board of regents”; in line 21, before the period by inserting “: *Provided, however,* That the reduction in the expenditure limitations provided for in this subsection shall not apply to the special revenue funds in the state treasury for fiscal year 2010 of the state board of regents, or any state educational institution under the control and supervision of the state board of regents”; in line 40, before the period by inserting “: *Provided, however,* That the provisions of this subsection prescribing transfers of amounts from special revenue funds to the state general fund as provided for in this subsection shall not apply to the special revenue funds in the state treasury for fiscal year 2010 of the state board of regents, or any state educational institution under the control and supervision of the state board of regents”

S Sub for HB 2631 be further amended by motion of Senator Brownlee on page 125, in line 11, by subtracting \$12,362 from the dollar amount and by adjusting the dollar amount in line 11 accordingly; in line 27, by adding \$12,362 to the dollar amount and by adjusting the dollar amount in line 27 accordingly

S Sub for HB 2631 be further amended by motion of Senator Huelskamp on page 314, preceding line 16, by inserting the following:

“Sec. 166. (a) During the fiscal year ending June 30, 2011, subject to any applicable requirements of federal statutes, rules, regulations or guidelines, any expenditures or grants of money by any state agency for family planning services financed in whole or in part from federal title X moneys shall be made subject to the following two priorities: First priority to public entities (state, county, local health departments and health clinics) and if any moneys remain then; second priority to non-public entities which are hospitals or federally qualified health centers that provide comprehensive primary and preventative care in addition to family planning services.

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

And by renumbering the remaining sections accordingly

S Sub for HB 2631 be further amended by motion of Senator Huelskamp on page 314, after line 15, by inserting the following:

“Sec. 166. (a) During the fiscal year ending June 30, 2011, no expenditures shall be made from any moneys appropriated or reappropriated for any state agency from the state general fund or any special revenue fund or funds as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or any other appropriation act of the 2010 regular session of the legislature to plan, draft, propose, promulgate, finalize, or implement any rules and regulations pursuant to the clean air act (42 U.S.C. 7401 et seq.) involving the greenhouse gases identified in the final rule entitled “Endangerment and cause or contribute findings for greenhouse gases under Section 202(a) of the clean air act.”

(b) As used in this section, “state agency” has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto.”;

And by renumbering the remaining sections accordingly

S Sub for HB 2631 be further amended by motion of Senator D. Schmidt on page 174, after line 36, by inserting the following:

“Department of corrections forensic psychologist fund..... \$270,000

Provided, That if remittances in the department of corrections forensic psychologist fund exceed \$270,000, then the director of accounts and reports shall transfer each month during fiscal year 2011 all amounts credited to the department of corrections forensic psychologist fund during fiscal year 2011 in excess of \$270,000 from the department of corrections forensic psychologist fund to the operating expenditures account of the state general fund of the attorney general — Kansas bureau of investigation.”;

On page 187, after line 18, by inserting the following:

“(b) If 2010 Senate Bill No. 434 is passed by the legislature during the 2010 regular session and enacted into law, then, on July 1, 2010, the director of accounts and reports shall transfer \$270,000 from the adult correctional institutions account of the state general fund of the parole board to the department of corrections forensic psychologist fund of the department of corrections.”

S Sub for HB 2631 be further amended by motion of Senator Taddiken on page 71, following line 36, by inserting the following:

“(r) (1) 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 for fiscal year 2011 for the department of administration, as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2011 to establish a state real property inventory of all state real property: *Provided*, That, on or before August 30, 2010, the secretary of administration, or the secretary’s designee, shall complete a state real property inventory of all state real property: *Provided further*, That the state real property inventory shall include the legal description of each tract of state real property: *And provided further*, That, on or before August 30, 2010, the secretary of administration shall provide a copy of the state real property inventory to the members of the legislative coordinating

council, the house appropriations committee and the senate ways and means committee: *And provided further*, That, on or before November 30, 2010, the secretary of administration, or the secretary's designee, shall (1) determine and compile a market value for each tract of state real property, including the insurance value of each tract of state real property, if insured, the estimated market value of each tract of state real property, or a suggested method of determining the value of each such tract of state real property, and (2) determine and verify the current use of each tract of state real property to the state: *And provided further*, That, on or before November 30, 2010, the secretary of administration shall prepare and provide a copy of a report of the state real property valuation and the current use of such state real property, to the governor, the governor-elect, the members of the legislative coordinating council, the members of the house appropriations committee and the members of the senate ways and means committee: *And provided further*, That on or before, November 30, 2010, a legislative state property evaluation committee shall be established: *And provided further*, That the members of the legislative state property evaluation committee shall include the governor or the governor's designee, the governor-elect, or the governor-elect's designee, the president of the senate, or the president's designee, the speaker of the house, or the speaker's designee, the minority leader of the house and senate, or such leader's designee, the chairperson of the house appropriations committee and senate ways and means committees, or such chairperson's designee, the chairperson of the house and senate taxation committees, or such chairperson's designee, the chairperson of the senate commerce committee, or such chairperson's designee, and the chairperson of the house commerce and labor committee, or such chairperson's designee: *And provided further*, That, on or before January 15, 2011, the legislative state property evaluation committee shall (1) evaluate the marketability of each such tract of state real property, (2) evaluate the use or need of each such tract of state real property to the state, (3) evaluate the cost-to-benefit ratio of the state maintaining ownership of each such tract of state real property, (4) determine whether liquidation, privatization or leveraging of each such tract of state real property is in the best interest of the state, (5) establish contract safeguards and transaction parameters for the sale of such state real property, and (6) compile a prioritized list of such state real property which could be sold, liquidated, privatized or leveraged in an amount equal to or greater than \$175,000,000 in transaction value: *And provided further*, That, on or before January 15, 2011, the legislative state property evaluation committee shall provide a copy of such evaluation and determination to the members of the house appropriations committee and the members of the senate ways and means committee: *And provided further*, That, on or before January 31, 2011, the secretary of administration, or the secretary's designee, shall issue a request for proposal to liquidate all state real property which has been determined to be in the best interest of the state to sell: *And provided further*, That, on or before January 31, 2011, the secretary of administration shall provide a final report of all information required pursuant to this subsection to the members of the legislative coordinating council, the house appropriations committee, the senate ways and means committee and the legislative state property evaluation committee.

(2) As used in this subsection, "state real property" includes each tract of real property owned by the state of Kansas, or any state agency, as defined by K.S.A. 75-3701, and amendments thereto, and includes all buildings, facilities and other improvements thereon."

S Sub for HB 2631 be further amended by motion of Senator Francisco on page 13, after line 23, by inserting the following:

"(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Midwest higher education commission \$4,331";

On page 166, in line 22, by subtracting \$4,331 from the dollar amount and by adjusting the dollar amount in line 22 accordingly;

On page 172, in line 4, by subtracting \$4,331 from the dollar amount and by adjusting the dollar amount in line 4 accordingly

S Sub for HB 2631 be further amended by motion of Senator Emler on page 172, in line 9, after "for" by inserting "the state board of regents or the"; in line 14, after "account"

by inserting “or accounts”; also in line 14, after “of” by inserting “the state board of regents or”; in line 18, after “account” by inserting “or accounts”; also in line 18, after “of” by inserting “the state board of regents or”

S Sub for HB 2631 be further amended by motion of Senator Emler on page 13, after line 38, by inserting the following:

“(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Department of corrections forensic psychologist fund..... \$67,500

Provided, That any unencumbered balance in the department of corrections forensic psychologist fund account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.”;

On page 15, in line 25, by subtracting \$67,500 from the dollar amount and by adjusting the dollar amount in line 25 accordingly and **S Sub for HB 2631** be passed as further amended.

A motion by Senator Barnett failed and the following amendment was rejected; on page 20, in line 19, before the period by inserting “: *And provided further*, That, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto, or any other statute, no expenditures shall be made from this account during fiscal year 2011 for the purposes of paying the members of the legislature for subsistence allowance in excess of \$109 per calendar day for any regular or special session of the legislature during fiscal year 2011: *And provided further*, That, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto, no amount shall be payable to members of the legislature for subsistence allowance in excess of \$109 per calendar day for any regular or special session of the legislature during fiscal year 2011, under K.S.A. 46- 137a, and amendments thereto”;

On page 23, after line 36, by inserting the following:

“(e) Notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto, or any other statute, no expenditures shall be made from the operations (including official hospitality) account of the state general fund of the above agency during fiscal year 2012 for the purposes of paying the members of the legislature for subsistence allowance in excess of \$109 per calendar day for any regular or special session of the legislature during fiscal year 2012: *Provided*, That, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto, no amount shall be payable to members of the legislature for subsistence allowance in excess of \$109 per calendar day for any regular or special session of the legislature during fiscal year 2012, under K.S.A. 46- 137a, and amendments thereto.”;

On page 309, preceding line 20, by inserting the following:

“Sec. 162. (a) (1) Notwithstanding the provisions of K.S.A. 46-137a, 75-3212 or 75- 3223, and amendments thereto, or any other statute, no expenditures shall be made from any moneys appropriated for the fiscal year ending June 30, 2011, from the state general fund or any special revenue fund or funds by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or other appropriation act of the 2010 regular session of the legislature, by any state agency for the purposes of paying any member of a board for any calendar day for which subsistence allowance is payable to such member of a board under K.S.A. 75-3212 or 75-3223, and amendments thereto, at a rate in excess of \$109 per calendar day.

(2) Notwithstanding the provisions of K.S.A. 46-137a, 75-3212 or 75-3223, and amendments thereto, or any other statute, no expenditures shall be made from any moneys appropriated for the fiscal year ending June 30, 2012, from the state general fund or any special revenue fund or funds, by any state agency for the purposes of paying any member of a board for any calendar day for which subsistence allowance is payable to such member of a board under K.S.A. 75-3212 or 75-3223, and amendments thereto, at a rate in excess of \$109 per calendar day.

(3) As used in this section, (A) “state agency” means any state agency of the executive branch of state government (i) which has appropriations made for the fiscal year ending June 30, 2011, by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or other appropriation act of the 2010 regular session of the legislature, and (ii) which is, or which makes expenditures for, any board; and (B) “board” means any board, commission, committee, task force, panel

or other body in the executive branch of state government, including any advisory body, having one or more members who are entitled to receive per diem compensation for attendance at meetings of such body, or attendance at meetings authorized by such body of a subcommittee or other subsidiary group of such body, as provided in K.S.A. 75-3212 or 75-3223, and amendments thereto, at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto.

(b) Notwithstanding the provisions of K.S.A. 46-137a, 68-2003, 75-3212 or 75-3223, and amendments thereto, or any other statute, no expenditures shall be made by the Kansas turnpike authority during fiscal year 2011 or fiscal year 2012, for the purposes of paying any member of the Kansas turnpike authority under K.S.A. 68-2003, and amendments thereto, who is entitled, in accordance with K.S.A. 75-3223, and amendments thereto, to receive for any calendar day subsistence allowance under K.S.A. 75-3212 or 75-3223, and amendments thereto, at a rate in excess of \$109 per calendar day.”;

And by renumbering the remaining sections accordingly

Upon the showing of five hands a roll call was requested:

On roll call, the vote was: Yeas 14, Nays 26, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Colyer, Donovan, Holland, Huelskamp, Marshall, Masterson, Petersen, Pyle, Schmidt D, Schmidt V, Schodorf.

Nays: Brownlee, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, McGinn, Morris, Ostmeyer, Owens, Pilcher-Cook, Reitz, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The motion failed and the amendment was rejected.

A motion by Senator Huelskamp failed and the following amendment was rejected on page 314, after line 15, by inserting the following:

“Sec. 166. (a) Except as provided by this section, for any fiscal year that commences on or after July 1, 2011, fiscal year spending by the state shall not increase above the fiscal year spending for the preceding fiscal year by more than the maximum percentage increase determined pursuant to this section. The maximum percentage increase in fiscal year spending for a fiscal year shall be equal to the result obtained by adding the rate of inflation for the calendar year ending during the preceding fiscal year, plus the percentage change in state population during the calendar year ending during the preceding fiscal year if a positive number.

(b) The legislature, by law, shall provide a mechanism to adjust the amount of a limitation under this section to reflect any subsequent transfer of all or any part of the cost of providing a governmental function. The mechanism shall adjust the amount of a limitation so that total costs are not increased as a result of the transfer. The adjustment mechanism provided for in this subsection shall be used in determining a limitation under this section beginning with the fiscal year immediately following the transfer.

(c) As used within this section:

(1) “State” means the state government including all branches, state offices, authorities, agencies, boards, commissions, institutions, instrumentalities and any division or unit of state government which are directly supported with tax funds, except that “state” does not include any enterprise;

(2) “fiscal year” means the twelve-month fiscal period prescribed by law for the state;

(3) “fiscal year spending” means all expenditures and reserve increases except, as to both, (A) expenditures for refunds of any kind, (B) expenditures of moneys received from the federal government, moneys received as grants, gifts or donations which are to be expended for purposes specified by the donor, moneys that are collections for another government, moneys received for pension contributions by employees and pension fund earnings, or (C) budget stabilization reserve fund transfers, emergency reserve fund transfers, or expenditures in accordance with this act;

(4) “inflation” means the change expressed as a percentage in the consumer price index for the Kansas City metropolitan area, all goods, all urban consumers, as officially reported by the bureau of labor statistics of the United States department of labor, or the successor index to such consumer price index; and

(5) "population" means the more recent of either the periodic census conducted by the United States department of commerce or its successor agency or the annual update of such census as prescribed by the legislature by law, which shall be adjusted every decade to match the federal decennial census.";

And by renumbering the sections accordingly

Upon the showing of five hands a roll call was requested:

On roll call, the vote was: Yeas 15, Nays 25, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Barnett, Brownlee, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Wagle.

Nays: Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

The motion failed and the amendment was rejected.

A motion by Senator Masterson failed and the following amendment was rejected; on page 55, following line 17, by inserting the following:

"Gubernatorial transition \$150,000";

On page 71, following line 36, by inserting the following:

"(r) (1) 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 for fiscal year 2011 for the department of administration, as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2011 to establish a state real property inventory of all state real property: *Provided*, That, on or before August 30, 2010, the secretary of administration, or the secretary's designee, shall complete a state real property inventory of all state real property: *Provided further*, That the state real property inventory shall include the legal description of each tract of state real property: *And provided further*, That, on or before August 30, 2010, the secretary of administration shall provide a copy of the state real property inventory to the members of the legislative coordinating council, the house appropriations committee and the senate ways and means committee: *And provided further*, That, on or before November 30, 2010, the secretary of administration, or the secretary's designee, shall (1) determine and compile a market value for each tract of state real property, including the insurance value of each tract of state real property, if insured, the estimated market value of each tract of state real property, or a suggested method of determining the value of each such tract of state real property, and (2) determine and verify the current use of each tract of state real property to the state: *And provided further*, That, on or before November 30, 2010, the secretary of administration shall prepare and provide a copy of a report of the state real property valuation and the current use of such state real property, to the governor, the governor-elect, the members of the legislative coordinating council, the members of the house appropriations committee and the members of the senate ways and means committee: *And provided further*, That on or before, November 30, 2010, a legislative state property evaluation committee shall be established: *And provided further*, That the members of the legislative state property evaluation committee shall include the governor or the governor's designee, the governor-elect, or the governor-elect's designee, the president of the senate, or the president's designee, the speaker of the house, or the speaker's designee, the minority leader of the house and senate, or such leader's designee, the chairperson of the house appropriations committee and senate ways and means committees, or such chairperson's designee, the chairperson of the house and senate taxation committees, or such chairperson's designee, the chairperson of the senate commerce committee, or such chairperson's designee, and the chairperson of the house commerce and labor committee, or such chairperson's designee: *And provided further*, That, on or before January 15, 2011, the legislative state property evaluation committee shall (1) evaluate the marketability of each such tract of state real property, (2) evaluate the use or need of each such tract of state real property to the state, (3) evaluate the cost-to-benefit ratio of the state maintaining ownership of each such tract of state real property, (4) determine whether liquidation, privatization or leveraging of

each such tract of state real property is in the best interest of the state, (5) establish contract safeguards and transaction parameters for the sale of such state real property, and (6) compile a prioritized list of such state real property which could be sold, liquidated, privatized or leveraged in an amount equal to or greater than \$175,000,000 in transaction value: *And provided further*, That, on or before January 15, 2011, the legislative state property evaluation committee shall provide a copy of such evaluation and determination to the members of the house appropriations committee and the members of the senate ways and means committee: *And provided further*, That, on or before January 31, 2011, the secretary of administration, or the secretary's designee, shall issue a request for proposal to liquidate all state real property which has been determined to be in the best interest of the state to sell: *And provided further*, That, on or before January 31, 2011, the secretary of administration shall provide a final report of all information required pursuant to this subsection to the members of the legislative coordinating council, the house appropriations committee, the senate ways and means committee and the legislative state property evaluation committee.

(2) As used in this subsection, "state real property" includes each tract of real property owned by the state of Kansas, or any state agency, as defined by K.S.A. 75-3701, and amendments thereto, and includes all buildings, facilities and other improvements thereon.”;

On page 77, after line 1, by inserting the following:

“(g) On November 1, 2010, or as soon thereafter as moneys are available, and notwithstanding the provisions in K.S.A. 79-4231, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$6,400,000 from the oil and gas valuation depletion trust fund of the department of revenue to the state general fund: *Provided*, That the aggregate amount transferred under this subsection shall be accounted for by debiting each account in the oil and gas valuation depletion trust fund with the amount credited to such account that bears the same relation to the aggregate amount credited to such account as the aggregate amount transferred under this subsection bears to the aggregate amount credited to the oil and gas valuation depletion trust fund.”;

On page 115, in line 6, by subtracting \$877,007 from the dollar amount and by adjusting the dollar amount in line 6 accordingly;

On page 130, in line 20, by subtracting \$33,000,000 from the dollar amount and by adjusting the dollar amount in line 20 accordingly; in line 24, by subtracting \$33,000,000 from the dollar amount and by adjusting the dollar amount in line 24 accordingly;

On page 314, after line 15, by inserting the following:

“Sec. 166. In addition to the other purposes for which expenditures may be made by the department of revenue from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011, as authorized by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the department of revenue from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 for operating expenditures relating to amnesty from assessment or payment of penalties and interest with respect to certain taxes in accordance with the following:

(a) (1) Notwithstanding the provisions of any other law to the contrary, with respect to the following taxes administered by the department of revenue, an amnesty from the assessment or payment of all penalties and interest with respect to unpaid taxes or taxes due and owing shall apply upon compliance with the provisions of this section and if such tax liability is paid in full within the amnesty period, from September 1, 2010, to December 31, 2010: (A) Privilege tax under K.S.A. 79-1106 et seq., and amendments thereto; (B) taxes under the Kansas estate tax act, K.S.A. 2009 Supp. 79-15,100 et seq., and amendments thereto; (C) taxes under the Kansas income tax act, K.S.A. 79-3201 et seq., and amendments thereto; (D) taxes under the Kansas withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto; (E) taxes under the Kansas cigarette and tobacco products act, K.S.A. 79-3301 et seq., and amendments thereto; (F) taxes under the Kansas retailers' sales tax act, K.S.A. 79-3601 et seq., and amendments thereto and the Kansas compensating tax act, K.S.A. 79-3701 et seq., and amendments thereto; (G) local sales and use taxes under K.S.A. 12-187 et seq., and amendments thereto; (H) liquor enforcement

tax under K.S.A. 79-4101 et seq., and amendments thereto; (I) liquor drink tax under K.S.A. 79-41a01 et seq., and amendments thereto; and (J) mineral severance tax under K.S.A. 79-4216 et seq., and amendments thereto.

(2) Except for the Kansas privilege tax and individual and corporate income tax, amnesty shall apply only to tax liabilities due and unpaid for tax periods ending on or before December 31, 2009. For the Kansas privilege tax and individual and corporate income tax, amnesty shall apply only to tax liabilities due and unpaid for tax periods ending on or before December 31, 2008. For the eligible taxes and tax periods, amnesty shall apply to the under-reporting of such tax liabilities, the nonpayment of such taxes and the nonreporting of such tax liabilities.

(3) Amnesty shall not apply to any matter or matters for which, on or after September 1, 2010, any one of the following circumstances exist: (A) The taxpayer has received notice of the commencement of an audit; (B) an audit is in progress; (C) the taxpayer has received notice of an assessment pursuant to K.S.A. 79-2971 or 79-3643, and amendments thereto; (D) as a result of an audit, the taxpayer has received notice of a proposed or estimated assessment or notice of an assessment; (E) the time to administratively appeal an issued assessment has not yet expired; or (F) an assessment resulting from an audit, or any portion of such assessment, is pending in the administrative appeals process before the secretary or secretary's designee pursuant to K.S.A. 79-3226 or 79-3610, and amendments thereto, or the state court of tax appeals, or is pending in the judicial review process before any state or federal district or appellate court. Amnesty shall not apply to any matter that is the subject of an assessment, or any portion of an assessment, which has been affirmed by a reviewing state or federal district or appellate court. Amnesty shall not apply to any party to any criminal investigation or to any civil or criminal litigation that is pending in any court of the United States or this state for nonpayment, delinquency or fraud in relation to any tax imposed by the state of Kansas.

(b) Upon written application by the taxpayer, on forms prescribed by the secretary of revenue, and upon compliance with the provisions of this section, the department of revenue shall not seek to collect any penalty or interest which may be applicable with respect to taxes eligible for amnesty.

(c) Amnesty for penalties and interest shall be granted only to those eligible taxpayers who, within the amnesty period of September 1, 2010, to December 31, 2010, and in accordance with rules and regulations established by the secretary of revenue, have properly filed a tax return for each taxable period for which amnesty is requested, paid the entire balance of tax due and obtained approval of such amnesty by the department of revenue.

(d) If a taxpayer elects to participate in the amnesty program established pursuant to this section as evidenced by full payment of the tax due as established by the secretary of revenue, that election shall constitute an express and absolute relinquishment of all administrative and judicial rights of appeal with respect to such tax liability. No tax payment received pursuant to this section shall be eligible for refund or credit. No payment of penalties or interest made prior to September 1, 2010, shall be eligible for amnesty.

(e) For tax returns for which amnesty has been requested, nothing in this section shall be interpreted to prohibit the department from adjusting such tax return as a result of a federal, department or other state agency audit.

(f) Fraud or intentional misrepresentation of a material fact in connection with an application for amnesty shall void such application and any waiver of penalties and interest from amnesty.

(g) The department may issue administrative guidelines as are necessary to administer the provisions of this section.

Sec. 167. (a) On July 1, 2010, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state general fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by this or other appropriation act of the 2010 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, for state employees, as defined by this section, for each payroll period chargeable to fiscal

year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 5% of the amount so determined is hereby lapsed.

(b) On July 1, 2010, notwithstanding the provisions of K.S.A. 2-1904, 17-2233, 20-155, 20-318, 20-3122, 20-3124, 25-4119a, 32-801, 40-102, 40-110, 44-1003, 46-137a, 46-137b, 46-1102, 46-1210, 46-1211, 46-1212a, 48-203, 72-7602, 74-560, 74-601, 74-630, 74-2434, 74-2613, 74-3203a, 74-4908, 74-5002a, 74-8005, 74-8105, 74-8703, 75-412, 75-622, 75-711, 75-2535, 75-2701, 75-2935b, 75-3101, 75-3102, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111, 75-3120f, 75-3120g, 75-3120h, 75-3120j, 75-3122, 75-3123, 75-3124, 75-3125, 75-3126, 75-3135, 75-3136, 75-3137, 75-3141, 75-3148, 75-3149, 75-3150, 75-3212, 75-3223, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5702, 75-5708, 75-5903, 75-6301, 75-7001, 76-714 and 76-715 and K.S.A. 2009 Supp. 75-3135a, 75-7206, 75-7207, 75-7402 and 75-7427, and amendments thereto, or any other statute, the rate of compensation for each state employee is hereby reduced by 5% for the period commencing on the first day of the first payroll period chargeable to fiscal year 2011 and for each payroll period thereafter chargeable to fiscal year 2011 and shall not be increased for any payroll period chargeable to fiscal year 2011: *Provided*, That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: *Provided further*, That the secretary of administration shall ensure that such reductions to the rate of compensation of the state employees subject to the provisions of this section for the fiscal year 2011 have been implemented: *And provided further*, That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: *And provided further*, That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 12, 2011.

(c) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by this or other appropriation act of the 2010 regular session of the legislature, or by the state finance council on each special revenue fund in the state treasury is hereby decreased for fiscal year 2011 by the amount equal to 5% of the amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, for state employees, as defined by this section, for each payroll period chargeable to fiscal year 2011 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports.

(d) As used in this section, (1) "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch;

(2) "state officer" means (A) the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each secretary of a department or other chief executive officer of a department of the executive branch, each member of a board, commission, council or authority of the executive branch, (B) each member of the legislature, each legislative officer specified in K.S.A. 46-137b, and amendments thereto, each member of the staff of each legislative officer specified in K.S.A. 46-137b, and amendments thereto, (C) each justice of the supreme court, each judge of the court of appeals, each district judge, each district magistrate judge, and (D) each other state officer in the executive branch, legislative branch or judicial branch of state government whose position is specified by statute or is otherwise determined to be a salaried officer of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the Constitution of the State of Kansas, and in any case "state officer" includes all salaried officers of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the Constitution of the State of Kansas;

(3) "compensation" means any salary or per diem compensation provided by law for a state officer; and

(4) "state employee" means each employee of a state agency who is in the classified or unclassified service under the Kansas civil service act, who is not a state officer, and who is not (A) an employee of the state board of regents or of any state educational institution under the control and supervision of the state board of regents, or (B) any employee that provides essential services, such as highway patrol troopers, agents and forensic scientists and other laboratory employees of the Kansas bureau of investigation, adult and juvenile correctional officers, state hospital direct care workers, long-term care direct care workers, and power plant operators, as determined by the director of the budget, after consultation with the director of legislative research and upon certification by the director of the budget to the director of accounts and reports.

Sec. 168. (a) (1) No expenditures shall be made from any moneys appropriated for the fiscal year ending June 30, 2011, from the state general fund or any special revenue fund by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or other appropriation act of the 2010 regular session of the legislature, by any state agency to hire any individual as a state employee during fiscal year 2011, notwithstanding the provisions of any other statute, unless specifically authorized on or before July 1, 2010, by the governor or the secretary of administration for any state agency within the executive branch, by the chief justice for any agency within the judicial branch, or by the president of the senate or the speaker of the house of representatives for any agency within the legislative branch.

(2) On July 1, 2010, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2011, by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or other appropriation act of the 2010 regular session of the legislature, and that is budgeted for salaries and wages for individuals to be employed as state employees during fiscal year 2011, unless such employment is specifically authorized for fiscal year 2011 on or before July 1, 2011, by the governor or the secretary of administration for any state agency within the executive branch, by the chief justice for any agency within the judicial branch, or by the president of the senate or the speaker of the house of representatives for any agency within the legislative branch, as certified by the director of the budget to the director of accounts and reports for fiscal year 2011, is hereby lapsed from each such account. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(3) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, by this or other appropriation act of the 2010 regular session of the legislature, or by the state finance council on each special revenue fund in the state treasury is hereby decreased for fiscal year 2011 by the amount equal to the amount that is budgeted for salaries and wages for individuals to be employed as state employees during fiscal year 2011, exclusive of any such amount budgeted for the employment of individuals to be employed as state employees for fiscal year 2011 as specifically authorized on or before July 1, 2010, by the governor or the secretary of administration for any state agency within the executive branch, by the chief justice for any agency within the judicial branch, or by the president of the senate or the speaker of the house of representatives for any agency within the legislative branch, as certified by the director of the budget to the director of accounts and reports for fiscal year 2011, from such special revenue fund, or account thereof. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 169. (a) On July 25, 2010, and on or before the 25th of each month thereafter through June 25, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state general fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by this or other appropriation act of the 2010 regular session of the legislature, that is budgeted for utility costs for a state agency for the fiscal year ending June 30, 2011, the amount equal to 5% of the amount so determined is hereby lapsed: *Provided*, That the

aggregate amount lapsed from all such accounts of the state general fund shall not exceed \$1,400,000.”;

And by renumbering the remaining sections accordingly

Upon the showing of five hands a roll call was requested:

On roll call, the vote was: Yeas 12, Nays 28, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Brownlee, Bruce, Donovan, Huelskamp, Kelsey, Lynn, Masterson, Petersen, Pilcher-Cook, Pyle, Wagle.

Nays: Apple, Barnett, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, McGinn, Morris, Ostmeyer, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

The motion failed and the amendment was rejected.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SCR 1631**; **HB 2595**, **S Sub for HB 2631** were advanced to Final Action, amendment and roll call.

SCR 1631, A concurrent resolution reactivating the task force created by 2008 Senate Concurrent Resolution No. 1616 formed to study the design and implementation of an electronic motor vehicle financial security verification system.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Pilcher-Cook, Pyle.

The resolution was adopted, as amended.

HB 2595, An act concerning school districts; relating to the provision of transportation; relating to school buildings; amending K.S.A. 2009 Supp. 31-150 and 72-1046b and repealing the existing sections.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Barnett, Huntington, Lynn.

The bill passed, as amended.

S Sub HB 2631, An act making and concerning appropriations for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, and June 30, 2017, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2009 Supp. 2-223, 12-5256, 55-193, 72-8814, 75-2319, 75-6702, 76-775, 76-783, as amended by Section 33 of 2010 House Bill No. 2557, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-34,156, 79-34,171, 79-4801 and 82a-953a, section 14 of 2010 Senate Substitute for House Bill No. 2222, and Section 52 of Chapter 124 of the 2009 Session Laws of Kansas and repealing the existing sections.

On roll call, the vote was: Yeas 23, Nays 17, Present and Passing 0, Absent or Not Voting 0.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, McGinn, Morris, Ostmeyer, Owens, Reitz, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Masterson, Petersen, Pilcher-Cook, Pyle, Schmidt D, Steineger, Wagle.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I want to vote “no” on **S Sub for HB 2631**.

It was specifically stated that if we vote for this budget, we are expected to vote affirmatively on a tax bill. I can't do that.

In this down economy, where people are being laid off &/or they are under-employed, where many businesses are experiencing declining revenues; it is not good public policy to vote for a tax increase that would exacerbate the problem economy in Kansas.

It is not good public policy to vote for a state budget that increases when state revenues are projected to go down.

However, I did want to vote affirmatively for a budget, that is the reason I supported the Masterson Amendment where the state would sell enough assets, less than 2% of state assets, to balance a fully funded budget without a tax increase.

The Senate voted down that amendment, therefore, I cannot support a budget that requires a tax increase.

Thank you, Mr. President. — STEVE ABRAMS

Senator Petersen requests the record to show he concurs with the “Explanation of Vote” offered by Senator Abrams on **S Sub for HB 2631**.

MR. PRESIDENT: How do we spell irresponsible? Kansas Senate. Foolishly committing Kansas citizens to send more of their money to Topeka when they cannot make ends meet is betting on the come. It's not our money, it's theirs. It's time to stop. I vote “NO” on **S Sub for HB 2631**. — KARIN BROWNLEE

Senator Lynn requests the record to show she concurs with the “Explanation of Vote” offered by Senator Brownlee on **S Sub for HB 2631**.

MESSAGE FROM THE HOUSE

The House adopts the conference committee report on **Senate Substitute for HB 2582**.

The House adopts the conference committee report on **SB 368**.

The House adopts the conference committee report on **HB 2454**.

The House not adopts the conference committee report on **SB 452**, requests a conference and appoints Representatives Neufeld, Kiegerl and Loganbill as second conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Brungardt, the Senate acceded to the request of the House for a conference on **SB 452**.

The President appointed Senators Brungardt, Reitz and Faust-Goudeau as second conferees on the part of the Senate.

On motion of Senator D. Schmidt the Senate adjourned until 11:00 a.m., Thursday, May 6, 2010.

Journal of the Senate

SIXTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 6, 2010—11:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Today You will be called on
by millions everywhere;
Once more we are observing
The National Day of Prayer.

From Seattle to Miami,
From L.A. to Bangor, Maine,
Your faithful ones will bow their head,
And pray for God to reign.

We pray for troops in combat,
And for missionaries, too;
We pray for all those persecuted
For simply worshipping You,

Help us cleanse our nation, Lord,
Of all its sordid sin,
And restore our founders' faith.
Help us begin again.

On the east steps of our capital
Less than an hour from now,
Many will be gathering
In humility to bow.

Even as our legislature
Struggles for solutions
May our prayer for wisdom
Make a contribution.

Let us not forget
That power comes from You,
Remind us that what we pray
Will make a difference, too.

I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **Senate Substitute for HB 2226** and requests the Senate to return the bill.

The House adopts the conference committee report on **House Substitute for SB 306**.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 368; HB 2482, HB 2486, HB 2554.**

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 306**, 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 as HOUSE Substitute for SENATE Bill No. 306, as follows:

On page 2, in line 36, by striking “subsections (a)(10) and” and inserting “subsection”;

On page 3, in line 3, by striking “and” and inserting “or”; in line 5, by striking “and” where it appears for the first time and inserting “or”; in line 6, by striking “and” where it appears for the first time and inserting “or”;

On page 7, in line 13, by striking “\$125” and inserting “\$132.50”; in line 15, by striking “consist” and inserting “be in the form of two cashier’s checks, personal checks or money orders”; in line 16, by striking “\$25” and inserting “\$32.50”;

On page 8, in line 41, by striking “\$100” and inserting “\$75”; in line 42, by striking “\$40” and inserting “\$25”; in line 43, by striking “\$60” and inserting “\$50”;

On page 10, in line 17, before “act” by inserting “Kansas judicial review”; also in line 17, by striking “for”; in line 18, by striking all before “shall”; in line 22, by striking “arrested” and inserting “charged”;

On page 15, by striking all in line 32; in line 33, by striking all before the period and inserting “shall be revoked for a minimum of one year for a first offense and three years for a second or subsequent offense”;

On page 18, in line 30, by striking “(e)” and inserting “(c)”; after line 31, by inserting the following:

“(k) The provisions of K.S.A. 8-1023 and 8-1024, and amendments thereto, shall be applicable and followed during any administration or enforcement of this section.

“Sec. 11. K.S.A. 2009 Supp. 75-7c13 is hereby amended to read as follows: 75-7c13.

(a) All moneys received by the attorney general pursuant to this act shall be remitted to the state treasurer who shall deposit the entire amount in the state treasury and credit it to the concealed ~~weapon~~ handgun licensure fund, which is hereby created in the state treasury.

(b) Moneys in the concealed ~~weapon~~ handgun licensure fund shall be used only for: (1) Payment of the expenses of administration of the personal and family protection act; and (2) transfers to the county law enforcement equipment fund and to the forensic laboratory and materials fee fund as provided by subsection (e).

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the concealed ~~weapon~~ handgun licensure fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a, and amendments thereto, that is attributable to moneys in the concealed ~~weapon~~ handgun licensure fund. Such amount of money shall be determined by the pooled money investment board based on: (1) The average daily balance of moneys in the concealed ~~weapon~~ handgun licensure fund for the preceding month; and (2) the net earnings for the pooled money investment portfolio for the preceding month.

(d) All expenditures from the concealed ~~weapon~~ handgun licensure 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 attorney general for the purposes set forth in this section.

(e) The attorney general shall certify to the director of accounts and reports on each July 1 and January 1 after moneys are first credited to the concealed ~~weapons handgun~~ licensure fund the amount of moneys in such fund needed to administer this act. On or before the 15th day of each month after moneys are first credited to the concealed ~~weapons handgun~~ licensure fund, the director of accounts and reports shall transfer moneys in the concealed ~~weapons handgun~~ licensure fund as follows: (1) Of the amount in excess of the amount certified by the attorney general, 20% shall be credited to the county law enforcement equipment fund; and (2) the remaining 80% shall be credited to a separate account in the forensic laboratory and materials fee fund cited in K.S.A. 28-176, and amendments thereto, to be used solely to assist city and county law enforcement agencies to obtain prompt laboratory services from the bureau. Moneys credited to the forensic laboratory and materials fee fund as provided by this subsection shall be used to supplement existing appropriations and shall not be used to supplant general fund appropriations to the attorney general.

Sec. 12. K.S.A. 2009 Supp. 75-7c15 is hereby amended to read as follows: 75-7c15. The committee on surety bonds and insurance, within the limitations of appropriations made therefor, shall purchase such liability insurance as it deems necessary for the protection of persons engaged in conducting an approved ~~weapons handgun~~ safety and training course against any liability for injuries or damages arising from the conducting of such course of instruction by such persons.

Sec. 13. K.S.A. 2009 Supp. 75-7c17 is hereby amended to read as follows: 75-7c17. (a) The legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed ~~weapons handguns~~ for self-defense and finds it necessary to occupy the field of regulation of the bearing of concealed ~~weapons handguns~~ for self-defense to ensure that no honest, law-abiding person who qualifies under the provisions of this act is subjectively or arbitrarily denied the person's rights. No city, county or other political subdivision of this state shall regulate, restrict or prohibit the carrying of concealed ~~weapons handguns~~ by persons licensed under this act except as provided in ~~subsections (a)(1) and (a)(2) of K.S.A. 2009 Supp. 75-7c11 subsection (b) of K.S.A. 2009 Supp. 75-7c10, and amendments thereto, and subsection (f) of K.S.A. 21-4218, and amendments thereto.~~ Any existing or future law, ordinance, rule, regulation or resolution enacted by any city, county or other political subdivision of this state that regulates, restricts or prohibits the carrying of concealed ~~weapons handguns~~ by persons licensed under this act except as provided in ~~subsections (a)(1) and (a)(2) of K.S.A. 2009 Supp. 75-7c11 subsection (b) of K.S.A. 2009 Supp. 75-7c10, and amendments thereto, and subsection (f) of K.S.A. 21-4218, and amendments thereto,~~ shall be null and void.

(b) Prosecution of any person licensed under the personal and family protection act, and amendments thereto, for violating any restrictions on licensees will be done through the district court.

(c) The legislature does not delegate to the attorney general the authority to regulate or restrict the issuing of licenses provided for in this act, beyond those provisions of this act pertaining to licensing and training. Subjective or arbitrary actions or rules and regulations which encumber the issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this act or which create restrictions beyond those specified in this act are in conflict with the intent of this act and are prohibited.

(d) This act shall be liberally construed. This act is supplemental and additional to existing constitutional rights to bear arms and nothing in this act shall impair or diminish such rights.”;

And by renumbering the remaining sections accordingly;

On page 19, in line 7, before the semicolon, by inserting “. This subsection shall not prohibit any ordinary pocket knife which has a spring, detent or other device which creates a bias towards closure of the blade and which requires hand pressure applied to such spring, detent or device through the blade of the knife to overcome the bias towards closure to assist in the opening of the knife”;

On page 21, in line 39, by striking “or” and inserting a comma; in line 40, before “or” by inserting “or any violation of any provision of the uniform controlled substances act prior to July 1, 2009.”;

On page 22, in line 1, by striking “or” and inserting a comma; in line 2, after the comma, by inserting “or any violation of any provision of the uniform controlled substances act prior to July 1, 2009.”; in line 17, by striking all after “Supp.” and inserting “21-36a03, 21-3a05, 21-36a06, 21-36a07 or 21-36a09, and amendments thereto; K.S.A. 65-4127a, 65-4127b, 65-4159 through 65-4165 or 65-7006, prior to such section’s repeal; an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of any such felony.”;

On page 26, in line 3, by striking “21-4204,” and inserting “21-4201, as amended by section 1 of 2010 Senate Bill No. 497, 21-4204, 21-4204, as amended by section 3 of 2010 Substitute for Senate Bill No. 67, 21-4204, as amended by section 7 of 2010 House Bill No. 2661, 21-4204, as amended by section 6 of 2010 Senate Bill No. 586.”; in line 4, after “75-7c04,” by inserting “75-7c04, as amended by section 16 of 2010 House Bill No. 2661.”; also in line 4, after “75-7c07,” by inserting “75-7c07, as amended by section 193 of 2010 Senate Bill No. 376.”; in line 5, after “75-7c12” by inserting “, 75-7c13, 75-7c15, 75-7c17”;

In the title, in line 11, after “75-7c12” by inserting “, 75-7c13, 75-7c15, 75-7c17”; in line 13, after “Supp.” by inserting “21-4201, as amended by section 1 of 2010 Senate Bill No. 497, 21-4204, as amended by section 3 of 2010 Substitute for Senate Bill No. 67, 21-4204, as amended by section 7 of 2010 House Bill No. 2661, 21-4204, as amended by section 6 of 2010 Senate Bill No. 586, 75-7c04, as amended by section 16 of 2010 House Bill No. 2661, 75-7c07, as amended by section 193 of 2010 Senate Bill No. 376 and”;

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

MELVIN NEUFELD

MIKE KIEGERL

Conferees on part of House

PETE BRUNGARDT

ROGER P. REITZ

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

Senator Brungardt moved the Senate adopt the Conference Committee Report on **H Sub for SB 306**.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostneyer, Owens, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Faust-Goudeau, Reitz.

Present and Passing: Francisco.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 368**, submits the following report:

The House recedes from all of its 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 1, in line 39, by striking “, then restrict the person’s driving privi-”; by striking all in line 40; in line 41, by striking all before the semicolon and inserting “and at the end of the suspension, restrict the person’s driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device”;

On page 2, after line 32, by inserting the following:

“(3) Whenever a person’s driving privileges have been restricted to driving only a motor vehicle equipped with an ignition interlock device, proof of the installation of such device,

for the entire restriction period, shall be provided to the division before the person's driving privileges are fully reinstated.”;

On page 4, in line 4, by striking “subsection (b)(1) of K.S.A. 8-1014” and inserting “subsection (f) of K.S.A. 8-1567a”; after line 16, by inserting “Prior to issuing such restricted license, the division shall receive proof of the installation of such device.”; in line 17, by striking “one-year” and inserting “applicable”; in line 18, by striking “subsection (b)(2)” and inserting “subsection (b)”; in line 19, by striking “for”; in line 20, by striking “one year” and inserting “pursuant to subsection (b) of K.S.A. 8-1014, and amendments thereto.”; after line 24, by inserting “Proof of the installation of such device, for the entire restriction period, shall be provided to the division before the person's driving privileges are fully reinstated.”;

On page 14, in line 11, by striking “and 8-1015” and inserting “, 8-1015 and 8-1567, as amended by section 1 of 2010 Senate Bill No. 586.”;

In the title, in line 14, before the period by inserting “and K.S.A. 2009 Supp. 8-1567, as amended by section 1 of 2010 Senate Bill No. 586”;

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

LANCE KINZER

JEFF WHITHAM

JANICE L. PAULS

Conferees on part of House

THOMAS C. OWENS

JOHN VRATIL

LAURA KELLY

Conferees on part of Senate

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 368**.

Senator Bruce made a substitute motion to not adopt the Conference Committee Report and a new conference committee be appointed.

The motion carried.

President Morris appointed Senators Owens, Vratil and Kelly as third conferees on the part of the Senate on **HB 368**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2482**, 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 4, in line 42, by striking all following “notice”; by striking all in lines 43;

On page 5, by striking all in lines 1 and 2; in line 3, by striking “thereto” and inserting “a written explanation of substantial changes to traffic regulations enacted by the legislature”; in line 35, by striking “and a written exami-”; by striking all in lines 36 and 37; in line 38, by striking “this state”; in line 41, by striking “examinations” and inserting “examination”; in line 42, by striking “examinations” and inserting “examination”;

On page 6, by striking all in lines 1 and 2; in line 3, by striking all preceding the period; by striking all in lines 16 through 19; in line 20, by striking “(4)”; in line 22, by striking all preceding “suffi-” and inserting “eyesight examination or report is”; in line 24, by striking “either or both”; in line 25, by striking all preceding “insufficient” and inserting “the eyesight examination or report is”; in line 30, by striking “(5)” and inserting “(4)”; by striking all in lines 37 through 41; in line 42, by striking “(6)” and inserting “(5)”;;

On page 7, in line 5, by striking “(7)” and inserting “(6)”; in line 13, by striking “(7)” and inserting “(6)”;;

On page 9, following line 3, by inserting the following:

“(i) The director of the division of vehicles shall submit a report to the legislature at the beginning of the regular session in 2012 regarding the impact of not requiring a written test for the renewal of a driver's license, including any cost savings to the division.”;

Also on page 9, in line 31, by striking all following “religious” and inserting “worship service”;

On page 13, in line 33, by striking all following “religious” and inserting “worship service”;
 On page 14, in line 24, by striking all following “religious” and inserting “worship service”;
 And your committee on conference recommends the adoption of this report.

DWAYNE UMBARGER
 BOB MARSHALL
 KELLY KULTALA
Conferees on part of Senate

GARY K. HAYZLETT
 JENE VICKREY
 MARGARET LONG
Conferees on part of House

Senator Umbarger moved the Senate adopt the Conference Committee Report on **HB 2482**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Francisco.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2486**, 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 14 through 43 and inserting the following:

“Section 1. K.S.A. 2009 Supp. 65-3225 is hereby amended to read as follows: 65-3225.

(a) Subject to K.S.A. 2009 Supp. 65-3227, and amendments thereto, a donor or other person authorized to make an anatomical gift under K.S.A. 2009 Supp. 65-3223, and amendments thereto, may amend or revoke an anatomical gift by:

(1) A record signed by:

(A) The donor;

(B) the other person; or

(C) subject to subsection (b), another individual acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or

(2) a later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

(b) A record signed pursuant to subsection (a)(1)(C) must:

(1) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(2) state that it has been signed and witnessed as provided in paragraph (1).

(c) Subject to K.S.A. 2009 Supp. 65-3227, and amendments thereto, a donor or other person authorized to make an anatomical gift under K.S.A. 2009 Supp. 65-3223, and amendments thereto, may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift.

(d) A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

(e) A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection (a).

(f) *A donor may revoke or amend an anatomical gift made by placing such individual's name on the first person consent organ and tissue donor registry by directly accessing the registry website or notifying the Kansas federally designated organ procurement organization to request the amendment or revocation. Withdrawal of such individual's consent to be listed in the registry does not constitute a refusal to make an anatomical gift of the individual's body or part.*

Sec. 2. K.S.A. 2009 Supp. 65-3239 is hereby amended to read as follows: 65-3239. (a) Information obtained under K.S.A. 8-247 and 8-1325, and amendments thereto, from the division of vehicles by the Kansas federally designated organ procurement organization shall be used for the purpose of establishing a statewide organ and tissue donor registry accessible to in-state recognized cadaveric organ and cadaveric tissue agencies for the recovery or placement of organs and tissue and to procurement agencies in another state when a Kansas resident is a donor of an anatomical gift and is not located in Kansas at the time of death or immediately before the death of the donor. No organ or tissue donation organization may obtain information from the organ and tissue donor registry for the purposes of fund-raising. Organ and tissue donor registry information shall not be further disseminated unless authorized in this section or by federal law. Dissemination of organ and tissue donor registry information may be made by the Kansas federally designated organ procurement organization to a recognized in-state procurement agency for other tissue recovery, or an out-of-state federally designated organ procurement agency. *An individual who agrees to have such individual's name in the first person consent organ and tissue donor registry has given full legal consent to the donation of any of such individual's organs or tissues upon such individual's death as recorded in the registry.*

(b) The Kansas federally designated organ procurement organization may acquire donor information from sources other than the division of vehicles.

(c) All costs associated with the creation and maintenance of the organ and tissue donor registry shall be paid by the Kansas federally designated organ procurement organization. Such organization shall also pay the costs of providing and maintaining the written information and educational materials required to be distributed under subsection (g) of K.S.A. 8-247, and amendments thereto, and under subsection (b) of K.S.A. 8-1325, and amendments thereto.

(d) An individual does not need to participate in the organ and tissue donor registry to be a donor of organs or tissue. The registry is to facilitate organ and tissue donations and not inhibit Kansans from being donors upon death.

(e) This section shall be a part of and supplemental to the revised uniform anatomical gift act.

Sec. 3. K.S.A. 2009 Supp. 65-3225 and 65-3239 are hereby repealed.

Sec. 4. This 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 10 and 11 and inserting the following: “AN ACT concerning anatomical gifts; relating to first person donor registry; amending K.S.A. 2009 Supp. 65-3225 and 65-3239 and repealing the existing sections.”;

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

DWAYNE UMBARGER
BOB MARSHALL
KELLY KULTALA
Conferees on part of Senate

GARY K. HAYZLETT
JENE VICKREY
MARGARET LONG
Conferees on part of House

Senator Umbarger moved the Senate adopt the Conference Committee Report on **HB 2486**.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Masterson, Pilcher-Cook, Pyle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2554**, 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 3, in line 37, by striking all after "thereto"; in line 38, by striking all before the period;

On page 7, by striking all in line 1 and inserting the following:

"Sec. 2. K.S.A. 2009 Supp. 74-50,210 is hereby amended to read as follows: 74-50,210.

(a) The provisions of K.S.A. 2009 Supp. 74-50,210 through 74-50,216, and amendments thereto, shall be known and may be cited as the promoting employment across Kansas act.

(b) It shall be the intent of this act to foster economic development and the creation of new jobs and opportunities for the citizens of Kansas ~~through incentivizing the repatriation of business facilities, other operations and jobs from foreign countries and to incentivize the relocation~~ location of business facilities, other operations and jobs from other states to in Kansas. The primary objective of this legislation is economic development for Kansas. ~~The state of Kansas, the secretary of the department of commerce and the department of commerce shall solicit and approve applications by qualified companies pursuant to this act.~~

Sec. 3. K.S.A. 2009 Supp. 74-50,211 is hereby amended to read as follows: 74-50,211. As used in this act, unless the context otherwise requires:

(a) "Act" means the provisions of K.S.A. 2009 Supp. 74-50,210 through 74-50,216, and amendments thereto.

(b) "County ~~average~~ median wage" means the ~~average~~ median wage paid to employees located in the county where the qualified company intends to employ new employees as reported by the department of labor in its annual report for the previous year.

(c) "Department" means the department of commerce.

(d) "Expanding business" means the expansion of an existing business facility, office, department or other operation located in the state of Kansas and locating in Kansas the jobs directly related to such business facility, office, department or other operation.

~~(d)~~ (e) "High-impact project" means a business development project for which the qualified company shall meet the requirements of subsection (c) of K.S.A. 2009 Supp. 74-50,212, and amendments thereto.

~~(e)~~ "NAICS" means the North American industry classification system.

(f) "Metropolitan county" means the county of Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte.

~~(g)~~ "NAICS" means the North American industry classification system.

(h) "NAICS code industry average wage" means the average wage paid to employees of companies classified in the same NAICS code as the qualified company for the region in which the qualified company intends to employ new employees as reported by the department of labor in its annual report for the previous year.

(i) "New business" means a facility, plant, division, office, department, production line, production shift or other business operations of a company that was not doing business in Kansas prior to the submission of an application for benefits under this act and that provides documentation of such to the satisfaction of the secretary.

~~(g)~~ (j) "New employee" means a person newly employed by the qualified company in the qualified company's business operating in Kansas during the taxable year for which benefits are sought under K.S.A. 2009 Supp. 74-50,212, and amendments thereto. A person shall be deemed to be so engaged if such person performs duties in Kansas in connection with the operation of the Kansas business on: (1) A regular, full-time basis; or (2) a part-

time basis, provided such person is customarily performing such duties at least 20 hours per week throughout the taxable year. Employees ~~acquired or relocated to Kansas from another state through an expansion or relocation of a business operation to Kansas from another state performing functions directly related to a relocating, expanding, or new business facility, office, department or other operation shall be considered as~~ new employees.

~~(h)~~ (k) “Non-metropolitan county” means any county that is not a metropolitan county.

~~(i)~~ (l) (1) “Qualified company” means any *for-profit* corporation, partnership or other entity, ~~organized for profit~~ making available to its full-time employees adequate health insurance coverage and paying at least 50% of the premium for such health insurance, which meets the requirements of K.S.A. 2009 Supp. 74-50,212, and amendments thereto, *and submits an application for benefits meeting requirements established by the secretary.*

(2) “Qualified company” shall not include any corporation, partnership or other entity:

(A) Which is identified by any of the following NAICS code groups, sectors or subsectors:

(i) Industry group 7132 or 8131;

(ii) sectors 44, 45, 61, 92 or 221 (including water and sewer services); or

(iii) subsector 722;

(B) which is a bioscience company, as defined in K.S.A. 2009 Supp. 74-99b33, and amendments thereto;

(C) which is delinquent in the payment of any nonprotested taxes or any other amounts due to the federal government, the state of Kansas or any other political taxing subdivision; or

(D) which has filed for or has publicly announced its intention to file for bankruptcy protection.

(3) Notwithstanding any provision of this subsection, except for paragraphs (2)(B), (C) and (D), a company may be deemed a qualified company if such company’s headquarters or administrative offices located in this state serve an international or multi-state territory and such company meets the requirements of K.S.A. 2009 Supp. 74-50,212, and amendments thereto.

~~(j)~~ (m) “Secretary” means the secretary of the department of commerce.

Sec. 4. K.S.A. 2009 Supp. 74-50,212 is hereby amended to read as follows: 74-50,212.

(a) In order to qualify for benefits under this act a qualified company shall:

(1) ~~Relocate to Kansas an existing business facility, office, department or other operation located doing business outside the state of Kansas, whether located in a foreign country or another state; and locate the jobs from directly related to such relocated business facility, office, department or other operation to in Kansas; or~~

(2) *locate a new business facility, office, department or other operation in Kansas and locate the jobs directly related to such business facility, office, department or other operation in Kansas; or*

(3) *expand a business facility, office, department or other operation located in the state of Kansas and locate the jobs directly related to such business facility, office, department or other operation in Kansas, except that no payroll withholding taxes shall be retained prior to January 1, 2012.*

A qualified company may contract with an unrelated third party to perform services whereby the third party serves as the legal employer of the new employees providing services to the qualified company and such services are performed in Kansas and the third party and the new employees are subject to Kansas state withholding.

(b) Any qualified company, *approved by the secretary for benefits pursuant to paragraph (a)*, that locates its business operation in a metropolitan county and will hire at least 10 new employees within two years from the date the qualified company enters into an agreement with the secretary pursuant to K.S.A. 2009 Supp. 74-50,213, and amendments thereto, or any qualified company, *approved by the secretary for benefits pursuant to paragraph (a)*, that locates its business operation in a non-metropolitan county and will hire at least five new employees within two years from the date the qualified company enters into an agreement with the secretary pursuant to K.S.A. 2009 Supp. 74-50,213, and amendments thereto, shall: (1) Be eligible to retain 95% of the qualified company’s Kansas payroll withholding taxes for such new employees *being paid the county median wage or higher* for a period of up to:

~~(1) Five years if the new employees are compensated at a rate equal to at least 100% of the county average wage;~~

~~(2) six years if the new employees are compensated at a rate equal to at least 110% of the county average wage; or~~

~~(3) seven years if the new employees are compensated at a rate equal to at least 120% of the county average wage;~~

(A) *Five years if the median wage paid to the new employees is equal to at least 100% of the county median wage;*

(B) *six years if the median wage paid to the new employees is equal to at least 110% of the county median wage;*

(C) *seven years if the median wage paid to the new employees is equal to at least 120% of the county median wage; or*

(2) *be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such new employees being paid the county median wage or higher for a period of up to five years if the median wage paid to the new employees is equal to at least 100% of the NAICS code industry average wage.*

(c) Any qualified company, *approved by the secretary for benefits pursuant to paragraph (a), that engages in a high-impact project whereby the qualified company will hire at least 100 new employees within five two years from the date the qualified company enters into an agreement with the secretary pursuant to K.S.A. 2009 Supp. 74-50,213, and amendments thereto, shall be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such new employees being paid the county median wage or higher for a period of up to:*

~~(1) Seven years if the new employees are compensated at a rate equal to at least 100% of the county average wage;~~

~~(2) eight years if the new employees are compensated at a rate equal to at least 110% of the county average wage;~~

~~(3) nine years if the new employees are compensated at a rate equal to at least 120% of the county average wage; or~~

~~(4) ten years if the new employees are compensated at a rate equal to at least 140% of the county average wage.~~

(1) *Seven years if the median wage paid to the new employees is equal to at least 100% of the county median wage;*

(2) *eight years if the median wage paid to the new employees is equal to at least 110% of the county median wage;*

(3) *nine years if the median wage paid to the new employees is equal to at least 120% of the county median wage; or*

(4) *ten years if the median wage paid to the new employees is equal to at least 140% of the county median wage.*

(d) In the event that a qualified company contracts with a third party as described in ~~paragraphs (a)(3) and (4)~~ *subsection (a), the third party shall remit payments equal to the amount of Kansas payroll withholding taxes the qualified company is eligible to retain under this section to the qualified company, and report such amount to the department of revenue as required pursuant to subsection (a) of K.S.A. 2009 Supp. 74-50,214, and amendments thereto.*

Sec. 5. K.S.A. 2009 Supp. 74-50,213 is hereby amended to read as follows: 74-50,213. (a) Any qualified company meeting the requirements of K.S.A. 2009 Supp. 74-50,212, and amendments thereto, may apply to the secretary for benefits under this act. The application shall be submitted on a form and in a manner prescribed by the secretary, and shall include: (1) Evidence that the applicant is a qualified company; and (2) evidence that the applicant meets the requirements of K.S.A. 2009 Supp. 74-50,212, and amendments thereto.

(b) The secretary ~~shall~~ *may* either approve or disapprove the application. Any qualified company whose application is approved shall be eligible to receive benefits under this act as of the date such qualified company enters into an agreement with the secretary in accordance with this section.

(c) Upon approval of an application for benefits under this act, the secretary may enter into an agreement with the qualified company for benefits under this act. If necessary, the

secretary may also enter into an agreement with any third party described in subsection (a) of K.S.A. 2009 Supp. 74-50,212, and amendments thereto, or such third party may be a party to the agreement between the qualified company and the secretary. The agreement shall commit the secretary to certify to the secretary of revenue: (1) That the qualified company is eligible to receive benefits under this act; (2) the number of new employees hired by the qualified company; and (3) the amount of gross wages being paid to each new employee.

(d) The agreement between the qualified company and the secretary shall be entered into before any benefits may be provided under this act, and shall specify that should the qualified company fail to comply with the terms and conditions set forth in the agreement, or fails to comply with the provisions set forth in this act, the secretary may terminate the agreement, and the qualified company shall not be entitled to any further benefits provided under this act and shall be required to remit to the state an amount equal to the aggregate Kansas payroll withholding taxes retained by the qualified company, or remitted to the qualified company by a third party, pursuant to this act as of the date the agreement is terminated.

(e) A qualified company that is already receiving benefits pursuant to this act may apply to the secretary for additional benefits if the qualified company meets the requirements of K.S.A. 2009 Supp. 74-50,212, and amendments thereto.

(f) A qualified company seeking benefits shall ~~not~~ be allowed to participate in the IMPACT program, ~~or any program~~ pursuant to K.S.A. 74-50,102 *et seq.*, and amendments thereto, ~~or but shall not be allowed to participate~~ in any other program in which any portion of such qualified company's Kansas payroll withholding taxes have been pledged to finance indebtedness or transferred to or for the benefit of such company. A qualified company shall not be allowed to claim any credits under K.S.A. 79-32,153, 79-32,160a or 79-32,182b, and amendments thereto, if such credits would otherwise be earned for the hiring of new employees and the qualified company has retained any Kansas payroll withholding taxes from wages of such employees. *A qualified company shall not be eligible to receive benefits under K.S.A. 2009 Supp. 74-50,212, and amendments thereto, and under K.S.A. 74-50,102 et seq., and amendments thereto, for the same new employees.*

(g) *Under no circumstances shall the total amount of benefits authorized or granted to the aggregate of all expanding businesses, as such term is defined in K.S.A. 2009 Supp. 74-50,211, and amendments thereto, under this act exceed \$4,800,000 in any fiscal year commencing on or after July 1, 2011.*

(h) The secretary shall adopt rules and regulations necessary to implement and administer the provisions of this act.

Sec. 6. K.S.A. 2009 Supp. 74-50,214 is hereby amended to read as follows: 74-50,214. (a) Any qualified company eligible to receive benefits pursuant to K.S.A. 2009 Supp. 74-50,212, and amendments thereto, shall complete and submit to the department of revenue:

(1) The amount of Kansas payroll withholding tax being retained by the qualified company pursuant to this act in a manner prescribed by the director of taxation; and

(2) *a form designed by the secretary of revenue pursuant to section 12, and amendments thereto.*

The completed form shall be submitted electronically or in the manner prescribed by the secretary of revenue.

(b) The secretary of revenue ~~shall~~ *may* adopt rules and regulations necessary to implement and administer the provisions of this ~~act~~ *section*. The secretary of revenue and the secretary of commerce shall work together to coordinate a set of procedures to implement the provisions of this act.

Sec. 7. K.S.A. 2009 Supp. 74-50,103 is hereby amended to read as follows: 74-50,103. As used in the IMPACT act unless the context clearly requires otherwise:

(a) "Act" means the Kansas investments in major projects and comprehensive training act.

(b) "Agreement" means the agreement among an employer, an educational institution and the secretary of commerce concerning a SKILL project or a combined SKILL project and major project investment and the agreement between an employer and the secretary of commerce concerning a major project investment.

(c) "Bond" means a public purpose bond issued for IMPACT projects by the Kansas development finance authority.

(d) "Date of commencement of the project" means the date of the agreement.

(e) "Educational institution" means a community college, as defined by K.S.A. 71-701, and amendments thereto, an area vocational school or area vocational-technical school, as defined by K.S.A. 72-4412, and amendments thereto, a university, as defined by K.S.A. 72-6501, and amendments thereto, a state educational institution, as defined by K.S.A. 76-711, and amendments thereto, or a technical college as established by K.S.A. 72-4468, and amendments thereto.

(f) "Employee" means a person employed in a new or retained job.

(g) "Employer" means a Kansas basic enterprise providing new jobs or retaining existing jobs in conjunction with a project.

(h) "IMPACT program" or "program" means the major project investments and SKILL projects undertaken by the department of commerce in accordance with the provisions of this act for a new or expanding Kansas basic enterprise.

(i) "IMPACT project" or "project" means a SKILL project, major project investment or a combination of the two.

(j) "Kansas basic enterprise" means any enterprise:

(1) Which is located or principally based in Kansas; and

(2) which can provide demonstrable evidence that:

(A) It is primarily engaged in any one or more of the Kansas basic industries; or

(B) it is primarily engaged in the development or production of goods or the provision of services for out-of-state sale; or

(C) it is primarily engaged in the production of goods or the provision of services which will attract out-of-state buyers or consumers into the state; or

(D) it is primarily engaged in the production of raw materials, ingredients, or components for other enterprises which export the majority of their products from the state; or

(E) it is a national or regional enterprise which is primarily engaged in interstate commerce or an affiliated management company of such an enterprise; or

(F) it is primarily engaged in the production of goods or the provision of services which will supplant goods or services which would be imported into the state; or

(G) it is the corporate or regional headquarters of a multistate enterprise which is primarily engaged in out-of-state industrial activities.

(k) "Kansas basic industry" means:

(1) Agriculture;

(2) mining;

(3) manufacturing;

(4) interstate transportation;

(5) wholesale trade which is primarily multistate in activity or which has a major import supplanting effect within the state;

(6) financial services which are provided primarily for interstate or international transactions;

(7) business services which are provided primarily in out-of-state markets;

(8) research and development of new products, processes, or technologies; or

(9) tourism activities which are primarily engaged in for the purpose of attracting out-of-state tourists.

(l) "Major project investment" or "investment" means financial assistance to an employer to defray business costs including, but not limited to, relocation expenses, building and equipment purchases, labor recruitment and job retention.

(m) "New job" means a job in a new or expanding Kansas basic enterprise not including jobs of recalled workers, or existing jobs that are vacant or other jobs that formerly existed in the Kansas basic enterprise in Kansas.

(n) "Primarily engaged" means engagement in an activity by an enterprise to the extent that not less than 51% of the gross income of the enterprise is derived from such engagement.

(o) "Program costs" means all necessary and incidental costs of providing program services, except that program costs shall not include: (1) Any costs for purchase or lease of training equipment that exceed 50% of total program costs for the project, (2) any costs for administrative expenses that exceed 10% of total program costs for the project, and (3) any costs for direct investments in education and related workforce development institutions, for improvements to workforce development, human capital, training expertise and infrastructure that exceed 10% of total program costs.

(p) "Program services" means:

(1) New jobs training, including training development costs, except that the actual training period for any new job shall not exceed 36 months from the date the job is first filled by an employee;

(2) adult basic education and job-related instruction;

(3) vocational and skill-assessment services and testing;

(4) training equipment for education institutions;

(5) material and supplies;

(6) administrative expenses of educational institutions for new jobs training programs;

(7) subcontracted services with other educational institutions, private colleges or universities or other federal, state or local agencies;

(8) contracted or professional service;

(9) major project investments; ~~and~~

(10) direct investments in educational and related workforce development institutions, for improvements to workforce development, human capital, training expertise and infrastructure;

(11) *independent evaluation of the effectiveness of economic development incentives, including analysis of the return on investment at both the state and local levels, as determined necessary by the secretary of commerce after consultation with the secretary of revenue; and*

(12) *economic impact and economic incentive program analysis and related services as determined necessary by the secretary of commerce.*

(q) "Retained job" means an existing job which will be lost without participation by the employer under the provisions of the IMPACT program.

(r) "Secretary" means the secretary of commerce.

(s) "SKILL project" means a training arrangement which is the subject of an agreement entered into between the educational institution and an employer to provide program services.

Sec. 8. K.S.A. 2009 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106, K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106 or K.S.A. 46-1114, and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or *economic incentive* program administered by the secretary of commerce; ~~and~~ (B) *the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 2009 Supp. 74-50,212, and amendments thereto;* (C) *information received from businesses completing the form required by section 12, and amendments thereto;* and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 2009 Supp. 74-50,215, and amendments thereto;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer's name, last known address and residency status to the department of wildlife and parks to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department of social and rehabilitation services for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act (42 U.S.C. §651 et seq.) and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;

(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas parimutuel racing act;

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported

compensation is in compliance with the Kansas public employees retirement act at K.S.A. 74-4901 et seq., and amendments thereto; and

(13) provide taxpayer information of persons suspected of violating K.S.A. 2009 Supp. 44-766, and amendments thereto, to the staff attorneys of the department of labor for the purpose of determining compliance by any person with the provisions of K.S.A. 2009 Supp. 44-766, and amendments thereto, which information shall be limited to withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., as amended, and the results or status of such audit or investigation.

(d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect on September 1, 1996, and amendments thereto, related federal internal revenue rules or regulations, or other federal law.

Sec. 9. K.S.A. 2009 Supp. 79-32,153 is hereby amended to read as follows: 79-32,153. (a) For taxable years commencing after December 31, 1997, any taxpayer who shall invest in a qualified business facility, as defined in subsection (b) of K.S.A. 79-32,154, and amendments thereto, *and effective for tax years commencing after December 31, 2010, located in an area other than a metropolitan county as defined in either K.S.A. 2009 Supp. 74-50,114 or 74-50,211, and amendments thereto*, shall be allowed a credit for such investment, in an amount determined under subsection (b) against the tax imposed by the Kansas income tax act, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto or the privilege tax as measured by net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated for the taxable year during which commencement of commercial operations, as defined in subsection (f) of K.S.A. 79-32,154, and amendments thereto, occurs at such qualified business facility, and for each of the nine succeeding taxable years. No credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds two. Where an employee performs services for the taxpayer outside the qualified business facility, the employee shall be considered engaged or maintained in employment at the qualified business facility if (1) the employee's service performed outside the qualified business facility is incidental to the employee's service inside the qualified business facility, or (2) the base of operations or, the place from which the service is directed or controlled, is at the qualified business facility.

(b) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility shall be a portion of the tax, but not in excess of 50% of such tax, otherwise imposed on or measured by the taxpayer's qualified business facility income, as defined in subsection (g) of K.S.A. 79-32,154, and amendments thereto, for the taxable year for which such credit is allowed. Such portion shall be an amount equal to the sum of the following:

(1) One hundred dollars for each qualified business facility employee determined under K.S.A. 79-32,154, and amendments thereto; plus

(2) one hundred dollars for each \$100,000, or major fraction thereof (which shall be deemed to be 51% or more), in qualified business facility investment as determined under K.S.A. 79-32,154, and amendments thereto.

(c) For tax years commencing after December 31, 2005, any taxpayer claiming credits pursuant to this section, as a condition for claiming and qualifying for such credits, shall provide information pursuant to K.S.A. 2009 Supp. 79-32,243, and amendments thereto, as

part of the tax return in which such credits are claimed. Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to K.S.A. 2009 Supp. 79-32,243, and amendments thereto.

(d) No credit shall be allowed under this section for investment in a public utility, as such term is defined in K.S.A. 66-104, and amendments thereto.

Sec. 10. K.S.A. 2009 Supp. 79-32,160a is hereby amended to read as follows: 79-32,160a. (a) For taxable years commencing after December 31, 1999, any taxpayer who shall invest in a qualified business facility, as defined in subsection (b) of K.S.A. 79-32,154, and amendments thereto, *and effective for tax years commencing after December 31, 2010, located in an area other than a metropolitan county as defined in either K.S.A. 2009 Supp. 74-50,114 or 74-50,211, and amendments thereto*, and also meets the definition of a business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, shall be allowed a credit for such investment, in an amount determined under subsection (b) or (c), as the case requires, against the tax imposed by the Kansas income tax act or where the qualified business facility is the principal place from which the trade or business of the taxpayer is directed or managed and the facility has facilitated the creation of at least 20 new full-time positions, against the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year during which commencement of commercial operations, as defined in subsection (f) of K.S.A. 79-32,154, and amendments thereto, occurs at such qualified business facility. In the case of a taxpayer who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds two. In the case of a taxpayer who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds five. Where an employee performs services for the taxpayer outside the qualified business facility, the employee shall be considered engaged or maintained in employment at the qualified business facility if (1) the employee's service performed outside the qualified business facility is incidental to the employee's service inside the qualified business facility, or (2) the base of operations or, the place from which the service is directed or controlled, is at the qualified business facility.

(b) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility which is located in a designated nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

(1) Two thousand five hundred dollars for each qualified business facility employee determined under K.S.A. 79-32,154, and amendments thereto; plus

(2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment, as determined under K.S.A. 79-32,154, and amendments thereto.

(c) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility, which is not located in a nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, *and effective for tax years commencing after December 31, 2010, located in an area other than a metropolitan county as defined in either K.S.A.*

2009 *Supp. 74-50,114 or 74-50,211, and amendments thereto*, and which also meets the definition of business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

(1) One thousand five hundred dollars for each qualified business facility employee as determined under K.S.A. 79-32,154, and amendments thereto; and

(2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment as determined under K.S.A. 79-32,154, and amendments thereto.

(d) The credit allowed by subsection (a) for each qualified business facility employee and for qualified business facility investment shall be a one-time credit. If the amount of the credit allowed under subsection (a) exceeds the tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated for the taxable year, or in the case where the qualified business facility investment was made prior to January 1, 1996, 50% of such tax imposed upon the amount which exceeds such tax liability or such portion thereof may be carried over for credit in the same manner in the succeeding taxable years until the total amount of such credit is used. Except that, before the credit is allowed, a taxpayer, who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, shall recertify annually that the net increase of a minimum of two qualified business facility employees has continued to be maintained and a taxpayer, who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, shall recertify annually that the net increase of a minimum of five qualified business employees has continued to be maintained.

(e) Notwithstanding the foregoing provisions of this section, any taxpayer qualified and certified under the provisions of K.S.A. 74-50,131, and amendments thereto; which, prior to making a commitment to invest in a qualified Kansas business, has filed a certificate of intent to invest in a qualified business facility in a form satisfactory to the secretary of commerce; and that has received written approval from the secretary of commerce for participation and has participated, during the tax year for which the exemption is claimed, in the Kansas industrial training, Kansas industrial retraining or the state of Kansas investments in lifelong learning program or is eligible for the tax credit established in K.S.A. 74-50,132, and amendments thereto, shall be entitled to a credit in an amount equal to 10% of that portion of the qualified business facility investment which exceeds \$50,000 in lieu of the credit provided in subsection (b)(2) or (c)(2) without regard to the number of qualified business facility employees engaged or maintained in employment at the qualified business facility. The credit allowed by this subsection shall be a one-time credit. If the amount thereof exceeds the tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated for the taxable year, the amount thereof which exceeds such tax liability may be carried forward for credit in the succeeding taxable year or years until the total amount of the tax credit is used, except that no such tax credit shall be carried forward for deduction after the 10th taxable year succeeding the taxable year in which such credit initially was claimed and no carry forward shall be allowed for deduction in any succeeding taxable year unless the taxpayer continued to be qualified and was recertified for such succeeding taxable year pursuant to K.S.A. 74-50,131, and amendments thereto.

(f) For tax years commencing after December 31, 2005, any taxpayer claiming credits pursuant to this section, as a condition for claiming and qualifying for such credits, shall provide information pursuant to K.S.A. 2009 Supp. 79-32,243, and amendments thereto, as part of the tax return in which such credits are claimed. Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to K.S.A. 2009 Supp. 79-32,243, and amendments thereto.

(g) This section and K.S.A. 79-32,160b, and amendments thereto, shall be part of and supplemental to the job expansion and investment credit act of 1976 and acts amendatory thereof and supplemental thereto.

Sec. 11. K.S.A. 2009 Supp. 79-32,243 is hereby amended to read as follows: 79-32,243.

(a) For tax years commencing after December 31, 2005, any taxpayer claiming credits pursuant to K.S.A. 74-50,132, 79-32,153 or 79-32,160a, and amendments thereto, as a condition for claiming and qualifying for such credits, shall provide the following information as part of the tax return, in which such credits are claimed, which shall be used by the department of revenue in evaluating the effectiveness of such tax credit programs, pursuant to K.S.A. 2009 Supp. 74-99b35, and amendments thereto:

(1) Actual jobs created as a direct result of the expenditures on which such credit claim is based, if the taxpayer has previously submitted an estimate of such number of actual jobs created to the department of commerce as a part of applying for certification for such program participation;

(2) additional payroll generated as a direct result of the expenditures on which such credit claim is based, if the taxpayer has previously submitted an estimate of such amount of additional payroll generated to the department of commerce as a part of applying for certification for such program participation;

(3) actual jobs retained as a direct result of the expenditures on which such credit claim is based, if the taxpayer has previously submitted an estimate of actual jobs retained to the department of commerce as a part of applying for certification for such program participation;

(4) additional revenue generated as a direct result of the expenditures on which such credit claim is based, if the taxpayer has previously submitted an estimate of such amount of additional revenue generated to the department of commerce as a part of applying for certification for such program participation;

(5) additional sales generated as a direct result of the expenditures on which such credit claim is based, if the taxpayer has previously submitted an estimate of additional sales generated to the department of commerce as a part of applying for certification for program participation; ~~and~~

(6) total employment and payroll at the end of the tax year in which the credits are claimed; *and*

(7) *such further information as shall be required by the secretary of revenue.*

(b) Such credits specified in subsection (a) shall not be denied solely on the basis of the information provided by the taxpayer pursuant to subsections (a)(1) through ~~(a)(6)~~ (a) (7).

New Sec. 12. The secretary of revenue in consultation with the secretary of commerce shall develop a form which must be completed annually by any business that received any tax benefit pursuant to the promoting employment across Kansas act and amendments thereto. Such form shall be developed no later than December 31, 2010, and shall request, at a minimum, the information required by paragraphs (1), (2), (3), (4), (5) and (6) of subsection (a) of K.S.A. 79-32,243, and amendments thereto, and such other information as shall be required by the secretary of revenue and the secretary of commerce. Upon completion of the form, the business completing the form shall file the form electronically with the secretary of revenue or submit the form in the manner prescribed by the secretary of revenue. The contents of the completed form shall be confidential except as provided in K.S.A. 79-3234 and amendments thereto.

New Sec. 13. The legislative post auditor shall conduct an audit of the promoting employment across Kansas act under this section in accordance with the provisions of the legislative post audit act. The audit shall focus on the effectiveness of the act in fostering economic growth, creating new jobs and promoting the location of business facilities, other operations and jobs in Kansas. Such audit shall be submitted to the legislature at the

beginning of the regular session of the legislature held during 2015. The audit shall make a recommendation on the retention or adjustment of the limitation described in subsection (g) of K.S.A. 2009 Supp. 74-50,213, and amendments thereto.

New Sec. 14. No person who was a member of the legislature on the effective date of this act may avail themselves of the benefits under the provisions of K.S.A. 2009 Supp. 74-50,210 through 74-50,216, and amendments thereto, until after July 1, 2015.

Sec. 15. K.S.A. 2009 Supp. 74-50,103, 74-50,136, 74-50,210, 74-50,211, 74-50,212, 74-50,213, 74-50,214, 79-3234, 79-32,153, 79-32,160a and 79-32,243 are hereby repealed.”;

And by renumbering the sections accordingly;

In the title, in line 12, by striking all after “ACT”; by striking all in lines 13 through 15 and inserting “concerning economic development; pertaining to the economic revitalization and investment act; authorizing the issuance of bonds for certain economic development projects; pertaining to the promoting employment across Kansas act; pertaining to qualifications for benefits under such act; duties of secretary of revenue; reporting requirements; amending K.S.A. 2009 Supp. 74-50,103, 74-50,136, 74-50,210, 74-50,211, 74-50,212, 74-50,213, 74-50,214, 79-3234, 79-32,153, 79-32,160a and 79-32,243 and repealing the existing sections.”;

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

KARIN BROWNLEE

JULIA LYNN

TOM HOLLAND

Conferees on part of Senate

LANA GORDON

OWEN DONOHOE

Conferees on part of House

Senator Brownlee moved the Senate adopt the Conference Committee Report on **HB 2554**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Haley as a member of the Conference Committee on **SB 368** to replace Senator Kelly.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Morris, D. Schmidt and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1878—

A RESOLUTION congratulating and commending Mary Galligan.

WHEREAS, Mary Galligan retired on December 25, 2009, after serving the Kansas Legislature for 27 years through her outstanding efforts in the Kansas Legislative Research Department; and

WHEREAS, Mary received her Bachelor of Science in Education degree from Southwest Missouri State University, a Master of Arts degree from the University of Arkansas and a Master of Public Administration degree from the University of Kansas; and

WHEREAS, Mary commenced working for the Kansas Legislative Research Department as a Fiscal Analyst on August 30, 1982 and was promoted to a Principal Analyst on June 18, 1986. She was promoted again to Assistant Director for Information Management on August 15, 2004; and

WHEREAS, Mary served the Kansas Legislature as one of the eminent legislative research experts in the state policy areas of gambling, death penalty, alcohol and drugs, public health, Regents' institutions funding, energy and utilities and throughout her tenure answered innumerable questions on these and other topics; and

WHEREAS, Mary served the Kansas Legislature and the State of Kansas by being the lead staff person on redistricting efforts for the development of districts for the Senate, the House of Representatives, the U.S. Congressional Districts and the State Board of Education in 1989, 1992 and 2002, all of which resulted in the Kansas Supreme Court determining that those plans were valid and met the constitutional test of fair redistricting; and

WHEREAS, Mary was instrumental in assisting in the ongoing success of the University of Kansas Legislative Intern Program, where she provided her sage wisdom and was a mentor to hundreds of university students on the legislative process; and

WHEREAS, Mary was intricately involved in numerous computer and computerization efforts for the Kansas Research Department and the Kansas Legislature; and

WHEREAS, Mary was active in numerous redistricting seminars and continuing education activities through the National Conference of State Legislatures and served as staff for the National Conference of State Legislatures' committees; and

WHEREAS, Mary married Allan Foster, also a valued legislative employee, on March 14, 1975; and

WHEREAS, Mary plans on enjoying her retirement through gardening, reading, educating others concerning the legislative process, volunteering for the Multiple Sclerosis Society and other charities, as well as traveling; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Mary Galligan for her 27 years of devoted service to the State of Kansas and extend our best wishes for her continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Mary Galligan, 6321 SW 25th St., Topeka, KS 66614.

On emergency motion of Senator Hensley **SR 1878** was adopted unanimously.

Senators Morris, D. Schmidt and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1879—

A RESOLUTION congratulating and commending Theresia (Terri) M. Weber.

WHEREAS, Terri Weber retired on March 30, 2010, after serving the Kansas Legislature for 11 years through her outstanding efforts in the Kansas Legislative Research Department and the Legislative Division of Post Audit, as well as six additional years of service in the Kansas Commission on Alcohol and Kansas Corporation Commission, for a total of 17 years of dedicated service to the State of Kansas; and

WHEREAS, Terri received her Bachelor of Arts in Sociology from Fort Hays State University and a Master's Degree in Public Administration from the University of Kansas; and

WHEREAS, Terri commenced working for the Kansas Commission on Alcoholism as a Community Service Representative in 1974, joining the Legislative Division of Post Audit as an Audit Manager in 1975 and serving there until 1980. She then served as a Director of the Research and Energy Analysis Division for the Kansas Corporation Commission from 1980 until 1985, then after several years of service out-of-state, she returned to Kansas and joined the Legislative Research Department as a Principal Analyst on January 14, 2004; and

WHEREAS, Terri served the Legislature as one of the eminent legislative research experts in the state policy areas of health and social services and children's programs and provided outstanding research and insight to legislative policy-makers in the area of public health at both the state and federal level. She was always valued for her ability to build team spirit within the staff of the Legislative Research Department; and

WHEREAS, Terri is the proud mother of a daughter, Traci Wilson, and an extra-proud grandmother of five grandchildren, Joshua, Alexander, Nicholas, Joseph and Remington Wilson; and

WHEREAS, Terri plans on enjoying her retirement through spending time with her grandchildren, polka dancing and dazzling the Lawrence community with her vocal skills: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Terri Weber for her 17 years of devoted service to the State of Kansas and extend our best wishes for her continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send two enrolled copies of this resolution, one each to: Terri Weber, 4927 Stoneback Place, Lawrence, KS 66047; and Traci and Jim Wilson, 1205 Randall, Lawrence, KS 66049.

On emergency motion of Senator Barnett **SR 1879** was adopted unanimously.

Senator Morris introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1880—

A RESOLUTION congratulating and commending Joyce Lundgren.

WHEREAS, Joyce Lundgren retired on December 12, 2009, after serving the Kansas Legislature for 25 years through her outstanding efforts in the Kansas Legislative Research Department, as well as four additional years of service in the Kansas Department of Education for a total of 29 years of dedicated service to the State of Kansas; and

WHEREAS, Joyce commenced working for the Kansas Department of Education in September of 1973, leaving in May of 1977, then returning to the department in September of 1982 until December of 1984. She joined the Legislative Research Department as a Secretary III on December 3, 1984, and ended her career as Head Secretary on December 12, 2009; and

WHEREAS, Joyce was well-known throughout the Research Department for her outstanding clerical skills, especially in proofreading and editing documents, working with spreadsheets, working on the *Legislative Budget Analysis* publication and finalizing legislative supplemental notes. She had the unique ability to work late into the night to ensure that legislative supplemental notes would be sent to the State Printer so they could be available the next morning for the Legislature; and

WHEREAS, Joyce is the proud mother of Sarah Ragsdale; and

WHEREAS, Joyce is an avid reader and plans on reading many novels during her retirement: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Joyce Lundgren for her 29 years of devoted service to the State of Kansas and extend our best wishes for her continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send two enrolled copies of this resolution, one each to: Joyce Lundgren, 5466 SW 12th Terrace, No. 2, Topeka, KS 66604; and Sarah Ragsdale, 1625 SW 37th Terrace, Apt. No. 407, Topeka, KS 66609.

On emergency motion of Senator V. Schmidt **SR 1880** was adopted unanimously.

Senator Morris introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1881—

A RESOLUTION congratulating and commending Jerry Ann Donaldson.

WHEREAS, Jerry Ann Donaldson retired on March 19, 2010, after serving the Kansas Legislature for 26 years through her outstanding efforts in the Kansas Legislative Research Department, as well as three additional years of service in the Kansas Department of Education, for a total of 29 years of dedicated service to the State of Kansas; and

WHEREAS, Jerry received her Bachelor's degree from the University of Kansas in 1962, a Master's degree from the Indiana University at Bloomington in 1963, did Doctor of Philosophy work at Temple University in Philadelphia, Pennsylvania and the University of Iowa and received her Juris Doctorate degree from Washburn Law School in 1983; and

WHEREAS, Jerry commenced working for the Kansas Department of Education as a Law Clerk in November of 1980 through November of 1983. She joined the Legislative Research Department as a Research Assistant in November of 1983 and because of her

outstanding research and legal skills, was promoted to a Research Analyst in June of 1985 and promoted again in June of 1988 to a Principal Analyst; and

WHEREAS, Jerry served the Legislature as a research expert in the state policy areas of labor and industry, judiciary, workers compensation, corrections and public employer-employee relations. She staffed countless legislative committee meetings and responded to legislative inquiries for over 26 years; and

WHEREAS, Jerry is the proud mother of three daughters, Tracy Diane Moss, Katherine Mary Wunnenberg and Molly Elizabeth Mahoney. She is also the proud grandmother of ten grandchildren, Amanda, Nate and Eli Moss; David, Emily and Paul Wunnenberg; and Sam, Max, Abe and Lily Mahoney; and

WHEREAS, Jerry is an avid reader and plans on reading many novels during her retirement, as well as spending time with her grandchildren: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Jerry Ann Donaldson for her 29 years of devoted service to the State of Kansas and extend our best wishes for her continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send four enrolled copies of this resolution, one each to: Jerry Ann Donaldson, 935 NE Brian Rd., Topeka, KS 66617; Tracy and Steve Moss, 5628 Meadow Lane, Parkville, MO 64152; Katherine and Vern Wunnenberg, 2683 Whitetail Lane, O'Fallon, MO 63368; and Molly and Dean Mahoney, 1105 S. Lennox Dr., Olathe, KS 66062.

On emergency motion of Senator V. Schmidt **SR 1881** was adopted unanimously.

REPORT ON ENROLLED BILLS

SCR 1622 reported correctly enrolled, properly signed and presented to the Secretary of State on May 4, 2010.

On motion of Senator D. Schmidt, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE GOVERNOR

May 5, 2010

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 10-03 for your information.

MARK PARKINSON
Governor

The President announced Executive Order No. 10-03, offering an award of five thousand dollars (\$5,000) for information leading to the arrest and conviction of the individual or individuals who committed the homicide of Jesus Aaron Lerma, is on file in the office of the Secretary of the Senate and is available for review at any time.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS DEPARTMENT OF LABOR

May 5, 2010

Jim Garner, Kansas Secretary of Labor, submitted the Workers Compensation 35th Annual Statistical Report, the 2009 Kansas Economic Report, the 2010 Workplace Safety Annual Report, the Unemployment Insurance Reference Guide and the Kansas Department of Labor 2009 Annual Report.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor, the Kansas Health Policy Authority, the Minority Leader of the Senate and the State Board of Healing Arts to the senate for confirmation, were considered.

Senator D. Schmidt moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Pooled money investment Board:

John W. Lehman, to serve a four year term ending March 15, 2014.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

State Banking Board:

Richard L. Fish, to serve a three year term ending March 15, 2012.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

State Public Trust:

Gene Bicknell, term expires March 15, 2014.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

State Public Trust:

James J. Dahmen, term expires March 15, 2014.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

State Public Trust:

John O. Delmont, term expires March 15, 2011.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

State Public Trust:

Eddie L. Hamilton, term expires March 15, 2012.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

State Public Trust:

Betty J. McBride, term expires March 15, 2013.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Kansas Health Policy Authority:

On the appointment to the:

Inspector General:

Nicholas M. Kramer, term expires January 15, 2013.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the State Board of Healing Arts:

On the appointment to the:

Executive Director of State Board of Healing Arts:

Kathleen Jo Selzler Lippert, serves at the pleasure of the State Board of Healing Arts.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Brungardt in the chair.

On motion of Senator Brungardt the following report was adopted:

S Sub for HB 2360 be amended by adoption of the committee amendments, be further amended by motion of Senator Emler on page 20, in line 36, by striking “and” and inserting a comma; also in line 36, after “(d)” and inserting “and (e)”;

On page 21, in line 28, by striking “11.333%” and inserting “11.427%”;

On page 23, in line 35, by striking “and” and inserting a comma; also in line 35, after “(d)” by inserting “and (e)”

On page 24, in line 20, by striking “11.333%” and inserting “11.427%”

S Sub for HB 2360 be further amended by Senator Huelskamp on page 8, by striking all in lines 16 through 43;

By striking all on pages 9 through 14;

On page 15, by striking all in lines 1 through 22;

And by renumbering sections accordingly;

On page 29, in line 10, by striking “79-”; in line 11, by striking “32,117, 79-32,138,”; in line 15, by striking “Kansas register” and inserting “statute book”;

On page 1, in the title, in line 12, by striking “, adjusted gross income”; in line 14, by striking “79-32,117, 79-32,138,”

Upon the showing of five hands a roll call vote was requested:

On roll call, the vote was: Yeas 33, Nays 5, Present and Passing 2, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Haley, Hensley, Holland, Huelskamp, Huntington, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Emler, Kelly, Owens, Reitz, Vratil.

Present and Passing: Francisco, Morris.

The motion carried and the amendment was adopted.

S Sub for HB 2360 be further amended by Senator Marshall on page 29, after line 9, by inserting the following:

“New Sec. 10. If any contractor has entered into a written binding contract prior to May 1, 2010, for the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a building, facility or residential structure, or for the construction, reconstruction, restoration, replacement or repair of a bridge or highway, the state sales tax applicable to such contracts shall be remitted at the rate in effect prior to the state sales tax increase scheduled to take effect on July 1, 2010, if the contractor gives notice and proof of such contract to the director of taxation on or before July 10, 2010, which notice and proof shall be in such form and of such sufficiency as the director shall prescribe.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 12, after “food” by inserting “, procedure for certain contracts”

Upon the showing of five hands a roll call vote was requested:

On roll call, the vote was: Yeas 34, Nays 0, Present and Passing 5, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Faust-Goudeau, Francisco, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Brungardt, Emler, Haley, Owens, Reitz.

Absent or Not Voting: Lee.

The motion carried and the amendment was adopted.

S Sub for HB 2360 be further amended by Senator Lee on page 29, before line 10, by inserting the following:

“Sec. 10. K.S.A. 2009 Supp. 74-72,123 is hereby amended to read as follows: 74-72,123.

(a) As used in the Kansas taxpayer transparency act:

(1) “Searchable website” means a website that allows the public to search and aggregate the information identified in subsection (b) including requirements that the website offer the public the ability to efficiently search and display data, and ascertain the total amounts

of revenues and expenditures (A) of funds established within the state treasury in an aggregate or summary form in a manner determined by the secretary of administration, (B) of compensation paid to public employees employed by state agencies, and (C) of bond debt as specified in this act.

(2) "Agency" means any entity or instrumentality of the state of Kansas as defined in K.S.A. 75-3701, and amendments thereto, and any other entity or instrumentality delegated statutory authority by the legislature to issue bonds and to collect revenue for the purpose of repaying bonds issued under authority delegated by statute.

(3) "Board" means the public finance transparency board.

(b) No later than March 1, 2009, the secretary of administration shall develop and operate a single, searchable website accessible by the public at no cost to access, that includes:

(1) Annual expenditures, as determined by the secretary of administration and as available within the central accounting system and state payroll system, shall include, but not be limited to:

(A) Disbursements by any state agency from funds established within the state treasury;

(B) bond debt payments;

(C) salaries and wages including, but not limited to, compensation paid to individual employees of state agencies;

(D) contractual services including, but not limited to, amounts paid to individual vendors;

(E) commodities including, but not limited to, amounts paid to individual vendors;

(F) capital outlay including, but not limited to, amounts paid to individual vendors;

(G) debt service including, but not limited to, amounts of bond interest paid and sources of funds paid for individual bond issues;

(H) aid to local units including, but not limited to, amounts paid to individual units of government for individually identifiable aid programs;

(I) other assistance and benefits; ~~and~~

(J) capital improvements including, but not limited to, amounts of bond principal paid and sources of funds paid for individual bond issues; *and*

(K) *tax expenditures as reported by the secretary of revenue in the annual tax expenditure report.*

(2) Annual revenues, as determined by the secretary of administration and as available within the central accounting system, shall include, but not be limited to:

(A) Receipts or deposits by any state agency into funds established within the state treasury;

(B) taxes including, but not limited to, compulsory contributions imposed by the state for the purpose of financing services;

(C) agency earnings including, but not limited to, amounts collected by each agency for merchandise sold, services performed, licenses and permits issued, or regulation;

(D) revenue for the use of money and property including, but not limited to, amounts received for compensation for the use of state-owned money and property;

(E) gifts, donations and federal grants including, but not limited to, amounts received from public and private entities to aid in support of a specific function or other governmental activity;

(F) other revenue including, but not limited to, receipts not classified elsewhere; and

(G) non-revenue receipts including, but not limited to, all receipts that do not constitute revenue.

(3) Annual bonded indebtedness which shall include, but not be limited to the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the source of funding for repayment of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, any refinancing of the obligation, and the cited statutory authority to issue such bonds.

(4) Any other relevant information specified by the secretary of administration after consulting with and seeking the advice of the public finance transparency board as established in K.S.A. 2009 Supp. 74-72,124, and amendments thereto.

(c) The single website provided for in subsection (b) of this section shall include data for fiscal year 2003 and each fiscal year thereafter. The website shall be designed so that such data shall be retained on the single website for not less than 10 years and shall include data

for the most recent fiscal years. Data that is available in the central accounting system and state payroll system shall be on the single website as soon as possible, but not later than 45 days after the last day of the preceding fiscal year. The secretary of administration shall develop policies and procedures to make data available from any other source. Nothing in this act shall require the secretary of administration to provide information on the website that is not available in the central accounting system and the state payroll system at the time of initial implementation of the website. After implementation of the initial website, the public finance transparency board shall advise the secretary of administration on incorporating additional information described by this act from any other source of information available to the secretary of administration including information submitted by state agencies pursuant to subsection (d) of this section.

(d) Any state agency shall provide, at the request of the secretary of administration, such information as is necessary to accomplish the purposes of this act.

(e) Nothing in this act shall permit or require the disclosure of information which is considered confidential by state or federal law.”;

And by renumbering sections accordingly;

Also on page 29, in line 10, after “Supp.” by inserting “74-72,123,”;

On page 1, in the title, in line 13, before “amending” by inserting “Kansas taxpayer transparency act;”; in line 14, after “Supp.” by inserting “74-72,123,”

S Sub for HB 2360 be further amended by Senator Schodorf on page 29, after line 9, by inserting the following:

“Sec. 10. K.S.A. 2009 Supp. 79-32,205 is hereby amended to read as follows: 79-32,205.

(a) There shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to ~~17%~~ 18% for tax year ~~2007~~ 2010, and all tax years thereafter, of the amount of the earned income credit allowed against such taxpayer’s federal income tax liability pursuant to section 32 of the federal internal revenue code for the taxable year in which such credit was claimed against the taxpayer’s federal income tax liability.

(b) If the amount of the credit allowed by subsection (a) exceeds the taxpayer’s income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer.”;

And by renumbering sections accordingly;

Also on page 29, in line 11, before “79-” by inserting “79-32,205,”;

On page 1, in the title, in line 13, before the semicolon, by inserting “, credits”; in line 15, before “79-3603,” by inserting “79-32,205,”

Senator Francisco moved to further amend **S Sub for HB 2360** as amended by Senate Committee, and further amended by Senate Committee of the Whole, on May 6, 2010, by amendment designated FAH2360t2S, by striking section 10 which amends K.S.A. 2009 Supp. 79-32,205, and by inserting the following:

“Sec. 10. K.S.A. 2009 Supp. 79-32,205 is hereby amended to read as follows: 79-32,205.

(a) There shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to ~~17%~~ 18% for tax year ~~2007~~ years 2010 through 2012, and an amount equal to 17% for tax year 2013, and all tax years thereafter, of the amount of the earned income credit allowed against such taxpayer’s federal income tax liability pursuant to section 32 of the federal internal revenue code for the taxable year in which such credit was claimed against the taxpayer’s federal income tax liability.

(b) If the amount of the credit allowed by subsection (a) exceeds the taxpayer’s income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer.” and **S Sub for HB 2360** be passed as further amended.

S Sub for HB 2360 be further amended by Senator Bruce on page 29, after line 9, by inserting the following:

“Sec. 10. K.S.A. 2009 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes as defined by K.S.A. 79-3301 and amendments thereto, cereal malt beverages and malt products as defined by K.S.A. 79-3817 and amendments thereto, including wort, liquid malt, malt syrup

and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02 and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business, or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418 and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the

contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615 and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or

instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126 and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of subsection (o) of K.S.A. 79-3603 and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by subsection (c) of K.S.A. 74-5807, and amendments thereto, and repair and replacement parts therefor, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection:

(1) “Mobility enhancing equipment” means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer; and (2) “prosthetic device” means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;

(s) except as provided in K.S.A. 2009 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq. and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq. or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term “farm machinery and equipment or aquaculture machinery and equipment” shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126 and amendments thereto. “Farm machinery and equipment” includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. “Precision farming equipment” includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;

(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b *Second* through *Sixth*. As used in this paragraph, “severing” shall have the

meaning ascribed thereto by subsection (k) of K.S.A. 79-4216, and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418 and amendments thereto;

(aa) all sales of materials and services applied to equipment which is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and which is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) "Mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202 and amendments thereto; and (2) "sales of used mobile homes or manufactured homes" means sales other than the original retail sale thereof;

(cc) all sales of tangible personal property or services purchased for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business which meets the requirements established in K.S.A. 74-50,115 and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615 and amendments thereto. As used in this subsection, "business" and "retail business" have the meanings respectively ascribed thereto by K.S.A. 74-50,114 and amendments thereto;

(dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;

(ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas;

(ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, "mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202 and amendments thereto;

(gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;

(hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, “durable medical equipment” means equipment including repair and replacement parts for such equipment, which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based mental retardation facility or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b and amendments thereto and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based mental retardation facility or mental health center located in Riverton, Cherokee County, Kansas, which would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment which are used in this state as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and

(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) “Integrated production operation” means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;

(B) “production line” means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;

(C) “manufacturing or processing plant or facility” means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;

(D) “manufacturing or processing business” means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish, or assemble items for

wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood, or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed, or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;

(E) "repair and replacement parts and accessories" means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) "primary" or "primarily" mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;

(C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) to guide, control or direct the movement of property undergoing manufacturing or processing;

(E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer's integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;

(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer's production operation; or, if purchased or

delivered from offsite, from the point where the substance enters the site of the plant or facility to that manufacturer's production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the production process;

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; and (E) a manufacturing or processing business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E).

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part

of production operations part of the time and for nonproduction purpose at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American Heart Association, Kansas Affiliate, Inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas Alliance for the Mentally Ill, Inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas Mental Illness Awareness Council for the purposes of advocacy for persons who are mentally ill and to education, research and support for them and their families;

(4) the American Diabetes Association Kansas Affiliate, Inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American Lung Association of Kansas, Inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's Disease and Related Disorders Association, Inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the National Kidney Foundation of Kansas and Western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the Cystic Fibrosis Foundation, Heart of America Chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the Dreams Work, Inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the Dream Factory, Inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki Strings, Inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the International Association of Lions Clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American Cancer Society, Inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the Habitat for Humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(yy) all sales of tangible personal property and services purchased by a parent-teacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;

(zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station which is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;

(aaa) all sales of tangible personal property and services purchased by a religious organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining,

repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to

be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt is not operational for five years succeeding the allowance of such exemption, the total amount of sales tax which would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access thereto;

(fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and equipment; and all sales of repair and replacement parts for such machinery and equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where storage or distribution operations are conducted that are separate and apart from the business' retail operations, if any, and which do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas Academy of Science which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education materials;

(hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations which distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for

the collection and storage of such food products for any such organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such

organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac Center, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(mm) all sales of tangible personal property and services purchased by the West Sedgwick County-Sunrise Rotary Club and Sunrise Charitable Fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible personal property and services purchased by an organization which would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the general public, and all sales of any such property by or on behalf of any such county law library;

(sss) all sales of tangible personal property and services purchased by catholic charities or youthville, hereinafter referred to as charitable family providers, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of charitable family providers for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for charitable family providers for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by charitable family providers. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for charitable family providers. When charitable family providers contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to charitable family providers a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(ttt) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum which has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city which has been designated as a qualified hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seq., and amendments thereto, and which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring, constructing, equipping, reconstructing,

maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(uuu) all sales of tangible personal property and services purchased by Kansas children's service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for KCSL. When KCSL contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued

without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(vv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by Jazz in the Woods, Inc., a Kansas corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing Jazz in the Woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac Education Foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the

provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(yyy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization's annual fundraising event which purpose is to provide health care services for uninsured workers;

(cccc) all sales of tangible personal property or services purchased by or on behalf of wayside waifs, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing such organization's annual fundraiser, an event whose purpose is to support the care of homeless

and abandoned animals, animal adoption efforts, education programs for children and efforts to reduce animal over-population and animal welfare services, and all sales of any such property, including entry or participation fees or charges, by or on behalf of such organization for such purpose;

(dddd) all sales of tangible personal property or services purchased by or on behalf of Goodwill Industries or Easter Seals of Kansas, Inc., both of which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education, training and employment opportunities for people with disabilities and other barriers to employment;

(eeee) all sales of tangible personal property or services purchased by or on behalf of All American Beef Battalion, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services; ~~and~~

(ffff) all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or mental retardation, or both, and all sales of any such property by or on behalf of sheltered living, inc. for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling homes and facilities for sheltered living, inc. for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc. contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to sheltered living, inc. a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc. shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto; *and*

(gggg) *all sales of firearms purchased on and after July 2, but before July 7, in any year. For purposes of this subsection, "firearm" shall have the same meaning ascribed to in K.S.A. 21-3110, and amendments thereto.*;

And by renumbering sections accordingly;

Also on page 29, in line 12, after "3603," by inserting "79-3606,";

On page 1, in the title, in line 11, before “distribution” by inserting “exemptions.”; in line 15, after “79-3603,” by inserting “79-3606,”

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 19, Nays 16, Present and Passing 5, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schodorf, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt V, Umbarger, Vratil.

Present and Passing: Donovan, Haley, Holland, Steineger, Teichman.

The motion carried and the amendment was adopted.

Having voted on the prevailing side, Senator Schodorf moved to reconsider its action on Senator Bruce’s previous amendment on **S Sub for HB 2360**.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 21, Nays 19, Present and Passing 0, Absent or Not Voting 0.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Taddiken, Wagle.

The motion carried.

The Senate returned to discussion on Senator Bruce’s amendment and a voice vote was taken. Upon a showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 20, Nays 20, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schodorf, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt V, Steineger, Teichman, Umbarger, Vratil.

The motion failed and the amendment was rejected.

A motion by Senator Bruce to amend **S Sub for HB 2360** failed and the following amendment was rejected: page 15, in line 28, by striking “2013” and inserting “2012”;

On page 21, in line 37, after “fund” by inserting “, as well as such revenue collected and received at the rate of 6.3%, after June 30, 2012”; in line 38, by striking “11.233%” and inserting “18.421%”; in line 40, by striking “6.3%” and inserting “5.7%”; in line 42, by striking all after “fund”; in line 43, by striking all before the period;

On page 22, by striking all in lines 1 through 5;

On page 23, in line 17, by striking “2013” and inserting “2012”;

On page 24, in line 29, after “fund” by inserting “, as well as such revenue collected and received at the rate of 6.3%, after June 30, 2013”; in line 30, by striking “11.233%” and inserting “18.421%”; in line 32, by striking “6.3%” and inserting “5.7%”; in line 34, by striking all after “fund”; by striking all before the period; by striking all in lines 36 through 40;

On page 26, in line 28, after “\$35,000” by inserting “or for tax years commencing after December 31, 2011, \$31,900.”;

On page 27, in line 29, after “\$90” by inserting “, except that for calendar year 2012 and thereafter, income of \$15,950 or less, an amount equal to \$88”; in line 32, after “\$45”, by inserting “, or for calendar year 2012, and thereafter, \$15,950 but not more than \$31,900, an amount equal to \$44”; in line 35, after “\$90” by inserting “, or for calendar year 2012, and thereafter, \$44 or \$88”;

On page 28, in lines 1 and 5, after “\$90” by inserting “or for taxable years commencing after December 31, 2011, \$44 or \$88”

Upon the showing of five hands a roll call vote was requested

Pursuant to Rule 40, President Morris moved to allow upon unanimous consent Senator Marshall to cast his vote on **S Sub for HB 2360** after the roll call was closed and prior to adjournment for the day.

On roll call, the vote was: Yeas 15, Nays 20, Present and Passing 5, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Pilcher-Cook, Pyle, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Hensley, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Petersen, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Present and Passing: Donovan, Francisco, Haley, Holland, Schmidt D.

The motion failed and the amendment was rejected.

A motion by Senator Bruce to amend **S Sub for HB 2360** failed and the following amendment was rejected: page 29, after line 9, by inserting the following:

“Sec. 10. K.S.A. 2009 Supp. 79-32,121 is hereby amended to read as follows: 79-32,121. An individual shall be allowed a Kansas exemption of \$2,250 for tax ~~year 1998~~ *years 2010 through 2012, and, for tax year 2013, and all tax years thereafter, a Kansas exemption equal to the amount of the exemption for which such individual is entitled to pursuant to section 151 et seq. of the federal internal revenue code of 1986*, for each exemption for which such individual is entitled to a deduction for the taxable year for federal income tax purposes. In addition to the exemptions authorized in the foregoing provision, an individual filing a federal income tax return under the status of head of household, as the same is defined by 26 U.S.C. 2(b), shall be allowed an additional Kansas exemption of \$2,250 for tax year 1998.”;

And by renumbering sections accordingly;

Also on page 29, in line 11, after “32,117,” by inserting “79-32,121.”;

On page 1, in the title, in line 13, before the semicolon by inserting “, personal exemption”; in line 14, after “79-32,117,” by inserting “79-32,121.”

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 18, Nays 21, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Steineger, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, McGinn, Morris, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Present and Passing: Haley.

The motion failed and the amendment was rejected.

A motion by Senator Brownlee to amend **S Sub for HB 2360** and the following amendment was rejected: page 10, after line 42, by inserting the following:

“(xx) The amount of any depreciation deduction claimed on the federal income tax return for property that has been expensed for Kansas income tax purposes pursuant to subparagraph (xxi) of subsection (c) of this section.”;

On page 13, after line 37, by inserting the following:

“(xxi) The amount of any expense deduction that could have been claimed and allowed pursuant to section 179 of the federal internal revenue code, as it appeared on the effective date of this act, for property placed in service after December 31, 2009, to the extent that such amount is included in federal adjusted gross income. In no circumstance shall any taxpayer be allowed to claim a deduction pursuant to this paragraph which exceeds \$125,000, and such deduction shall be reduced, but not below zero, by the amount by which the cost of such property placed in service during such taxable year exceeds \$500,000.”

Upon the showing of five hands a roll call vote was requested

On roll call, the vote was: Yeas 18, Nays 21, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Barnett, Brownlee, Bruce, Colyer, Donovan, Faust-Goudeau, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schodorf, Taddiken, Wagle.

Nays: Apple, Brungardt, Emler, Francisco, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, McGinn, Morris, Owens, Reitz, Schmidt D, Schmidt V, Steineger, Teichman, Umbarger, Vratil.

Present and Passing: Haley.

The motion failed and the amendment was rejected.

A motion by Senator Colyer to amend **S Sub for HB 2360** failed and the following amendment was rejected: page 29, after line 9, by inserting the following:

“Sec. 10. K.S.A. 2009 Supp. 79-32,105 is hereby amended to read as follows: 79-32,105.

(a) The director shall remit the entire amount collected under the provisions of this act and from the income tax imposed upon individuals, corporations, estates or trusts pursuant to the “Kansas income tax act” less amounts withheld as provided in subsection (b) and any amounts credited to the IMPACT program repayment fund or the IMPACT program services fund under K.S.A. 74-50,107 and amendments thereto 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 state general fund.

(b) A revolving fund, designated as “income tax refund fund” not to exceed \$4,000,000 shall be set apart and maintained by the director from income tax collections, franchise tax collections, withholding tax collections, and estimated tax collections and held by the state treasurer for prompt payment of all income tax refunds and franchise tax refunds, for the payment of interest as provided in subsection (e), for payment of homestead property tax refunds in accordance with the homestead property tax refund act and for payment of property tax refunds allowed pursuant to the provisions of K.S.A. 2009 Supp. 79-255, and amendments thereto. The fund shall be in such amount, within the limit set by this section, as the director determines is necessary to meet current refunding requirements under this act.

(c) If the director discovers from the examination of the return, or upon claim duly filed by the taxpayer or upon final judgment of the court that the income tax, withholding tax, declaration of estimated tax or any penalty or interest paid by or credited to any taxpayer is in excess of the amount legally due for such tax or any other tax owed the state of Kansas, *within 30 days of the date the return was filed by the taxpayer, except that such time requirement shall not apply to any return filed by a taxpayer if the director determines that further examination and information is necessary to determine facts and issues related to the tax liability of the taxpayer*, the director shall certify to the director of accounts and reports the name of the taxpayer, the amount of refund and such other information as the director may require. ~~Upon~~ *Within 10 days of* receipt of such certification the director of accounts and reports shall issue a warrant on the state treasurer for the payment to the taxpayer out of the fund provided in subsection (b), except that no refund shall be made for a sum less than \$5, but such amount may be claimed by the taxpayer as a credit against the taxpayer’s tax liability in the taxpayer’s next succeeding taxable year.

(d) When a resident taxpayer dies, and the director determines that a refund is due the claimant not in excess of \$100, the director shall certify to the director of accounts and reports the name and address of the claimant entitled to the refund and the amount of the refund. A refund may be made upon a claim duly made on behalf of the estate of the deceased or in the absence of any such claim upon a claim by a surviving spouse and if none upon the claim by any heir at law. Upon receipt of such certification the director of accounts and reports shall issue a warrant on the state treasurer for the payment to the claimant out of the fund provided in subsection (b).

(e) Interest shall be allowed and paid at the rate of 12% per annum upon any overpayment of the income tax imposed upon individuals, corporations, estates or trusts pursuant to the Kansas income tax act for any period prior to January 1, 1995, 6% per annum for the period commencing on January 1, 1995, and ending on December 31, 1997, and at the rate prescribed and determined pursuant to K.S.A. 79-2968, and amendments thereto, for any period thereafter.

For the purposes of this subsection:

(1) Any return filed before the last day prescribed for the filing thereof shall be considered as filed on such last day, determined without regard to any extension of time granted the taxpayer;

(2) any tax paid by the taxpayer before the last day prescribed for its payment, any income tax withheld from the taxpayer during any calendar year and any amount paid by the taxpayer as estimated income tax for a taxable year shall be deemed to have been paid on the last day prescribed for filing the return for the taxable year to which such amount constitutes a credit or payment, determined without regard to any extension of time granted the taxpayer;

(3) if any overpayment of tax results from a carryback of a net operating loss or net capital loss, such overpayment shall be deemed not to have been made prior to the close of the taxable year in which such net operating loss or net capital loss arises. For purposes of this paragraph, the return for the loss year shall not be deemed to be filed before claim for such overpayment is filed;

(4) in the case of a credit, interest shall be allowed and paid from the date of the overpayment to the due date of the amount against which the credit is taken, except that if any overpayment of income tax is claimed as a credit against estimated tax for the succeeding taxable year, such amount shall be considered as a payment of the income tax for the succeeding taxable year, whether or not claimed as a credit in the return of estimated tax for such succeeding taxable year, and no interest shall be allowed or paid in such overpayment for the taxable year in which the overpayment arises;

(5) in the case of a tax return which is filed after the last date prescribed for filing such return, determined with regard to extensions, no interest shall be allowed or paid for any period before the date on which the return is filed;

(6) in the case of a refund, interest shall be allowed and paid from the date of the overpayment to a date preceding the date of the refund check by not more than 30 days, as determined by the director, whether or not such refund check is accepted by the taxpayer after tender of such check to the taxpayer, but acceptance of such check shall be without prejudice to any right of the taxpayer to claim any additional overpayment and interest thereon; and

(7) if any overpayment is refunded within two months after the last date prescribed, or permitted by extension of time, for filing the return of such tax, or within two months after the return was filed, whichever is later, no interest shall be allowed or paid. For the purposes of this section, an overpayment shall be deemed to have been refunded at the time the refund check in the amount of the overpayment, plus any interest due thereon, is deposited in the United States mail.”;

And by renumbering sections accordingly;

Also on page 29, in line 10, after “Supp.” by inserting “79-32,105.”; in line 15, by striking “Kansas register” and inserting “statute book”;

On page 1, in the title, in line 12, before the stricken material by inserting “, refunds”; in line 14, after “Supp.” by inserting “79-32,105.”;

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 19, Nays 19, Present and Passing 2, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Present and Passing: Haley, Holland.

The motion failed and the amendment was rejected.

A motion by Senator Donovan to amend **S Sub for HB 2360** failed and the following amendment was rejected: on page 29, after line 9, by inserting the following:

“Sec. 10. K.S.A. 2009 Supp. 79-32,160a is hereby amended to read as follows: 79-32,160a.

(a) For taxable years commencing after December 31, 1999, any taxpayer who shall invest in a qualified business facility, as defined in subsection (b) of K.S.A. 79-32,154, and amendments thereto, and also meets the definition of a business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, shall be allowed a credit for such investment, in an

amount determined under subsection (b) or (c), as the case requires, against the tax imposed by the Kansas income tax act or where the qualified business facility is the principal place from which the trade or business of the taxpayer is directed or managed and the facility has facilitated the creation of at least 20 new full-time positions, against the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year during which commencement of commercial operations, as defined in subsection (f) of K.S.A. 79-32,154, and amendments thereto, occurs at such qualified business facility. In the case of a taxpayer who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds two. In the case of a taxpayer who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds five. Where an employee performs services for the taxpayer outside the qualified business facility, the employee shall be considered engaged or maintained in employment at the qualified business facility if (1) the employee's service performed outside the qualified business facility is incidental to the employee's service inside the qualified business facility, or (2) the base of operations or, the place from which the service is directed or controlled, is at the qualified business facility.

(b) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility which is located in a designated nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

(1) Two thousand five hundred dollars for each qualified business facility employee determined under K.S.A. 79-32,154, and amendments thereto; plus

(2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment, as determined under K.S.A. 79-32,154, and amendments thereto.

(c) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility, which is not located in a nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, and which also meets the definition of business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

(1) One thousand five hundred dollars for each qualified business facility employee as determined under K.S.A. 79-32,154, and amendments thereto; and

(2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment as determined under K.S.A. 79-32,154, and amendments thereto.

(d) The credit allowed by subsection (a) for each qualified business facility employee and for qualified business facility investment shall be a one-time credit. If the amount of the credit allowed under subsection (a) exceeds the tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated for the taxable year, or in the case where the qualified business facility investment was made prior to January 1, 1996, 50% of such tax imposed upon the amount which exceeds such tax liability or such portion thereof may be carried over for credit in the same manner in the succeeding taxable years until the total amount of such credit is used. Except that, before the credit is allowed, a taxpayer, who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, shall recertify annually that the net increase of a minimum of two qualified business facility employees has continued to be maintained and a taxpayer, who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, shall recertify annually that the net increase of a minimum of five qualified business employees has continued to be maintained.

(e) Notwithstanding the foregoing provisions of this section, any taxpayer qualified and certified under the provisions of K.S.A. 74-50,131, and amendments thereto; which, prior to making a commitment to invest in a qualified Kansas business, has filed a certificate of intent to invest in a qualified business facility in a form satisfactory to the secretary of commerce; and that has received written approval from the secretary of commerce for participation and has participated, during the tax year for which the exemption is claimed, in the Kansas industrial training, Kansas industrial retraining or the state of Kansas investments in lifelong learning program or is eligible for the tax credit established in K.S.A. 74-50,132, and amendments thereto, shall be entitled to a credit in an amount equal to 10% of that portion of the qualified business facility investment which exceeds \$50,000 in lieu of the credit provided in subsection (b)(2) or (c)(2) without regard to the number of qualified business facility employees engaged or maintained in employment at the qualified business facility. The credit allowed by this subsection shall be a one-time credit. If the amount thereof exceeds the tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated for the taxable year, the amount thereof which exceeds such tax liability may be carried forward for credit in the succeeding taxable year or years until the total amount of the tax credit is used, except that no such tax credit shall be carried forward for deduction after the ~~10th~~ 15th taxable year succeeding the taxable year in which such credit initially was claimed and no carry forward shall be allowed for deduction in any succeeding taxable year unless the taxpayer continued to be qualified and was recertified for such succeeding taxable year pursuant to K.S.A. 74-50,131, and amendments thereto. *In no event shall any tax credit allowed under this section that expired during any taxable year prior to the taxable year commencing January 1, 2010, be revived hereunder.*

(f) For tax years commencing after December 31, 2005, any taxpayer claiming credits pursuant to this section, as a condition for claiming and qualifying for such credits, shall provide information pursuant to K.S.A. 2009 Supp. 79-32,243, and amendments thereto, as part of the tax return in which such credits are claimed. Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to K.S.A. 2009 Supp. 79-32,243, and amendments thereto.

(g) This section and K.S.A. 79-32,160b, and amendments thereto, shall be part of and supplemental to the job expansion and investment credit act of 1976 and acts amendatory thereof and supplemental thereto.;

And by renumbering sections accordingly;

Also on page 29, in line 11, after the stricken material by inserting "79-32,160a,;"

On page 1, in the title, in line 12, before the stricken material by inserting "; credit carry forward periods,;" in line 14, after "79-32,138," by inserting "79-32,160a,;"

A motion by Senator Pilcher-Cook to amend **S Sub for HB 2360** failed and the following amendment was rejected: on page 15, by striking all in lines 23 through 43;

By striking all on pages 16 through 25;

On page 26, by striking all in lines 1 and 2;

And by renumbering sections accordingly;

On page 29, after line 9, by inserting the following:

"Sec. 10. K.S.A. 2009 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 5.3%, *and commencing July 1, 2010, at the rate of 6.2%, and commencing July 1, 2013, at the rate of 5.6%*. Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

(b) the gross receipts from intrastate, interstate or international telecommunications services and any ancillary services sourced to this state in accordance with K.S.A. 2009 Supp. 79-3673, and amendments thereto, except that telecommunications service does not include: (1) Any interstate or international 800 or 900 service; (2) any interstate or international private communications service as defined in K.S.A. 2009 Supp. 79-3673, and amendments thereto; (3) any value-added nonvoice data service; (4) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (5) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, except that, on and after January 1, 2006, for sales of gas, electricity and heat delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises, and for agricultural use and also, for such use, all sales of propane gas, the state rate shall be 0%; and for all sales of propane gas, LP gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises, the state rate shall be 0%, but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501 and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto but such tax shall not be levied and collected upon the gross receipts received from sales of such service to the federal government and any agency, officer or employee thereof in association with the performance of official government duties;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other

personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) (1) except as otherwise provided by paragraph (2), the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to paragraph *Ninth* of K.S.A. 79-201, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to paragraphs *Eighth* and *Ninth* of K.S.A. 79-201, and amendments thereto; and (2) sales of memberships in a nonprofit organization which is exempt from federal income taxation pursuant to section 501 (c)(3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation or limited liability company solely in exchange for stock securities or membership interest in such corporation or limited liability company; or (2) the transfer of motor vehicles or trailers by one corporation or limited liability company to another when all of the assets of such corporation or limited liability company are transferred to such other corporation or limited liability company; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 et seq., and amendments thereto, by an immediate family member to another immediate family member. For the purposes of clause (3), immediate family member means lineal ascendants or descendants, and their spouses. Any amount of sales tax paid pursuant to the Kansas retailers sales tax act on the isolated or occasional sale of motor vehicles or trailers on and after July 1, 2004, which the base for computing the tax was the value pursuant to subsections (a), (b)(1) and (b)(2) of K.S.A. 79-5105, and amendments thereto, when such amount was higher than the

amount of sales tax which would have been paid under the law as it existed on June 30, 2004, shall be refunded to the taxpayer pursuant to the procedure prescribed by this section. Such refund shall be in an amount equal to the difference between the amount of sales tax paid by the taxpayer and the amount of sales tax which would have been paid by the taxpayer under the law as it existed on June 30, 2004. Each claim for a sales tax refund shall be verified and submitted not later than six months from the effective date of this act to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of tax paid as provided by this act. All such refunds shall be paid from the sales tax refund fund, upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation or the director's designee. No refund for an amount less than \$10 shall be paid pursuant to this act. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility, the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building, facility or utility structure damaged or destroyed by fire, flood, tornado, lightning, explosion, windstorm, ice loading and attendant winds, terrorism or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility;

(4) "residence" shall mean only those enclosures within which individuals customarily live;

(5) "utility structure" shall mean transmission and distribution lines owned by an independent transmission company or cooperative, the Kansas electric transmission authority or natural gas or electric public utility; and

(6) "windstorm" shall mean straight line winds of at least 80 miles per hour as determined by a recognized meteorological reporting agency or organization;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) on and after January 1, 2005, the gross receipts received from the sale of prewritten computer software and the sale of the services of modifying, altering, updating or maintaining prewritten computer software, whether the prewritten computer software is installed or delivered electronically by tangible storage media physically transferred to the purchaser or by load and leave;

(t) the gross receipts received for telephone answering services;

(u) the gross receipts received from the sale of prepaid calling service and prepaid wireless calling service as defined in K.S.A. 2009 Supp. 79-3673, and amendments thereto; ~~and~~

(v) the gross receipts received from the sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701, et seq., and amendments thereto, shall be taxed at a rate of: (1) 4.9% on July 1, 2000, and before July 1, 2001; and (2) 2.5% on July 1, 2001, and before July 1, 2002. From and after July 1, 2002, all sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section; *and*

(w) the gross receipts from the rendering of abortion services. For the purposes of this subsection, "abortion services" means those services used to intentionally terminate a pregnancy except for the purpose of causing a live birth. The term "abortion services" does not include: (1) The use of any drug or device that inhibits or prevents ovulation, fertilization or the implantation of an embryo; or (2) disposition of the product of in vitro fertilization prior to implantation.

Sec. 11. K.S.A. 2009 Supp. 79-3620 is hereby amended to read as follows: 79-3620. (a) All revenue collected or received by the director of taxation from the taxes imposed by 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, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsection (c) and (d), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds including refunds authorized under the provisions of K.S.A. 79-3635, and amendments thereto. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

(c) (1) The state treasurer shall credit $\frac{5}{100}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) The state treasurer shall credit $\frac{5}{100}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) On July 1, 2006, the state treasurer shall credit $\frac{19}{200}$ of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(4) On July 1, 2007, the state treasurer shall credit $\frac{13}{100}$ of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2010, the state treasurer shall credit 11.556% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of

6.2%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2011, the state treasurer shall credit 11.397% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.2%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(7) On July 1, 2012, the state treasurer shall credit 11.370% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.2%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund, as well as such revenue collected and received at the rate of 6.2%, after June 30, 2013.

(8) On July 1, 2013, and thereafter, the state treasurer shall credit 18.75% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.6%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a STAR bond project district occupied by a STAR bond project or taxpayers doing business with such entity financed by a STAR bond project as defined in K.S.A. 2009 Supp. 12-17,162, and amendments thereto, that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state or the project was designated as a STAR bond project as defined in K.S.A. 2009 Supp. 12-17,162, and amendments thereto, to the city bond finance fund, which fund is hereby created. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3710, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such STAR bond project.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by subsection (c) of K.S.A. 79-3603, and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to subsection (e) of K.S.A. 79-3710, and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by subsection (oo) of K.S.A. 12-1770a, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

Sec. 12. K.S.A. 2009 Supp. 79-3703 is hereby amended to read as follows: 79-3703. There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the

consideration paid by the taxpayer multiplied by the rate of 5.3%, and commencing July 1, 2010, at the rate of 6.2%, and commencing July 1, 2013, at the rate of 5.6%. Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax of 2% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) the final scheduled maturity of the first series of bonds issued to finance the redevelopment project. All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.

Sec. 13. K.S.A. 2009 Supp. 79-3710 is hereby amended to read as follows: 79-3710. (a) All revenue collected or received by the director under the provisions 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, less amounts set apart as provided in subsection (b) and amounts credited as provided in subsection (c) and (d), to the credit of the state general fund.

(b) A revolving fund, designated as "compensating tax refund fund" not to exceed \$10,000 shall be set apart and maintained by the director from compensating tax collections and estimated tax collections and held by the state treasurer for prompt payment of all compensating tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act.

(c) (1) The state treasurer shall credit 5/98 of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) The state treasurer shall credit 5/106 of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) On July 1, 2006, the state treasurer shall credit 19/265 of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(4) On July 1, 2007, the state treasurer shall credit 13/106 of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2010, the state treasurer shall credit 11.556% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.2%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2011, the state treasurer shall credit 11.397% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.2%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(7) On July 1, 2012, the state treasurer shall credit 11.370% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.2%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund, as well as such revenue collected and received at the rate of 6.2%, after June 30, 2013.

(8) On July 1, 2013, and thereafter, the state treasurer shall credit 18.75% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.6%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund created by subsection (d) of K.S.A. 79-3620, and amendments thereto. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3620, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project.

This subsection shall not apply to a project designated as a special bond project as defined in subsection (z) of K.S.A. 12-1770a, and amendments thereto.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by subsection (c) of K.S.A. 79-3603, and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to subsection (e) of K.S.A. 79-3620, and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by subsection (oo) of K.S.A. 12-1770a, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

And by renumbering sections accordingly

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 17, Nays 22, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Morris, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Present and Passing: McGinn.

The motion failed and the amendment was rejected.

A motion by Senator Reitz to amend **S Sub for HB 2360** failed and the following amendment was rejected:

On page 29, before line 10, by inserting the following:

"Sec. 10. K.S.A. 2009 Supp. 79-3301 is hereby amended to read as follows: 79-3301. As used in this act:

(a) "Carrier" means one who transports cigarettes from a manufacturer to a wholesale dealer or from one wholesale dealer to another.

(b) “Carton” means the container used by the manufacturer of cigarettes in which no more than 10 packages of cigarettes are placed prior to shipment from such manufacturer.

(c) “Cigar” means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco other than any roll of tobacco which is a cigarette as defined in this section.

(d) “Cigarette” means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape, and irrespective of tobacco being flavored, adulterated or mixed with any other ingredient ~~if the wrapper is in greater part made of any material except tobacco wrapped in paper or any substance not containing tobacco or any roll of tobacco wrapped in any substance containing tobacco that because of appearance, the type of tobacco used in the filler, or packaging and labeling, is likely to be offered to, or purchased by consumers as a cigarette as described in this subsection. Cigarettes include little cigars.~~

(e) “Consumer” means the person purchasing or receiving cigarettes or tobacco products for final use.

(f) “Dealer” means any person who engages in the sale or manufacture of cigarettes in the state of Kansas, and who is required to be licensed under the provisions of this act.

(g) “Dealer establishment” means any location or premises, other than vending machine locations, at or from which cigarettes are sold, and where records are kept.

(h) “Director” means the director of taxation.

(i) “Distributor” means: (1) Any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from ~~without~~ outside the state any tobacco products for sale; (2) any person who makes, manufactures, fabricates or stores tobacco products in this state for sale in this state; or (3) any person engaged in the business of selling tobacco products ~~without~~ outside this state who ships or transports tobacco products to any person in the business of selling tobacco products in this state.

(j) “Division” means the division of taxation.

(k) “License” means, ~~in addition to~~ the privilege of a licensee to sell cigarettes or tobacco products in the state of Kansas, *and* the written evidence of such authority or privilege ~~to so operate as evidenced by any license issued by the director of taxation.~~

(l) “Licensee” means any person holding a current license issued pursuant to this act.

(m) “Little cigar” means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco and as to which 1,000 units weigh not more than three pounds.

(n) “Manufacturer’s salesperson” means a person employed by a cigarette manufacturer who sells cigarettes, manufactured by such employer and procured from wholesale dealers.

(o) “Meter imprints” means tax indicia applied by means of ink printing machines.

(p) (1) “Package” means a container in which no more than 25 individual cigarettes are wrapped and sealed by the manufacturer of cigarettes prior to shipment to a wholesale dealer.

(2) For the purposes of subsections (u), (v) and (w) of K.S.A. 79-3321, and amendments thereto, “package” ~~shall have the meaning ascribed thereto~~ means the same as provided in 15 U.S.C. §1332(4).

(q) “Person” means any individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise and any combination of individuals.

(r) “Received” means the coming to rest of cigarettes for sale by any dealer in the state of Kansas.

(s) “Retail dealer” means a person, other than a vending machine operator, in possession of cigarettes for the purpose of sale to a consumer.

(t) “Sale” means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration.

(u) “Sample” means cigarettes or tobacco products distributed to members of the general public at no cost for purposes of promoting the product.

(v) “Self-service display” means a display that contains cigarettes or tobacco products and is located in an area openly accessible to a retail dealer’s consumers, and from which such consumers can readily access cigarettes or tobacco products without the assistance of a

salesperson. A display case that holds cigarettes or tobacco products behind locked doors does not constitute a self-service display.

(†) (w) “Stamps” means tax indicia applied either by means of water applied gummed paper or heat process.

(†) (x) “Tax indicia” means visible evidence of tax payment in the form of stamps or meter imprints.

(†) (y) “Tobacco products” means cigars, cheroots, stogies, periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, *cigarette wrappers made of tobacco* and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking. Tobacco products ~~does~~ do not include cigarettes or little cigars.

(z) “Tobacco specialty store” means a dealer establishment that derives at least 75% of such dealer establishment’s revenue from cigarette or tobacco products.

(†) (aa) “Vending machine” means any coin operated machine, contrivance or device, by means of which merchandise may be sold.

(†) (bb) “Vending machine distributor” means any person who sells cigarette vending machines to a vending machine operator operating vending machines in the state of Kansas.

(†) (cc) “Vending machine operator” means any person who places a vending machine, owned, leased or operated by such person, at locations where cigarettes are sold from ~~the~~ such vending machine. The owner or lessee of the premises upon which a vending machine is placed shall not be considered the operator of the machine, nor shall the owner or lessee, or any employee or agent of the owner or lessee be considered an authorized agent of the vending machine operator, if the owner or lessee does not own or lease the machine and the owner’s or lessee’s sole remuneration from the machine is a flat rental fee or commission based upon the number or value of cigarettes sold from the machine, or a combination of both.

(†) (dd) “Wholesale dealer” means any person who sells cigarettes to other wholesale dealers, retail dealers, vending machine operators and manufacturer’s salespersons for the purpose of resale in the state of Kansas.

(†) (ee) “Wholesale sales price” means the original net invoice price for which a manufacturer sells a tobacco product to a distributor, as shown by the manufacturer’s original invoice.

(†) (ff) “Importer” ~~shall have the same meaning ascribed thereto~~ means the same as provided in 26 U.S.C. §5702(k).

(†) (gg) “Manufacturer” ~~shall have the same meaning ascribed thereto~~ means the same as provided in 26 U.S.C. §5702(d).

Sec. 11. K.S.A. 2009 Supp. 79-3310 is hereby amended to read as follows: 79-3310. There is imposed a tax upon all cigarettes sold, distributed or given away within the state of Kansas. ~~On and after July 1, 2002, and before January 1, 2003, the rate of such tax shall be \$.70 on each 20 cigarettes or fractional part thereof or \$.875 on each 25 cigarettes, as the case requires. On and after January 1, 2003 July 1, 2010, the rate of such tax shall be \$.79 \$1.79 on each 20 cigarettes or fractional part thereof or \$.99 \$2.24 on each 25 cigarettes, as the case requires. Such tax shall be collected and paid to the director as provided in this act. Such tax shall be paid only once and shall be paid by the wholesale dealer first receiving the cigarettes as herein provided.~~

The taxes imposed by this act are hereby levied upon all sales of cigarettes made to any department, institution or agency of the state of Kansas, and to the political subdivisions thereof and their departments, institutions and agencies.

Sec. 12. K.S.A. 2009 Supp. 79-3310c is hereby amended to read as follows: 79-3310c. (†) On or before July 30, ~~2002~~ 2010, each wholesale dealer, retail dealer and vending machine operator shall file a report with the director in such form as the director may prescribe showing cigarettes, cigarette stamps and meter imprints on hand at 12:01 a.m. on July 1, ~~2002~~ 2010. A tax of ~~\$.46~~ \$1.00 on each 20 cigarettes or fractional part thereof or ~~\$.575~~ \$1.25 on each 25 cigarettes, as the case requires and ~~\$.46 or \$.575~~ \$1.00 or \$1.25, as the case requires upon all tax stamps and all meter imprints purchased from the director and not

affixed to cigarettes prior to July 1, ~~2002~~ 2010, is hereby imposed and shall be due and payable in equal installments on or before July 30, ~~2002~~ 2010, on or before September 30, ~~2002~~ 2010, and on or before December 30, ~~2002~~ 2010. The tax imposed upon such cigarettes, tax stamps and meter imprints shall be imposed only once under this act. The director shall remit all moneys collected pursuant to this section to the state treasurer who shall credit the entire amount thereof to the state general fund.

~~(2) On or before January 30, 2003, each wholesale dealer, retail dealer and vending machine operator shall file a report with the director in such form as the director may prescribe showing cigarettes, cigarette stamps and meter imprints on hand at 12:01 a.m. on January 1, 2003. A tax of \$.09 on each 20 cigarettes or fractional part thereof or \$.115 on each 25 cigarettes, as the case requires and \$.09 or \$.115, as the case requires upon all tax stamps and all meter imprints purchased from the director and not affixed to cigarettes prior to January 1, 2003, is hereby imposed and shall be due and payable in equal installments on or before January 30, 2003, on or before March 30, 2003, and on or before June 30, 2003. The tax imposed upon such cigarettes, tax stamps and meter imprints shall be imposed only once under this act. The director shall remit all moneys collected pursuant to this section to the state treasurer who shall credit the entire amount thereof to the state general fund.~~

Sec. 13. K.S.A. 2009 Supp. 79-3311 is hereby amended to read as follows: 79-3311. The director shall design and designate indicia of tax payment to be affixed to each package of cigarettes as provided by this act. The director shall sell water applied stamps only to licensed wholesale dealers in the amounts of 1,000 or multiples thereof. Stamps applied by the heat process shall be sold only in amounts of 30,000 or multiples thereof, except that such stamps which are suitable for packages containing 25 cigarettes each shall be sold in amounts prescribed by the director. Meter imprints shall be sold only in amounts of 10,000 or multiples thereof. Water applied stamps in amounts of 10,000 or multiples thereof and stamps applied by the heat process and meter imprints shall be supplied to wholesale dealers at a discount ~~of .90% rate to be determined by the secretary of revenue based on statutory changes in tax rates and the collection responsibility placed on wholesale dealers, timeliness of filing returns and remittance of tax by wholesale dealers, completeness and accuracy of returns by wholesale dealers, and compliance with Kansas department of revenue and attorney general reporting requirements by wholesale dealers,~~ on and after July 1, ~~2002~~ 2010, and before January 1, 2003, and ~~.80% thereafter~~ from the face value thereof, and shall be deducted at the time of purchase or from the remittance thereof as hereinafter provided. Any wholesale cigarette dealer who shall file with the director a bond, of acceptable form, payable to the state of Kansas with a corporate surety authorized to do business in Kansas, shall be permitted to purchase stamps, and remit therefor to the director within 30 days after each such purchase, up to a maximum outstanding at any one time of 85% of the amount of the bond. Failure on the part of any wholesale dealer to remit as herein specified shall be cause for forfeiture of such dealer's bond. All revenue received from the sale of such stamps or meter imprints 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. The state treasurer shall first credit such amount as the director shall order to the cigarette tax refund fund and shall credit the remaining balance to the state general fund. A refund fund designated the cigarette tax refund fund not to exceed \$10,000 at any time shall be set apart and maintained by the director from taxes collected under this act and held by the state treasurer for prompt payment of all refunds authorized by this act. Such cigarette tax refund fund shall be in such amount as the director shall determine is necessary to meet current refunding requirements under this act.

The wholesale cigarette dealer shall affix to each package of cigarettes stamps or tax meter imprints required by this act prior to the sale of cigarettes to any person, by such dealer or such dealer's agent or agents, within the state of Kansas. The director is empowered to authorize wholesale dealers to affix revenue tax meter imprints upon original packages of cigarettes and is charged with the duty of regulating the use of tax meters to secure payment of the proper taxes. No wholesale dealer shall affix revenue tax meter imprints to original packages of cigarettes without first having obtained permission from the director to employ

this method of affixation. If the director approves the wholesale dealer's application for permission to affix revenue tax meter imprints to original packages of cigarettes, the director shall require such dealer to file a suitable bond payable to the state of Kansas executed by a corporate surety authorized to do business in Kansas. The director may, to assure the proper collection of taxes imposed by the act, revoke or suspend the privilege of imprinting tax meter imprints upon original packages of cigarettes. All meters shall be under the direct control of the director, and all transfer assignments or anything pertaining thereto must first be authorized by the director. All inks used in the stamping of cigarettes must be of a special type devised for use in connection with the machine employed and approved by the director. All repairs to the meter are strictly prohibited except by a duly authorized representative of the director. Requests for service shall be directed to the director. Meter machine ink imprints on all packages shall be clear and legible. If a wholesale dealer continuously issues illegible cigarette tax meter imprints, it shall be considered sufficient cause for revocation of such dealer's permit to use a cigarette tax meter. *Cigarette stamps and meter imprints shall be affixed in a manner reasonably intended to preserve legibility of the serial numbers and other identifying characteristics of the stamp.*

A licensed wholesale dealer may, for the purpose of sale in another state, transport cigarettes not bearing Kansas indicia of tax payment through the state of Kansas provided such cigarettes are contained in sealed and original cartons.

Sec. 14. K.S.A. 2009 Supp. 79-3312 is hereby amended to read as follows: 79-3312. The director shall redeem any unused stamps or meter imprints that any wholesale dealer presents for redemption within six months after the purchase thereof, at the face value less ~~90%~~ *a discount rate to be determined by the secretary of revenue based on statutory changes in tax rates and the collection responsibility placed on wholesale dealers, timeliness of filing returns and remittance of tax by wholesale dealers, completeness and accuracy of returns by wholesale dealers, and compliance with Kansas department of revenue and attorney general reporting requirements by wholesale dealers*, on and after July 1, ~~2002~~ 2010, ~~and before January 1, 2003, and .80% thereafter thereof~~ if such stamps or meter imprints have been purchased from the director. The director shall prepare a voucher showing the net amount of such refund due, and the director of accounts and reports shall draw a warrant on the state treasurer for the same. Wholesale dealers shall be entitled to a refund of the tax paid on cigarettes which have become unfit for sale upon proof thereof less ~~90% such discount on~~ and after July 1, ~~2002, and before January 1, 2003, and .80% thereafter~~ 2010, of such tax.

Sec. 15. K.S.A. 79-3371 is hereby amended to read as follows: 79-3371. A tax is hereby imposed upon the privilege of selling or dealing in tobacco products in this state by any person engaged in business as a distributor thereof, at the rate of ~~ten percent (10%)~~ 70% of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor: (a) Brings or causes to be brought into this state from without the state tobacco products for sale; (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state; or (c) ships or transports tobacco products to retailers in this state to be sold by those retailers.

New Sec. 16. On or before July 31, 2010, each distributor and retail business selling tobacco products having a place of business in this state shall file a report with the director in such form as the director may prescribe, showing the tobacco products on hand at 12:01 a.m. on July 1, 2010. For distributors, a tax at a rate equal to 60% of the wholesale sales price of such tobacco products, and for a retail business selling tobacco products, a tax rate equal to 15% of the retail invoice price to the consumer, is hereby imposed upon such tobacco products and shall be due and payable on or before July 31, 2010. The tax upon such tobacco products shall be imposed only once under this act. The director shall remit all moneys collected pursuant to this section to the state treasurer who shall credit the entire amount thereof to the state general fund.

Sec. 17. K.S.A. 79-3378 is hereby amended to read as follows: 79-3378. On or before the ~~twentieth~~ 20th day of each calendar month every distributor with a place of business in this state shall file a return with the director showing the quantity and wholesale sales price of each tobacco product (1) brought, or caused to be brought, into this state for sale; and (2) made, manufactured, or fabricated in this state for sale in this state during the preceding

calendar month. Every licensed distributor outside this state shall in like manner file a return showing the quantity and wholesale sales price of each tobacco product shipped or transported to retailers in this state to be sold by those retailers, during the preceding calendar month. Returns shall be made upon forms furnished and prescribed by the director. Each return shall be accompanied by a remittance for the full tax liability shown therein, less ~~four percent (4%)~~ a percentage of such liability as compensation to reimburse the distributor for ~~his or her~~ expenses incurred in the administration of this act *to be determined by the secretary of revenue based on statutory changes in tax rates and the collection responsibility placed on distributors, timeliness of filing returns and remittance of tax by distributors, completeness and accuracy of returns by wholesale dealer and compliance with Kansas department of revenue and attorney general reporting requirement by distributors.* As soon as practicable after any return is filed, the director shall examine the return. If the director finds that, in ~~his or her~~ the director's judgment, the return is incorrect and any amount of tax is due from the distributor and unpaid, ~~he or she~~ the director shall notify the distributor of the deficiency. If a deficiency disclosed by the director's examination cannot be allocated by ~~him~~ the director to a particular month or months, ~~he or she~~ the director may nevertheless notify the distributor that a deficiency exists and state the amount of tax due. Such notice shall be given to the distributor by registered or certified mail.”;

And by renumbering sections accordingly;

Also on page 29, in line 10, before “K.S.A.” by inserting “K.S.A. 79-3371 and 79-3378 and”; in line 11, after the stricken material by inserting “79-3301, 79-3310, 79-3310c, 79-3311, 79-3312.”; in line 13, before the period, by inserting “; and also repealing K.S.A. 2008 Supp. 79-3301, as amended in section 9 of 2010 house bill 2221”; in line 15, by striking “Kansas register” and inserting “statute book”;

On page 1, in the title, in line 13, before “amending” by inserting “tax upon cigarettes and tobacco products, rates;”; in line 14, before “K.S.A.” by inserting “K.S.A. 79-3371 and 79-3378 and”; in line 15, before “79-3603” by inserting “79-3301, 79-3310, 79-3310c, 79-3311, 79-3312,” in line 17, before the period, by inserting “; and also repealing K.S.A. 2008 Supp. 79-3301, as amended in section 9 of 2010 House Bill 2221”

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 3, Nays 32, Present and Passing 5, Absent or Not Voting 0.

Yeas: Donovan, Owens, Reitz.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Emler, Faust-Goudeau, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Brungardt, Francisco, Haley, Lee, Schmidt V.

The motion failed and the amendment was rejected.

Senator Vratil withdrew an amendment on **S Sub for HB 2360**.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **S Sub for HB 2360** was advanced to Final Action and roll call.

S Sub for HB 2360, An act concerning taxation; relating to rate of sales taxation, distribution of revenue, refunds on sales of food, procedure for certain contracts; income taxation, credits; Kansas taxpayer transparency act; amending K.S.A. 2009 Supp. 74-72, 123, 79-32, 205, 79-3603, 79-3620, 79-3633, 79-3635, 79-3703 and 79-3710 and repealing the existing sections.

Pursuant to Senate Rule 40, President Morris moved to allow upon unanimous consent Senator Ostmeyer to cast his vote on **S Sub for HB 2360** after the roll was closed and prior to adjournment for the day.

On roll call, the vote was: Yeas 23, Nays 17, Present and Passing 0, Absent or Not Voting 0.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, McGinn, Morris, Ostmeyer, Owens, Reitz, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Masterson, Petersen, Pilcher-Cook, Pyle, Schmidt D, Steineger, Wagle.

The substitute bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SENATE Substitute for Substitute for HB 2320** be amended by substituting a new bill to be designated as “SENATE Substitute for SENATE Substitute for Substitute for HOUSE BILL No. 2320,” as follows:

“SENATE Substitute for SENATE Substitute for Substitute for
HOUSE BILL No. 2320

By Committee on Ways and Means

“AN ACT providing for assessments on certain nursing facilities; prescribing powers, duties and functions for the Kansas health policy authority; creating the quality care assessment fund; providing for implementation and administration.”;
and the substitute bill be passed.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 368** and has appointed Representatives Kinzer, Whitham and Pauls as third conferees on the part of the House.

On motion of Senator D. Schmidt the Senate adjourned until 11:00 a.m., Friday, May 7, 2010.

Journal of the Senate

SIXTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 7, 2010—11:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Having spent two years as administrative assistant to the House Majority Leader, one year as administrative assistant to the Senate President, and 29 years as Chaplain of the Senate, I have watched our Senators struggling to take care of our state's necessities while balancing the budget. I have to admit that this year has been the most difficult for that project.

While this is the major goal at this point, Senators must take care of multiple resolutions, act on bills passed by the House, wait on decisions by conference committees, deal with the Governor's vetoes, take care of other bills awaiting action, participate in debates during General Orders, etc., etc.

Not to mention messages from constituents on both sides of issues. I realize, Lord, that constituents are deeply concerned about their needs. I happen to be a constituent and feel very strongly about certain issues, but help us to treat our legislators with the respect and courtesy which we all deserve.

Since You are God who sees every sparrow that falls, and have numbered the hairs on our head, I turn to You for wisdom, for answers, and for mercy.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

COMMUNICATIONS FROM STATE OFFICERS

JOHNSON COUNTY KANSAS
DEPARTMENT OF RECORDS
AND TAX ADMINISTRATION

May 6, 2010

John A. Bartolac, Chairman of the Kansas Electronic Recording Commission, submitted an update to the Kansas Electronic Recording Standards as modified at the April 6, 2010 annual meeting of the Kansas Electronic Recording Commission.

The delivery of this updated document is in compliance with the Kansas Uniform Real Property Electronic Recording Act.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Schodorf, Abrams, Hensley, Huelskamp, Marshall, Owens, Steineger, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1882—

A RESOLUTION congratulating and commending Ron Nitcher.

WHEREAS, Ron Nitcher will be retiring on July 1, 2010, after serving the State of Kansas for 16 years through his outstanding efforts at the Kansas State Department of Education. Prior to his service at the Department of Education, Ron served for 11 years at the Kansas Insurance Department and five years at the State Department of Administration, for a total of 32 years of dedicated service to the State of Kansas; and

WHEREAS, Ron graduated from Lawrence High School in 1973. He attended the University of Kansas and graduated from Emporia State University with a Bachelor of Science degree in Business in May of 1977. He was an excellent student, having been named to the Dean's Honor Roll and the President's Honor Roll. Ron was an accounting honor student, graduating in the top 10% of his class; and

WHEREAS, Ron served at the State Department of Administration as a Central Accountant in the Division of Accounts and Reports from 1978 to 1983. He then served as a Controller at the Kansas Insurance Department from 1983 to 1994, where he was responsible for supervising accounting, budgeting, internal auditing and many other duties. In 1994, he joined the Department of Education as the Director of Fiscal Services and Operations; and

WHEREAS, At the Department of Education, Ron prepared and justified the Department's annual budget request, covering approximately 70 state and federal programs. He worked with other state departments and the Kansas Legislative Committees on Appropriations and Ways and Means and their subcommittees, as well as the United States Department of Education. He oversaw grants and financial reporting, managed daily operations of a highly complex computerized accounting and procurement system, managed the facilities and print shop of the Department of Education and supervised all financial and management responsibilities and ensured compliance with all federal and state laws, regulations and guidelines, in addition to many other responsibilities; and

WHEREAS, Ron has been an invaluable source of information for the staff of the Office of the Revisor of Statutes in the drafting of legislation concerning both school finance and relating to budget matters for the Department of Education. He has also been invaluable in his assistance and as a source of information for the staff of the Kansas Legislative Research Department; and

WHEREAS, Ron has always been known for his dedication to his job, rarely taking time off from work. He could almost always be found working one, if not both days, every weekend. His integrity, professionalism and kindness have been appreciated by everyone with whom he has worked at the Department of Education, as well as at the Department of Administration and the Insurance Department; and

WHEREAS, Ron is more than just a colleague or co-worker. Ron is a dear friend to all who have had the privilege of working with him. Ron will be sorely missed by all when he leaves in July to begin his retirement; and

WHEREAS, Ron plans on enjoying his retirement through riding his motorcycle, camping with his pop-up trailer, playing and collecting mandolins and enjoying all types of music, as well as spending time with his family, including his wife, Cindy, his daughter and son-in-law, Jennifer and Kerry Romero and their children, Mira, Mason, Austin and Anthony, and his daughter Madison: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Ron Nitcher for his 32 years of devoted service to the State of Kansas and extend our best wishes for his continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to: Kansas State Department of Education, c/o Ron Nitcher, 120 SE 10th Avenue, Topeka, KS 66612-1182.

On emergency motion of Senator Schodorf **SR 1882** was adopted unanimously.

REPORT ON ENGROSSED BILLS

SB 434 reported correctly re-engrossed May 6, 2010.

SB 306; SCR 1631 reported correctly engrossed May 7, 2010.

REPORT ON ENROLLED BILLS

SB 54; H Sub for Sub SB 214 reported correctly enrolled, properly signed and presented to the Governor on May 7, 2010.

SR 1875, SR 1876, SR 1877, SR 1878, SR 1879, SR 1880, SR 1881 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 7, 2010.

On motion of Senator D. Schmidt, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

The House adopts the conference committee report on **HB 2554**.

The House adopts the conference committee report on **SB 452**.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 452; S Sub for HB 2506; HB 2660**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 452**, 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 all in lines 21 through 43;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 36 and inserting the following:

“New Section 1. (a) Any manufacturer or supplier of alcoholic liquor or cereal malt beverage, whether licensed in this state or any other state, may apply for an annual packaging and warehousing facility permit. The application shall be on a form prescribed by the director and shall include all information the director deems necessary.

(b) A packaging and warehousing facility permit shall allow:

(1) The transfer of alcoholic liquor or cereal malt beverage to the licensed premises of a packaging and warehousing facility for the purpose of packaging or storage, or both;

(2) the sale and transfer from the licensed premises of a packaging and warehousing facility to the licensed premises of a spirits, wine or beer distributor licensed in Kansas or to a Kansas supplier; and

(3) the transfer from the licensed premises of a packaging and warehousing facility to another state.

(c) The annual fee for a packaging and warehousing facility permit shall be \$2,500.

(d) Each brand and label of alcoholic liquor or cereal malt beverage that is intended for sale to distributors in Kansas and is transported, packaged or stored at a licensed packaging and warehousing facility must be registered in accordance with the provisions of K.S.A. 41-331, and amendments thereto.

(e) The tax imposed pursuant to K.S.A. 41-501, and amendments thereto, shall be paid on alcoholic liquor or cereal malt beverage imported into this state under a packaging and warehousing facility permit only if the alcoholic liquor or cereal malt beverage is sold to a

distributor for sale at wholesale in this state and shall be paid by the distributor who purchases the alcoholic liquor or cereal malt beverage for sale at wholesale.

(f) This section shall be part of and supplemental to the Kansas liquor control act.”;

On page 10, after line 20, by inserting the following:

“New Sec. 4. (a) The director shall issue a drinking establishment license to any municipal corporation that qualifies under K.S.A. 41-2601 et seq., and amendments thereto, for the premises specified in the license application.

(b) Municipal corporations applying for a drinking establishment license shall not be subject to the provisions of subsection (a)(1) or (a)(3) through (9) of K.S.A. 41-2623, and amendments thereto.

Sec. 5. K.S.A. 2009 Supp. 41-308a is hereby amended to read as follows: 41-308a. (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 41-2645, and amendments thereto, and caterers;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(6) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

(7) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

(8) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2009 Supp. ~~41-345~~ 41-350, and amendments thereto.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; and

(3) the manufacture of domestic table wine and domestic fortified wine and the storage thereof; provided, that the aggregate quantity of wine produced by the farm winery licensee, including all winery outlets, shall not exceed 100,000 gallons per year.

(c) Not less than 60% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The label of domestic wine and domestic fortified wine shall indicate that a majority of the products utilized in the manufacture of the wine at such winery were grown in Kansas.

(d) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 12 noon and 6 p.m. on Sunday. If authorized by subsection (a), a farm winery may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) and serve

and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(e) The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(f) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

(i) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 6. K.S.A. 2009 Supp. 41-310 is hereby amended to read as follows: 41-310. (a) At the time application is made to the director for a license of any class, the applicant shall pay the fee provided by this section.

(b) The ~~annual~~ fee for a manufacturer's license to manufacture alcohol and spirits shall be ~~\$2,500~~ \$5,000.

(c) The ~~annual~~ fee for a manufacturer's license to manufacture beer and cereal malt beverage shall be:

(1) For 1 to 100 barrel daily capacity or any part thereof, ~~\$200~~ \$400.

(2) For 100 to 150 barrel daily capacity, ~~\$400~~ \$800.

(3) For 150 to 200 barrel daily capacity, ~~\$700~~ \$1,400.

(4) For 200 to 300 barrel daily capacity, ~~\$1,000~~ \$2,000.

(5) For 300 to 400 barrel daily capacity, ~~\$1,300~~ \$2,600.

(6) For 400 to 500 barrel daily capacity, ~~\$1,400~~ \$2,800.

(7) For 500 or more barrel daily capacity, ~~\$1,600~~ \$3,200.

As used in this subsection, "daily capacity" means the average daily barrel production for the previous 12 months of manufacturing operation. If no basis for comparison exists, the licensee shall pay in advance for *operation during the first year's operation term of the license* a fee of ~~\$1,000~~ \$2,000.

(d) The ~~annual~~ fee for a manufacturer's license to manufacture wine shall be ~~\$500~~ \$1,000.

(e) (1) The ~~annual~~ fee for a microbrewery license or a farm winery license shall be ~~\$250~~ \$500.

(2) The ~~annual~~ fee for a winery outlet license shall be ~~\$50~~ \$100.

(3) The ~~annual~~ fee for a microbrewery packaging and warehousing facility license shall be ~~\$100~~ \$200.

(f) The ~~annual~~ fee for a spirits distributor's license for the first and each additional distributing place of business operated in this state by the licensee and wholesaling and jobbing spirits shall be ~~\$1,000~~ \$2,000.

(g) The ~~annual~~ fee for a wine distributor's license for the first and each additional distributing place of business operated in this state by the licensee and wholesaling and jobbing wine shall be ~~\$1,000~~ \$2,000.

(h) The ~~annual~~ fee for a beer distributor's license, for the first and each additional wholesale distributing place of business operated in this state by the licensee and wholesaling or jobbing beer and cereal malt beverage shall be ~~\$1,000~~ \$2,000.

(i) The ~~annual~~ fee for a nonbeverage user's license shall be:

(1) For class 1, ~~\$10~~ \$20.

(2) For class 2, ~~\$50~~ \$100.

(3) For class 3, ~~\$100~~ \$200.

(4) For class 4, ~~\$200~~ \$400.

(5) For class 5, ~~\$500~~ \$1,000.

(j) In addition to the license fees prescribed by subsections (b), (c), (d), (f), (g), (h) and (i):

(1) Any city in which the licensed premises are located may levy and collect ~~an annual~~ a biennial occupation or license tax on the licensee in an amount not exceeding the amount of the ~~annual~~ license fee required to be paid under this act to obtain the license, but no city shall impose an occupation or privilege tax on the licensee in excess of that amount; and

(2) any township in which the licensed premises are located may levy and collect ~~an annual~~ a biennial occupation or license tax on the licensee in an amount not exceeding the amount of the ~~annual~~ license fee required to be paid under this act to obtain the license, but no township shall impose an occupation or privilege tax on the licensee in excess of that amount; the township board of the township is authorized to fix and impose the tax and the tax shall be paid by the licensee to the township treasurer, who shall issue a receipt therefor to the licensee and shall cause the tax paid to be placed in the general fund of the township.

(k) The ~~annual~~ fee for a retailer's license shall be ~~\$250~~ \$500.

(l) In addition to the license fee prescribed by subsection (k):

(1) Any city in which the licensed premises are located ~~shall may~~ levy and collect ~~an annual~~ a biennial occupation or license tax on the licensee in an amount not less than ~~\$100~~ \$200 nor more than ~~\$300~~ \$600, but no other occupation or excise tax or license fee shall be levied by any city against or collected from the licensee; and

(2) any township in which the licensed premises are located ~~shall may~~ levy and collect ~~an annual~~ a biennial occupation or license tax on the licensee in an amount not less than ~~\$100~~ \$200 nor more than ~~\$300~~ \$600; the township board of the township is authorized to fix and impose the tax and the tax shall be paid by the licensee to the township treasurer, who shall issue a receipt therefor to the licensee and shall cause the tax paid to be placed in the general fund of the township.

(m) The license ~~year~~ term for a license shall commence on the date the license is issued by the director and shall end ~~one year~~ two years after that date. *The director may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond the date such license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to this section by the same number of days the director has extended the license term.*

Sec. 7. K.S.A. 2009 Supp. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who has not been a citizen of the United States for at least 10 years, except that the spouse of a deceased retail licensee may receive and renew a retail license notwithstanding the provisions of this subsection (a)(1) if such spouse is otherwise qualified to hold a retail license and is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not, *at the time of application*, have a written lease thereon ~~for at least ¾ of the period for which the license is to be issued~~;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license;

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act; or

(14) who does not provide any data or information required by K.S.A. 2009 Supp. 41-311b, and amendments thereto.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act, *except that the spouse of an applicant for a retailer's license may own and hold a farm winery license, microbrewery license, or both, if the spouse does not hold a retailer's license issued under this act*;

(4) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state;

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application; or

(6) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act, *except as provided in K.S.A. 41-305, and amendments thereto.*

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the provisions of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a manufacturer, retailer, farm winery or microbrewery licensed under this act.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

(2) person who has not been a resident of this state for at least ~~four years~~ *one year* immediately preceding the date of application;

(3) person who has a beneficial interest in a manufacturer or distributor licensed under this act ~~or a person who currently has a beneficial interest in a farm winery~~, *except as provided in K.S.A. 41-305, and amendments thereto;*

(4) person, copartnership or association which has a beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto, *except that the spouse of an applicant for a microbrewery or farm winery license may own and hold a*

retailer's license if the spouse does not hold a microbrewery or farm winery license issued under this act;

(5) copartnership, unless all of the copartners are qualified to obtain a license;

(6) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (f)(1), (f)(2) and K.S.A. 2009 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

Sec. 8. K.S.A. 2009 Supp. 41-317 is hereby amended to read as follows: 41-317. (a) Applications for all licenses under this act shall be ~~upon forms prescribed and furnished by the director and shall be filed with the director in duplicate~~ *completed and submitted to the director in a manner prescribed by the director.* Each application shall be accompanied by ~~a state registration applicant shall submit an application~~ fee of \$50 for each initial application and \$10 for each renewal application to defray the cost of ~~preparing and furnishing standard forms incident to the administration of this act and the cost of processing the application.~~ Each application shall also be accompanied by a deposit of a certified or cashier's check of a bank within this state, United States post office money order or cash in the full amount of the license fee required to be paid for the kind of license applied for, which license fee shall be returned to the applicant if the application is denied. All registration fees shall be remitted by the director 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 state general fund. All license fees received by the director, including fees received for licenses to manufacture beer, regardless of its alcoholic content, shall be paid into the state treasury by the director and shall be credited to the state general fund.

(b) *Each applicant shall submit to the division of alcoholic beverage control the full amount of the application fee and:*

(1) *The full amount of the license fee required to be paid for the kind of license specified in the application; or*

(2) *one-half of the full amount of the license fee required to be paid for the kind of license specified in the application.*

(c) *If the applicant elects to pay only one-half of the license fee pursuant to subsection (b)(2), the remaining one-half of the license fee plus 10% of such remaining balance shall be*

due and payable one year from the date of issuance of the license. Notwithstanding any other provision of law, failure to pay the full amount due under this paragraph on the date it is due shall result in the automatic cancellation of such license for the remainder of the license term. The director may, at the director's sole discretion and after examination of the circumstances, extend the date payment is due pursuant to this paragraph for not more than 30 days beyond the date such payment is originally due.

(d) Any license fee paid by an applicant shall be returned to the applicant if the application is denied.

(e) Payment of all fees required to be paid pursuant to this section may be made by personal, certified or cashier's check, United States post office money order, debit or credit card or cash, or by electronic payment authorized by the applicant in a manner prescribed by the director.

(f) All fees received by the director pursuant to this section shall be remitted by the director 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 state general fund.

~~(b)~~ (g) Every applicant for a manufacturer's, distributor's, nonbeverage user's, microbrewery, farm winery, retailer's or special order shipping license shall file with the application a joint and several bond on a form prescribed by the director and executed by good and sufficient corporate sureties licensed to do business within the state of Kansas to the director, in the following amounts:

(1) For a manufacturer, \$25,000;

(2) for a spirits distributor, \$15,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor's license, whichever amount is greater;

(3) for a beer or wine distributor, \$5,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor's license, whichever amount is greater;

(4) for a retailer, \$2,000;

(5) for nonbeverage users, \$200 for class 1, \$500 for class 2, \$1,000 for class 3, \$5,000 for class 4 and \$10,000 for class 5;

(6) for a microbrewery or a farm winery, \$2,000; and

(7) for a winery holding a special order shipping license, \$750, unless the winery has already complied with subsection ~~(b)(6)~~ (g)(6).

If a distributor holds or applies for more than one distributor's license, only one bond for all such licenses shall be required, which bond shall be in an amount equal to the highest applicable bond.

~~(c)~~ (h) All bonds required by this section shall be conditioned on the licensee's compliance with the provisions of this act and payment of all taxes, fees, fines and forfeitures which may be assessed against the licensee.

Sec. 9. K.S.A. 41-326 is hereby amended to read as follows: 41-326. A license shall be purely a personal privilege, valid for not to exceed ~~one year~~ two years after issuance, *except as otherwise provided by law*, unless sooner suspended or revoked, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. A license shall not descend by the laws of testate or intestate devolution but shall cease and expire upon the death of the licensee except that executors, administrators or representatives of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale, distribution or manufacture of alcoholic liquor under order of the appropriate court and may exercise the privilege of the deceased, insolvent or bankrupt licensee after the death of such decedent, or after such insolvency or bankruptcy, until the expiration of such license but not longer than one year after the death, bankruptcy or insolvency of such licensee.

~~A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the~~

~~provisions of this section.~~ *When the licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee.* The secretary of revenue may adopt rules and regulations pursuant to K.S.A. 41-210, and amendments thereto, which provide for the authorization of refunds of ~~that portion of the license fees paid for any period in which one-half of the license fee paid when~~ the licensee does not use such license *for the entire second year of the license term* as a result of the cancellation of the license upon the request of the licensee for voluntary reasons.

Sec. 10. K.S.A. 2009 Supp. 41-350 is hereby amended to read as follows: 41-350. (a) For the purposes of this act, the term “winery” means any maker or producer of wine whether in this state or in any other state, who holds a valid federal basic wine manufacturing permit. The terms “director” and “secretary” have the meaning ascribed to these terms in K.S.A. 2009 Supp. 41-102, and amendments thereto.

(b) Any winery may be authorized to make direct shipments of wine to consumers in this state upon obtaining a special order shipping license from the secretary pursuant to this act.

(1) A special order shipping license shall only be issued to a winery upon compliance with all applicable provisions of this act and the regulations promulgated pursuant to this act, and upon payment of a license fee in the amount of ~~\$50~~ \$100. *The license term for a special order shipping license shall commence on the date the license is issued by the director and shall end two years after that date.*

(2) A special order shipping license shall entitle the winery to ship wine upon order directly to consumers for personal or household use in this state. The purchaser shall pay the purchase price and all shipping costs directly to the permit holder. Enforcement taxes collected herein shall be paid solely on the purchase price and not on the shipping costs.

(c) No holder of a special order shipping license shall be permitted to ship in excess of 12 standard cases of wine of one brand or a combination of brands into this state to any one consumer or address per calendar year.

(d) (1) Before accepting an order from a consumer in this state, the holder of a special order shipping license shall require that the person placing the order to state affirmatively that he or she is 21 years of age or older and shall verify the age of such person placing the order either by the physical examination of an approved government issued form of identification or by utilizing an internet based age and identification service approved by the director of alcoholic beverage control, or the director’s designee.

(2) Every shipment of wine by the holder of a special order shipping license shall be clearly marked ‘Alcoholic Beverages, Adult Signature Required’ and the carrier delivering such shipment shall be responsible for obtaining the signature of an adult who is at least 21 years of age as a condition of delivery.

(e) A special order shipping license shall not authorize the shipment of any wine to any premises licensed to sell alcoholic beverages pursuant to this act or the club and drinking establishment act.

(f) The failure to comply strictly with the requirements of this act and rules and regulations promulgated pursuant to this act shall be grounds for the revocation of a special order shipping license or other disciplinary action by the director. After notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a shipping permit upon a finding that the permit holder has failed to comply with any provision of this section or K.S.A. 2009 Supp. 41-501 et seq., and amendments thereto, or any rules and regulations adopted pursuant to such statutes. Upon revocation of a special order shipping license for shipment of wine to a person not of legal age as required herein such winery shall not be issued any special order shipping license pursuant to this act for a period of one year from the date of revocation.

(g) The holder of a special order shipping license shall collect all gallonage taxes imposed by K.S.A. 2009 Supp. 41-501 et seq., and amendments thereto, shall remit such taxes annually in a manner prescribed by the secretary and shall accompany such remittance with such reports, documentation and other information as may be required by the secretary. In

addition, an applicant for and a holder of a special order shipping license, as a condition of receiving and holding a valid license, shall:

(1) Collect and pay the applicable Kansas enforcement tax on each sale shipped to a consumer in Kansas imposed by K.S.A. 79-4101 et seq., and amendments thereto;

(2) accompany each remittance with such sales tax reports, documentation and other information as may be required by the director of taxation; and

(3) if the holder of the license is an out-of-state shipper, the licensee shall be deemed to have appointed the secretary of state as the resident agent and representative of the licensee to accept service of process from the secretary of revenue, the director and the courts of this state concerning enforcement of this section, K.S.A. 2009 Supp. 41-501 et seq., and amendments thereto, and any related laws and rules and regulations and to accept service of any notice or order provided for in the liquor control act.

(h) The secretary of revenue may adopt rules and regulations to implement, administer and enforce the provisions of this section.

(i) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 11. K.S.A. 41-2601 is hereby amended to read as follows: 41-2601. As used in the club and drinking establishment act:

(a) The following terms shall have the meanings provided by K.S.A. 41-102 and amendments thereto: (1) "Alcoholic liquor"; (2) "director"; (3) "original package"; (4) "person"; (5) "sale"; and (6) "to sell."

(b) "Beneficial interest" shall not include any interest a person may have as owner, operator, lessee or franchise holder of a licensed hotel or motel on the premises of which a club or drinking establishment is located.

(c) "Caterer" means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit, selling alcoholic liquor in accordance with the terms of such permit.

(d) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701 and amendments thereto.

(e) "Class A club" means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the director, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them.

(f) "Class B club" means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

(g) "Club" means a class A or class B club.

(h) "Minibar" means a closed cabinet, whether nonrefrigerated or wholly or partially refrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, magnetic card or similar device.

(i) "Drinking establishment" means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.

(j) "Food" means any raw, cooked or processed edible substance or ingredient, other than alcoholic liquor or cereal malt beverage, used or intended for use or for sale, in whole or in part, for human consumption.

(k) "Food service establishment" has the meaning provided by K.S.A. 36-501 and amendments thereto.

(l) "Hotel" has the meaning provided by K.S.A. 36-501 and amendments thereto.

(m) "Minor" means a person under 21 years of age.

(n) "Morals charge" means a charge involving prostitution; procuring any person; soliciting of a child under 18 years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

(o) "*Municipal corporation*" means the governing body of any county or city.

(p) "Restaurant" means:

(1) In the case of a club, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed club premises not less than 50% of its gross receipts from all sales of food and beverages on such premises in a 12-month period;

(2) in the case of a drinking establishment subject to a food sales requirement under K.S.A. 41-2642 and amendments thereto, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed drinking establishment premises not less than 30% of its gross receipts from all sales of food and beverages on such premises in a 12-month period; and

(3) in the case of a drinking establishment subject to no food sales requirement under K.S.A. 41-2642 and amendments thereto, a licensed food service establishment.

~~(p)~~ (q) "RV resort" means premises where a place to park recreational vehicles, as defined in K.S.A. 75-1212 and amendments thereto, is offered for pay, primarily to transient guests, for overnight or longer use while such recreational vehicles are used as sleeping or living accommodations.

~~(r)~~ (r) "Secretary" means the secretary of revenue.

~~(s)~~ (s) "Temporary permit" means a temporary permit issued pursuant to K.S.A. 41-2645 and amendments thereto.

Sec. 12. K.S.A. 41-2605 is hereby amended to read as follows: 41-2605. The director shall issue ~~an annual~~ a license to each applicant for licensure which qualifies under this act. Such license shall be issued in the name of the corporation, *municipal corporation*, partners, trustees, association officers or individual applying.

Sec. 13. K.S.A. 2009 Supp. 41-2606 is hereby amended to read as follows: 41-2606. (a) Applications for all licenses under this act shall be ~~upon forms prescribed and furnished by the director and shall be filed with the director in duplicate~~ *completed and submitted to the director in a manner prescribed by the director*. Each ~~application shall be accompanied by applicant shall submit~~ an application fee of \$50, for each initial application, and \$10, for each renewal application, to defray the cost of ~~preparing and furnishing standard forms incident to the administration of this act and the cost of processing such application~~. Each application shall also be accompanied by a certified or cashier's check of a bank within this state, United States post office money order or cash in the full amount of the license fee prescribed by K.S.A. 41-2622, and amendments thereto, which fee shall be returned to the applicant if the application is denied:

(b) Each application for licensure as a club shall be accompanied by a copy of the current bylaws and rules of the club and a current list of the officers of the club.

(c) *Each applicant shall submit to the division of alcoholic beverage control the full amount of the application fee and:*

(1) *The full amount of the license fee required to be paid for the kind of license specified in the application; or*

(2) *one-half of the full amount of the license fee required to be paid for the kind of license specified in the application.*

(d) *If the applicant elects to pay only one-half of the license fee pursuant to subsection (c)(2), the remaining one-half of the license fee plus 10% of such remaining balance shall be due and payable one year from the date of issuance of the license. Notwithstanding any other provision of law, failure to pay the full amount due under this paragraph on the date it is due shall result in the automatic cancellation of such license for the remainder of the license term. The director may, at the director's sole discretion and after examination of the circumstances, extend the date payment is due pursuant to this paragraph for not more than 30 days beyond the date such payment is originally due.*

(e) *Any license fee paid by an applicant shall be returned to the applicant if the application is denied.*

(f) *Payment of all fees required to be paid pursuant to this section may be made by personal, certified or cashier's check, United States post office money order, debit or credit card or cash, or by electronic payment authorized by the applicant in a manner prescribed by the director.*

~~(g)~~ (g) All ~~application~~ fees collected by the director *pursuant to this section* 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 state general fund.

Sec. 14. K.S.A. 41-2607 is hereby amended to read as follows: 41-2607. (a) The license provided herein shall be issued for a term of ~~one year~~ *two years*, renewable on expiration. ~~The secretary of revenue shall adopt, in accordance with K.S.A. 41-210 and amendments thereto, rules and regulations providing for the authorization of refunds of the license fees paid for any period in which the licensee shall not use such license as the result of the license being canceled at the request of the licensee and for voluntary reasons. When the licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee. The secretary shall adopt, in accordance with K.S.A. 41-210, and amendments thereto, rules and regulations providing for the authorization of refunds of one-half of the license fee paid when the licensee does not use such license for the entire second year of the license term as a result of the cancellation of the license upon the request of the licensee for voluntary reasons.~~

(b) *The director, may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond such date the license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to K.S.A. 41-2622, and amendments thereto, by the same number of days the director has extended the license term.*

Sec. 15. K.S.A. 2009 Supp. 41-2622 is hereby amended to read as follows: 41-2622. (a) At the time application is made to the director for a license pursuant to the club and drinking establishment act, the applicant shall pay the following ~~annual~~ license fee in the manner provided by K.S.A. 41-2606, and amendments thereto:

- (1) For a class A club which is a bona fide nonprofit fraternal or war veterans' club, as defined by rules and regulations of the secretary, ~~\$250~~ \$500;
- (2) for a class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has not more than 500 members, ~~\$500~~ \$1,000;
- (3) for a class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has more than 500 members, ~~\$1,000~~ \$2,000;
- (4) for a class B club, ~~\$1,000~~ \$2,000;
- (5) for a drinking establishment, \$1,000;
- (6) for a hotel of which the entire premises are licensed as a drinking establishment, \$3,000;
- (7) for a caterer, ~~\$500~~ \$1,000;
- (8) for a drinking establishment/caterer, \$1,500; and
- (9) for a drinking establishment/caterer, if the drinking establishment is a hotel of which the entire premises are licensed as a drinking establishment, \$3,500.

~~If a licensee is described by more than one of the above, the highest fee shall apply.~~

(b) *On and after July 1, 2011, at the time an application is submitted to the director for a drinking establishment license pursuant to the club and drinking establishment act, the applicant shall pay the following license fee in the manner provided by K.S.A. 41-2606, and amendments thereto:*

- (1) *For a drinking establishment, \$2,000;*
- (2) *for a hotel of which the entire premises are licensed as a drinking establishment, \$6,000;*
- (3) *for a drinking establishment/caterer, \$3,000; and*
- (4) *for a drinking establishment/caterer, if the drinking establishment is a hotel of which the entire premises are licensed as a drinking establishment, \$7,000.*

~~(b)~~ (c) In addition to the fee provided by ~~subsection (a)~~ *subsections (a) and (b)*, any city where the licensed premises of a club or drinking establishment are located or, if such licensed premises are not located in a city, the board of county commissioners of the county where the licensed premises are located may levy and collect ~~an annual~~ *a biennial* occupation

or license tax from the licensee in an amount equal to not less than ~~\$100~~ \$200 nor more than ~~\$250~~ \$500.

~~(c)~~ (d) No occupational or excise tax or license fee other than that authorized by subsection ~~(b)~~ (c) shall be levied by any city or county against or collected from a licensed club or drinking establishment.

~~(d)~~ (e) The director shall remit all moneys received under this section 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. Of each such deposit, 50% shall be credited to the state general fund, and the remaining 50% shall be credited to the other state fees fund of the department of social and rehabilitation services. In addition to other purposes for which expenditures may be made from the other state fees fund of the department of social and rehabilitation services, expenditures may be made by the secretary of social and rehabilitation services for the purpose of implementing the powers and duties of the secretary under the provisions of K.S.A. 65-4006 and 65-4007, and amendments thereto.

Sec. 16. K.S.A. 2009 Supp. 41-2623 is hereby amended to read as follows: 41-2623. (a) No license shall be issued under the provisions of this act to:

(1) Any person described in subsection (a)(1), (2), (4), (5), (6), (7), (8), (9), (12) or (13) of K.S.A. 41-311, and amendments thereto, except that the provisions of subsection (a)(7) of such section shall not apply to nor prohibit the issuance of a license for a class A club to an officer of a post home of a congressionally chartered service or fraternal organization, or a benevolent association or society thereof.

(2) A person who has had the person's license revoked for cause under the provisions of this act.

(3) A person who has not been a resident of this state for a period of at least one year immediately preceding the date of application.

(4) A person who has a beneficial interest in the manufacture, preparation or wholesaling or the retail sale of alcoholic liquors or a beneficial interest in any other club, drinking establishment or caterer licensed hereunder, except that:

(A) A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other clubs or drinking establishments licensed hereunder if such other clubs or establishments are located in hotels.

(B) A license for a club or drinking establishment which is a restaurant may be issued to a person who has a beneficial interest in other clubs or drinking establishments which are restaurants.

(C) A caterer's license may be issued to a person who has a beneficial interest in a club or drinking establishment and a license for a club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.

(D) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the liquor control act if such distributor or retailer sells no alcoholic liquor to such club.

(E) Any person who has a beneficial interest in a microbrewery or farm winery licensed pursuant to the Kansas liquor control act may be issued any or all of the following: (1) Class B club license; (2) drinking establishment license; and (3) caterer's license.

(5) A copartnership, unless all of the copartners are qualified to obtain a license.

(6) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements.

(7) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation which:

(A) Has had a license revoked under the provisions of the club and drinking establishment act; or

(B) has been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(8) A corporation organized under the laws of any state other than this state.

(9) A trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) of K.S.A. 41-311, and amendments thereto shall not apply in determining whether a beneficiary would be eligible for a license.

(b) No club or drinking establishment license shall be issued under the provisions of the club and drinking establishment act to:

(1) A person ~~described in subsection (a)(11) of K.S.A. 41-311, and amendments thereto who does not own the premises for which a license is sought, or does not, at the time the application is submitted, have a written lease thereon, except that an applicant seeking a license for a premises which is owned by a city or county, or is a stadium, arena, convention center, theater, museum, amphitheater or other similar premises may submit an executed agreement to provide alcoholic beverage services at the premises listed in the application in lieu of a lease.~~

(2) A person who is not a resident of the county in which the premises sought to be licensed are located.

Sec. 17. K.S.A. 41-2629 is hereby amended to read as follows: 41-2629. (a) A class B club license, ~~drinking establishment license or caterer's license shall be purely a personal privilege, good for~~ issued for a term not to exceed ~~one year~~ two years after issuance, except as otherwise provided by law, unless sooner suspended or revoked as provided in this act.

(b) ~~Prior to July 1, 2011, a drinking establishment license shall be issued for a term not to exceed one year after issuance, except as otherwise provided by law, unless sooner suspended or revoked as provided by this act. On and after July 1, 2011, a drinking establishment license shall be issued for a term not to exceed two years after issuance, except as otherwise provided by law, unless sooner suspended or revoked as provided by this act.~~

(c) ~~The director, may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond such date the license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to K.S.A. 41-2622, and amendments thereto, by the same number of days the director has extended the license term.~~

(d) ~~A class B license, drinking establishment license or caterer's license shall be purely a personal privilege and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. A class B club license, drinking establishment license or caterer's license shall not descend by the laws of testate or intestate devolution but shall cease or expire upon the death of the licensee subject to the following provision.~~

(e) ~~An executor, administrator or representative of the estate of any deceased holder of a class B club, drinking establishment or caterer's license or the trustee of any insolvent or bankrupt class B club, drinking establishment or caterer's license may continue the licensee's business under order of the appropriate court and may exercise the privilege of the deceased, insolvent or bankrupt licensee after the death of such licensee or after such insolvency or bankruptcy until the expiration of such license, but in no case longer than one year after the death, insolvency or bankruptcy of such licensee.~~

(f) ~~A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this act, other than that caused by suspension or revocation. When the licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee. The secretary shall adopt, in accordance with K.S.A. 41-210, and amendments thereto, rules and regulations providing for the authorization of refunds of the license fees paid for any period in which one-half of the license fee paid when the licensee does not use such license being canceled upon the request of the licensee and for voluntary reasons for the entire~~

second year of the license term as a result of the cancellation of the license upon the request of the licensee for voluntary reasons.

Sec. 18. K.S.A. 2009 Supp. 41-308b is hereby amended to read as follows: 41-308b. (a) A microbrewery license shall allow:

(1) The manufacture of not less than 100 nor more than 15,000 barrels of domestic beer during the license year and the storage thereof;

(2) the sale to beer distributors of beer, manufactured by the licensee;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of beer manufactured by the licensee;

(4) the serving *free of charge* on the *licensed* premises of samples of beer manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic beer and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; and

(6) if the licensee is also licensed as a caterer, the sale of domestic beer and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microbrewery licensee, the director may issue not to exceed one microbrewery packaging and warehousing facility license to the microbrewery licensee. A microbrewery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microbrewery to the licensed premises of the microbrewery packaging and warehousing facility, of beer manufactured by the licensee, for the purpose of packaging or storage, or both; and

(2) the transfer, from the licensed premises of the microbrewery packaging and warehousing facility to the licensed premises of the microbrewery, of beer manufactured by the licensee; or

(3) the removal from the licensed premises of the microbrewery packaging and warehousing facility of beer manufactured by the licensee for the purpose of delivery to a licensed beer wholesaler.

(c) A microbrewery may sell domestic beer in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a microbrewery may serve samples of domestic beer and serve and sell domestic beer and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(d) The director may issue to the Kansas state fair or any bona fide group of brewers a permit to import into this state small quantities of beer. Such beer shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such beer shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of beer to be imported, the quantity to be imported, the tasting programs for which the beer is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of beer pursuant to this subsection and the conduct of tasting programs for which such beer is imported.

(e) A microbrewery license or microbrewery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(f) No microbrewery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(g) Whenever a microbrewery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.”;

And by renumbering the remaining sections accordingly;

Also on page 10, in line 21, by striking all after “K.S.A.”; in line 22, by striking “727” and inserting “41-326, 41-2601, 41-2605, 41-2607 and 41-2629 and K.S.A. 2009 Supp. 41-102, 41-308a, 41-308b, 41-310, 41-311, 41-317, 41-350, 41-727, 41-2606, 41-2622 and 41-2623”;

In the title, in line 15, by striking “al-”; in line 16, by striking “coholic beverages”; in line 17, by striking “2009 Supp. 41-102, 41-311 and 41-727” and inserting “41-326, 41-2601, 41-2605, 41-2607 and 41-2629 and K.S.A. 2009 Supp. 41-102, 41-308a, 41-308b, 41-310, 41-311, 41-317, 41-350, 41-727, 41-2606, 41-2622 and 41-2623”;

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

MELVIN NEUFELD

MIKE KIEGERL

JUDITH LOGANBILL

Conferees on part of House

PETE BRUNGARDT

ROGER P. REITZ

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

Senator Brungardt moved the Senate adopt the Conference Committee Report on **SB 452**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2506**, 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 as Senate Substitute for House Bill No. 2506, as follows:

On page 1, by striking all in lines 17 through 43;

By striking all on pages 2 through 10;

On page 11, by striking all in lines 1 through 18 and inserting the following:

“Section 1. K.S.A. 2009 Supp. 38-2364 is hereby amended to read as follows: 38-2364.

(a) If an extended jurisdiction juvenile prosecution results in a guilty plea or finding of guilt, the court shall:

(1) Impose one or more juvenile sentences under K.S.A. 2009 Supp. 38-2361, and amendments thereto; and

(2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the juvenile offender not violate the provisions of the juvenile sentence and not commit a new offense.

(b) When it appears that a person sentenced as an extended jurisdiction juvenile has violated ~~the one or more~~ conditions of the juvenile sentence or is alleged to have committed a new offense, the court, without notice, may revoke the stay and ~~probation~~ juvenile sentence and direct that the juvenile offender be immediately taken into custody and delivered to the secretary of corrections pursuant to K.S.A. 21-4621, and amendments thereto. The court shall notify the juvenile offender and such juvenile offender's attorney of record, in writing

by personal service, as provided in K.S.A. 60-303, and amendments thereto, or certified mail, return receipt requested, of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. If the juvenile offender challenges the reasons, the court shall hold a hearing on the issue at which the juvenile offender is entitled to be heard and represented by counsel. After the hearing, if the court finds by ~~substantial~~ *a preponderance of the evidence that the juvenile committed a new offense or violated one or more conditions of the juvenile's sentence have been violated*, the court shall revoke the juvenile sentence and order the imposition of the adult sentence previously ordered pursuant to subsection (a)(2) *or, upon agreement of the county or district attorney and the juvenile offender's attorney of record, the court may modify the adult sentence previously ordered pursuant to subsection (a)(2).* Upon such finding, the juvenile's extended jurisdiction status is terminated, and juvenile court jurisdiction is terminated. The ongoing jurisdiction for any adult sanction, other than the commitment to the department of corrections, is with the adult court. The juvenile offender shall be credited for time served in a juvenile correctional or detention facility on the juvenile sentence as service on any authorized adult sanction.

(c) Upon becoming 18 years of age, any juvenile who has been sentenced pursuant to subsection (a) and is serving the juvenile sentence, may move for a court hearing to review the sentence. If the sentence is continued, the court shall set a date of further review in no later than 36 months.

Sec. 2. K.S.A. 2009 Supp. 38-2365 is hereby amended to read as follows: 38-2365. (a) When a juvenile offender has been placed in the custody of the commissioner, the commissioner shall have a reasonable time to make a placement. If the juvenile offender has not been placed, any party who believes that the amount of time elapsed without placement has exceeded a reasonable time may file a motion for review with the court. In determining what is a reasonable amount of time, matters considered by the court shall include, but not be limited to, the nature of the underlying offense, efforts made for placement of the juvenile offender and the availability of a suitable placement. The commissioner shall notify the court ~~and the juvenile offender's~~ *the juvenile's attorney of record and the juvenile's parent*, in writing, of the initial placement and any subsequent change of placement as soon as the placement has been accomplished. The notice to the juvenile offender's parent shall be sent to such parent's last known address or addresses. The court shall have no power to direct a specific placement by the commissioner, but may make recommendations to the commissioner. The commissioner may place the juvenile offender in an institution operated by the commissioner, a youth residential facility or any other appropriate placement. If the court has recommended an out-of-home placement, the commissioner may not return the juvenile offender to the home from which removed without first notifying the court of the plan.

(b) If a juvenile is in the custody of the commissioner, the commissioner shall prepare and present a permanency plan at sentencing or within 30 days thereafter. If a permanency plan is already in place under a child in need of care proceeding, the court may adopt the plan under the present proceeding. The written permanency plan shall provide for reintegration of the juvenile into such juvenile's family or, if reintegration is not a viable alternative, for other permanent placement of the juvenile. Reintegration may not be a viable alternative when: (1) The parent has been found by a court to have committed murder in the first degree, K.S.A. 21-3401, and amendments thereto, murder in the second degree, K.S.A. 21-3402, and amendments thereto, capital murder, K.S.A. 21-3439, and amendments thereto, voluntary manslaughter, K.S.A. 21-3403, and amendments thereto, of a child or violated a law of another state which prohibits such murder or manslaughter of a child;

(2) the parent aided or abetted, attempted, conspired or solicited to commit such murder or voluntary manslaughter of a child;

(3) the parent committed a felony battery that resulted in bodily injury to the juvenile who is the subject of this proceeding or another child;

(4) the parent has subjected the juvenile who is the subject of this proceeding or another child to aggravated circumstances as defined in K.S.A. 38-1502, and amendments thereto;

(5) the parental rights of the parent to another child have been terminated involuntarily;
or

(6) the juvenile has been in extended out-of-home placement as defined in K.S.A. 2009 Supp. 38-2202, and amendments thereto.

(c) If the juvenile is placed in the custody of the commissioner, the plan shall be prepared and submitted by the commissioner. If the juvenile is placed in the custody of a facility or person other than the commissioner, the plan shall be prepared and submitted by a court services officer. If the permanency goal is reintegration into the family, the permanency plan shall include measurable objectives and time schedules for reintegration.

(d) During the time a juvenile remains in the custody of the commissioner, the commissioner shall submit to the court, at least every six months, a written report of the progress being made toward the goals of the permanency plan submitted pursuant to subsections (b) and (c) and the specific actions taken to achieve the goals of the permanency plan. If the juvenile is placed in foster care, the court may request the foster parent to submit to the court, at least every six months, a report in regard to the juvenile's adjustment, progress and condition. Such report shall be made a part of the juvenile's court social file. The court shall review the plan submitted by the commissioner and the report, if any, submitted by the foster parent and determine whether reasonable efforts and progress have been made to achieve the goals of the permanency plan. If the court determines that progress is inadequate or that the permanency plan is no longer viable, the court shall hold a hearing pursuant to subsection (e).

(e) When the commissioner has custody of the juvenile, a permanency hearing shall be held no more than 12 months after the juvenile is first placed outside such juvenile's home and at least every 12 months thereafter. Juvenile offenders who have been in extended out-of-home placement shall be provided a permanency hearing within 30 days of a request from the commissioner. The court may appoint a *guardian ad litem* to represent the juvenile offender at the permanency hearing. At each hearing, the court shall make a written finding whether reasonable efforts have been made to accomplish the permanency goal and whether continued out-of-home placement is necessary for the juvenile's safety.

(f) Whenever a hearing is required under subsection (e), the court shall notify all interested parties of the hearing date, the commissioner, foster parent and preadoptive parent or relatives providing care for the juvenile and hold a hearing. Individuals receiving notice pursuant to this subsection shall not be made a party to the action solely on the basis of this notice and opportunity to be heard. After providing the persons receiving notice an opportunity to be heard, the court shall determine whether the juvenile's needs are being adequately met; whether services set out in the permanency plan necessary for the safe return of the juvenile have been made available to the parent with whom reintegration is planned; and whether reasonable efforts and progress have been made to achieve the goals of the permanency plan.

(g) If the court finds reintegration continues to be a viable alternative, the court shall determine whether and, if applicable, when the juvenile will be returned to the parent. The court may rescind any of its prior dispositional orders and enter any dispositional order authorized by this code or may order that a new plan for the reintegration be prepared and submitted to the court. If reintegration cannot be accomplished as approved by the court, the court shall be informed and shall schedule a hearing pursuant to subsection (h). No such hearing is required when the parent voluntarily relinquishes parental rights or ~~agree~~ agrees to appointment of a permanent guardian.

(h) When the court finds any of the following conditions exist, the county or district attorney or the county or district attorney's designee shall file a petition alleging the juvenile to be a child in need of care and requesting termination of parental rights pursuant to the Kansas code for care of children: (1) The court determines that reintegration is not a viable alternative and either adoption or permanent guardianship might be in the best interests of the juvenile;

(2) the goal of the permanency plan is reintegration into the family and the court determines after 12 months from the time such plan is first submitted that progress is inadequate; or

(3) the juvenile has been in out-of-home placement for a cumulative total of 15 of the last 22 months, excluding trial home visits and juvenile in runaway status.

Nothing in this subsection shall be interpreted to prohibit termination of parental rights prior to the expiration of 12 months.

(i) A petition to terminate parental rights is not required to be filed if one of the following exceptions is documented to exist: (1) The juvenile is in a stable placement with relatives;

(2) services set out in the case plan necessary for the safe return of the juvenile have not been made available to the parent with whom reintegration is planned; or

(3) there are one or more documented reasons why such filing would not be in the best interests of the juvenile. Documented reasons may include, but are not limited to: The juvenile has close emotional bonds with a parent which should not be broken; the juvenile is 14 years of age or older and, after advice and counsel, refuses to be adopted; insufficient grounds exist for termination of parental rights; the juvenile is an unaccompanied refugee minor; or there are international legal or compelling foreign policy reasons precluding termination of parental rights.

Sec. 3. K.S.A. 2009 Supp. 38-2373 is hereby amended to read as follows: 38-2373. (a) *Actions by the court.* (1) When a juvenile offender has been committed to a juvenile correctional facility, the clerk of the court shall forthwith notify the commissioner of the commitment and provide the commissioner with a certified copy of the complaint, the journal entry of the adjudication and sentencing. The court shall provide those items from the social file which could relate to a rehabilitative program. If the court wishes to recommend placement of the juvenile offender in a specific juvenile correctional facility, the recommendation shall be included in the sentence. After the court has received notice of the juvenile correctional facility designated as provided in subsection (b), it shall be the duty of the court or the sheriff of the county to deliver the juvenile offender to the facility at the time designated by the commissioner.

(2) When a juvenile offender is residing in a juvenile correctional facility and is required to go back to court for any reason, the county demanding the juvenile's presence shall be responsible for transportation, detention, custody and control of such offender. In these cases, the county sheriff shall be responsible for all transportation, detention, custody and control of such offender.

(b) *Actions by the commissioner.* (1) Within three days after receiving notice of commitment as provided in subsection (a), the commissioner shall notify the committing court of the facility to which the juvenile offender should be conveyed, and when to effect the immediate transfer of ~~study~~ custody and control to the juvenile justice authority. The date of admission shall be no more than five days after the notice to the committing court. Until received at the designated facility, the continuing detention, custody, and control of and transport for a juvenile offender sentenced to a direct commitment to a juvenile correctional facility shall be the responsibility of the committing county.

(2) Except as provided by K.S.A. 2009 Supp. 38-2332, and amendments thereto, the commissioner may make any temporary out-of-home placement the commissioner deems appropriate pending placement of the juvenile offender in a juvenile correctional facility, and the commissioner shall notify the court, local law enforcement agency and school district in which the juvenile will be residing if the juvenile is still required to attend a secondary school of that placement.

(c) *Transfers.* During the time a juvenile offender remains committed to a juvenile correctional facility, the commissioner may transfer the juvenile offender from one juvenile correctional facility to another.

Sec. 4. K.S.A. 2009 Supp. 38-2364, 38-2365 and 38-2373 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking all after “concerning”; by striking all in lines 10 through 12; in line 13, by striking all before “and” where it appears the second time and inserting “juvenile offenders; amending K.S.A. 2009 Supp. 38-2364, 38-2365 and 38-2373”;

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

THOMAS C. OWENS
DEREK SCHMIDT
DAVID HALEY
Conferees on part of Senate

PAT COLLOTON
JOE PATTON
MELODY MCCRAY-MILLER
Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 2506**.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2660**, 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 3, following line 13, by inserting the following:

“New Sec. 2. (a) On and after January 1, 2012, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a veteran of the Vietnam war, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a veteran of the Vietnam war. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a veteran of the Vietnam war may make application for such distinctive license plates, not less than 60 days prior to such person’s renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a veteran of the Vietnam war. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person’s residence.

New Sec. 3. (a) On and after January 1, 2012, any owner or lessee of one or more passenger vehicles, trucks registered for a gross weight of 20,000 pounds or less or motorcycles, who is a resident of Kansas, upon compliance with the provisions of this section,

may be issued one I'm pet friendly license plate for each such passenger vehicle, truck or motorcycle. Such license plates shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) The college of veterinary medicine at Kansas state university may authorize the use of their I'm pet friendly logo to be affixed on license plates as provided by this section. Any royalty payment received pursuant to this section shall be paid to the college of veterinary medicine at Kansas state university and shall be used to support education regarding the spaying and neutering of dogs and cats in Kansas and veterinary student externships at animal shelters in Kansas. Any motor vehicle owner or lessee annually may apply to the college of veterinary medicine at Kansas state university for the use of such logo. Upon annual application and payment to the college of veterinary medicine at Kansas state university in an amount of not less than \$25 nor more than \$100 as a logo use royalty payment for each license plate to be issued, the college of veterinary medicine at Kansas state university shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement, which shall be presented by the motor vehicle owner or lessee at the time of registration.

(c) Any applicant for a license plate authorized by this section may make application for such plates not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for such license plates shall provide the annual logo use authorization statement provided for in subsection (b). Application for registration of a passenger vehicle, truck or motorcycle and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides the annual logo use authorization statement provided for in subsection (b). If such logo use authorization statement is not presented at the time of registration, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(f) The college of veterinary medicine at Kansas state university shall:

- (1) Pay the initial cost of silk-screening for license plates authorized by this section; and
- (2) provide to all the county treasurers a toll-free number where applicants can call the college of veterinary medicine at Kansas state university for information concerning the application process or the status of their license plate application.

(g) The college of veterinary medicine at Kansas state university, with approval of the director of vehicles and subject to the availability of materials and equipment, shall design a plate to be issued under the provisions of this section.”;

On page 22, by striking all in lines 39 through 43;

By striking all on page 23;

On page 24, by striking all in lines 1 through 22; before line 23, by inserting the following:

“Sec. 7. K.S.A. 2009 Supp. 8-1,141 is hereby amended to read as follows: 8-1,141. (a) Any new distinctive license plate authorized for issuance on and after July 1, 1994, shall be subject to the personalized license plate fee prescribed by subsection (c) of K.S.A. 8-132, and amendments thereto. This section shall not apply to any distinctive license plate authorized prior to July 1, 1994.

(b) The director of vehicles shall not issue any new distinctive license plate authorized for issuance on and after July 1, 1995, unless there is a guarantee of an initial issuance of at least 500 license plates.

(c) The provisions of this section shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,145, or K.S.A. 2009 Supp. 8-177d or section 2, and amendments thereto.

(d) The provisions of subsection (a), shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,146 or 8-1,148, and amendments thereto, or K.S.A. 2009 Supp. 8-1,153, 8-1,158 or 8-1,161, and amendments thereto.

(e) The provisions of subsection (f) shall not apply to distinctive license plates issued under the provisions of K.S.A. 2009 Supp. 8-1,160, and amendments thereto, except that the division shall delay the manufacturing and issuance of such distinctive license plate until the division has received not less than 1,000 orders for such plate, including payment of the personalized license plate fee required under subsection (a). Upon certification by the director of vehicles to the director of accounts and reports that not less than 1,000 paid orders for such plate have been received, the director of accounts and reports shall transfer \$40,000 from the state highway fund to the distinctive license plate fund.

(f) (1) Any person or organization sponsoring any distinctive license plate authorized by the legislature on and after July 1, 2004, shall submit to the division of vehicles a nonrefundable amount not to exceed \$20,000, to defray the division's cost for developing such distinctive license plate.

(2) All moneys received under this subsection shall be remitted by the secretary of revenue 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 distinctive license plate fund which is hereby created in the state treasury. All moneys credited to the distinctive license plate fund shall be used by the department of revenue only for the purpose associated with the development of distinctive license plates. All expenditures from the distinctive license plate application fee 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 the department of revenue.

(g) (1) Except for educational institution license plates issued under K.S.A. 8-1,142, and amendments thereto, the director of vehicles shall discontinue the issuance of any distinctive license plate authorized prior to July 1, 2004, and which is subject to the provisions of subsection (b) if:

(A) Less than 500 license plates, including annual renewals, are issued for that distinctive license plate by July 1, 2006; and

(B) less than 250 license plates, including annual renewals, are issued for that distinctive license plate during any subsequent two-year period after July 1, 2006.

(2) The director of vehicles shall discontinue the issuance of any distinctive license plate authorized on and after July 1, 2004, if:

(A) Less than 500 plates, including annual renewals, are issued for that distinctive license plate by the end of the second year of sales; and

(B) less than 250 license plates, including annual renewals, are issued for that distinctive license plate during any subsequent two-year period.

Sec. 8. K.S.A. 2009 Supp. 8-1,147 is hereby amended to read as follows: 8-1,147. In the event of the death of any person issued distinctive license plates under the provisions of K.S.A. 8-161, 8-177a, 8-177c, 8-1,139, 8-1,140, 8-1,145; or 8-1,146 or K.S.A. 2009 Supp. 8-177d or section 2, and amendments thereto, the surviving spouse or other family member, if there is no surviving spouse, shall be entitled to possession of any such distinctive license plates. Such license plates shall not be displayed on any vehicle unless otherwise authorized by statute.

Sec. 9. K.S.A. 2009 Supp. 8-126, 8-145d, 8-197, 8-1,141 and 8-1,147 are hereby repealed.”;

And by renumbering sections accordingly;

In the title, in line 17, by striking all following “thereof;”; by striking all in lines 18 and 19; in line 20, by striking “8-1598 and 8-1749a” and inserting “providing for certain distinctive license plates; amending K.S.A. 2009 Supp. 8-126, 8-145d, 8-197, 8-1,141 and 8-1,147”;

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

DWAYNE UMBARGER

BOB MARSHALL

KELLY KULTALA

Conferees on part of Senate

GARY K. HAYZLETT

JENE VICKREY

MARGARET LONG

Conferees on part of House

Senator Umbarger moved the Senate adopt the Conference Committee Report on **HB 2660**.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Bruce, Emler, Owens, Vratil.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I am changing my vote from Aye to No on **HB 2660** with some regret because I am a Vietnam Veteran and my son is a Boy Scout Eagle. But like the sales tax exemptions in this state the numbers of specialized license plates have grown way too numerous and out of control. With all due respect to both my fellow Vietnam Veterans and Boy Scouts, I regrettably vote No on **HB 2660**.—TIM OWENS

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1883—

A RESOLUTION recognizing and supporting the freedom of Kansans to provide for their health care.

WHEREAS, A law or rule should not compel, directly or indirectly, any person, employer or health care provider to participate in any health care system or purchase health insurance; and

WHEREAS, A person or employer should have the ability to pay directly for lawful health care services and should not be required to pay penalties or fines for doing so; and

WHEREAS, Conversely, a health care provider should have the ability to accept direct payment for lawful health care services and should not be required to pay penalties or fines for doing so; and

WHEREAS, The purchase or sale of health care services should not be prohibited by law or rule: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the leaders of the state of Kansas urge the federal government to respect the rights of Kansans to provide for their health care and urge Congress to repeal the health care reform act.

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to the President of the United States, the President of the United States Senate, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Majority Leader of the United States House of Representatives, the Minority Leader of the United States House of Representatives and each member of the Kansas Congressional Delegation.

On motion of Senator Vratil **SR 1883** was passed over.

Senators Bruce, Hensley, D. Schmidt, Steineger and Umbarger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1884—

A RESOLUTION commending Barb Hinton for her outstanding work as Legislative Post Auditor for the State of Kansas and congratulating her on her future endeavors.

WHEREAS, Barb Hinton began her career in the Legislative Division of Post Audit in 1977 as an editor, working her way up as an audit supervisor, audit manager and Deputy Post Auditor, until 1991, when she was named Legislative Post Auditor by the Legislative Post Audit Committee. She holds a Bachelor of Arts degree in English and Master of Science degree in Journalism from the University of Kansas; and

WHEREAS, During her tenure as Legislative Post Auditor, Barb has received numerous awards for her outstanding performance and leadership, including the David M. Walker Excellence in Government Performance and Accountability Award, presented by the National Intergovernmental Audit Forum. She also received the William R. Snodgrass Distinguished Leadership Award, presented by the National State Auditors Association and the Mike Harder Public Administrator of the Year Award, presented by the Kansas chapter of the American Society for Public Administration. Her division has also received awards, including twice winning the Excellence in Evaluation Award from the National Legislative Program Evaluation Society and winning numerous National Legislative Program Evaluation Society's Certificate of Recognition of Impact Awards; and

WHEREAS, In addition to her duties as Legislative Post Auditor, Barb's record of service to professional organizations has done much to advance the field of auditing. She is Chair of the Mid-America Intergovernmental Audit Forum and serves as an Executive Committee Member for the National Association of State Auditors, Comptrollers and Treasurers. In the past she has served as President of the National State Auditors Association, as an Executive Committee Member for the National Legislative Program Evaluation Society and as a member of the GAO's Governmental Auditing Standards Advisory Council. She has also worked as a professional consultant, peer reviewer or concurring reviewer for a number of states; and

WHEREAS, Barb's leadership has helped the State of Kansas make the most of its limited resources. She has implemented advanced and sophisticated techniques in her analysis of programs or operations that have saved millions of dollars for the state. By identifying areas where state programs could operate more efficiently and more effectively, and by boiling complex issues down to focused and concise reports, Barb's Legislative Post Audit Division has proven to be an essential component to the government of Kansas; and

WHEREAS, Barb has always been known for her integrity, dedication, professionalism and the streamlined organization of her division. She is well-respected by both fellow agency heads in Kansas and her audit peers in other states. She is well-loved by her co-workers and will be missed as she leaves in June, to begin her new position as Deputy Director for Performance Audits for the Washington State Auditor's Office: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend Barb Hinton for her outstanding performance as Legislative Post Auditor and congratulate her as she enters the next phase of her career. We extend our best wishes for her continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Senator Bruce, to be given to Barb and her family.

On emergency motion of Senator Bruce **SR 1884** was adopted unanimously.

REFERRED TO COMMITTEE

Vice President Vratil referred **SR 1883** to the Committee of the Whole.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Emler in the chair.

On motion of Senator Emler the following report was adopted:

Senate Sub for HB 2180 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator V. Schmidt on page 4,

in line 24, after “fee” by inserting “, nonrefundable, except as provided in K.S.A. 2009 Supp. 74-8738, and amendments thereto.”

Senate Sub for HB 2180 be further amended by Senator Masterson on page 15, before line 1, by inserting the following:

“Sec. 10. On and after July 1, 2010, K.S.A. 21-4010, as amended by section 3 of 2010 House Bill No. 2221, is hereby amended to read as follows: 21-4010. (a) No person shall smoke in an enclosed area or at a public meeting including, but not limited to:

- (1) Public places;
 - (2) taxicabs and limousines;
 - (3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
 - (4) restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;
 - (5) access points of all buildings and facilities not exempted pursuant to subsection (d);
- and
- (6) any place of employment.

(b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.

(c) Notwithstanding any other provision of this section, K.S.A. 21-4011 or 21-4012, and amendments thereto, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.

(d) The provisions of this section shall not apply to:

(1) The outdoor areas of any building or facility beyond the access points of such building or facility;

(2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto;

(3) a hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;

~~(4) the gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto;~~

~~(5) (4) that portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;~~

~~(6) (5) that portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;~~

~~(7) (6) tobacco shops;~~

~~(8) (7) a class A or class B club defined in K.S.A. 41-2601, and amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises; and~~

~~(9) (8) a private club in designated areas where minors are prohibited.~~

Sec. 11. On July 1, 2010, K.S.A. 21-4010, as amended by section 3 of 2010 House Bill No. 2221, is hereby repealed.”

And by renumbering remaining sections accordingly;

In the title, in line 11, after “amending”, by inserting “K.S.A. 21-4010, as amended by section 3 of 2010 House Bill No. 2221, and”

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 22, Nays 17, Present and Passing 1, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Masterson, McGinn, Ostmeier, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Wagle.

Nays: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, Morris, Owens, Steineger, Teichman, Umbarger, Vratil.

Present and Passing: Emler.

The motion carried and the amendment was adopted.

Senate Sub for HB 2180 be further amended by Senator Huntington on page 14, in line 36, by striking “state infrastructure improvements” and inserting “expenditures for deferred maintenance of regents institutions pursuant to K.S.A. 2009 Supp. 76-7,101 et seq., and amendments thereto”

Senate Sub for HB 2180 be further amended by Senator Kultala on page 8, in line 41, after the semicolon, by striking “and”;

On page 9, in line 12, by striking the period and inserting “; and

(5) a resolution of endorsement from the city governing body, if the proposed facility is within the corporate limits of a city, or from the county commission, if the proposed facility is located in the unincorporated area of the county.”;

Also on page 9, after line 42, by inserting the following:

“Sec. 6. K.S.A. 2009 Supp. 74-8742 is hereby amended to read as follows: 74-8742. (a) The executive director shall submit the proposed racetrack gaming facility management contract to the commission for the commission’s approval. *The commission shall not approve a management contract unless the commission determines that the proposed development consists of an investment in infrastructure of at least \$50,000,000 in the northeast and south central Kansas gaming zones, and of at least \$25,000,000 in the southeast Kansas gaming zone. The commission, in determining whether the minimum investment required by this subsection is met, shall not include any amounts derived from or financed by state or local retailers’ sales tax revenues.*

(b) Upon approval of the Kansas lottery commission, the executive director shall submit such contract to the Kansas racing and gaming commission for approval. The Kansas racing and gaming commission shall conduct such background investigations of the proposed racetrack gaming facility manager, and its officers, directors, employees, owners, agents and contractors, as determined in accordance with rules and regulations adopted by the Kansas racing and gaming commission. Upon completion of such investigations and approval of the background of the proposed racetrack gaming facility manager, and its officers, directors, employees, owners, agents and contractors, the Kansas racing and gaming commission shall vote to approve or reject the contract in whole. If the Kansas racing and gaming commission rejects the contract, the Kansas racing and gaming commission shall notify the executive director of the lottery and make recommendations regarding negotiation of the contract. The executive director may then resume negotiations with the proposed racetrack gaming facility manager.”;

And by renumbering remaining sections accordingly;

On page 15, in line 1, after “74-8741,” by inserting “74-8742.”;

In the title, in line 11, after “74-8741,” by inserting “74-8742.”;

Senate Sub for HB 2180 be further amended by Senator Francisco on page 11, in line 16, after “facility” by inserting “located in the south central or southeast Kansas gaming zone”; by striking all in lines 39 through 43;

On page 12, by striking all in lines 1 through 6;

And by redesignating paragraphs accordingly;

Also on page 12, in line 7, by striking all after “facility”; in line 8, by striking all before “is”; in line 13, by striking all after “facility”; in line 14, by striking all before “is”; after line 35, by inserting the following:

“New Sec. 8. (a) Net electronic gaming machine income from a racetrack gaming facility located in the northeast Kansas gaming zone shall be distributed as follows:

(1) To the racetrack gaming facility manager, an amount equal to 25% of net electronic gaming machine income;

(2) 7% of net electronic gaming machine income shall be credited to the live horse racing purse supplement fund established by K.S.A. 2009 Supp. 74-8767, and amendments thereto, except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;

(3) 7% of net electronic gaming machine income shall be credited to the live greyhound racing purse supplement fund established by K.S.A. 2009 Supp. 74-8767, and amendments thereto, except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;

(4) (A) if the racetrack gaming facility is not located within a city, include a provision for payment of an amount equal to 3% of the net electronic gaming machine income to the county in which the racetrack gaming facility is located; or (B) if the racetrack gaming facility is located within a city, include provision for payment of an amount equal to 1.5% of the net electronic gaming machine income to the city in which the racetrack gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;

(5) 2% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2009 Supp. 79-4805, and amendments thereto;

(6) 1% of net electronic gaming machine income shall be credited to the Kansas horse fair racing benefit fund established by K.S.A. 74-8838, and amendments thereto;

(7) 40% of net electronic gaming machine income shall be credited to the expanded lottery act revenues fund; and

(8) 15% of electronic gaming machine income shall be used for gaming expenses, subject to agreement between the Kansas lottery and the racetrack gaming facility manager.

(b) A racetrack gaming facility management contract may include provisions for a parimutuel licensee or any other entity to pay the parimutuel licensee’s expenses related to electronic gaming machines, as the executive director deems appropriate, subject to the requirements of subsection (a)(9).

(c) On and after January 1, 2013, net electronic gaming machine income from a racetrack gaming facility located in the northeast Kansas gaming zone shall be distributed as follows:

(1) To the racetrack gaming facility manager, an amount equal to not more than 58% of net electronic gaming machine income;

(2) 7% of net electronic gaming machine income shall be credited to the live horse racing purse supplement fund established by K.S.A. 2009 Supp. 74-8767, and amendments thereto;

(3) 7% of net electronic gaming machine income shall be credited to the live greyhound racing purse supplement fund established by K.S.A. 2009 Supp. 74-8767, and amendments thereto;

(4) (A) if the racetrack gaming facility is not located within a city, include a provision for payment of an amount equal to 3% of the net electronic gaming machine income to the county in which the racetrack gaming facility is located; or (B) if the racetrack gaming facility is located within a city, include provision for payment of an amount equal to 1.5% of the net electronic gaming machine income to the city in which the racetrack gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;

(5) 2% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2009 Supp. 79-4805, and amendments thereto;

(6) 1% of net electronic gaming machine income shall be credited to the Kansas horse fair racing benefit fund established by K.S.A. 74-8838, and amendments thereto; and

(7) not less than 22% of net electronic gaming machine income shall be credited to the expanded lottery act revenues fund.

(d) On and after January 1, 2013, a racetrack gaming facility management contract may include provisions for a parimutuel licensee or any other entity to pay the parimutuel licensee's expenses related to electronic gaming machines, as the executive director deems appropriate.;

And by renumbering the remaining sections accordingly

Senate Sub for HB 2180 be further amended by Senator Hensley on page 15, before line 1, by inserting the following:

"Sec. 10. On and after July 1, 2010, K.S.A. 21-4010, as amended by section 3 of 2010 House Bill No. 2221, is hereby amended to read as follows: 21-4010. (a) No person shall smoke in an enclosed area or at a public meeting including, but not limited to:

- (1) Public places;
- (2) taxicabs and limousines;
- (3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
- (4) restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;
- (5) access points of all buildings and facilities not exempted pursuant to subsection (d); and
- (6) any place of employment.

(b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.

(c) Notwithstanding any other provision of this section, K.S.A. 21-4011 or 21-4012, and amendments thereto, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.

(d) The provisions of this section shall not apply to:

- (1) The outdoor areas of any building or facility beyond the access points of such building or facility;
- (2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto;
- (3) a hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;
- (4) the gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto, *except that, the provisions of this subsection shall expire on January 1, 2014;*
- (5) that portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;

(6) that portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;

(7) tobacco shops;

(8) a class A or class B club defined in K.S.A. 41-2601, and amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises; and

(9) a private club in designated areas where minors are prohibited.

Sec. 11. On July 1, 2010, K.S.A. 21-4010, as amended by section 3 of 2010 House Bill No. 2221, is hereby repealed.;"

And by renumbering remaining sections accordingly;

In the title, in line 11, after "amending", by inserting "K.S.A. 21-4010, as amended by section 3 of 2010 House Bill No. 2221, and"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 20, Nays 19, Present and Passing 0, Absent or Not Voting 1.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, Morris, Owens, Schmidt D, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt V, Taddiken, Wagle.

Absent or Not Voting: McGinn.

The motion carried and the amendment was adopted.

Senate Sub for HB 2180 be further amended by Senator V. Schmidt on page 4, in line 24, after "fee" by inserting ", nonrefundable, except as provided in K.S.A. 2009 Supp. 74-8738, and amendments thereto, and except in circumstances when a lottery facility management contract is disapproved by either the lottery gaming facility review board or the Kansas racing and gaming commission pursuant to K.S.A. 2009 Supp. 74-8736, and amendments thereto" and **Senate Sub for HB 2180** be passed as amended.

A motion by Senator Steineger to amend **Senate Substitute for HB 2180** failed and the following amendment was rejected: on page 6, in line 24, by striking "and"; in line 38, by striking the period and inserting the following: "; and

(20) include bid specifications prescribing that employees of any contractor or subcontractor performing construction, reconstruction or alteration work on the lottery gaming facility or any ancillary lottery gaming facility operations shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act (40 U.S.C. 276a)."

On page 8, in line 41, after the semicolon, by striking "and";

On page 9, in line 12, by striking the period and inserting the following: "; and

(5) bid specifications prescribing that employees of any contractor or subcontractor performing construction, reconstruction or alteration work on the racetrack gaming facility shall be paid in accordance with prevailing wages determined in accordance with wage areas, job classifications and wage rates determined under the federal Davis-Bacon act (40 U.S.C. 276a)."

A motion by Senator Pilcher-Cook to amend **Senate Substitute for HB 2180** failed and the following amendment was rejected: on page 15, before line 1, by inserting the following:

"New Sec. 10. (a) No person shall knowingly or intentionally appear in a state of nudity in a lottery gaming facility or a racetrack gaming facility.

(b) "Nudity" or "state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernibly turgid state.

(c) The Kansas lottery shall adopt rules and regulations to enforce this provision.;"

And by renumbering remaining sections accordingly

Upon the showing of five hands a roll call vote was requested:

On roll call, the vote was: Yeas 14, Nays 19, Present and Passing 6, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Colyer, Huelskamp, Kelsey, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Taddiken, Wagle.

Nays: Bruce, Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Huntington, Kelly, Kultala, Lee, Marshall, Morris, Owens, Reitz, Schmidt V, Steineger, Teichman, Umbarger, Vratil.

Present and Passing: Donovan, Emler, Holland, Lynn, Schmidt D, Schodorf.

Absent or Not Voting: McGinn.

The motion failed and the amendment was rejected.

A motion by Senator Hensley to amend **Senate Substitute for HB 2180** failed and the following amendment was rejected: on page 2, after line 19, by inserting the following:

“New Sec. 4. (a) The board of county commissioners of Sedgwick county shall not submit by resolution any question seeking voter approval related to lottery gaming facilities or operation of electronic gaming machines within Sedgwick county except as provided in subsection (b).

(b) The board of county commissioners of Sedgwick county shall submit upon presentation of a valid petition filed in accordance with subsection (c), to the qualified voters of the county a proposition to permit the operation of electronic gaming machines at an existing parimutuel racetrack within that county. The proposition shall be submitted to the voters at a special election to be held no later than 120 days after the effective date of this section.

(c) A petition to submit a proposition to the qualified voters of a county pursuant to this section shall be filed with the county election officer. The petition shall be signed by not less than 5,000 qualified voters of the county. The following shall appear on the petition: “We request an election to determine whether the operation of electronic gaming machines at parimutuel racetrack facilities by the Kansas lottery shall be permitted in Sedgwick county.”

(d) Upon the submission of a petition, the county election officer shall determine whether a sufficient number of qualified voters of the county have signed such petition. If the submitted petition calling for an election pursuant to this section is deemed valid, the county election officer shall cause the following proposition to be placed on the ballot at the election called for that purpose: “Shall the operation of electronic gaming machines at the Wichita Greyhound Park by the Kansas lottery be permitted in Sedgwick county?”

(e) If a majority of the votes cast and counted at such election is in favor of permitting the operation of such machines, the executive director may enter into a contract with the parimutuel racetrack facility licensee in Sedgwick county to operate such machines at its existing location in the county. If a majority of the votes cast and counted at an election under this section is against permitting the operation of electronic gaming machines in the county, the Kansas lottery shall not operate such machines in the county. The county election officer shall transmit a copy of the certification of the results of the election to the executive director and to the Kansas racing and gaming commission.

(f) The election provided for by this section shall be conducted, and the votes counted and canvassed, in the manner provided by law for question submitted elections of the county.

(g) If in any election provided for by this section a majority of the votes cast and counted is against the proposition permitting the operation of electronic gaming machines in the county, another election submitting the same proposition shall not be held after the date of such election.

(h) This section shall be a part of and supplemental to the Kansas expanded lottery act.”;

And by renumbering the remaining sections accordingly

A motion by Senator Teichman to amend **Senate Substitute for HB 2180** failed and the following amendment was rejected: page 15, before line 1, by inserting the following:

“Sec. 10. On and after July 1, 2010, K.S.A. 21-4010, as amended by section 3 of 2010 House Bill No. 2221, is hereby amended to read as follows: 21-4010. (a) No person shall smoke in an enclosed area or at a public meeting including, but not limited to:

(1) Public places;

(2) taxicabs and limousines;

(3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;

(4) restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;

(5) access points of all buildings and facilities not exempted pursuant to subsection (d); and

(6) any place of employment.

(b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.

(c) Notwithstanding any other provision of this section, K.S.A. 21-4011 or 21-4012, and amendments thereto, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.

(d) The provisions of this section shall not apply to:

(1) The outdoor areas of any building or facility beyond the access points of such building or facility;

(2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto;

(3) a hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;

(4) the gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto, *except that, the provisions of this subsection shall expire on July 1, 2015;*

(5) that portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;

(6) that portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;

(7) tobacco shops;

(8) a class A or class B club defined in K.S.A. 41-2601, and amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises; and

(9) a private club in designated areas where minors are prohibited.

Sec. 11. On July 1, 2010, K.S.A. 21-4010, as amended by section 3 of 2010 House Bill No. 2221, is hereby repealed.;"

And by renumbering remaining sections accordingly;

In the title, in line 11, after "amending", by inserting "K.S.A. 21-4010, as amended by section 3 of 2010 House Bill No. 2221, and"

Upon the showing a five hands a roll call vote was requested:

On roll call, the vote was: Yeas 19, Nays 19, Present and Passing 1, Absent or Not Voting 1.

Yeas: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, Morris, Owens, Schmidt D, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt V, Taddiken, Wagle.

Present and Passing: Emler.

Absent or Not Voting: McGinn.

The motion failed and the amendment was rejected.

A motion by Senator Kelsey to amend **Senate Substitute for HB 2180** failed and the following amendment was rejected: on page 3, in line 37, by striking “and”;

On page 4, in line 3, by striking the period and inserting “; and

(3) the proposed lottery gaming facility is located not less than 10 miles from the border of any county where the proposition to permit a lottery gaming facility has been rejected in a county referendum on the issue.”

On motion of Senator Huelskamp **Senate Substitute for HB 2180** was passed over.

Upon returning to the bill Senator Huelskamp’s motion to amend **Senate Substitute for HB 2180** failed and the following amendment was rejected: page 15, before line 1, by inserting the following:

“Sec. 10. K.S.A. 21-3105 is hereby revived to read as follows: 21-3105. A crime is an act or omission defined by law and for which, upon conviction, a sentence of death, imprisonment or fine, or both imprisonment and fine, is authorized or, in the case of a traffic infraction or a cigarette or tobacco infraction, a fine is authorized. Crimes are classified as felonies, misdemeanors, traffic infractions and cigarette or tobacco infractions.

(1) A felony is a crime punishable by death or by imprisonment in any state correctional institution or a crime which is defined as a felony by law.

(2) A traffic infraction is a violation of any of the statutory provisions listed in subsection (c) of K.S.A. 8-2118 and amendments thereto.

(3) A cigarette or tobacco infraction is a violation of subsection (m) or (n) of K.S.A. 79-3321 and amendments thereto.

(4) All other crimes are misdemeanors.

Sec. 11. K.S.A. 21-4009 is hereby revived to read as follows: 21-4009. As used in this act: (a) “Public place” means enclosed indoor areas open to the public or used by the general public including but not limited to: Restaurants, retail stores, public means of mass transportation, passenger elevators, health care institutions or any other place where health care services are provided to the public, educational facilities, libraries, courtrooms, state, county or municipal buildings, restrooms, grocery stores, school buses, museums, theaters, auditoriums, arenas and recreational facilities.

(b) “Public meeting” includes all meetings open to the public.

(c) “Smoking” means possession of a lighted cigarette, cigar, pipe or any other lighted smoking equipment.

Sec. 12. K.S.A. 21-4010 is hereby revived to read as follows: 21-4010. (a) No person shall smoke in a public place or at a public meeting except in designated smoking areas.

(b) Smoking areas may be designated by proprietors or other persons in charge of public places, except in passenger elevators, school buses, public means of mass transportation and any other place in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation.

(c) Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas.

Sec. 13. K.S.A. 21-4011 is hereby revived to read as follows: 21-4011. The proprietor or other person in charge of the premises of a public place shall post or cause to be posted in a conspicuous place signs clearly stating that smoking is prohibited by state law. The person in charge of the premises shall also post or cause to be posted in any designated smoking area, signs stating that smoking is permitted in such room or area. The proprietor or person in charge of the public place shall have the authority to establish the percentage of area in the public place which shall be posted and designated as a smoking area.

Sec. 14. K.S.A. 21-4012 is hereby revived to read as follows: 21-4012. Any person found guilty of smoking in violation of this act is guilty of a misdemeanor punishable by a fine of not more than \$20 for each violation. Any person found guilty of failing to post signs as required by this act, is guilty of a misdemeanor punishable by a fine of not more than \$50. In addition, the department of health and environment, or local department of health, may institute an action in any court of competent jurisdiction to enjoin repeated violations of this act.

Sec. 15. K.S.A. 65-530 is hereby revived to read as follows: 65-530. (a) As used in this section:

(1) "Day care home" means a day care home as defined under Kansas administrative regulation 28-4-113, a group day care home as defined under Kansas administrative regulation 28-4-113 and a family day care home as defined under K.S.A. 65-517 and amendments thereto.

(2) "Smoking" means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.

(b) Smoking within any room, enclosed area or other enclosed space of a facility or facilities of a day care home during a time when children who are not related by blood, marriage or legal adoption to the person who maintains the home are being cared for, as part of the operation of the day care home, within the facility or facilities is hereby prohibited. Nothing in this subsection shall be construed to prohibit smoking on the premises of the day care home outside the facility or facilities of a day care home, including but not limited to porches, yards or garages.

(c) Each day care home registration certificate or license shall contain a statement in bold print that smoking is prohibited within a room, enclosed area or other enclosed space of the facility or facilities of the day care home under the conditions specified in subsection (b). The statement shall be phrased in substantially the same language as subsection (b). The registration certificate or license shall be posted in a conspicuous place in the facility or facilities.

(d) The secretary of health and environment may levy a civil fine under K.S.A. 65-526 and amendments thereto against any day care home for a first or second violation of this section. A third or subsequent violation shall be subject to the provisions of K.S.A. 65-523 and amendments thereto.

Sec. 16. K.S.A. 21-4016 is hereby revived to read as follows: 21-4016. Prior to July 1, 1995, no person shall smoke in any area, room or hallway in the state capitol except in offices occupied as office space by state officers and employees which have been designated as smoking areas in accordance with K.S.A. 21-4009 *et seq.* and amendments thereto. On and after July 1, 1995, no person shall smoke in any area, room, hallway, or other place in the state capitol and no area of the state capitol shall be established as a designated smoking area under K.S.A. 21-4010 and amendments thereto.

Sec. 17. K.S.A. 21-4017 is hereby revived to read as follows: 21-4017. (a) As used in this section:

(1) "Medical care facility" means a general hospital, special hospital, ambulatory surgery center or recuperation center, as defined by K.S.A. 65-425 and amendments thereto, and any psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto; and

(2) "Smoking" means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.

(b) On and after July 1, 1994, smoking in a medical care facility is hereby prohibited except that a smoking area may be established within a licensed long-term care unit of a medical care facility if such smoking area is well-ventilated. On and after July 1, 1994, the chief administrative officer of each medical care facility shall cause to be posted in conspicuous places signs stating that smoking in the medical care facility is prohibited by state law.

(c) Any person found guilty of smoking in violation of subsection (b) of this section is guilty of a misdemeanor punishable by a fine of not more than \$20 for each violation. Any person found guilty of failing to post signs as required by subsection (b) of this section, is guilty of a misdemeanor punishable by a fine of not more than \$50. In addition, the department of health and environment, or local department of health, may institute an action in any court of competent jurisdiction to enjoin repeated violations of subsection (b) of this section.

Sec. 18. On and after January 1, 2014, K.S.A. 21-3105 is hereby amended to read as follows: 21-3105. A crime is an act or omission defined by law and for which, upon conviction, a sentence of death, imprisonment or fine, or both imprisonment and fine, is authorized or, in the case of a traffic infraction or a cigarette or tobacco infraction, a fine is

authorized. Crimes are classified as felonies, misdemeanors, traffic infractions and cigarette or tobacco infractions.

(1) A felony is a crime punishable by death or by imprisonment in any state correctional institution or a crime which is defined as a felony by law.

(2) A traffic infraction is a violation of any of the statutory provisions listed in subsection (c) of K.S.A. 8-2118, and amendments thereto.

(3) A cigarette or tobacco infraction is a violation of K.S.A. 21-4009 through 21-4014 and subsection (m) or (n) of K.S.A. 79-3321, and amendments thereto.

(4) All other crimes are misdemeanors.

Sec. 19. On and after January 1, 2014, K.S.A. 21-4009 is hereby amended to read as follows: 21-4009. As used in ~~this act~~ K.S.A. 21-4009 through 21-4014, and amendments thereto:

(a) "Access point" means the area within a ten foot radius outside of any doorway, open window or air intake leading into a building or facility that is not exempted pursuant to subsection (d) of K.S.A. 21-4010, and amendments thereto.

~~(b)~~ (b) "Bar" means any indoor area that is operated and licensed for the sale and service of alcoholic beverages, including alcoholic liquor as defined in K.S.A. 41-102, and amendments thereto, or cereal malt beverages as defined in K.S.A. 41-2701, and amendments thereto, for on-premises consumption.

(c) "Employee" means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers their services for a nonprofit entity.

(d) "Employer" means any person, partnership, corporation, association or organization, including municipal or nonprofit entities, which employs one or more individual persons.

(e) "Enclosed area" means all space between a floor and ceiling which is enclosed on all sides by solid walls, windows or doorways which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid or similar structures. For purposes of this section, the following shall not be considered an "enclosed area": (1) Rooms or areas, enclosed by walls, windows or doorways, having neither a ceiling nor a roof and which are completely open to the elements and weather at all times; and (2) rooms or areas, enclosed by walls, fences, windows or doorways and a roof or ceiling, having openings that are permanently open to the elements and weather and which comprise an area that is at least 30% of the total perimeter wall area of such room or area.

(f) "Food service establishment" means any place in which food is served or is prepared for sale or service on the premises. Such term shall include, but not be limited to, fixed or mobile restaurants, coffee shops, cafeterias, short-order cafes, luncheonettes, grills, tea rooms, sandwich shops, soda fountains, taverns, private clubs, roadside kitchens, commissaries and any other private, public or nonprofit organization or institution routinely serving food and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(g) "Medical care facility" means a physician's office, general hospital, special hospital, ambulatory surgery center or recuperation center, as defined by K.S.A. 65-425, and amendments thereto, and any psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto.

(h) "Outdoor recreational facility" means a hunting, fishing, shooting or golf club, business or enterprise operated primarily for the benefit of its owners, members and their guests and not normally open to the general public.

(i) "Place of employment" means any enclosed area under the control of a public or private employer, including, but not limited to, work areas, auditoriums, elevators, private offices, employee lounges and restrooms, conference and meeting rooms, classrooms, employee cafeterias, stairwells and hallways, that is used by employees during the course of employment. For purposes of this section, a private residence shall not be considered a "place of employment" unless such residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto.

(j) "Private club" means an outdoor recreational facility operated primarily for the use of its owners, members and their guests that in its ordinary course of business is not open to

the general public for which use of its facilities has substantial dues or membership fee requirements for its members.

(k) "Public building" means any building owned or operated by: (1) The state, including any branch, department, agency, bureau, commission, authority or other instrumentality thereof; (2) any county, city, township, other political subdivision, including any commission, authority, agency or instrumentality thereof; or (3) any other separate corporate instrumentality or unit of the state or any municipality.

(l) "Public meeting" means any meeting open to the public pursuant to K.S.A. 75-4317 et seq., and amendments thereto, or any other law of this state.

(m) "Public place" means any enclosed ~~indoor~~ areas open to the public or used by the general public including, but not limited to: ~~Restaurants~~ Banks, bars, food service establishments, retail service establishments, retail stores, public means of mass transportation, passenger elevators, health care institutions or any other place where health care services are provided to the public, medical care facilities, educational facilities, libraries, courtrooms, ~~state, county or municipal~~ public buildings, restrooms, grocery stores, school buses, museums, theaters, auditoriums, arenas and recreational facilities. For purposes of this section, a private residence shall not be considered a "public place" unless such residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto.

(b) "Public meeting" includes all meetings open to the public.

(n) "Smoking" means possession of a lighted cigarette, cigar, pipe or ~~any other lighted smoking equipment~~ burning tobacco in any other form or device designed for the use of tobacco.

(o) "Tobacco shop" means any indoor area operated primarily for the retail sale of tobacco, tobacco products or smoking devices or accessories, and which derives not less than 65% of its gross receipts from the sale of tobacco.

(p) "Substantial dues or membership fee requirements" means initiation costs, dues or fees proportional to the cost of membership in similarly-situated outdoor recreational facilities that are not considered nominal and implemented to otherwise avoid or evade restrictions of a statewide ban on smoking.

Sec. 20. On and after January 1, 2014, K.S.A. 21-4010 is hereby amended to read as follows: 21-4010. (a) No person shall smoke in ~~a public place~~ an enclosed area or at a public meeting except in designated smoking areas including, but not limited to:

- (1) Public places;
- (2) taxicabs and limousines;
- (3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
- (4) restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;
- (5) access points of all buildings and facilities not exempted pursuant to subsection (d); and
- (6) any place of employment.

(b) Smoking areas may be designated by proprietors or other persons in charge of public places, except in passenger elevators, school buses, public means of mass transportation and any other place in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation.

(c) Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas.

(b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.

(c) Notwithstanding any other provision of this section, K.S.A. 21-4011 or 21-4012, and amendments thereto, the proprietor or other person in charge of an adult care home, as

defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.

(d) The provisions of this section shall not apply to:

(1) The outdoor areas of any building or facility beyond the access points of such building or facility;

(2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto;

(3) a hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;

(4) that portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;

(5) that portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;

(6) tobacco shops;

(7) a class A or class B club defined in K.S.A. 41-2601, and amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises; and

(8) a private club in designated areas where minors are prohibited.

Sec. 21. On and after January 1, 2014, K.S.A. 21-4011 is hereby amended to read as follows: 21-4011. The proprietor or other person in charge of the premises of a public place, or other area where smoking is prohibited, shall post or cause to be posted in a conspicuous place signs displaying the international no smoking symbol and clearly stating that smoking is prohibited by state law. ~~The person in charge of the premises shall also post or cause to be posted in any designated smoking area, signs stating that smoking is permitted in such room or area. The proprietor or person in charge of the public place shall have the authority to establish the percentage of area in the public place which shall be posted and designated as a smoking area.~~

Sec. 22. On and after January 1, 2014, K.S.A. 21-4012 is hereby amended to read as follows: 21-4012. Any person found guilty of smoking in violation of this act is guilty of a misdemeanor punishable by a fine of not more than \$20 for each violation. Any person found guilty of failing to post signs as required by this act, is guilty of a misdemeanor punishable by a fine of not more than \$50. In addition, the department of health and environment, or local department of health, may institute an action in any court of competent jurisdiction to enjoin repeated violations of this act: (a) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any public place, or other area where smoking is prohibited, to fail to comply with all or any of the provisions of K.S.A. 21-4009 through 21-4014, and amendments thereto.

(b) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any public place, or other area where smoking is prohibited, to allow smoking to occur where prohibited by law. Any such person shall be deemed to allow smoking to occur under this subsection if such person: (1) Has knowledge that smoking is occurring; and (2) acquiesces to the smoking under the totality of the circumstances.

(c) It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of K.S.A. 21-4010, and amendments thereto.

(d) Any person who violates any provision of K.S.A. 21-4009 through 21-4014, and amendments thereto, shall be guilty of a cigarette or tobacco infraction punishable by a fine:

(1) Not exceeding \$100 for the first violation;

(2) not exceeding \$200 for a second violation within a one year period after the first violation; or

(3) *not exceeding \$500 for a third or subsequent violation within a one year period after the first violation.*

For purposes of this subsection, the number of violations within a year shall be measured by the date the smoking violations occur.

(e) *Each individual allowed to smoke by a person who owns, manages, operates or otherwise controls the use of any public place, or other area where smoking is prohibited, in violation of subsection (b) shall be considered a separate violation for purposes of determining the number of violations under subsection (d).*

(f) *No employer shall discharge, refuse to hire or in any manner retaliate against an employee, applicant for employment or customer because that employee, applicant or customer reports or attempts to prosecute a violation of any of the provisions of K.S.A. 21-4009 through 21-4014, and amendments thereto.*

New Sec. 23. On and after January 1, 2014, the director of alcoholic beverage control is hereby authorized to promulgate rules and regulations to insure any exemption from the statewide ban on smoking is bona fide and the entity seeking such exemption is not inappropriately seeking to circumvent the smoking ban created under this act.

Sec. 24. On and after January 1, 2014, K.S.A. 65-530 is hereby amended to read as follows: 65-530. (a) As used in this section:

(1) "Day care home" means a day care home as defined under Kansas administrative regulation 28-4-113, a group day care home as defined under Kansas administrative regulation 28-4-113 and a family day care home as defined under K.S.A. 65-517 and amendments thereto.

(2) "Smoking" means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.

(b) Smoking within any room, enclosed area or other enclosed space of a facility or facilities of a day care home during a time when children who are not related by blood, marriage or legal adoption to the person who maintains the home are being cared for, as part of the operation of the day care home, within the facility or facilities is hereby prohibited. Nothing in this subsection shall be construed to prohibit smoking on the premises of the day care home outside the facility or facilities of a day care home, including but not limited to porches, yards or garages.

(c) Each day care home registration certificate or license shall contain a statement in bold print that smoking is prohibited within a room, enclosed area or other enclosed space of the facility or facilities of the day care home under the conditions specified in subsection (b). The statement shall be phrased in substantially the same language as subsection (b). The registration certificate or license shall be posted in a conspicuous place in the facility or facilities.

(d) The secretary of health and environment may levy a civil fine under K.S.A. 65-526 and amendments thereto against any day care home for a first or second violation of this section. A third or subsequent violation shall be subject to the provisions of K.S.A. 65-523 and amendments thereto.

(e) *In addition to any civil fine which may be levied pursuant to subsection (d), any day care home that violates any provision of this section may also be subject to criminal punishment pursuant to K.S.A. 21-4012, and amendments thereto.*

New Sec. 25. On and after January 1, 2014, the amendments made to K.S.A. 21-4009 through 21-4012, and amendments thereto, and K.S.A. 21-4013 and 21-4014, and amendments thereto, shall constitute the Kansas indoor clean air act.":

And by renumbering sections accordingly;

Also on page 15, after line 2, by inserting the following:

"Sec. 27. K.S.A. 21-3105, as amended by section 1 of 2010 House Bill No. 2221, 21-4009, as amended by section 2 of 2010 House Bill No. 2221, 21-4010, as amended by section 3 of 2010 House Bill No. 2221, 21-4011, as amended by section 4 of 2010 House Bill No. 2221, 21-4012, as amended by section 5 of 2010 House Bill No. 2221, 21-4016, 21-4017, 65-530, as amended by section 7 of 2010 House Bill No. 2221, section 6 of 2010 House Bill No. 2221 and section 8 of 2010 House Bill No. 2221 are hereby repealed.

Sec. 28. On January 1, 2014, K.S.A. 21-3105, as revived by section 10, 21-4009, as revived by section 11, 21-4010, as revived by section 12, 21-4011, as revived by section 13, 21-4012,

as revived by section 14, 21-4016, as revived by section 16, 21-4017, as revived by section 17, and 65-530, as revived by section 15 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking all after “ACT”; by striking all in lines 10 through 12 and inserting the following: “concerning the Kansas expanded lottery act; relating to lottery and racetrack gaming facilities; relating to smoking; creating the Kansas agricultural opportunity act; reviving and amending K.S.A. 21-3105, 21-4009, 21-4010, 21-4011, 21-4012 and 65-530 and repealing the revived sections; also reviving K.S.A. 21-4016 and 21-4017; amending K.S.A. 2009 Supp. 74-8734, 74-8741, 74-8744, 74-8747, 74-8751 and 74-8768 and repealing the existing sections; also repealing K.S.A. 21-3105, as amended by section 1 of 2010 House Bill No. 2221, 21-4009, as amended by section 2 of 2010 House Bill No. 2221, 21-4010, as amended by section 3 of 2010 House Bill No. 2221, 21-4011, as amended by section 4 of 2010 House Bill No. 2221, 21-4012, as amended by section 5 of 2010 House Bill No. 2221, 21-4016, 21-4017, 65-530, as amended by section 7 of 2010 House Bill No. 2221, section 6 of 2010 House Bill No. 2221 and section 8 of 2010 House Bill No. 2221.”

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 12, Nays 21, Present and Passing 5, Absent or Not Voting 2.

Yeas: Abrams, Brownlee, Bruce, Huelskamp, Kelsey, Lynn, Masterson, Ostmeier, Petersen, Pilcher-Cook, Pyle, Wagle.

Nays: Apple, Barnett, Brungardt, Colyer, Faust-Goudeau, Francisco, Hensley, Huntington, Kelly, Kultala, Lee, Marshall, Morris, Owens, Reitz, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Present and Passing: Donovan, Emler, Haley, Holland, Steineger.

Absent or Not Voting: McGinn, Schmidt D.

The motion failed and the amendment was rejected.

Senators Hensley, Huntington, and Masterson withdrew amendments on **S Sub for HB 2180**.

S Sub for S Sub for Sub HB 2320 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator V. Schmidt on page 1, in line 24, before the period, by inserting: “, but shall not include the Kansas soldiers’ home or the Kansas veterans’ home”

S Sub for S Sub for Sub HB 2320 be further amended by Senator Lee on page 4, in line 10, after “quality” by inserting “care”

The bill was further amended by Senator Lee on page 6, in line 21, by striking all after “The”; by striking all in line 22; in line 23, by striking all before “person” and **S Sub for S Sub for Sub HB 2320** be passed as amended.

S Sub for S Sub for Sub HB 2650 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator D. Schmidt on page 48, in line 18, by striking “\$6,000,000” and inserting “\$8,000,000”

S Sub for S Sub for Sub HB 2650 be further amended by Senator Brownlee on page 2, in line 3, by striking “and”; in line 11, by striking the period and inserting “; and

(4) not more than one highway demonstration project for the purpose of evaluating the design-build concept which may include financing, design, construction and performance guarantee. Such demonstration project shall be conducted in Johnson or Wyandotte county. The secretary is authorized to procure such demonstration project in the same manner as engineering services are procured under K.S.A. 75-5801 et seq., and amendments thereto, and such demonstration project need not comply with the provisions of K.S.A. 68-410 or 75-430a, and amendments thereto, or any other applicable statute to the procurement of state highway construction contracts. The secretary of transportation shall provide a cost/benefit analysis of such demonstration project to the standing committees on transportation of the house of representatives and the senate on completion of such demonstration project.”

S Sub for S Sub for Sub HB 2650 be further amended by Senator Colyer on page 1, in line 43, before the period, by inserting: “, except for projects funded by build America bonds, no expansion and economic opportunity projects shall be selected prior to February 1, 2011” and **S Sub for S Sub for Sub HB 2650** be passed as amended.

A motion by Senator Bruce to amend **S Sub for S Sub for Sub HB 2650** failed and the following amendment was rejected: on page 49, in line 7, by striking “the” where it appears

for the second time and inserting “: (A) The”; in line 13, before the period by inserting “; and

(B) the issuance of such bonds is approved by resolution of the state finance council.

The approval by the state finance council required by this subsection 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. Such approval may be given by the state finance council when the legislature is in session”

A motion by Senator Brownlee to amend **S Sub for S Sub for HB 2650** failed and the following amendment was rejected: on page 2, in line 3, by striking “and”; in line 11, by striking the period and inserting “; and

(4) not more than two highway demonstration projects for the purpose of evaluating the design-build concept which may include financing, design, construction and performance guarantee. Such demonstration projects shall be conducted in Johnson or Wyandotte county. The secretary is authorized to procure such demonstration projects in the same manner as engineering services are procured under K.S.A. 75-5801 et seq., and amendments thereto, and such demonstration projects need not comply with the provisions of K.S.A. 68-410 or 75-430a, and amendments thereto, or any other applicable statute to the procurement of state highway construction contracts. The secretary of transportation shall provide a cost/benefit analysis of such demonstration projects to the standing committees on transportation of the house of representatives and the senate on completion of each such demonstration project.”

A motion by Senator Ostmeyer to amend **S Sub for S Sub for HB 2650** failed and the following amendment was rejected: on page 3, by striking lines 31 through 43;

By striking all on pages 4 through 26;

On page 30, by striking all in lines 29 through 43;

By striking all on pages 31 and 32;

And by renumbering sections accordingly;

On page 62, in line 40, by striking all following “K.S.A.”; in line 41, by striking “8-234b,”∞ line 42, by striking all following “Supp.”; in line 43, by striking “143j;”

On page 1, in the title, by striking all in line 14; in line 16, by striking “8-142, 8-143, 8-143j;”

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub for HB 2180; S Sub for S Sub for Sub HB 2320.**

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a ⅔ constitutional majority, and **S Sub for HB 2180; S Sub for S Sub for Sub HB 2320; S Sub for S Sub for HB 2650** were advanced to Final Action and roll call.

S Sub for HB 2180, An act concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; creating the Kansas agricultural opportunity act; amending K.S.A. 21-4010, as amended by section 3 of 2010 House Bill No. 2221, and K.S.A. 2009 Supp. 74-8734, 74-8741, 74-8742, 74-8744, 74-8747, 74-8751 and 74-8768 and repealing the existing sections.

On roll call, the vote was: Yeas 19, Nays 20, Present and Passing 0, Absent or Not Voting 1.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Huntington, Kelly, Lee, Marshall, Morris, Owens, Reitz, Schmidt D, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Holland, Huelskamp, Kelsey, Kultala, Lynn, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt V, Taddiken, Wagle.

Absent or Not Voting: McGinn.

A constitutional majority having failed to vote in favor of the bill, **S Sub for HB 2180** did not pass.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: It is my belief **S Sub for HB 2180** would have been vetoed if a total smoking ban were enacted immediately. If it were vetoed, smoking would continue indefinitely in casinos. A majority of my constituents made it quite clear, they wanted the

smoking ban to apply to casinos. By voting for amendment number 472, the prohibition against smoking will ultimately apply to state owned casinos, as it should, and the state will ultimately be treated the same as every other business.

Mr. Vice President I vote Aye. — JAY SCOTT EMLER

MR. VICE PRESIDENT: I really wanted to vote yes on this bill because the Woodlands was a great community partner in my district for almost 20 years. However, I believe that this bill in its current form jeopardizes the success of the existing casino project and of the proposed racetrack project in my district. — KELLY KULTALA

S Sub for S Sub for Sub HB 2320, An act providing for assessments on certain nursing facilities; prescribing powers, duties and functions for the Kansas health policy authority; creating the quality care assessment fund; providing for implementation and administration, by Committee on Ways and Means.

On roll call, the vote was: Yeas 30, Nays 9, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Barnett, Brownlee, Colyer, Huelskamp, Lynn, Masterson, Pilcher-Cook, Pyle.

Absent or Not Voting: McGinn.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I appreciate the work accomplished for the compromise on this bill as it closes much of the gap for many facilities. I am thankful that this compromise actually creates a positive for the nursing homes in my district. But it is not a perfect solution, and in fact, the gap between winners and losers is still significant. Fundamentally and philosophically it is what it is: a tax on our most vulnerable citizens. I am sickened by this approach to solve our economic problems. For this reason, Mr. Vice President I vote NO. — JULIA LYNN

S Sub for S Sub for HB 2650, An act relating to transportation; providing for a transportation works for Kansas program; relating to the financing thereof; amending K.S.A. 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-143k, 8-234b, 12-1775, 68-416, 68-20,120, 68-2316, 68-2320, 68-2321 and 68-2328 and K.S.A. 2009 Supp. 8-142, 8-143, 8-143j, 8-145, 12-6a35, 12-6a36, 12-1774, 12-1774a, 12-17,148, 12-17,149, 68-2315, 68-2331, 75-5035, 75-5048, 75-5061, 75-5063, 75-5064, 75-5160, 79-3492b, 79-34,141 and 79-34,142 and repealing the existing sections; also repealing K.S.A. 68-2314a.

On roll call, the vote was: Yeas 25, Nays 13, Present and Passing 1, Absent or Not Voting 1.

Yeas: Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, Morris, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Bruce, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Pilcher-Cook, Pyle, Taddiken, Wagle.

Present and Passing: Brownlee.

Absent or Not Voting: McGinn.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I have struggled greatly with the question of how to vote on **HB 2650**. Proponents of this bill advocate it as a jobs project and claim it will create economic growth throughout the state. I believe, but only to an extent, they are correct in their assertions; and let me assert, I absolutely believe these are admirable goals which I have long supported. Our roads are our economic lifeline.

Despite my support for the intent of this legislation, passing a transportation plan at this time - in this manner - is ill advised. During the darkest hours of the worst financial crisis in two generations, we are raising taxes on struggling Kansans and increasing registration fees on large vehicles while simultaneously increasing Kansas' debt load to unprecedented levels in a deeply troubled economy. This additional burden is administered without adequate oversight and is assumed to be primarily paid for by a funding source that is tenuous at best given repeated executive and legislative pilfering of our highway dollars.

Until this body is willing to fulfill its fiduciary obligations to the people of this state and demonstrates a legitimate commitment to protecting the funding source for our highways, I cannot support such a measure. I vote no. — TERRY BRUCE

Senators Abrams, Apple and Ostmeyer request the record to show they concur with the "Explanation of Vote" offered by Senator Bruce on **HB 2650**.

MR. VICE PRESIDENT: When bills come across my desk for final action I always ask myself three questions: 1. "Is this legislation something that is within the scope of government's responsibility?" 2. "How much will it cost and what is the funding mechanism?" 3. "Is it sustainable?" Mr. President, **S Sub for S Sub for HB 2650** does not completely pass my smell test. We are responsible for good roads and they are vital to our quality of life. However, this is not the time. My constituents are concerned with bread and butter issues. They are cutting back, putting off investments and major purchases, watching their consumption and working towards financial prosperity and independence. Mr. Vice President, it's time the State of Kansas do the same. That's why I vote NO on **S Sub for S Sub for HB 2650**. — JULIA LYNN.

Senator Abrams requests the record to show he concurs with the "Explanation of Vote" offered by Senator Lynn on **S Sub for S Sub for HB 2650**.

MR. VICE PRESIDENT: I vote no on **S Sub for S Sub for HB 2650**. Yesterday I supported a one cent sales tax to help partially fund the new Transportation Plan. To be fair to the Trucking industry and Farmers, the registration fee should have been removed from the bill. We will have more opportunities to fix this problem and get a bill that is fair and good for a struggling economy. — RALPH OSTMEYER

MESSAGE FROM THE HOUSE

The House adopts the conference committee report on **HB 2482**.

The House adopts the conference committee report on **HB 2486**.

The House concurs in Senate amendments to **HB 2595**.

On motion of Senator D. Schmidt the Senate adjourned until 11:00 a.m., Saturday, May 8, 2010.

Journal of the Senate

SIXTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Saturday, May 8, 2010—11:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Bruce and Ostmeyer were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
When the pressure's on and tempers' short,
We tend to turn to You,
And beseech Your power to employ
To pull our measures through.
But every time this happens
We seem to hear You say,
"You ought to know by now
That I don't work that way."
So remind us that Your power
Must never be abused;
That You're our God to worship,
No one who can be used.
But there is a prayer that we *should* pray,
Whether we've lost or won.
Help us to pray and mean it,
"Lord, Thy will be done."

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Pilcher-Cook, Brownlee, Bruce, Kelsey, Masterson, Ostmeyer, Petersen, Taddiken and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1885—

A RESOLUTION in support of religious freedom for Coptic Christians.

WHEREAS, Coptic Christians are a Christian minority comprising approximately 10% of the Egyptian population and are an integral part of Egyptian society; and

WHEREAS, Egypt's Coptic Christian population is a victim of a systematic pattern of violence, including attacks as recently as January 6, 2010; and

WHEREAS, The United States Department of State's 2009 Report on International Religious Freedom states that the status of the Egyptian government's respect for religious

freedom “declined somewhat during the reporting period based on a failure to investigate and prosecute perpetrators of increased incidents of sectarian violence”; and

WHEREAS, Christian groups are required to have government permission to build or repair a church. The approval process for church construction is time-consuming and inflexible, and applicants often do not receive a response. Permits that have been approved, in some cases, cannot be acted upon because of interference by the state security services at both the local and national levels; and

WHEREAS, Christians and other minority religious practitioners fear government harassment if they officially register their religion on national identification cards; and

WHEREAS, The foundation of the United States Constitution and the Kansas Constitution are freedom and justice: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate of the State of Kansas urges the Egyptian government to provide better protection for the Coptic Christian population by investigating and prosecuting those who perpetrate violence against Coptic Christians, by compensating victims of such violence and by protecting and preserving Coptic Christian places of worship; and

Be it further resolved: That the Senate of the State of Kansas urges the Egyptian government to stop discriminatory practices that affect the Coptic Christian population, including the difficulty in building and repairing places of worship, the lack of representation in certain government bodies and the continued harassment of converts; and

Be it further resolved: That the Senate of the State of Kansas urges the Egyptian government to ensure that all places of worship are subject to the same transparent, non-discriminatory and efficient regulations regarding construction and maintenance; and

Be it further resolved: That the Senate of the State of Kansas urges the Egyptian government to ensure that every Egyptian is protected against discrimination in social, labor and other rights by modifying the national identity card either to omit mention of religious affiliation or make optional any mention of religious affiliation; and

Be it further resolved: That the Senate of the State of Kansas urges the Egyptian government to prevent incidences of religious intolerance by providing equal protection of the law and equal rights for all Egyptians, and by effectively prosecuting any such incidents that occur; and

Be it further resolved: That the Secretary of the Senate be directed to send enrolled copies of this resolution to the United States Secretary of State and the Kansas Congressional delegation.

On emergency motion of Senator Pilcher-Cook **SR 1885** was adopted unanimously.

On motion of Senator D. Schmidt, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

CHANGE OF REFERENCE

The President withdrew the name of Dan Watkins from the Calendar under the heading of Consideration of Appointments, and rereferred the appointment to the Committee on **Commerce**.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2130**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2130**, 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 4, in line 5, by striking "2008" and inserting "2009"; by striking all in lines 39 through 43;

On page 5, by striking all in lines 1 through 15 and inserting the following:

"Sec. 2. K.S.A. 2009 Supp. 8-2504 is hereby amended to read as follows: 8-2504. (a)

(1) From and after ~~July 1, 2007, and prior to January 1, 2008~~ *the effective date of this act and prior to June 30, 2010*, a law enforcement officer shall issue a warning citation to anyone violating subsection ~~(b)~~ (a) of K.S.A. 8-2503, and amendments thereto;

(2) *from and after June 30, 2010, until July 1, 2011*, persons violating subsection (a) of K.S.A. 8-2503, and amendments thereto, shall be fined ~~\$30~~ \$5 including court costs; ~~and~~

(3) *from and after July 1, 2011, persons violating subsection (a) of K.S.A. 8-2503, and amendments thereto, shall be fined \$10 including court costs; and*

~~(3) from and after January 1, 2008;~~ (4) persons violating subsection (b) of K.S.A. 8-2503, and amendments thereto, shall be fined \$60 including court costs.

(b) No court shall report violation of this act to the department of revenue.

(c) Evidence of failure of any person to use a safety belt shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

Sec. 3. K.S.A. 2009 Supp. 8-2503 and 8-2504 are hereby repealed.";

And by renumbering the remaining section accordingly;

In the title, in line 21, by striking "2008" and inserting "2009";

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

DWAYNE UMBARGER

BOB MARSHALL

KELLY KULTALA

Conferees on part of Senate

GARY K. HAYZLETT

JENE VICKREY

MARGARET LONG

Conferees on part of House

Senator Umbarger moved the Senate adopt the Conference Committee Report on **HB 2130**.

HB 2130, An act relating to motor vehicles; concerning the use of safety belts; amending K.S.A. 2008 Supp. 8-2503 and 8-2504 and repealing the existing sections.

On roll call, the vote was: Yeas 29, Nays 8, Present and Passing 0, Absent or Not Voting 3.

Yeas: Apple, Barnett, Brownlee, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, McGinn, Morris, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Abrams, Huelskamp, Marshall, Masterson, Petersen, Pilcher-Cook, Pyle, Wagle.

Absent or Not Voting: Bruce, Ostmeyer, Steineger.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "AYE" on the Conference Committee Report on **HB 2130**. The verdict has long been in. Consistent seat belt usage reduces traffic injuries and traffic fatalities. The more that a motorist; driver or passenger engages in "buckling up," the more likely that motorist is to survive an accident. **HB 2130**, besides its \$11.5 million federal carrot, is just plain-good, common-sense, public safety policy. My voting record shows that David Haley, as both a Representative and Senator, has always supported increased usage of safety harnesses... with law enforcement encouraged compliance. But Mr. President... I would be remiss at this juncture to not remind the Chamber and this Legislature of the specter of law enforcement who for no probable cause whatsoever harass and detain law

abiding motorists for no other reason but “profiling.” This practice, and it bears repeating for the record, has been OUTLAWED in our state but allegations continue to abound. A bill that would require uniform statistical data for all traffic stops has been derailed in the Senate by powerful forces; protecting this classist and illegal practice. We could prove, or disprove, that gender or race or county of origin was a factor by a rogue cop or inattentive department in repeated stops with this data. Today, because of our need for public safety and more federal money, we overwhelmingly approve what might be another flimsy pretext for profiling. — DAVID HALEY

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1886—

A RESOLUTION recognizing the former Sumner High School in Kansas City, Kansas and encouraging participation in “Sumner in the City,” the fourth National Convention presented by the Sumner High School Alumni Association of Kansas City, Kansas, Inc., which takes place July 15-18, 2010.

WHEREAS, Sumner High School in Kansas City, Kansas opened its doors in 1905 after the Kansas legislature enacted House Bill No. 890, which segregated schools and called for the creation of a school exclusively for African-American students; and

WHEREAS, The school was named after Charles Sumner, a United States Senator, who fought hard for the emancipation of slaves and equal rights in the 1850’s. From the beginning, Sumner High School was built with the highest standards and was noted for the high ranking of its staff, with many not only having Bachelor’s Degrees, but Master’s Degrees as well; and

WHEREAS, In the 1930’s, the school had grown and become overcrowded and outdated, so a new building was constructed. The new Sumner High School was occupied in 1940. In the spring of 1978 the school closed. It was reopened as Sumner Academy of Arts and Sciences, a magnet school for highly motivated and academically talented students, continuing the same tradition the founders had in mind for the original school; and

WHEREAS, The Sumner High School Alumni Association, which began in 1984, has as one of its chief goals to preserve, protect and promote the high goals of Sumner High School. They are presenting their fourth National Convention, “Sumner in the City,” from July 15-18, 2010. “Continuing to Build on Our Greatness” will be the theme for this year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we acknowledge and honor the historically significant and academically impressive Sumner High School and encourage all Kansans to share in remembering this school and celebrating their future endeavors during the “Sumner in the City” National Convention, taking place July 15-18, 2010 in Kansas City, Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to send four enrolled copies of this resolution to Senator Haley.

On emergency motion of Senator Haley **SR 1886** was adopted unanimously.

REPORT ON ENGROSSED BILLS

SB 452 reported correctly re-engrossed May 8, 2010.

On motion of Senator D. Schmidt, the Senate recessed until 5:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

The House adopts the conference committee report on **SB 131**.

The House adopts the conference committee report on **House Substitute for SB 293**.
Announcing passage of **House Substitute for SB 572**.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 131; H Sub for SB 293; S Sub for HB 2356**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 131**, 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 all in lines 18 through 43;

By striking all on page 2 and inserting the following:

“Section 1. K.S.A. 2009 Supp. 74-32,162 is hereby amended to read as follows: 74-32,162. K.S.A. 2009 Supp. 74-32,163 through 74-32,183 *and section 9, and amendments thereto*, shall be known and may be cited as the Kansas private and out-of-state postsecondary educational institution act.

Sec. 2. K.S.A. 2009 Supp. 74-32,163 is hereby amended to read as follows: 74-32,163. As used in the Kansas private and out-of-state postsecondary educational institution act:

(a) “Academic degree” means any associate, bachelor’s, ~~first~~ professional, master’s, ~~intermediate (specialist) or doctor’s specialist or doctoral~~ degree.

(b) “Accreditation” means an accreditation by an agency recognized by the United States department of education.

(c) “Branch campus” means any subsidiary place of business maintained within the state of Kansas by an institution at a site which is separate from the site of the institution’s principal place of business and at which the institution offers a course or courses of instruction or study identical to the course or courses of instruction or study offered by the institution at its principal place of business.

(d) “Commission” means the advisory commission on private and out-of-state postsecondary educational institutions established pursuant to ~~this act~~ K.S.A. 2009 Supp. 74-32,166, *and amendments thereto*.

(e) “Distance education” means any course delivered primarily by use of correspondence study, audio, video or computer technologies.

(f) “Out-of-state postsecondary educational institution” means a postsecondary educational institution chartered, incorporated or otherwise organized under the laws of any jurisdiction other than the state of Kansas.

(g) “Institution” means an out-of-state or private postsecondary educational institution.

(h) “Institution employee” means any person, other than an owner, who directly or indirectly receives compensation from an institution for services rendered.

(i) “Owner of an institution” means:

(1) In the case of an institution owned by an individual, that individual;

(2) in the case of an institution owned by a partnership, all full, silent and limited partners;

(3) in the case of an institution owned by a corporation, the corporation, its directors, officers and each shareholder owning shares of issued and outstanding stock aggregating at least 10% of the total of the issued and outstanding shares; and

(4) in the case of an institution owned by a limited liability company, the company, its managers and all its members.

(j) “Person” means an individual, firm, partnership, association or corporation.

(k) “Physical presence” means:

(1) The employment in Kansas of a Kansas resident for the purpose of administering, coordinating, teaching, training, tutoring, counseling, advising or any other activity on behalf of the institution; ~~or~~; *or*

(2) The delivery of, or the intent to deliver, instruction in Kansas with the assistance from any entity within the state in delivering the instruction including, but not limited to, a cable television company or a television broadcast station that carries instruction sponsored by the institution.

(l) "Private postsecondary educational institution" means an entity which:

(1) Is a business enterprise, whether operated on a profit or not-for-profit basis, which has a physical presence within the state of Kansas or which solicits business within the state of Kansas;

(2) offers a course or courses of instruction or study through classroom contact or by distance education, or both, for the purpose of training or preparing persons for a field of endeavor in a business, trade, technical or industrial occupation or which offers a course or courses leading to an academic degree; and

(3) is not specifically exempted by the provisions of this act.

(m) "Representative" means any person employed by an institution to act as an agent, solicitor or broker to procure students or enrollees for the institution ~~by solicitation within this state at any place other than the office or a place of business of the institution.~~

(n) "State board" means the ~~Kansas~~ *state* board of regents or the board's designee.

(o) "Support" or "supported" means the primary source and means by which an institution derives revenue to perpetuate operation of the institution.

(p) "University" means a postsecondary educational institution authorized to offer ~~bachelor degrees together with graduate or first professional degrees~~ *any degree including a bachelor, graduate or professional degree.*

(q) "State educational institution" means any state educational institution as defined by K.S.A. 76-711, and amendments thereto.

~~(r) "This act" means the Kansas private and out-of-state postsecondary educational institution act.~~

Sec. 3. K.S.A. 2009 Supp. 74-32,167 is hereby amended to read as follows: 74-32,167.

(a) No institution may operate within this state without obtaining a certificate of approval from the state board as provided in this act. No institution shall confer or award any degree, *certificate or diploma*, whether academic or honorary, unless such institution has been approved for such purpose by the state board ~~of regents.~~

(b) Any contract entered into by or on behalf of any owner, employee or representative of an institution which is subject to the provisions of this act, but which has not obtained a certificate of approval, shall be unenforceable in any action.

Sec. 4. K.S.A. 2009 Supp. 74-32,168 is hereby amended to read as follows: 74-32,168.

(a) Each institution shall apply to the state board for a certificate of approval. ~~An institution shall not be required to obtain a separate certificate of approval for maintenance of any branch institution. An institution which opens or maintains a branch campus shall notify the state board that it has opened or is maintaining a branch campus. Such branch campus shall be subject to review by the state board to determine whether it complies with the provisions of this act and the standards of the state board established pursuant thereto.~~

(b) An application for a certificate of approval shall be made on a form prepared and furnished by the state board and shall contain such information as may be required by the state board.

(c) The state board may issue a certificate of approval upon determination that an institution meets the standards established by the state board. The state board may issue a certificate of approval to any institution accredited by a regional or national accrediting agency recognized by the United States department of education without further evidence.

Sec. 5. K.S.A. 2009 Supp. 74-32,169 is hereby amended to read as follows: 74-32,169. The state board shall issue a certificate of approval to an institution when the state board is satisfied that the institution meets minimum standards established by the state board by adoption of rules and regulations to insure that:

(a) Courses, curriculum and instruction are of such quality, content and length as may reasonably and adequately ensure achievement of the stated objective for which the courses, curriculum or instruction are offered;

(b) institutions have adequate space, equipment, instructional material and personnel to provide education and training of good quality;

(c) educational and experience qualifications of directors, administrators and instructors are such as may reasonably insure that students will receive instruction consistent with the objectives of their program of study;

(d) institutions maintain written records of the previous education and training of students and applicant students, and that training periods are shortened when warranted by such previous education and training or by skill or achievement tests;

(e) a copy of the course outline, schedule of tuition, fees and other charges, settlement policy, rules pertaining to absence, grading policy and rules of operation and conduct are furnished to students upon entry into class;

(f) upon completion of training or instruction, students are given certificates, diplomas or degrees as appropriate by the institution indicating satisfactory completion of the program;

(g) adequate records are kept to show attendance, satisfactory academic progress and enforcement of satisfactory standards relating to attendance, progress and conduct;

(h) institutions comply with all local, state and federal regulations;

(i) institutions are financially responsible and capable of fulfilling commitments for instruction;

(j) institutions do not utilize erroneous or misleading advertising, either by actual statement, omission or intimation; ~~and~~

(k) institutions have and maintain a policy, which shall be subject to state board approval, for the refund of unused portions of tuition, fees and other charges if a student enrolled by the institution fails to begin a course or withdraws or is discontinued therefrom at any time prior to completion. Such policies shall take into account those costs of the institution that are not diminished by the failure of the student to enter or complete a course of instruction; *and*

(l) institutions adopt, publish and adhere to a procedure for handling student complaints. Institutions shall post information so that students will be aware of the complaint process available to them. The information shall be posted in locations that are used or seen by all students on a regular basis such as the institution's web site, enrollment agreement, catalogue or other media.

Sec. 6. K.S.A. 2009 Supp. 74-32,170 is hereby amended to read as follows: 74-32,170.

(a) After review of an application for a certificate of approval and if the state board determines that the institution meets the requirements of this act *and the standards established by the state board*, the state board shall issue a certificate of approval to the institution. Certificates of approval shall be in a form specified by the state board. Certificates of approval shall state:

(1) The date of issuance and term of approval;

(2) the correct name and address of the institution;

(3) the signature of the chief executive officer of the ~~Kansas board of regents~~ *state board* or a person designated by the state board to administer the provisions of this act; and

(4) any other information required by the state board.

(b) Certificates of approval shall be valid for a term of one year.

(c) Each certificate of approval shall be issued to the owner of an institution and shall not be transferable. If a change in ownership of an institution occurs, the new owner shall apply within ~~30~~ 60 days prior to the change in ownership for a new certificate of approval. The state board may waive the ~~thirty-day~~ *sixty-day* requirement upon determination that an emergency exists and that the waiver and change in ownership would be in the best interests of students currently enrolled in the institution. Whenever a change in ownership occurs as a result of death, court order or operation of law, the new owner shall apply immediately for a new certificate of approval.

(d) At least ~~60~~ 120 days prior to expiration of a certificate of approval, the state board shall forward to the institution a renewal application form. *Any institution desiring to renew its certificate of approval, shall complete and submit the application for renewal to the state board at least 60 days prior to the expiration of the institution's certificate of approval.*

~~(e) Any institution which is not yet in operation when its application for a certificate of approval is filed shall not accept payments for tuition, fees or other enrollment charges until receipt of the certificate of approval.~~

(e) *Unless exempt from the provisions of this act pursuant to K.S.A. 2009 Supp. 74-32,164, and amendments thereto, an institution shall not accept payments for tuition, fees or other enrollment charges until the institution receives a certificate of approval from the state board.*

(f) Any institution which does not plan to renew a certificate of approval shall notify the state board of its intent not to renew at least 60 days prior to the expiration date of the certificate of approval.

Sec. 7. K.S.A. 2009 Supp. 74-32,178 is hereby amended to read as follows: 74-32,178. Upon application of the attorney general or a county or district attorney, a district court shall have jurisdiction to enjoin any violation of this act and to enjoin persons from engaging in business in this state. In any action brought to enforce the provisions of this act, if the court finds that a person willfully used any deceptive or misleading act or practice *or operates an institution without first obtaining and maintaining a certificate of approval*, the attorney general or a county or district attorney, upon petition to the court, may recover on behalf of the state, in addition to the criminal penalties provided in this act, a civil penalty not exceeding ~~\$1,000~~ \$5,000 for each violation. For purposes of this section, ~~a willful~~ *an intentional* violation occurs when the person committing the violation knew or should have known that the conduct of the person consisted of acts or practices which were deceptive or misleading *including the operation of an institution without first obtaining a certificate of approval from the state board. Any violation of this act or any rule or regulation adopted pursuant thereto is a deceptive act or practice under the Kansas consumer protection act. Any remedy provided by this act shall be in addition to any other remedy provided by the Kansas consumer protection act.*

Sec. 8. K.S.A. 2009 Supp. 74-32,181 is hereby amended to read as follows: 74-32,181. (a) *This section is subject to the provisions of section 9, and amendments thereto.*

(b) The state board shall fix, charge and collect fees for certificates of approval, registration of representatives and providing transcripts to students who attended an institution that has ceased operation by adopting rules and regulations for such purposes, subject to the following limitations:

(1) For institutions domiciled or having their principal place of business within the state of Kansas:

Initial issuance of certificate of approval nondegree granting — not more than	\$1,700
Initial issuance of certificate of approval degree granting — not more than	..... \$2,000
Renewal of certificate of approval nondegree granting — not more than	..... \$1,200
Renewal of certificate of approval degree granting — not more than	..... \$1,600
Initial registration of representative — not more than	..... \$150
Annual renewal of registration of representative — not more than	..... \$100

(2) For institutions domiciled or having their principal place of business outside the state of Kansas:

Initial issuance of certificate of approval nondegree granting — not more than	\$3,400
Initial issuance of certificate of approval degree granting — not more than	..... \$3,800
Renewal of certificate of approval nondegree granting — not more than	..... \$2,400
Renewal of certificate of approval degree granting — not more than	..... \$2,800
Initial registration of representative — not more than	..... \$300
Annual renewal of registration of representative — not more than	..... \$200
Student transcript from institution that has ceased operation — not more than	\$10

(c) *Fees shall not be refundable.*

(d) *If there is a change in the ownership of an institution and, if at the same time, there also are changes in the institution's programs of instruction, location, entrance requirements or other changes, the institution shall be required to submit an application for an initial certificate of approval and shall pay all applicable fees associated with an initial application.*

(e) *An application for renewal shall be deemed late if the applicant fails to submit a completed application for renewal, or documentation requested by the state board to complete the renewal process, before the expiration date of the current certificate of approval.*

(f) The state board shall determine on or before June 1 of each year the amount of revenue which will be required to properly carry out and enforce the provisions of the

Kansas private and out-of-state postsecondary educational institution act for the next ensuing fiscal year and shall fix the fees authorized for such year at the sum deemed necessary for such purposes within the limits of this section. Prior to adoption of any such fees, the state board shall afford the advisory commission an opportunity to make recommendations on the proposed fees.

(g) Fees may be charged to conduct onsite reviews for degree granting *and non-degree granting institutions* or to review curriculum in content areas where the state board does not have expertise.

New Sec. 9. (a) During fiscal year 2011, the state board shall collect the fees fixed by this section.

(1) For institutions domiciled or having their principal place of business within the state of Kansas:

Initial application fees:

Non-degree granting institution	\$2,000
Degree granting institution	\$3,000

Initial evaluation fees (in addition to initial application fees):

Non-degree level	\$750
Associate degree level	\$1,000
Baccalaureate degree level	\$2,000
Master's degree level	\$3,000
Professional and/or doctoral degree level	\$4,000

Renewal application fees:

Non-degree granting institution	0.2 percent of gross tuition, but not less than \$1,200 nor more than \$25,000
Degree-granting institution	0.2 percent of gross tuition, but not less than \$1,600 nor more than \$25,000

New program submission fees, for each new program:

Non-degree program	\$250
Associate degree program	\$500
Baccalaureate degree program	\$750
Master's degree program	\$1,000
Professional and/or doctoral degree program	\$2,000
Program modification fee, for each program	\$100

Branch campus site fees, for each branch campus site:

Initial non-degree granting institution	\$1,500
Initial degree granting institution	\$2,500

Renewal branch campus site fees, for each branch campus site:

Non-degree granting institution	0.2 percent of gross tuition, but not less than \$1,200 nor more than \$25,000
Degree-granting institution	0.2 percent of gross tuition, but not less than \$1,600 nor more than \$25,000

On-site branch campus review fee, for each site

	\$250
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Representative fees:

Initial registration	\$200
Renewal of registration	\$150
Late submission of renewal of application fee	\$125
Student transcript copy fee	\$10
Returned check fee	\$50

Changes in institution profile fees:

Change of institution name	\$100
Change of institution location	\$100
Change of ownership only	\$100

(2) For institutions domiciled or having their principal place of business outside the state of Kansas:

Initial application fees:

Non-degree granting institution	\$4,000
Degree granting institution	\$5,500

Initial evaluation fees (in addition to initial application fees):

Non-degree level	\$1,500
Associate degree level	\$2,000
Baccalaureate degree level	\$3,000
Master's degree level	\$4,000
Professional and/or doctoral degree level	\$5,000

Renewal application fees:

Non-degree granting institution	0.3 percent, but not less than \$2,400 nor more than \$25,000
Degree-granting institution	0.3 percent, but not less than \$3,000 nor more than \$25,000

New program submission fees, for each new program:

Non-degree granting program	\$500
Associate degree program	\$750
Baccalaureate degree program	\$1,000
Master's degree program	\$1,500
Professional and/or doctoral degree program	\$2,500
Program modification fee, for each program	\$100

Branch campus site fees, for each branch campus site:

Initial non-degree granting institution	\$4,000
Initial degree granting institution	\$5,500

Renewal branch campus site fees, for each branch campus site:

Non-degree granting institution	0.3 percent, but not less than \$2,400 nor more than \$25,000
Degree-granting institution	0.3 percent, but not less than \$3,000 nor more than \$25,000

On-site branch campus review fee, for each site

\$500

Representative fees:

Initial registration	\$350
Renewal of registration	\$250
Late submission of renewal of application fee	\$125
Student transcript copy fee	\$10
Returned check fee	\$50

Changes in institution profile fees:

Change of institution name	\$100
Change of institution location	\$100
Change of ownership only	\$100

(b) Fees shall not be refundable.

(c) If there is a change in the ownership of an institution and, if at the same time, there also are changes in the institution's programs of instruction, location, entrance requirements or other changes, the institution shall be required to submit an application for an initial certificate of approval and shall pay all applicable fees associated with an initial application.

(d) An application for renewal shall be deemed late if the applicant fails to submit a completed application for renewal, or documentation requested by the state board to complete the renewal process, before the expiration date of the current certificate of approval.

(e) Fees may be charged to conduct onsite reviews for degree granting and non-degree granting institutions or to review curriculum in content areas where the state board does not have expertise.

New Sec. 10. Within the limits of appropriations therefore, the state board shall develop and maintain a statewide data collection system to collect and analyze private and out-of-state postsecondary educational information, including, but not limited to, student, course, financial aid and program demographics that will assist the board in improving the quality of private and out-of-state postsecondary education.

Sec. 11. K.S.A. 2009 Supp. 46-247 is hereby amended to read as follows: 46-247. The following individuals shall file written statements of substantial interests, as provided in K.S.A. 46-248 to 46-252, inclusive, and amendments thereto:

(a) Legislators and candidates for nomination or election to the legislature.
 (b) Individuals holding an elected office in the executive branch of this state, and candidates for nomination or election to any such office.
 (c) State officers, employees and members of boards, councils and commissions under the jurisdiction of the head of any state agency who are listed as designees by the head of a state agency pursuant to K.S.A. 46-285, and amendments thereto.

(d) Individuals whose appointment to office is subject to confirmation by the senate whether or not such individual is a state officer or employee.

(e) General counsels for state agencies irrespective of how compensated.

(f) The administrator or executive director of the education commission of the states, the interstate compact on agricultural grain marketing, the Mo-Kan metropolitan development district and agency compact, the Kansas City area transportation district and authority compact, the midwest nuclear compact, the central interstate low-level radioactive waste compact, the multistate tax compact, the Kansas-Oklahoma Arkansas river basin compact, the Kansas-Nebraska Big Blue river compact, and the multistate lottery.

(g) Private consultants under contract with any agency of the state of Kansas to evaluate bids for public contracts or to award public contracts.

(h) ~~From and after January 1, 2003,~~ Any faculty member or other employee of a postsecondary educational institution as defined by K.S.A. 74-3201b, and amendments thereto, who provides consulting services and who, on behalf of or for the benefit of the person for which consulting services are provided:

(1) Promotes or opposes action or nonaction by any federal agency, any state agency as defined by K.S.A. 46-224, and amendments thereto, or any political subdivision of the state or any agency of such political subdivision or a representative of such state agency, political subdivision or agency; or

(2) promotes or opposes action or nonaction relating to the expenditure of public funds of the federal government, the state or political subdivision of the state or agency of the federal government, state or political subdivision of the state.

(i) Except as provided by K.S.A. 2009 Supp. 46-247a, and amendments thereto, any faculty member who receives an annual salary of \$150,000 or more, other than an adjunct faculty member, who is employed by a state education institution as defined by K.S.A. 76-711, and amendments thereto.

Sec. 12. K.S.A. 2009 Supp. 46-247, 46-247a, 74-32,162, 74-32,163, 74-32,167, 74-32,168, 74-32,169, 74-32,170, 74-32,178 and 74-32,181 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, by striking all in lines 14 and 15 and inserting “AN ACT concerning postsecondary educational institutions; relating to the regulation thereof; relating to certain faculty thereof; amending K.S.A. 2009 Supp. 46-247, 74-32,162, 74-32,163, 74-32,167, 74-32,168, 74-32,169, 74-32,170, 74-32,178 and 74-32,181 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 46-247a.”;

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

CLAY AURAND
 DEENA HORST
 VALDENIA WINN

Conferees on part of House

JEAN SCHODORF
 JOHN VRATIL
 ANTHONY HENSLEY
Conferees on part of Senate

Senator Schodorf moved the Senate adopt the Conference Committee Report on **SB 131**.

On roll call, the vote was: Yeas 31, Nays 7, Present and Passing 0, Absent or Not Voting 2.

Yeas: Apple, Barnett, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, McGinn, Morris, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Brownlee, Huelskamp, Masterson, Petersen, Pilcher-Cook, Pyle.

Absent or Not Voting: Bruce, Ostmeyer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 293**, 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 as House Substitute for Senate Bill No. 293, as follows:

On page 1, by striking all in lines 13 through 39 and inserting the following:

“New Section 1. United States highway 75 from the southern city limits of Holton then south on United States highway 75 to the junction of United States highway 75 and N.W. 46th street in Shawnee county is hereby designated as the Lane Freedom Trail. The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the highway is the Lane Freedom Trail, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

Sec. 2. K.S.A. 68-1051 is hereby amended to read as follows: 68-1051. The portion of United States highway 75 where it enters the state on the Kansas-Nebraska border on the north then south to the junction with K-9 then west to the junction of K-9 with K-62 then south to the junction of K-62 with K-16 then east to the junction with United States highway 75 then south on United States highway 75 to the southern city limits of Holton, then from the junction of United States highway 75 and N.W. 46th street in Shawnee county then south on United States highway 75 to the Kansas-Oklahoma border, is hereby designated the purple heart/combat wounded veterans highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the purple heart/combat wounded veterans highway. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

Sec. 3. K.S.A. 68-1051 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, by striking all in lines 9 and 10 and inserting the following:

“AN ACT designating part of United States highway 75 as the Lane Freedom Trail; amending K.S.A. 68-1051 and repealing the existing section.”;

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

GARY K. HAYZLETT
 JENE VICKREY
 MARGARET LONG
Conferees on part of House

DWAYNE UMBARGER
 BOB MARSHALL
 KELLY KULTALA
Conferees on part of Senate

Senator Umbarger moved the Senate adopt the Conference Committee Report on **H Sub for SB 293**.

On roll call, the vote was: Yeas 34, Nays 4, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Lynn, Marshall, Masterson, McGinn, Morris, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Emler, Kultala, Lee, Steineger.

Absent or Not Voting: Bruce, Ostmeyer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2356**, 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 as SENATE Substitute for House Bill No. 2356, as follows:

On page 1, in line 17, by striking “(a) Children in family child care homes, as defined”; by striking all in lines 18 through 43;

On page 2, by striking all in line 1 and inserting: “The changes to law in this act shall be known as Lexie’s law.”;

On page 3, by striking all in lines 26 through 35; in line 36, by striking “(d)” and inserting “(c)”;

On page 4, in line 6, after the stricken “or” by inserting “or”; in line 9, by striking “; or” and inserting a period; by striking all in line 10; in line 13, by striking “(e)” and inserting “(d)”;

in line 15, by striking “(f)” and inserting “(e)”;

in line 30, after the period, by inserting: “The license shall have on its face an expiration sticker stating the date of expiration of the license.”;

On page 5, in line 41, by striking “the” and inserting “a”; in line 42, after “be” by inserting “permanently”;

On page 6, in line 3, by inserting before “act” the following: “Kansas judicial review”; also in line 3, by striking all after “act”; in line 4, by striking all before the period; after line 4, by inserting the following:

“Sec. 6. K.S.A. 65-505 is hereby amended to read as follows: 65-505. (a) The annual fee for a license to conduct a maternity center or child care facility shall be fixed by the secretary of health and environment by rules and regulations in an amount not exceeding the following:

(1) For a maternity center, ~~\$75~~ \$150;

(2) for a child placement agency, ~~\$75~~ \$150;

(3) for a child care resource and referral agency, ~~\$75~~ \$150; and

(4) for any other child care facility, ~~\$35~~ \$75 plus \$1 times the maximum number of children authorized under the license to be on the premises at any one time.

The license fee shall be paid to the secretary of health and environment when the license is applied for and annually thereafter. The fee shall not be refundable. No fee shall be charged for a license to conduct a home for children which is a family foster home as defined in K.A.R. 28-4-311, and amendments thereto. Fees in effect under this subsection (a) immediately prior to the effective date of this act shall continue in effect on and after the effective date of this act until a different fee is established by the secretary of health and environment by rules and regulations under this subsection.

(b) Any ~~person licensee~~ who fails to renew ~~the person's such~~ license within ~~the time~~ required by rules and regulations of the secretary *30 days after the expiration of the license*

shall pay to the secretary the *renewal fee plus a late renewal fee of \$10 in an amount equal to the fee for the renewal of a license.*

(c) Any licensee applying for an amended license shall pay to the secretary of health and environment a fee established by rules and regulations of the secretary in an amount not exceeding \$35.

(d) The secretary of health and environment shall remit all moneys received by the secretary from fees under the provisions of this section 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, *notwithstanding any other law to the contrary,* shall deposit the entire amount in the state treasury to the credit of the ~~state general~~ *maternity centers and child care licensing fee fund. All expenditures from the maternity centers and child care licensing fee fund shall be made only for the purposes of article 5 of chapter 65 of the Kansas Statutes Annotated in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or by a person or persons designated by the secretary. Notwithstanding any other law to the contrary, no moneys shall be transferred or otherwise revert from this fund to the state general fund by appropriation act or other act of the legislature. Moneys available under this section by the creation of the maternity centers and child care licensing fee fund shall not be substituted for or used to reduce or eliminate moneys available to the department of health and environment to administer the provisions of article 5 of chapter 65 of the Kansas Statutes Annotated. Nothing in this act shall be construed to authorize a reduction or elimination of moneys made available by the state to local units of government for the purposes of article 5 of chapter 65 of the Kansas Statutes Annotated.”;*

Also on page 6, after line 24, by inserting the following:

“Sec. 8. K.S.A. 65-508 is hereby amended to read as follows: 65-508. (a) Any maternity center or child care facility subject to the provisions of this act shall: (1) Be properly heated, plumbed, lighted and ventilated; (2) have plumbing, water and sewerage systems which conform to all applicable state and local laws; and (3) be operated with strict regard to the health, comfort, safety and social welfare of the residents.

(b) Every maternity center or child care facility shall furnish or cause to be furnished for the use of each resident and employee individual towel, wash cloth, comb and individual drinking cup or sanitary bubbling fountain, and toothbrushes for all other than infants, and shall keep or require such articles to be kept at all times in a clean and sanitary condition. Every maternity center or child care facility shall comply with all applicable fire codes and rules and regulations of the state fire marshal.

(c) (1) The secretary of health and environment with the cooperation of the secretary of social and rehabilitation services shall develop and adopt rules and regulations for the operation and maintenance of maternity centers and child care facilities. The rules and regulations for operating and maintaining maternity centers and child care facilities shall be designed to promote the health, safety and welfare of the residents who are to be served in such facilities by ensuring safe and adequate physical surroundings, healthful food, *adequate handwashing, safe storage of toxic substances and hazardous chemicals, sanitary diapering and toileting, home sanitation,* supervision and care of the residents by capable, qualified persons of sufficient number, *after hour care,* an adequate program of activities and services, *sudden infant death syndrome and safe sleep practices training, prohibition on corporal punishment, crib safety, protection from electrical hazards, protection from swimming pools and other water sources, fire drills, emergency plans, safety of outdoor playground surfaces, door locks, safety gates and transportation* and such appropriate parental participation as may be feasible under the circumstances. Boarding schools are excluded from requirements regarding the number of qualified persons who must supervise and provide care to residents. *The notice of hearing on initial rules and regulations proposed to be adopted to carry out the amendments to this subsection (c)(1) by this act shall be published in the Kansas register after February 14, 2011, but prior to March 11, 2011.*

(2) *Rules and regulations developed under this subsection shall include provisions for the competent supervision and care of children in child care facilities. For purposes of such rules and regulations, competent supervision as this term relates to children less than five years of age includes, but is not limited to, direction of activities, adequate oversight including*

sight or sound monitoring, or both, physical proximity to children, diapering and toileting practices; and for all children, competent supervision includes, but is not limited to, planning and supervision of daily activities, safe sleep practices, including, but not limited to, visual or sound monitoring, periodic checking, emergency response procedures and drills, illness and injury response procedures, food service preparation and sanitation, playground supervision, pool and water safety practices. The notice of hearing on initial rules and regulations proposed to be adopted under this subsection (c)(2) shall be published in the Kansas register after February 14, 2011, but prior to March 11, 2011.

(d) Each child cared for in a child care facility, including children of the person maintaining the facility, shall be required to have current such immunizations as the secretary of health and environment considers necessary. The person maintaining a child care facility shall maintain a record of each child's immunizations and shall provide to the secretary of health and environment such information relating thereto, in accordance with rules and regulations of the secretary, but the person maintaining a child care facility shall not have such person's license revoked solely for the failure to have or to maintain the immunization records required by this subsection.

(e) The immunization requirement of subsection (d) shall not apply if one of the following is obtained:

(1) Certification from a licensed physician stating that the physical condition of the child is such that immunization would endanger the child's life or health; or

(2) a written statement signed by a parent or guardian that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.”;

Also on page 6, in line 27, after “months” by inserting “prior to July 1, 2012, and once every 12 months thereafter.”; in line 40, by striking all after “(1)”;

by striking all in line 41 and inserting: “On or after the effective date of this act, the secretary of health and environment shall commence the inspection of registered family day care homes pursuant to section 17 and amendments thereto.”; by striking all in lines 42 and 43;

On page 7, by striking all in lines 1 through 5; in line 6, by striking “(3)” and inserting “(2)”;

in line 13, by striking all after “(1)”;

by striking all in lines 14 and 15; in line 16, by striking all before “categories” and inserting “Except as provided in subsection (b)(2), the following”;

in line 17, by striking “subject to this requirement are” and inserting “which were in compliance on the effective date of this act are not required to be inspected until July 1, 2011”;

by striking all in lines 22 through 24; in line 25, by striking “(3)” and inserting “(2)”;

also in line 25, by striking “2013” and inserting “2011”;

On page 9, in line 9, by striking the comma after “65-508” and inserting “and”;

also in line 9, by striking “and 65-519”;

in line 43, before “act” by inserting “Kansas judicial review”;

also in line 43, by striking “for judicial review and civil enforcement of agency actions”;

On page 10, preceding line 30, by inserting:

“(j) Except as provided in this subsection, no person shall maintain a child care facility unless such person is a high school graduate or the equivalent thereof. The provisions of this subsection shall not apply to any person who was maintaining a child care facility on the day immediately prior to the effective date of this act or who has an application for an initial license or the renewal of an existing license pending on the effective date of this act.”;

On page 11, in line 2, by striking “or registration”;

in line 19, before “K.S.A.” by inserting “On and after May 1, 2011.”;

On page 12, by striking all in lines 4 through 7; in line 8, by striking “(d)” and inserting “(c)”;

also in line 8, by striking “may” and inserting “shall”;

after line 25, by inserting the following:

“(d) Any records under subsection (a), (b) or (c) shall be available to any member of the standing committee on appropriations of the house of representatives or the standing committee on ways and means of the senate carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by 2/3 of the members of such committee, records received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. Such records shall not identify individuals but shall include data and contract information concerning specific facilities.”;

On page 13, in line 7, by striking the comma after “28-4-113” and inserting “and”; in line 8, by striking all after “28-4-113”; by striking all in line 9; in line 10, by striking “thereto”;

On page 14, by striking all in lines 23 through 29 and inserting the following:

“New Sec. 17. (a) Except as otherwise provided in this section, a family day care home which holds a valid certificate of registration on the effective date of this act shall be deemed to have applied for a license as a day care home but shall continue to operate as a family day care home under the statutes and rules and regulations amended or repealed by this act which were applicable to family day care homes as such statutes were in effect immediately prior to the effective date of this act until such time that an inspection has been conducted, the home has qualified for licensure as a day care home, all applicable fees have been paid and an initial license as a day care home is duly issued by the secretary of health and environment, at which time the home shall be a licensed day care home and shall be governed by statutes and rules and regulations relating to day care homes.

(b) Notwithstanding the provisions of subsection (a):

(1) On and after the effective date of this act, all family day care homes, in addition to the statutes as provided in subsection (a), shall be subject to the following: The provisions of subsection (e) of K.S.A. 65-504, and amendment thereto, as amended by section 5 of this act; any rules and regulations adopted on and after the effective date of this act based on new authority granted by the amendments to K.S.A. 65-508 as amended by section 8 of this act; the provisions of subsection (j) of K.S.A. 65-516, and amendments thereto, as amended by section 10 of this act; inspections under the provisions of K.S.A. 65-512, as amended in section 9 of this act; K.S.A. 65-525, and amendments thereto, as amended by section 13 of this act; and K.S.A. 65-530, and amendments thereto, as amended by section 15 of this act; this section; and in addition to these statutes any other statutes or rules and regulations applicable to family day care homes; and

(2) a family day care home which has not yet been inspected and issued a license under this act shall pay the fee established by K.S.A. 65-505, and amendments thereto, for any other child care facility for renewal of a certificate of registration and not the fee specified in K.S.A. 65-519, and amendments thereto.

(c) The secretary of health and environment shall adopt such rules and regulations as may be necessary to administer the provisions of this section. Such rules and regulations shall include, but not be limited to, a time line subsequent to inspection of registered family day care homes for the transition of registered family day care homes to licensed day care homes and such other matters as may be necessary for the transition of registered family day care homes to licensed day care homes. Such rules and regulations shall be adopted within 60 days following the effective date of this act.

(d) The registration category of family day care homes shall cease to exist on June 30, 2011. The provisions of this section shall expire July 1, 2011.

New Sec. 18. On or before July 1, 2011, the secretary of health and environment shall establish or cause to be established an online information dissemination system that is accessible to the public, including names of licensees, applicants and history of citations and substantiated findings. The secretary of health and environment shall adopt rules and regulations which are consistent with the requirements for the receipt of child care ARRA funds and which provide for the establishment of an online information dissemination system in accordance with the provisions of this subsection. The notice of hearing on the initial rules and regulations proposed to be adopted under this subsection shall be published in the Kansas register after February 14, 2011, but prior to March 11, 2011.

Sec. 19. On May 1, 2011, K.S.A. 2009 Supp. 65-525 is hereby repealed.”;

And by renumbering sections accordingly;

Also on page 14, in line 30, after “65-504,” by inserting “65-505,”; also in line 30, after “65-506,” by inserting “65-508,”; in line 32, by striking “, 65-525”; in line 35, by striking “Kansas register” and inserting “statute book”;

In the title, in line 10, by striking all after “facilities”; in line 11, by striking “homes”; also in line 11, after “65-504,” by inserting “65-505,”; also in line 11, after “65-506,” by inserting “65-508,”;

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

JIM BARNETT
VICKI SCHMIDT
LAURA KELLY
Conferees on part of Senate

BRENDA LANDWEHR
DAVID J. CRUM
GERALDINE FLAHARTY
Conferees on part of House

Senator Barnett moved the Senate adopt the Conference Committee Report on **S Sub for HB 2356**.

On roll call, the vote was: Yeas 29, Nays 9, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Barnett, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Lynn, McGinn, Morris, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Nays: Apple, Brownlee, Huelskamp, Kelsey, Marshall, Masterson, Pilcher-Cook, Pyle, Taddiken.

Absent or Not Voting: Bruce, Ostmeyer.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **S Sub for HB 2356**. We cannot guarantee safety of children in a daycare setting with an inspection as much as we would like to.

Reaching into our homes for union members is unprecedented and certainly unnecessary.—KARIN BROWNLEE

MESSAGE FROM THE HOUSE

The House announces the appointment of Representatives Schwartz, Shultz and Flaharty to replace Representatives Morrison, Burgess and Trimmer as conferees on **Senate Substitute for HB 2219**.

On motion of Senator D. Schmidt, the Senate recessed until 9:00 p.m.

EVENING SESSION

The Senate met pursuant to recess with President Morris in the chair.

MOTION TO CONCUR OR NONCONCUR

On motion of Senator Emler the Senate nonconcurrent in the House amendments to **H Sub for SB 572** and requested a conference committee be appointed.

The President appointed Senators Emler, Vratil and Kelly as a conference committee on the part of the Senate.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **S Sub for HB 2219**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2219**, 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 as Senate Substitute for House Bill No. 2219, as follows:

On page 1, by striking all in lines 17 through 43;

By striking all on pages 2 through 7, and by inserting the following:

“Section 1. K.S.A. 2009 Supp. 74-4927 is hereby amended to read as follows: 74-4927.

(1) The board may establish a plan of death and long-term disability benefits to be paid to the members of the retirement system as provided by this section. The long-term disability benefit shall be payable in accordance with the terms of such plan as established by the board, except that for any member who is disabled prior to the effective date of this act, the annual disability benefit amount shall be an amount equal to 66 $\frac{2}{3}$ % of the member's annual rate of compensation on the date such disability commenced. Such plan shall provide that:

(A) For deaths occurring prior to January 1, 1987, the right to receive such death benefit shall cease upon the member's attainment of age 70 or date of retirement whichever first occurs. The right to receive such long-term disability benefit shall cease (i) for a member who becomes eligible for such benefit before attaining age 60, upon the date that such member attains age 65 or the date of such member's retirement, whichever first occurs, and (ii) for a member who becomes eligible for such benefit at or after attaining age 60, the date that such member has received such benefit for a period of five years, or upon the date of such member's retirement, whichever first occurs.

(B) Long-term disability benefit payments shall be in lieu of any accidental total disability benefit that a member may be eligible to receive under subsection (3) of K.S.A. 74-4916 and amendments thereto. The member must make an initial application for social security disability benefits and, if denied such benefits, the member must pursue and exhaust all administrative remedies of the social security administration which include, but are not limited to, reconsideration and hearings. Such plan may provide that any amount which a member receives as a social security benefit or a disability benefit or compensation from any source by reason of any employment including, but not limited to, workers compensation benefits may be deducted from the amount of long-term disability benefit payments under such plan. However, in no event shall the amount of long-term disability benefit payments under such plan be reduced by any amounts a member receives as a supplemental disability benefit or compensation from any source by reason of the member's employment, provided such supplemental disability benefit or compensation is based solely upon the portion of the member's monthly compensation that exceeds the maximum monthly compensation taken into account under such plan. As used in this paragraph, “maximum monthly compensation” means the dollar amount that results from dividing the maximum monthly disability benefit payable under such plan by the percentage of compensation that is used to calculate disability benefit payments under such plan. During the period in which such member is pursuing such administrative remedies prior to a final decision of the social security administration, social security disability benefits may be estimated and may be deducted from the amount of long-term disability benefit payments under such plan. If the social security benefit, workers compensation benefit, other income or wages or other disability benefit by reason of employment other than a supplemental benefit based solely on compensation in excess of the maximum monthly compensation taken into account under such plan, or any part thereof, is paid in a lump-sum, the amount of the reduction shall be calculated on a monthly basis over the period of time for which the lump-sum is given. As used in this section, “workers compensation benefits” means the total award of disability benefit payments under the workers compensation act notwithstanding any payment of attorney fees from such benefits as provided in the workers compensation act.

(C) The plan may include other provisions relating to qualifications for benefits; schedules and graduation of benefits; limitations of eligibility for benefits by reason of termination of employment or membership; conversion privileges; limitations of eligibility for benefits by reason of leaves of absence, military service or other interruptions in service; limitations on the condition of long-term disability benefit payment by reason of improved health; requirements for medical examinations or reports; or any other reasonable provisions as established by rule and regulation of uniform application adopted by the board.

(D) Any visually impaired person who is in training at and employed by a sheltered workshop for the blind operated by the secretary of social and rehabilitation services and who would otherwise be eligible for the long-term disability benefit as described in this section shall not be eligible to receive such benefit due to visual impairment as such impairment shall be determined to be a preexisting condition.

(2) (A) In the event that a member becomes eligible for a long-term disability benefit under the plan authorized by this section such member shall be given participating service credit for the entire period of such disability. Such member's final average salary shall be computed in accordance with subsection (17) of K.S.A. 74-4902 and amendments thereto except that the years of participating service used in such computation shall be the years of salaried participating service.

(B) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding retirement, such member's final average salary shall be adjusted upon retirement by the actuarial salary assumption rates in existence during such period of disability. Effective July 1, 1993, such member's final average salary shall be adjusted upon retirement by 5% for each year of disability after July 1, 1993, but before July 1, 1998. Effective July 1, 1998, such member's final average salary shall be adjusted upon retirement by an amount equal to the lesser of: (i) The percentage increase in the consumer price index for all urban consumers as published by the bureau of labor statistics of the United States department of labor minus 1%; or (ii) four percent per annum, measured from the member's last day on the payroll to the month that is two months prior to the month of retirement, for each year of disability after July 1, 1998.

(C) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding death, such member's current annual rate shall be adjusted by the actuarial salary assumption rates in existence during such period of disability. Effective July 1, 1993, such member's current annual rate shall be adjusted upon death by 5% for each year of disability after July 1, 1993, but before July 1, 1998. Effective July 1, 1998, such member's current annual rate shall be adjusted upon death by an amount equal to the lesser of: (i) The percentage increase in the consumer price index for all urban consumers published by the bureau of labor statistics of the United States department of labor minus 1%; or (ii) four percent per annum, measured from the member's last day on the payroll to the month that is two months prior to the month of death, for each year of disability after July 1, 1998.

(3) (A) To carry out the legislative intent to provide, within the funds made available therefor, the broadest possible coverage for members who are in active employment or involuntarily absent from such active employment, the plan of death and long-term disability benefits shall be subject to adjustment from time to time by the board within the limitations of this section. The plan may include terms and provisions which are consistent with the terms and provisions of group life and long-term disability policies usually issued to those employers who employ a large number of employees. The board shall have the authority to establish and adjust from time to time the procedures for financing and administering the plan of death and long-term disability benefits authorized by this section. Either the insured death benefit or the insured disability benefit or both such benefits may be financed directly by the system or by one or more insurance companies authorized and licensed to transact group life and group accident and health insurance in this state.

(B) The board may contract with one or more insurance companies, which are authorized and licensed to transact group life and group accident and health insurance in Kansas, to underwrite or to administer or to both underwrite and administer either the insured death benefit or the long-term disability benefit or both such benefits. Each such contract with an insurance company under this subsection shall be entered into on the basis of competitive bids solicited and administered by the board. Such competitive bids shall be based on specifications prepared by the board.

(i) In the event the board purchases one or more policies of group insurance from such company or companies to provide either the insured death benefit or the long-term disability benefit or both such benefits, the board shall have the authority to subsequently cancel one or more of such policies and, notwithstanding any other provision of law, to release each

company which issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund.

(ii) In addition, the board shall have the authority to cancel any policy or policies of group life and long-term disability insurance in existence on the effective date of this act and, notwithstanding any other provision of law, to release each company which issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund. Notwithstanding any other provision of law, no premium tax shall be due or payable by any such company or companies on any such policy or policies purchased by the board nor shall any brokerage fees or commissions be paid thereon.

(4) (A) There is hereby created in the state treasury the group insurance reserve fund. Investment income of the fund shall be added or credited to the fund as provided by law. The cost of the plan of death and long-term disability benefits shall be paid from the group insurance reserve fund, which shall be administered by the board. Except as otherwise provided by this subsection, for the period commencing July 1, 2005, and ending June 30, 2006, each participating employer shall appropriate and pay to the system in such manner as the board shall prescribe in addition to the employee and employer retirement contributions an amount equal to .8% of the amount of compensation on which the members' contributions to the Kansas public employees retirement system are based for deposit in the group insurance reserve fund. For the period commencing July 1, 2006, and all periods thereafter, each participating employer shall appropriate and pay to the system in such manner as the board shall prescribe in addition to the employee and employer retirement contributions an amount equal to 1.0% of the amount of compensation on which the members' contributions to the Kansas public employees retirement system are based for deposit in the group insurance reserve fund. Notwithstanding the provisions of this subsection, no participating employer shall appropriate and pay to the system any amount provided for by this subsection for deposit in the group insurance reserve fund for the period commencing on ~~March 1, 2009, and ending on November 30, 2009~~ *April 1, 2010, and ending on June 30, 2010, and the period commencing on April 1, 2011, and ending on June 30, 2011.*

(B) The director of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services a sum to pay the state's contribution to the group insurance reserve fund as provided by this section and shall present the same to the legislature for allowances and appropriation.

(C) The provisions of subsection (4) of K.S.A. 74-4920 and amendments thereto shall apply for the purpose of providing the funds to make the contributions to be deposited to the group insurance reserve fund.

(D) Any dividend or retrospective rate credit allowed by an insurance company or companies shall be credited to the group insurance reserve fund and the board may take such amounts into consideration in determining the amounts of the benefits under the plan authorized by this section.

(5) The death benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as insured death benefit. The long-term disability benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as long-term disability benefit.

(6) The board is hereby authorized to establish an optional death benefit plan for employees and spouses and dependents of employees. Except as provided in subsection (7), such optional death benefit plan shall be made available to all employees who are covered or may hereafter become covered by the plan of death and long-term disability benefits authorized by this section. The cost of the optional death benefit plan shall be paid by the applicant either by means of a system of payroll deductions or direct payment to the board. The board shall have the authority and discretion to establish such terms, conditions, specifications and coverages as it may deem to be in the best interest of the state of Kansas

and its employees which should include term death benefits for the person's period of active state employment regardless of age, but in no case, shall the maximum allowable coverage be less than \$200,000. The cost of the optional death benefit plan shall not be established on such a basis as to unreasonably discriminate against any particular age group. The board shall have full administrative responsibility, discretion and authority to establish and continue such optional death benefit plan and the director of accounts and reports of the department of administration shall when requested by the board and from funds appropriated or available for such purpose establish a system to make periodic deductions from state payrolls to cover the cost of the optional death benefit plan coverage under the provisions of this subsection (6) and shall remit all deductions together with appropriate accounting reports to the system. There is hereby created in the state treasury the optional death benefit plan reserve fund. Investment income of the fund shall be added or credited to the fund as provided by law. All funds received by the board, whether in the form of direct payments, payroll deductions or otherwise, shall be accounted for separately from all other funds of the retirement system and shall be paid into the optional death benefit plan reserve fund, from which the board is authorized to make the appropriate payments and to pay the ongoing costs of administration of such optional death benefit plan as may be incurred in carrying out the provisions of this subsection (6).

(7) Any employer other than the state of Kansas which is currently a participating employer of the Kansas public employees retirement system or is in the process of affiliating with the Kansas public employees retirement system may also elect to affiliate for the purposes of subsection (6). All such employers shall make application for affiliation with such system, to be effective on January 1 or July 1 next following application.

(8) For purposes of the death benefit provided under the plan of death and long-term disability benefits authorized by this section and the optional death benefit plan authorized by subsection (6), commencing on the effective date of this act, in the case of medical or financial hardship of the member as determined by the executive director, or otherwise commencing January 1, 2005, the member may name a beneficiary or beneficiaries other than the beneficiary or beneficiaries named by the member to receive other benefits as provided by the provisions of K.S.A. 74-4901 et seq., and amendments thereto.

Sec. 2. K.S.A. 2009 Supp. 74-4927 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.”;

On page 1, in the title, by striking all in lines 11 through 14, and by inserting the following: “AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; death and disability benefits, employer contributions; amending K.S.A. 2009 Supp. 74-4927 and repealing the existing section.”;

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

JAY SCOTT EMLER
JOHN VRATIL
LAURA KELLY
Conferees on part of Senate

SHARON SCHWARTZ
CLARK SCHULTZ
GERALDINE FLAHERTY
Conferees on part of House

Senator Emler moved the Senate adopt the Conference Committee Report on **S Sub for HB 2219**.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Brownlee, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Barnett.

Absent or Not Voting: Bruce, Ostmeyer.
The Conference Committee report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** begs leave to submit the following report:
The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Minority Leader of the Senate:

Kansas Bioscience Authority: K.S.A. 2009 Supp. 74-99b04
Daniel Lawrence Watkins, term expires March 15, 2014

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointment, submitted by the Minority Leader of the Senate to the senate for confirmation, was considered.

Senator D. Schmidt moved the following appointment be confirmed as recommended by the Standing Senate Committee:

By the Minority Leader of the Senate:

On the appointment to the:

Kansas Bioscience Authority:

Dan Watkins, term expires March 15, 2014.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Bruce, Ostmeyer.

The appointment was confirmed.

On motion of Senator D. Schmidt the Senate adjourned until 2:00 p.m., Monday, May 10, 2010.

Journal of the Senate

SIXTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 10, 2010—2:00 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Some people in our districts
Are making it quite clear
That in their opinion
We shouldn't be up here.

They say we don't represent
All the common folks;
That we're here in Topeka
Drinking booze and telling jokes.

We don't mind the honest ones
Who point out our mistakes;
It's the ones accusing us
Of errors we don't make.

Sometimes we're tempted to withdraw,
And let them have this job next year.
Then everyone would know for sure
Who shouldn't be up here!

But that wouldn't help the people
So we'll give it our best shot...
And do the job the best we can,
Whether they notice it or not.

And if the accusations
Get as bad as they have been,
Please add another layer
To the thickness of our skin!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **House Substitute for SB 572** and has appointed Representatives Yoder, Merrick and Feuerborn as conferees on the part of the House.

On motion of Senator D. Schmidt, the Senate recessed until 3:15 p.m.

The Senate met pursuant to recess with President Morris in the chair.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub for SB 146; SB 387.**

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Emler moved the Senate concur in house amendments to **H Sub for SB 146.**

H Sub for SB 146, An act concerning state officers and employees; relating to furloughs or reduction in compensation; the Kansas public employees retirement system, computation of benefits; amending K.S.A. 74-49,115 and repealing the existing section.

On roll call, the vote was: Yeas 15, Nays 12, Present and Passing 11, Absent or Not Voting 2.

Yeas: Barnett, Brownlee, Bruce, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Huntington, Marshall, Owens, Reitz, Schodorf, Teichman, Vratil.

Nays: Abrams, Apple, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Steineger.

Present and Passing: Haley, Hensley, Holland, Kelly, Kultala, Lee, McGinn, Morris, Schmidt V, Umbarger, Wagle.

Absent or Not Voting: Brungardt, Taddiken.

The motion to concur failed and **H Sub for SB 146** remains in conference.

Senator Emler moved the Senate concur in house amendments to **SB 387.**

SB 387, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Brungardt, Taddiken.

The Senate concurred.

Senator Emler moved the Senate concur in house amendments to **H Sub for SB 572.**

H Sub for SB 572, An act making and concerning appropriations for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015 and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2009 Supp. 2-223, 12-5256, 55-193, 72-8814, 75-2319, 75-6702, 76-775, 76-783, as amended by section 33 of 2010 House Bill No. 2557, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-34,156, 79-34,171, 79-4801 and 82a-953a and section 14 of 2010 Senate Substitute for House Bill No. 2222 and section 52 of chapter 124 of the 2009 Session Laws of Kansas and repealing the existing sections.

On roll call, the vote was: Yeas 21, Nays 17, Present and Passing 0, Absent or Not Voting 2.

Yeas: Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, McGinn, Morris, Ostmeyer, Owens, Reitz, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Masterson, Petersen, Pilcher-Cook, Pyle, Schmidt D, Steineger, Wagle.

Absent or Not Voting: Brungardt, Taddiken.

The Senate concurred.

EXPLANATION OF VOTE

MR. PRESIDENT: The budget item regarding expenditures for greenhouse gas activities by any state agency prohibits expenditures for planning, drafting, proposing, promulgating, finalizing, or implementing any RULES AND REGULATIONS pursuant to the clean air act (42 U.S.C. 7401 et seq.) Involving the greenhouse gases identified in the final rule entitled “Endangerment and cause or contribute findings for greenhouse gases under Section 202(a) of the clean air act.”

This proviso prohibits expenditures for developing rules and regulations per the endangerment finding; not education, outreach, information, technical support, and/or business assistance activities by state agencies.

The EPA bases the endangerment finding on the International Panel on Climate Change science, which has largely been debunked. Federal or state rules and regulations regarding greenhouse gas emissions should be based on sound science and only come after federal law is passed — not as a means to circumvent the legislative process. This proviso simply prohibits planning, drafting, proposing, promulgating, finalizing, or implementing any rules or regulations regarding greenhouse gas emissions until if and when such a federal law is passed.

It is consistent with my Senate Resolution 1809 which passed the Kansas Senate overwhelmingly earlier this year. — TIM HUELSKAMP

REPORT ON ENROLLED BILLS

SR 1882, SR 1884, SR 1885, SR 1886 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 10, 2010.

On motion of Senator D. Schmidt, the Senate recessed until 7:00 p.m.

EVENING SESSION

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 586**.

Also, rejection of **SB 74, as amended by House Substitute for SB 74**.

The House adopts the conference committee report on **SB 368**.

The House adopts the conference committee report on **House Substitute for SB 300**.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub for SB 300; HB 2434**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 300**, 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 as House Substitute for Senate Bill No. 300, as amended by House Committee of the Whole, as follows:

On page 1, by striking all in lines 26 through 43;

By striking all on pages 2 through 13;

On page 14, by striking all in lines 1 through 17 and inserting the following:

“New Sec. 2. (a) As used in this section:

(1) “Wireless communication device” means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends

or receives messages or a laptop computer. "Wireless communication device" does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.

(2) "Write, send or read a written communication" means using a wireless communication device to manually type, send or read a written communication, including, but not limited to, a text message, instant message or electronic mail.

(b) Except as provided in subsections (c) and (d), no person shall operate a motor vehicle on a public road or highway while using a wireless communications device to write, send or read a written communication.

(c) The provisions of subsection (b) shall not apply to:

(1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;

(2) a motor vehicle stopped off the regular traveled portion of the roadway;

(3) a person who reads, selects or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call;

(4) a person who receives an emergency, traffic or weather alert message; or

(5) a person receiving a message related to the operation or navigation of the motor vehicle.

(d) The provisions of subsection (b) shall not prohibit a person from using a wireless communications device while operating a moving motor vehicle to:

(1) Report current or ongoing illegal activity to law enforcement;

(2) prevent imminent injury to a person or property; or

(3) relay information between transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle.

(e) From and after the effective date of this act and prior to January 1, 2011, a law enforcement officer shall issue a warning citation to anyone violating subsection (b).

(f) This section shall be part of and supplemental to the uniform act regulating traffic on highways.

Sec. 3. K.S.A. 8-1598 is hereby amended to read as follows: 8-1598. (a) No person under the age of 18 years shall operate or ride upon a motorcycle or a motorized bicycle, unless wearing a helmet which complies with minimum guidelines established by the national highway traffic safety administration pursuant to the national traffic and motor vehicle safety act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.

(b) *No person shall allow or permit any person under the age of 18 years to: (1) Operate a motorcycle or motorized bicycle or to ride as a passenger upon a motorcycle or motorized bicycle without being in compliance with the provisions of subsection (a); or (2) operate a motorcycle or to ride as a passenger upon a motorcycle without being in compliance with the provisions of subsection (c).*

~~(c)~~ (c) (1) No person shall operate a motorcycle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant, except when the motorcycle is equipped with a windscreen which has a minimum height of 10 inches measured from the center of the handlebars.

(2) *No person under the age of 18 years shall ride as a passenger on a motorcycle unless such person is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant.*

~~(d)~~ (d) This section shall not apply to persons riding within an enclosed cab or on a golf cart, nor shall it apply to any person operating or riding any industrial or cargo-type vehicle having three wheels and commonly known as a truckster.

Sec. 4. K.S.A. 8-1749a is hereby amended to read as follows: 8-1749a. (a) No motor vehicle required to be registered in this state and which is operated on the highways of this state shall be equipped with one-way glass or any sun ~~screen~~ screening device, as defined in K.S.A. 8-1749b, *and amendments thereto*, and used in conjunction with ~~safety glazing materials~~ windshields, side wings, side windows or rear windows that do not meet the following requirements:

(1) A sun screening device when used in conjunction with the windshield shall be nonreflective and shall not be red, yellow or amber in color. A sun screening device shall be used only along the top of the windshield and shall not extend downward beyond the AS1 line which is clearly defined and marked;

(2) a sun screening device when used in conjunction with ~~the safety glazing materials~~ of the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rear most window shall be nonreflective; and

(3) the total light transmission shall not be less than 35% when a sun screening device is used in conjunction with ~~safety glazing materials~~ or other existing sun screening devices.

(b) Subsection (a)(3) shall not apply to a window of a law enforcement motor vehicle that is clearly identified as such by words or other symbols on the outside of the vehicle.

~~(b)~~ (c) The superintendent of the highway patrol may adopt such rules and regulations necessary to carry out the provisions of this section.

~~(c)~~ (d) This section shall not prohibit labels, stickers or other informational signs that are required or permitted by state law.

~~(d)~~ (e) No motor vehicle required to be registered in this state which is operated on the highways of this state shall be equipped with head lamps which are covered with any sun ~~screen~~ screening device, adhesive film or other glaze or application which, when such lamps are not in operation, is highly reflective or otherwise nontransparent.

~~(e) (1) From and after July 1, 1987, and prior to January 1, 1988, a law enforcement officer shall issue a warning citation to any person violating the provisions of this section.~~

~~(2) From and after January 1, 1988;~~

(f) Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 5. K.S.A. 8-2009a is hereby amended to read as follows: 8-2009a. (a) Every school bus, as defined in K.S.A. 8-1461, and amendments thereto, shall be governed by the requirements of law and rules and regulations of the state board of education applicable to design, lighting equipment, distinctive markings, special warning devices, and any other equipment which are in effect on the date any such school bus is purchased or otherwise acquired, and shall be exempt from the requirements of law and rules and regulations which become effective at any time during a period of ~~20~~ 25 years from the date of manufacture of such school bus; ~~except that any school bus which was in operation on July 1, 1994, and exceeds such 20-year period shall be exempt until July 1, 1998.~~ The state board of education is hereby required to approve any such school bus as to design, and as to lighting equipment, special warning devices, distinctive markings, and any other equipment required by law and rules and regulations, for operation as a school bus during such exemption period upon submission of a request for such approval.

(b) The state board of education is authorized to establish the procedure to be followed when request for approval of any such school bus is submitted under this section. The approval shall be in writing and a copy of the written approval shall be carried in the school bus at all times, but failure to carry such copy of the written approval shall not affect the status of the school bus as an approved school bus. The state board of education shall maintain a list of all such school buses which have been approved by the board.

Sec. 6. K.S.A. 2009 Supp. 8-2118, as amended by section 1 of 2010 Senate Bill No. 519, is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made in any manner accepted by the court. The traffic citation shall not have been complied with if the payment is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial

and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a preliminary breath test	8-1012	\$90
Unsafe speed for prevailing conditions	8-1557	\$60
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$30 11-20 mph over the limit, \$30 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$90 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$180 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$60
Violating traffic control signal	8-1508	\$60
Violating pedestrian control signal	8-1509	\$30
Violating flashing traffic signals	8-1510	\$60
Violating lane-control signal	8-1511	\$60
Unauthorized sign, signal, marking or device	8-1512	\$30
Driving on left side of roadway	8-1514	\$60
Failure to keep right to pass oncoming vehicle	8-1515	\$60
Improper passing; increasing speed when passed	8-1516	\$60
Improper passing on right	8-1517	\$60
Passing on left with insufficient clearance	8-1518	\$60
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$60
Driving on left in no-passing zone	8-1520	\$60
Unlawful passing of stopped emergency vehicle	8-1520a	\$60
Driving wrong direction on one-way road	8-1521	\$60
Improper driving on laned roadway	8-1522	\$60
Following too close	8-1523	\$60
Improper crossover on divided highway	8-1524	\$30
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$60
Failure to yield to approaching vehicle when turning left	8-1527	\$60
Failure to yield at stop or yield sign	8-1528	\$60
Failure to yield from private road or driveway	8-1529	\$60
Failure to yield to emergency vehicle	8-1530	\$180
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$90
Failure to comply with restrictions in road construction zone	8-1531a	\$30
Disobeying pedestrian traffic control device	8-1532	\$30

Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$60
Improper pedestrian crossing	8-1534	\$30
Failure to exercise due care in regard to pedestrian	8-1535	\$30
Improper pedestrian movement in crosswalk	8-1536	\$30
Improper use of roadway by pedestrian	8-1537	\$30
Soliciting ride or business on roadway	8-1538	\$30
Driving through safety zone	8-1539	\$30
Failure to yield to pedestrian on sidewalk	8-1540	\$30
Failure of pedestrian to yield to emergency vehicle	8-1541	\$30
Failure to yield to blind pedestrian	8-1542	\$30
Pedestrian disobeying bridge or railroad signal	8-1544	\$30
Improper turn or approach	8-1545	\$60
Improper "U" turn	8-1546	\$60
Unsafe starting of stopped vehicle	8-1547	\$30
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$60
Improper method of giving notice of intention to turn	8-1549	\$30
Improper hand signal	8-1550	\$30
Failure to stop or obey railroad crossing signal	8-1551	\$180
Failure to stop at railroad crossing stop sign	8-1552	\$120
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$180
Improper moving of heavy equipment at railroad crossing	8-1554	\$60
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$60
Improper passing of school bus; improper use of school bus signals	8-1556	\$300
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$180
Impeding normal traffic by slow speed	8-1561	\$30
Speeding on motor-driven cycle	8-1562	\$60
Speeding in certain vehicles or on posted bridge	8-1563	\$30
Improper stopping, standing or parking on roadway	8-1569	\$30
Parking, standing or stopping in prohibited area	8-1571	\$30
Improper parking	8-1572	\$30
Unattended vehicle	8-1573	\$30
Improper backing	8-1574	\$30
Driving on sidewalk	8-1575	\$30
Driving with view or driving mechanism obstructed	8-1576	\$30
Unsafe opening of vehicle door	8-1577	\$30
Riding in house trailer	8-1578	\$30
<i>Unlawful riding on vehicle</i>	8-1578a	\$60
Improper driving in defiles, canyons, or on grades	8-1579	\$30
Coasting	8-1580	\$30
Following fire apparatus too closely	8-1581	\$60

Driving over fire hose	8-1582	\$30
Putting glass, etc., on highway	8-1583	\$90
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$30
Improper operation of snowmobile on highway	8-1585	\$30
Parental responsibility of child riding bicycle	8-1586	\$30
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$30
Clinging to other vehicle	8-1589	\$30
Improper riding of bicycle on roadway	8-1590	\$30
Carrying articles on bicycle; one hand on handlebars	8-1591	\$30
Improper bicycle lamps, brakes or reflectors	8-1592	\$30
Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$30
Improper operation of motorcycle on laned roadway	8-1595	\$60
Motorcycle clinging to other vehicle	8-1596	\$30
Improper motorcycle handlebars or passenger equipment	8-1597	\$60
Motorcycle helmet and eye-protection requirements	8-1598	\$30
Unlawful riding on vehicle	8-1578a	\$60
Unlawful operation of all-terrain vehicle	8-15,100	\$60
Unlawful operation of low-speed vehicle	8-15,101	\$60
Littering	8-15,102	\$100
Disobeying school crossing guard	8-15,103	\$60
Unlawful operation of micro utility truck	8-15,106	\$60
Failure to remove vehicles in accidents	8-15,107	\$60
Unlawful operation of golf cart	8-15,108	\$60
Unlawful operation of work-site utility vehicle	8-15,109	\$60
<i>Unlawful display of license plate</i>	<i>section 1</i>	<i>\$60</i>
<i>Unlawful text messaging</i>	<i>section 2</i>	<i>\$60</i>
Equipment offenses that are not misdemeanors	8-1701	\$60
Driving without lights when needed	8-1703	\$30
Defective headlamps	8-1705	\$30
Defective tail lamps	8-1706	\$30
Defective reflector	8-1707	\$30
Improper stop lamp or turn signal	8-1708	\$30
Improper lighting equipment on certain vehicles	8-1710	\$30
Improper lamp color on certain vehicles	8-1711	\$30
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$30
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$30
No lamp or flag on projecting load	8-1715	\$60
Improper lamps on parked vehicle	8-1716	\$30
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$30
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$30

Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
Improper lamps or lights on emergency vehicle	8-1720	\$30
Improper stop or turn signal	8-1721	\$30
Improper vehicular hazard warning lamp	8-1722	\$30
Unauthorized additional lighting equipment	8-1723	\$30
Improper multiple-beam lights	8-1724	\$30
Failure to dim headlights	8-1725	\$60
Improper single-beam headlights	8-1726	\$30
Improper speed with alternate lighting	8-1727	\$30
Improper number of driving lamps	8-1728	\$30
Unauthorized lights and signals	8-1729	\$30
Improper school bus lighting equipment and warning devices	8-1730	\$30
Unauthorized lights and devices on church or day-care bus	8-1730a	\$30
Improper lights on highway construction or maintenance vehicles	8-1731	\$30
Defective brakes	8-1734	\$30
Defective or improper use of horn or warning device	8-1738	\$30
Defective muffler	8-1739	\$30
Defective mirror	8-1740	\$30
Defective wipers; obstructed windshield or windows	8-1741	\$30
Improper tires	8-1742	\$30
Improper flares or warning devices	8-1744	\$30
Improper use of vehicular hazard warning lamps and devices	8-1745	\$30
Improper air-conditioning equipment	8-1747	\$30
Improper safety belt or shoulder harness	8-1749	\$30
Improper wide-based single tires	8-1742b	\$60
Improper compression release engine braking system	8-1761	\$60
Defective motorcycle headlamp	8-1801	\$30
Defective motorcycle tail lamp	8-1802	\$30
Defective motorcycle reflector	8-1803	\$30
Defective motorcycle stop lamps and turn signals	8-1804	\$30
Defective multiple-beam lighting	8-1805	\$30
Improper road-lighting equipment on motor-driven cycles	8-1806	\$30
Defective motorcycle or motor-driven cycle brakes	8-1807	\$30
Improper performance ability of brakes	8-1808	\$30
Operating motorcycle with disapproved braking system	8-1809	\$30
Defective horn, muffler, mirrors or tires	8-1810	\$30
Unlawful statehouse parking	75-4510a	\$15
Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight up to 1000 \$25 1001 to 2000 3¢ per pound 2001 to 5000 5¢ per pound 5001 to 7500 7¢ per pound 7501 and over ... 10¢ per pound

Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000 \$25 1001 to 2000 3c per pound 2001 to 5000 5c per pound 5001 to 7500 7c per pound 7501 and over ... 10c per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$272
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$122
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$122
No authority as private or common carrier	66-1,111	\$122
Violation of motor carrier safety rules and regulations, except for violations specified in subsection (b)(2) of K.S.A. 66-1,130, and amendments thereto	66-1,129	\$100

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under subsection (a)(4) of K.S.A. 8-1560, and amendments thereto.

Sec. 7. K.S.A. 8-1598, 8-1749a and 8-2009a and K.S.A. 2009 Supp. 8-2118, as amended by section 1 of 2010 Senate Bill No. 519, are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, by striking all in lines 10 through 15 and inserting the following:
AN ACT regulating traffic; concerning text messaging; relating to certain equipment; providing for certain penalties; amending K.S.A. 8-1598, 8-1749a and 8-2009a and K.S.A. 2009 Supp. 8-2118, as amended by section 1 of 2010 Senate Bill No. 519, and repealing the existing sections.”;

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

GARY K. HAYZLETT
 JENE VICKREY
 MARGARET LONG
Conferees on part of House

DWAYNE UMBARGER
 BOB MARSHALL
 KELLY KULTALA
Conferees on part of Senate

Senator Umbarger moved the Senate adopt the Conference Committee Report on **H Sub for SB 300**.

On roll call, the vote was: Yeas 32, Nays 8, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lymm, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Brownlee, Haley, Huelskamp, Masterson, Pilcher-Cook, Pyle, Steineger, Wagle.
 The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I reluctantly vote "NO" *this* time on the Conference Committee report on **SB 300**. The verdict has long been in. *Inattentive* driving such as "texting" causes traffic injuries and traffic fatalities. My voting record shows that David Haley, as both a Representative and Senator, has always supported increased vigilance by drivers... with law enforcement encouraged compliance. But Mr. President... I would be remiss at this juncture to not remind the Chamber and this Legislature of the specter of law enforcement who for no probable cause whatsoever harass and detain law abiding motorists for no other reason but "profiling." This practice, and it bears repeating for the record, has been **OUTLAWED** in our state but allegations continue to abound. A bill that would require uniform statistical data for all traffic stops has been derailed in the Senate by powerful forces; protecting this classist and illegal practice. We could prove, or disprove, that gender or race or county of origin was a factor by a rogue cop or inattentive department in repeated stops with this data. Today, because of our need for public safety but no more federal money, we overwhelmingly approve what might be another flimsy pretext for profiling. — DAVID HALEY

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 368**, submits the following report:

The House recedes from all of its 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, after line 32, by inserting the following:

"(3) Whenever a person's driving privileges have been restricted to driving only a motor vehicle equipped with an ignition interlock device, proof of the installation of such device, for the entire restriction period, shall be provided to the division before the person's driving privileges are fully reinstated.

(4) Whenever a person's driving privileges have been suspended for one year on the second occurrence of an alcohol or drug-related conviction in this state as provided in subsection (b)(1), after 45 days of such suspension, such person may apply to the division for such person's driving privileges to be restricted for the remainder of the one-year period to driving only a motor vehicle equipped with an ignition interlock and only for the purposes of getting to and from work, school, or an alcohol treatment program or to go to and from the ignition interlock provider for maintenance and downloading of data from the device. If such person violates the restrictions, such person's driving privileges shall be suspended for an additional year, in addition to any term of restriction as provided in subsection (b)(1).";

On page 3, in line 40, by striking "Any" and inserting "Except as provided further, any";
 On page 4, in line 2, following the period by inserting "The provisions of this subsection shall not apply to any person whose driving privileges have been restricted for the remainder of the one-year period on the second occurrence of an alcohol or drug-related conviction in this state as provided in subsection (b)(1)."; in line 16, after the stricken material, by inserting "Prior to issuing such restricted license, the division shall receive proof of the installation of such device."; in line 17, by striking "one-year"; in line 18, by striking "subsection (b)(2)" and inserting "subsection (b)"; in line 19, by striking "for"; in line 20, by striking "one year" and inserting "pursuant to subsection (b) of K.S.A. 8-1014, and amendments thereto."; in line 24, after the stricken material, by inserting "Proof of the installation of such device, for the entire restriction period, shall be provided to the division before the person's driving privileges are fully reinstated.";

On page 14, in line 11, by striking "and 8-1015" and inserting ", 8-1015 and 8-1567, as amended by section 1 of 2010 Senate Bill No. 586,";

In the title, in line 14, before the period by inserting "and K.S.A. 2009 Supp. 8-1567, as amended by section 1 of 2010 Senate Bill No. 586";

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

LANCE KINZER
 JEFF WHITHAM
 JANICE L. PAULS
Conferees on part of House

THOMAS C. OWENS
 JOHN VRATIL
 DAVID HALEY
Conferees on part of Senate

Senator Owens moved the Senate adopt the Conference Committee Report on **SB 368**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2434**, 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 2, by striking all in lines 38 through 43;

On page 3, by striking all in lines 1 through 43;

On page 4, by striking all in lines 1 through 16;

And by renumbering remaining sections accordingly;

Also on page 4, in line 17, by striking "24-412,;" also in line 17, by striking "24-"; in line 18, by striking all before "32-837";

In the title, in line 13, by striking "24-412,;" in line 14, by striking all before "32-837";

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

CAROLYN MCGINN
 RUTH TEICHMAN
 MARCI FRANCISCO
Conferees on part of Senate

LANA GORDON
OWEN DONOHUE
LISA BENLON

Conferees on part of House

Senator McGinn moved the Senate adopt the Conference Committee Report on **HB 2434**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2704**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2704**, 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 36, by striking all after “discontinued”; in line 37, by striking “districts”; in line 38, by striking all after “center”; in line 39, by striking “district.”;

On page 3, in line 4, before “K.S.A.” by inserting “On July 1, 2010.”;

On page 4, in line 43, before “K.S.A.” by inserting “On July 1, 2010.”;

On page 7, in line 8, before “K.S.A.” by inserting “On July 1, 2010.”;

On page 8, by striking all in lines 23 through 43;

On page 9, by striking all in lines 1 through 20 and inserting the following:

“Sec. 6. K.S.A. 2009 Supp. 72-6455 is hereby amended to read as follows: 72-6455. (a) (1) As used in this section, school district means any district having: ~~(A)~~ (A) An enrollment of at least 50% at-risk pupils; or ~~(B)~~ (B) an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile.

~~(B)~~ (2) The high density at-risk pupil weighting of each school district shall be determined by the state board by multiplying the number of at-risk pupils by .10. The product is the high density at-risk pupil weighting of the district.

~~(C)~~ (3) If a school district becomes ineligible for high density at-risk pupil weighting because enrollment of at-risk pupils in the district falls below the requirements of *paragraph (1) of this subsection* ~~(A)~~, the high density at-risk pupil weighting of the district shall be the greater of: ~~(A)~~ (A) The high density at-risk pupil weighting in the current school year; ~~(B)~~ (B) the high density at-risk pupil weighting in the prior school year; or ~~(C)~~ (C) the average of the high density at-risk pupil weighting in the current school year and the preceding two school years.

The provisions of this ~~subsection~~ *paragraph* (3) shall expire on June 30, 2011.

(4) *This subsection (a) shall expire in the school year in which the appropriation for general state aid is sufficient in amount to fund the base state aid per pupil at \$4,492, or higher.*

(b) (1) *This subsection shall become effective in the school year in which the appropriation for general state aid is sufficient in amount to fund the base state aid per pupil at \$4,492, or higher, and in each school year thereafter.*

(2) *The high density at-risk pupil weighting of each school district shall be determined by the state board as follows:*

(A) *Except as provided by paragraph (C), if the district has an enrollment of at least 35% but less than 50% at-risk pupils, the state board shall:*

(i) *Subtract 35% from the percentage of at-risk enrollment in the district;*
 (ii) *multiply the amount determined under paragraph (i) by .007; and*
 (iii) *multiply the number of at-risk pupils enrolled in the district by the product determined under paragraph (ii). The product is the high density at-risk pupil weighting of the district.*

(B) *If the district has an enrollment of 50% or more at-risk pupils, the state board shall multiply the number of at-risk pupils by .105. The product is the high density at-risk pupil weighting of the district.*

(C) *If the district has an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile, the state board shall multiply the number of at-risk pupils by .105. The product is the high density at-risk pupil weighting of the district.*

Sec. 7. K.S.A. 2009 Supp. 72-6459 is hereby amended to read as follows: 72-6459. (a) As used in this section, "school district" means any district having an enrollment of at least 40% but less than 50% at-risk pupils.

(b) The medium density at-risk pupil weighting of each school district shall be determined by the state board by multiplying the number of at-risk pupils by .06. The product is the medium density at-risk pupil weighting of the district.

(c) If a school district becomes ineligible for medium density at-risk pupil weighting because enrollment of at-risk pupils in the district falls below the requirement of subsection (a), the medium density at-risk pupil weighting of the district shall be the greater of: (1) The medium density at-risk pupil weighting in the current school year; (2) the medium density at-risk pupil weighting in the prior school year; or (3) the average of the medium density at-risk pupil weighting in the current school year and the preceding two school years.

The provisions of this subsection shall expire on June 30, 2011.

(d) *This section shall expire in the school year in which the appropriation for general state aid is sufficient in amount to fund the base state aid per pupil at \$4,492, or higher.*

Sec. 8. K.S.A. 72-8804 is hereby amended to read as follows: 72-8804. (a) *Except as provided in subsection (b), any moneys in the capital outlay fund of any school district and any moneys received from issuance of bonds under K.S.A. 72-8805 or 72-8810, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of buildings necessary for school district purposes, including housing and boarding pupils enrolled in an area vocational school operated under the board of education, architectural expenses incidental thereto, the acquisition of building sites, the undertaking and maintenance of asbestos control projects, the acquisition of school buses and the acquisition of other equipment. The board of education of any school district is hereby authorized to invest any portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.*

(b) *Moneys in the capital outlay fund which are attributable to transfers of moneys from the general fund of a school district in school year 2008-2009 may be transferred to the contingency reserve fund of the district in school year 2009-2010.*

Sec. 9. K.S.A. 72-8804 and K.S.A. 2009 Supp. 72-8701, 72-6455 and 72-6459 are hereby repealed.

Sec. 10. On July 1, 2010, K.S.A. 2009 Supp. 72-6441, 72-6449 and 72-6451 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 18, by striking “amending” and inserting “relating to school finance; amending K.S.A. 72-8804 and”; in line 19, by striking “and 72-8701” and inserting “, 72-6455, 72-6459 and 72-8701”;

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

JEAN SCHODORF
JOHN VRATIL
ANTHONY HENSLEY
Conferees on part of Senate

CLAY AURAND
DEENA HORST
VALDENIA WINN
Conferees on part of House

Senator Schodorf moved the Senate adopt the Conference Committee Report on **HB 2704**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Reitz.

The Conference Committee report was adopted.

REPORT ON ENGROSSED BILLS

H Sub for SB 293 reported correctly engrossed May 5, 2010.

Also, **SB 131** correctly re-engrossed May 10, 2010.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Tuesday, May 11, 2010.

Journal of the Senate

SIXTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 11, 2010—10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Colyer and Taddiken were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

The voices from home are taking on an increasingly impatient tone.
We have been told that our spouses, our children, our partners, our clients,
our friends, our business, our livestock, and our crops are in need of our attention.

We have heard such complaints as:

“You promised you would be home for my birthday.”

“You said you would be back in plenty of time for our trip.”

“This is too important to postpone again.”

“I just hope our children haven’t forgotten who you are.”

O God, help them to understand, that if it had been left up to any one of us,
we would have been home last week. But getting eighty-four people, and in some
cases one hundred and eleven, to agree on controversial issues cannot be done
quickly.

So show us the way to go home,
We’re tired and we want to go to bed.
We talked and talked till late in the night,
And we think everything’s been said.
Wherever we may roam
Under the old green dome . . .
You will always hear us singing this song:
We really want to go.
Oh, how we need to go,
Lord, we just got to go home.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

MESSAGE FROM THE HOUSE

The House adopts the conference committee report on **Senate Substitute for HB 2356**.
The House concurs in Senate amendments to **Senate Substitute for HB 2360**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hensley, Kelly and V. Schmidt introduced the following Senate resolution, which
was read:

SENATE RESOLUTION No. 1887—

A RESOLUTION congratulating and commending the Washburn University debate team for winning the national championship.

WHEREAS, The debate team at Washburn University is the top team in the nation after attaining first place in the 2010 National Parliamentary Debate Association championships held at Texas Tech University in Lubbock, Texas; and

WHEREAS, Out of 360 speakers, two members of the Washburn University team won medals, including Joe Allen of Boise, Idaho, who received third place, and Lauren Knoth of Independence, Missouri, who won fifth place in the individual speaker category; and

WHEREAS, Washburn won the overall squad sweepstakes, which is calculated by tracking the four best individual teams of each squad through the entire preliminary and elimination rounds at the tournament. Washburn took 10 teams to the championships and qualified four of them to elimination rounds, with four additional teams narrowly missing the elimination rounds by one ballot; and

WHEREAS, The last two years, Washburn placed second in the overall sweepstakes, and three years ago they placed third. This is the first national title for the team; and

WHEREAS, The National Parliamentary Debate Association is the first and largest intercollegiate debate tournament in the nation. Washburn was one of 60 squads to compete in the tournament. During the tournament, the squads debate various topics, such as foreign and domestic politics and philosophical perspectives. They debate in parliamentary style, wherein students are given a topic and have 20 to 30 minutes to prepare their arguments; and

WHEREAS, Students from Washburn University who participated in the debate were: Calvin Coker, Aly Fiebrantz, Andrew Lake, Keenan Hogan, Josh Ramsey, Lauren Knoth, Bobby French and Joe Allen. The director of forensics is Kevin O'Leary: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Washburn University debate team for winning the national title at the 2010 National Parliamentary Debate Association championships, for continuing the tradition of excellence in debate at Washburn University, and extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send 10 enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1887** was adopted unanimously.

PROTEST ON H Sub for SB 572

PROTEST

May 11, 2010

Mr. President:

According to Article 2, Section 10 of the Kansas Constitution, a legislator may make written protest against any act or resolution and the same shall be entered in the journal without delay or alteration.

My protest is in reference to the budget bill, House Substitute for SB 572. This budget commits more than \$300 million more than what we anticipate Kansas taxpayers will be paying in taxes to our state during fiscal year 2011. We have failed in our fiduciary responsibility to be good stewards of the people's money. Instead we have adopted almost a Robin Hood mindset of redistributing the wealth by taking money from those who earn it and giving it to those who did not.

There is no reasonable justification for increasing taxes in an economy which is in a serious recession. The notion that Kansans would want to become more productive so that we could capture more of their hard earned money is ridiculous.

The true energizing power in an economy is the productivity and ingenuity of its people when they are freed from excessive government taxation and regulation to provide for their families. We have lost sight of the fact that there is not a public or government sector without a healthy private sector. Too many times this session we have heard a legislator postulate

that government spending in some manner helps save our economy. If this were actually true, our economy should be overheating with all of the overspending by states and the federal government.

The result of our labor this session is a tax increase which will add up to more than \$1.5 billion over five years. This means that over the next five years, Kansans will not have access to \$1.5 billion of their own money to invest in their own businesses, pay for their own families' needs or to save for a future college education.

What has been accomplished is to set Kansas as the high tax state of the plains. We may as well etch this in Kansas limestone. Rather than learning from previous errors, we have repeated the history of the Great Depression which saw excessive government spending extending the depression for years. Even though I voted no, I am disheartened for Kansas because we have slowed the economic recovery which is so desperately needed.

Senator Karin Brownlee

On motion of Senator D. Schmidt, the Senate recessed until 3:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE GOVERNOR

April 22, 2010

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 10-408 for your information.

MARK PARKINSON
Governor

The President announced Executive Directive No. 10-408, Authorizing Expenditure of Federal Funds, is on file in the office of the Secretary of the Senate and is available for review at any time.

REPORT ON ENROLLED BILLS

H Sub for SB 306; SB 434, SB 452 reported correctly enrolled, properly signed and presented to the Governor on May 11, 2010.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION No. 1632—

By Senators Morris, D. Schmidt and Hensley

A CONCURRENT RESOLUTION relating to the adjournment of the Senate and House of Representatives for a period during the 2010 regular session of the legislature.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on May 11, 2010, and shall reconvene at 10:00 a.m. on May 28, 2010, at which time the legislature shall reconvene and shall continue in session until sine die adjournment at the close of business on May 28, 2010; and

Be it further resolved: That the chief clerk of the House of Representatives and the secretary of the Senate and employees specified by the Director of Legislative Administrative Services for such purpose shall attend their duties each day during such period of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A.

46-137a, and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the Legislative Coordinating Council or by the President of the Senate or the Speaker of the House of Representatives during the period of adjournment for which members are not authorized per diem compensation and subsistence allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

On motion of Senator D. Schmidt **SCR 1632** was adopted by voice vote.

On motion of Senator D. Schmidt and in compliance with **SCR 1632**, the Senate adjourned until Sine Die at 10:00 a.m., Friday, May 28, 2010.

Journal of the Senate

SIXTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 28, 2010—10:00 a.m.

As provided by **SCR 1632**, the Sine Die Session of the regular 2010 Kansas Senate was called to order by President Stephen Morris.

The roll was called with thirty-three senators present.

Senators Colyer, Donovan, Holland, Huelskamp, Huntington, Kelsey and Taddiken were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Another session's ended,

Sine Die is here.

The next time we are gathered

It will be another year.

I pray for all the Senators,

People I hold dear.

I've prayed a lot of prayers

For all of them to hear.

Keep them safe and well, O God,

Bless their families, too.

Help them to remember

Blessings come from You.

Interim committees will be meeting

So most of them return

To handle all the business

And to "live and learn."

Thank you for their service

To those they represent

Help us to appreciate

All that they have meant.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REPORT ON ENGROSSED BILLS

SB 387 reported correctly engrossed May 11, 2010.

Also, **H Sub for SB 572** correctly re-engrossed May 11, 2010.

H Sub for SB 300 reported correctly engrossed May 12, 2010.

Also, **SB 368** correctly re-engrossed May 12, 2010.

REPORT ON ENROLLED BILLS

SB 131; H Sub for SB 293, H Sub for SB 300; SB 368, SB 387, SB 586 reported correctly enrolled, properly signed and presented to the Governor on May 14, 2010.

SR 1887 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 14, 2010.

H Sub for SB 572 reported correctly enrolled, properly signed and presented to the Governor on May 18, 2010.

SCR 1632 reported correctly enrolled, properly signed and presented to the Secretary of State on May 18, 2010.

MESSAGE FROM THE GOVERNOR

H Sub for Sub for SB 214 approved on May 13, 2010.

MESSAGE FROM THE GOVERNOR

SB 54; H Sub for SB 306; SB 434, SB 452 approved on May 17, 2010.

MESSAGE FROM THE GOVERNOR

May 21, 2010

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 10-409 for your information.

Sincerely,

MARK PARKINSON

Governor

The President announced Executive Directive No. 10-409, Authorizing Expenditure of Federal Funds, is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE GOVERNOR

SB 131; H Sub for SB 293, H Sub for SB 300; SB 368, SB 387, SB 586 approved on May 24, 2010.

MESSAGE FROM THE GOVERNOR

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return House Substitute for Senate Bill No. 572 with my signature approving the bill, except for the items enumerated below.

Division of Post Audit—Financial Compliance Audit

That portion of Section 46(b) that reads as follows has been line-item vetoed:

“And provided further, That the division of post audit is hereby authorized to fix, charge and collect fees for the costs of financial-compliance audits under K.S.A. 46-1106, and amendments thereto; And provided further, That such fees shall be fixed to recover the expenses incurred for financial-compliance audits under K.S.A. 46-1106, and amendments thereto.”

This FY 2011 appropriation language for Legislative Post Audit was offered as an alternative to providing the Division with a State General Fund appropriation. Because the Legislature’s budget was enhanced by \$639,522 beyond what was intended, I hereby line-item veto this appropriation language as an unnecessary assessment on the other state agencies that cannot afford to finance the statewide audit. From within the Legislature’s appropriation, funds could be transferred to Post Audit in order to finance this audit, once the actual costs are known.

Kansas Commission on Veterans Affairs—Transfer from Public Broadcasting to Veterans Affairs

Section 72(c) has been line-item vetoed in its entirety.

This section constitutes a 50 percent reduction in the operating grants for public broadcasting stations throughout Kansas. This type of drastic reduction would be particularly damaging to stations in rural Kansas, likely silencing an important voice for our rural communities. Despite this line-item veto, the budget for veteran services programs will increase 30 percent, including an additional \$534,309 for veteran services programs.

Kansas Health Policy Authority—KHPA Study

Section 76(h) has been line-item vetoed in its entirety.

This provision would require the Kansas Health Policy Authority (KHPA) to conduct a study on the topic of requiring insurance companies to reimburse specified mental health professionals for certain proactive mental health care treatments. This study includes several parameters and requires analysis of a considerable amount of data. No funding was provided for the study, although the imposed deadline for the study’s completion is December 31, 2010. KHPA does not currently have adequate resources to complete this assigned task. 2010 House Bill 2546, which would have mandated insurance coverage for these services, was the subject of a hearing in the House Committee on Insurance on February 4, 2010. This bill never made it out of committee, and so has not been thoroughly vetted by the Kansas Legislature. Mandating the use of scarce state resources to study a topic absent thorough legislative scrutiny is not a good policy decision in this budgetary climate. Therefore, I must veto this section.

Department of Education—Uniform Chart of Accounts

Section 79(l) has been line-item vetoed in its entirety.

At a time when school boards are making difficult budget decisions, including increasing class sizes, closing buildings, eliminating course offerings and imposing instructional and professional staff layoffs, the policy to require additional financial reporting causes a costly and unnecessary administrative burden. The Department of Education already requires a uniform chart of accounts for school district budgets. In fact, the State Department of Education already provides on its website a copy of the uniform chart of accounts, the complete budget for each school district, as well as the “Budget at a Glance” and a budget profile for each district in Kansas. As a result, I find it necessary to veto this section of the budget bill.

University of Kansas—Water Data Repository Fund

That portion of Section 91(a) that reads as follows has been line-item vetoed:

“Standardized water data repository fund \$300,000

Provided, That expenditures may be made from this account or any special revenue fund of the above named agency for the purposes of bathymetric mapping, sediment surveys and lake assessments and the development of a standardized water quality and quantity data repository relating to public water supply sources.”

The Standardized Water Data Repository Fund at the University of Kansas was inadvertently appropriated as a State General Fund appropriation in the bill, when it should have been established as a special revenue fund. This veto eliminates the State General Fund appropriation, but does not eliminate the new fund, that is financed with a \$300,000 transfer from the Clean Drinking Water Fee Fund.

Board of Regents—Postsecondary Operating Grant Adjustment

Section 94(j) has been line-item vetoed in its entirety.

Legislative intent for the Regents system was to lapse \$2.3 million from the State General Fund; however, the amendment to alter the lapse incorrectly took \$9.5 million. I veto this section in order to restore the funding, and instruct the Regents to submit a revised budget this fall with the \$2.3 million reduction. This veto also ensures our state’s compliance with requirements in accepting federal American Reinvestment and Recovery Act funding.

Kansas State Fair—Workers Compensation Insurance

Section 107(c) has been line-item vetoed in its entirety.

Allowing the State Fair to acquire private workers compensation insurance would set a bad precedent and has the potential to increase rates for all other state agencies that will continue to participate in the State Self Insurance Fund (SSIF). The SSIF would be responsible for the expense of medical and disability payments from ongoing claims by State Fair employees prior to the new private insurance becoming effective and the SSIF would have to pass these expenses to all other state agencies. Furthermore, it was recently announced that workers comp rates for the SSIF, including the State Fair, will decrease over the next year, making this proviso all the more unwarranted.

State Officers' Pay

Section 163 has been line-item vetoed in its entirety.

Eighty percent of this reduction would be absorbed by the Judicial Branch which has already reduced its spending to the point of furloughing staff. Already, Kansas' Circuit Court salaries rank 40th in the nation for pay; this makes it difficult to attract and retain quality individuals to these critical posts. Therefore, I believe that additional cuts in this area would further harm Kansas' justice system. Additionally, for those state officers who might retire at this time of administrative transition, a cut will adversely impact retirement benefits. I would also remind Legislators and any other state officer that they may accept a voluntary pay reduction of any amount on their own accord without this provision. Toward that end, I and Lieutenant Governor Findley will continue the reduction in our pay until the end of our term.

Out of State Travel

Section 165 has been line-item vetoed in its entirety.

This provision requires additional layers of approval for every state employee's out-of-state travel and creates an unnecessary level of government bureaucracy. Agency budgets have been significantly reduced in the past two years. One of the major areas of reduction has been travel. In fact, from the beginning of FY 2008 to date, total travel expenditures within executive branch agencies have been reduced over 50 percent. Within their budgetary authority, agency heads should have the flexibility to prioritize expenditures to allow travel as necessary to carry out essential functions of state government. Accordingly, I have instructed agency heads to continue to limit travel to only that which is essential to carrying out their mission. Creating additional layers of bureaucracy does not improve government. Therefore, I veto this section of the budget bill.

Department of Health & Environment—Title X Family Planning Services

Section 167 has been line-item vetoed in its entirety.

This proviso is nearly identical to the one I vetoed in 2009, S. Sub. for House Bill 2373. Therefore, I find it appropriate to repeat many of the same points I made last year regarding this issue:

Regardless of one's views on whether abortion should be allowed in this country, hopefully we can all agree that we should make every effort to prevent unplanned pregnancies. Access to affordable family planning services and contraceptives is critical if we are to continue reducing the number of abortions that occur in this state. This section would prohibit distribution of Title X moneys to private family planning providers unless they are either a hospital or provide comprehensive primary and preventative care in addition to family planning services. This proviso would prevent funding for two facilities of other eligible family planning providers. These facilities do not perform abortions, and by law, Title X funding cannot be used for abortion services.

Both of these facilities provide affordable access to contraceptives and family planning services for women who are significantly below the poverty level. These women are most at risk for unplanned pregnancies. The family planning services provided by these facilities help lower the likelihood of unplanned pregnancy, and thus reduce abortions. Eliminating funding for programs intended to reduce the number of unplanned pregnancies does nothing to help reduce abortions in Kansas. I therefore find it necessary to line-item veto this proviso.

Clean Air Act Rules and Regulations

Section 168 has been line-item vetoed in its entirety.

Kansas has a proud history of being an energy producing state and an exciting future in the area of renewables.

As we look ahead to opportunities on the horizon, we must also uphold those bedrock industries, such as oil and gas, which provide prosperity to so many Kansans. Yet in doing so, we must ensure that we do not unintentionally harm the very sector of our economy we wish to protect.

This proviso has unintended consequences bringing forth regulatory uncertainty which would hinder Kansas' ability to serve our citizens, homes, farms and businesses. By abandoning productive progress with state agencies, sources would be required to work directly with the federal government to implement these programs which is considerably less expeditious.

Most importantly, this proviso is simply poor economic policy for Kansas. It would restrict the state's capacity to provide information and technical assistance to Kansas businesses and industries regarding federal standards, resulting in adverse impacts to local entities that need air quality permits to conduct business.

If there is a new federal law that will harm our state, it should be addressed and action should be taken through policy changes, not annual budget provisions. Decisions such as this are best made when they are developed through the proper legislative process, where expert testimony can be presented and debated in a transparent fashion. I therefore find it necessary to veto this section.

Mark Parkinson, Governor
May 27, 2010

COMMUNICATIONS FROM STATE OFFICERS

SECRETARY OF STATE, STATE OF ARIZONA

April 26, 2010

Ken Bennett, Secretary of State, reported the Forty-ninth Legislature — Second Regular Session of the State of Arizona, passed **HCR 2001**, a Concurrent Resolution resolving intent to claim sovereignty under the tenth amendment to the constitution of the United States over certain powers, serving notice to the Federal Government to cease and desist certain mandates and providing that certain Federal Legislation be prohibited or repealed.

KANSAS DEPARTMENT OF LABOR

May 25, 2010

Jim Garner, Secretary of Labor, submitted the 2009 Kansas Green Jobs Report.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **Senate Substitute for Senate Substitute for Substitute HB 2320**.

The House concurs in Senate amendments to **Senate Substitute for Senate Substitute for HB 2650**.

The House adopts the conference committee report on **HB 2130**.

The House adopts the conference committee report on **Senate Substitute for HB 2219**.

The House adopts the conference committee report on **HB 2434**.

The House adopts the conference committee report on **Senate Substitute for HB 2506**.

The House adopts the conference committee report on **HB 2660**.

MESSAGE FROM THE HOUSE

Announcing a veto message from the Governor on **Senate Substitute for Substitute House Bill No. 2538**, AN ACT concerning economic development; pertaining to the

promoting employment across Kansas act; pertaining to qualifications for benefits under such act; duties of secretary of revenue; reporting requirements; amending K.S.A. 2009 Supp. 74-50,103, 74-50,108, 74-50,210, 74-50,211, 74-50,212, 74-50,213, 74-50,214, 74-8010, 79-32,153 and 79-32,160a and repealing the existing sections, was received on April 15, 2010, and read on April 28, 2010.

There being no motion to reconsider **Senate Substitute for Substitute House Bill 2538**, the veto was sustained.

MESSAGE FROM THE HOUSE

Announcing adoption of **SCR 1632**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Brownlee, Colyer and Lynn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1888—

A RESOLUTION congratulating and thanking Patricia All.

WHEREAS, Patricia All is retiring as superintendent of the Olathe School District after the 2009-2010 school year; and

WHEREAS, Patricia All has served as superintendent of the Olathe School District since 2005 and has served the district since 1979; and

WHEREAS, She joined the Olathe School District in 1979 as assistant principal of Olathe High School, after 11 years of teaching English and social studies in another district. From 1981 to 1986, she served as principal of Oregon Trail Junior High School, and from 1986 to 1991, was principal of Olathe South High School, during which time both schools earned the U.S. Department of Education Blue Ribbon School recognition; and

WHEREAS, In 1991, Patricia All was named Director of Secondary Education, and in 1993, she became the Executive Director of Education and Technology. From 1995 to 2002, she was Assistant Superintendent for General Administration, and in 2002 she was named Deputy Superintendent; and

WHEREAS, Patricia All has been recognized by a number of community organizations for her leadership and service, including the Educator Award from the City of Character Council in 2002, the Leadership Olathe Community Leadership Award in 1996, and the Olathe Chamber of Commerce Spirit Award in 1995. She has also served on the Olathe Area Chamber of Commerce Board of Directors in 1991 and as Chairman of the Board in 1994, as the Chairman of the Convention and Visitors Bureau from 2001 to 2003 and currently serves on the Olathe Medical Center Board of Trustees; and

WHEREAS, Patricia All, who received a bachelor's degree in education, and master's and doctoral degrees in secondary school administration, all from the University of Kansas, has devoted her life to serving her community and improving the lives of young Kansans: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and thank Patricia All for her lifetime of service and dedication to the education of so many Kansans, and that we extend our best wishes for her future endeavors; and

Be it further resolved: That the Secretary of the Senate be directed to provide enrolled copies of this resolution to Senators Karin Brownlee, Jeff Colyer and Julia Lynn.

On emergency motion of Senator Brownlee **SR 1888** was adopted unanimously.

VETO SUSTAINED

President Morris announced the time had arrived for reconsideration of the line item vetoes on **H Sub for SB 572**. An act making and concerning appropriations for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2009 Supp. 2-223, 12-5256, 55-193, 72-8814, 75-2319, 75-6702, 76-775, 76-783, as amended by section 33 of 2010 House Bill No. 2557, 76-7,107, 79-2959, 79-2964, 79-2978,

79-2979, 79-3425i, 79-34,156, 79-34,171, 79-4801 and 82a-953a and section 14 of 2010 Senate Substitute for House Bill No. 2222 and section 52 of chapter 124 of the 2009 Session Laws of Kansas and repealing the existing sections.

No motion having been offered to reconsider, President Morris announced the Governor's line items vetoes on **H Sub for SB 572** were declared sustained.

As provided by **SCR 1632**, Senator D. Schmidt moved the Senate adjourn Sine Die. The motion prevailed.

President Morris thereupon announced: "By virtue of the authority vested in me as president of the Senate, I now declare the 2010 Session of the Kansas Senate adjourned Sine Die."

MESSAGE FROM THE HOUSE

Announcing the following bills are hereby transmitted to the Senate with final disposition: Senate Bills died in House Committees: **House Substitute SB 3; Substitute SB 6; SB 49; SB 55; SB 56; Substitute SB 58; SB 59; SB 69; SB 71; SB 79; SB 92; SB 93; SB 94; SB 103; Substitute SB 117; H Sub for SB 126; SB 138; SB 152; SB 153; SB 167; SB 173; SB 201; SB 215; Substitute SB 220; SB 222; SB 223; SB 224; SB 241; SB 249; SB 268; SB 274; SB 285; SB 297; SB 299; SB 307; House Substitute SB 342; SB 348; SB 351; SB 354; SB 360; SB 367; SB 370; SB 385; SB 390; SB 391; SB 406; SB 408; SB 411; Substitute SB 416; SB 417; SB 419; SB 420; SB 421; SB 423; SB 424; SB 426; SB 429; Substitute SB 447; SB 453; SB 454; SB 479; SB 480; SB 482; SB 483; SB 484; SB 488; SB 494; Substitute SB 501; SB 506; SB 512; SB 523; SB 532; SB 559; SB 566; SB 570; SB 571; SB 574; SB 575; SB 579; SB 580.**

Senate Concurrent Resolutions died in House Committees: **SCR 1602; SCR 1616; SCR 1618; SCR 1630; SCR 1631.**

Senate Bills died on the Calendar: **House Substitute SB 22, House Substitute SB 73, House Substitute SB 95, SB 147, House Substitute SB 174, Substitute SB 184, House Substitute SB 205, House Substitute SB 247, SB 248, House Substitute SB 260, House Substitute SB 302, Substitute SB 311, House Substitute SB 324, SB 363, SB 446, SB 459, SB 518, SB 520, House Substitute SB 561, SB 568, SB 581.**

Senate Concurrent Resolutions died on the Calendar: **SCR 1617, SCR 1625.**

Senate Bills died in Conference Committee: **House Substitute SB 146, House Substitute SB 254, House Substitute SB 310, House Substitute SB 313, SB 388, House Substitute for Substitute SB 514.**

Senate Concurrent Resolution died in Conference Committee: **SCR 1614.**

REPORT ON ENROLLED BILLS

SR 1888 reported correctly enrolled, properly signed and presented to the secretary of the Senate on June 1, 2010.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*



SHORT TITLE AND HISTORY
OF
SENATE BILLS
AND
SENATE RESOLUTIONS
AND
SENATE PETITIONS

(HJ Nos. refer to 2009 and 2010 House Journals)

(1631)

TITLE AND HISTORY OF SENATE BILLS

CARRIED OVER FROM 2009 SESSION

- S 2.** Governmental ethics; placing two years restriction on certain state officers, employees and appointees before becoming lobbyist. (Hensley)
Introduced—9
Referred—33
- S 3.** House Sub for S 3 by Committee on Elections — Elections; voters; photo identification required; free photo identification, certain persons. (Hensley)
Introduced—9; **HJ**—116, 286
Referred—33; **HJ**—126, 442
Report of committee—95; **HJ**—286
Committee of whole report—109
Final Action—110
- S 4.** Kansas turnpike authority, speed based tolls. (Haley)
Introduced—9
Referred—33
- S 6.** Sub for S 6 by Committee on Judiciary — Professional fund raisers; required disclosures. (Schmidt, D)
Introduced—9; **HJ**—137
Referred—33; **HJ**—141
Report of committee—109
Committee of whole report—121
Final Action—121
- S 7.** School finance; state aid; increases based on CPI-U. (Legislative Educational Planning Committee)
Introduced—9
Referred—33
- S 10.** Colleges and universities; fees and tuition; service scholarship programs, allied health care professionals for children with autism. (Legislative Educational Planning Committee)
Introduced—9
Referred—33
- S 12.** Insurance; coverage for autism. (Legislative Educational Planning Committee)
Introduced—9
Referred—33, 190, 199
- S 13.** Restrictions on qualifications for Kansas bioscience authority board members. (Hensley)
Introduced—9
Referred—33
- S 15.** Court ordered custody to commissioner of juvenile justice. (Jt Comm Corrections & Juvenile Justice Oversight)
Introduced—9
Referred—33
- S 17.** Videotaping felony interrogations. (Haley)
Introduced—9
Referred—33
- S 18.** The crime of deprivation of rights under color of law. (Haley)
Introduced—9
Referred—33
- S 20.** State aid for school capital improvements ceases for bonds issued after December 31, 2008 through June 30, 2011; state aid resumes on and after July 1, 2011. (Ways and Means)
Introduced—32
Referred—38
- S 21.** School districts; special capital outlay levy for insurance and utility services. (Ways and Means)
Introduced—33
Referred—38
- S 22.** H Sub for S 22 by Committee on Appropriations — Omnibus appropriation act and omnibus reconciliation spending limit bill for the 2009 regular session. (Ways and Means)
Introduced—33; **HJ**—351, 687
Referred—38; **HJ**—366
Report of committee—297; **HJ**—687
Committee of whole report—349; **HJ**—687
Final Action—359
- S 24.** Kansas insurance score act, repeal of. (Faust-Goudeau, Kelsey, Masterson)
Introduced—37
Referred—43
- S 25.** H Sub for S 25 by Committee on Health and Human Services—Social worker safety awareness training. (Public Health and Welfare)
Introduced—37; **HJ**—189, 1106
Referred—43; **HJ**—194
Report of committee—116; **HJ**—1106
Committee of whole report—184; **HJ**—1249
Final Action—191; **HJ**—1268
Further action of Senate—1283, 1285, 1302
Further action of House—**HJ**—1301
Enrolled—1374
Action of Governor—1375
- S 26.** H Sub for S 26 by Committee on Corrections and Juvenile Justice—Increasing traffic fines to fund increases in alcohol and drug therapy program for DUI offenders. (Judiciary)
Introduced—38; **HJ**—153, 1081
Referred—43; **HJ**—163
Report of committee—109; **HJ**—1081
Committee of whole report—141
Final Action—141
- S 27.** Presumption of paternity; genetic testing. (Judiciary)
Introduced—38
Referred—43

(HJ Nos. refer to 2009 and 2010 House Journals)

- S 30.** State surplus property; disposition of computers and firearms. (Ways and Means)
 Introduced—42; **HJ**—79
 Referred—46; **HJ**—82
 Report of committee—63; **HJ**—320
 Committee of whole report—73; **HJ**—407
 Final Action—75; **HJ**—420
 Further action of Senate—508, 1335
 Further action of House—**HJ**—438, 1070, 1318
 Enrolled—1374
 Action of Governor—1375
- S 32.** Evidence in civil actions; expression of apology by health care providers. (Public Health and Welfare)
 Introduced—42
 Referred—46, 48
- S 36.** Special assessments in transportation districts. (Commerce)
 Introduced—43
 Referred—46
- S 42.** Elections; ballots; members of the state board of education. (Education)
 Introduced—43
 Referred—46
- S 43.** House Sub for S 43 by Committee on Aging and Long-term Care — Requiring safety training as a portion of social worker continuing education requirements. (Education)
 Introduced—43; **HJ**—116, 355, 1080
 Referred—46; **HJ**—126, 277, 433
 Report of committee—95; **HJ**—355, 1080
 Committee of whole report—109
 Final Action—111
- S 47.** Local exchange carriers methods to satisfy carrier of last resort obligation. (Utilities)
 Introduced—48
 Referred—52
- S 48.** S Sub for H Sub for Sub S 48 by Committee on Utilities — Emergency communications service, fees, charges, collection and distribution, Kansas 911 Act. (Utilities)
 Introduced—48; **HJ**—203; **SJ**—985
 Referred—52; **HJ**—205; **SJ**—985
 Report of committee—183; **HJ**—834; **SJ**—1208
 Committee of whole report—215; **HJ**—857
 Final Action—217; **HJ**—862
- S 49.** Insurance coverage, mental health, alcoholism, drug abuse or other substance use disorder benefits. (Financial Institutions and Insurance)
 Introduced—48; **HJ**—261
 Referred—52, 227, 238; **HJ**—263
 Report of committee—195, 246
 Subsidiary motions—227
 Final Action—265
- S 52.** Cities; payment for public improvements. (Federal and State Affairs)
 Introduced—51
 Referred—54
- S 54.** Concerning the state capitol and grounds. (Hensley, Faust-Goudeau, Haley)
 Introduced—51; **HJ**—299
 Referred—54; **HJ**—304, 638
 Report of committee—290; **HJ**—342, 1071
 Committee of whole report—311; **HJ**—1394
 Final Action—311; **HJ**—1406
 Further action of Senate—1404
 Enrolled—1540
 Action of Governor—1623
- S 55.** Concerning ballots by uniformed and overseas citizens and federal services voters. (Ways and Means)
 Introduced—51; **HJ**—164
 Referred—54; **HJ**—165, 442
 Report of committee—130; **HJ**—342
 Committee of whole report—169
 Final Action—170
- S 56.** Elections; security of advance voting ballots. (Ways and Means)
 Introduced—51; **HJ**—164
 Referred—54; **HJ**—165, 442
 Report of committee—146; **HJ**—341
 Committee of whole report—169
 Final Action—170
- S 57.** Campaign finance; requiring electronic filing of certain reports. (Ways and Means)
 Introduced—52
 Referred—54
- S 58.** Sub for S 58 by Committee on Utilities — Kansas underground utility damage prevention act amendments. (Utilities)
 Introduced—52; **HJ**—206
 Referred—54; **HJ**—224
 Report of committee—196
 Committee of whole report—229
 Final Action—229
- S 59.** Primary seat belt law, penalty. (Transportation)
 Introduced—52; **HJ**—206
 Referred—54; **HJ**—224
 Report of committee—211
 Committee of whole report—227
 Final Action—230
- S 62.** Department of health and environment; screening of diseases and licensure of audiologists; rules and regulations. (Public Health and Welfare)
 Introduced—52; **HJ**—164
 Referred—54; **HJ**—165
 Report of committee—140; **HJ**—945
 Committee of whole report—167; **HJ**—1012
 Final Action—170; **HJ**—1015

- Further action of Senate—1116, 1260, 1337
 Further action of House—**HJ**—1034, 1329
 Enrolled—1374
 Action of Governor—1375
- S 63.** Polysomnography practice act; duties of the board of healing arts; creation of the polysomnography professional standard council. (Public Health and Welfare)
 Introduced—52
 Referred—54
- S 65.** Eminent domain; water rights. (Eminent Domain in Condemnation of Water Rights)
 Introduced—52
 Referred—54
- S 67.** Sub for S 67 by Committee on Judiciary — Amending the crimes of mistreatment of a dependent adult, identity theft and identity fraud, and criminal possession of a firearm. (Judiciary)
 Introduced—53; **HJ**—989
 Referred—61; **HJ**—1009
 Report of committee—1037
 Committee of whole report—1065; **HJ**—1205
 Final Action—1077; **HJ**—1231
 Further action of Senate—1259, 1291
 Further action of House—**HJ**—1277
 Enrolled—1374
 Action of Governor—1375
- S 69.** Crime stoppers advisory council; Kansas crime stopper trust fund. (Judiciary)
 Introduced—53; **HJ**—206
 Referred—61; **HJ**—224, 322
 Report of committee—210
 Committee of whole report—227
 Final Action—230
- S 71.** Question submitted elections; new reporting requirements; prohibiting use of public funds or equipment for advocacy. (Education)
 Introduced—53; **HJ**—164
 Referred—61; **HJ**—165
 Report of committee—146
 Committee of whole report—169
 Final Action—171
- S 73.** H Sub for S 73 by Committee on Appropriations — Appropriations for FY 2010 through FY 2015 for various state agencies. (Ways and Means)
 Introduced—54; **HJ**—153, 1171
 Referred—61; **HJ**—163
 Report of committee—115; **HJ**—1171
 Committee of whole report—141
 Final Action—142
- S 74.** H Sub for S 74 by Committee on Education Budget — School districts; finance; use of unencumbered funds; KPERS weighting; contingency reserve fund, limitation. (Ways and Means)
 Introduced—54; **HJ**—239, 1449
 Referred—61; **HJ**—244
- Report of committee—197; **HJ**—1449
 Committee of whole report—241; **HJ**—1784
 Final Action—243; **HJ**—1804
- S 75.** H Sub for S 75 by Committee on Local Government — Cemetery corporations; trust funds; secretary of state, attorney general enforcement powers. (Federal and State Affairs)
 Introduced—54; **HJ**—367, 1184
 Referred—61; **HJ**—401
 Report of committee—317; **HJ**—1184
 Committee of whole report—397; **HJ**—1239, 1256
 Final Action—397; **HJ**—1304
 Further action of Senate—1303
 Enrolled—1374
 Action of Governor—1375
- S 76.** Cereal malt beverages; alcohol content, regulation by ABC, retailers authorized to sell, taxation. (Federal and State Affairs)
 Introduced—54
 Referred—61
- S 79.** Election; changing filing deadlines for candidates. (Ethics and Elections)
 Introduced—54; **HJ**—203
 Referred—61; **HJ**—205
 Report of committee—166
 Committee of whole report—212
 Final Action—217
- S 81.** Enacting the Kansas nonsmoker protection act. (Public Health and Welfare)
 Introduced—54
 Referred—61
- S 83.** H Sub for S 83 by Committee on Health and Human Services — Naturopathic doctors licensure act; physical therapists exempt licenses and federally active licenses. (Public Health and Welfare)
 Introduced—54; **HJ**—203, 1158
 Referred—61; **HJ**—205
 Report of committee—167; **HJ**—1158
 Committee of whole report—212; **HJ**—1199
 Final Action—218; **HJ**—1231
 Further action of Senate—1259, 1339
 Further action of House—**HJ**—1277, 1332
 Enrolled—1374
 Action of Governor—1375
- S 88.** Children; permanency and priority of orders. (Judiciary)
 Introduced—57
 Referred—61
- S 90.** Insurance department, electronic filing of certain documents. (Ways and Means)
 Introduced—58
 Referred—67
- S 92.** Child in need of care; jurisdiction on CINC proceedings. (Ways and Means)

- Introduced—59; **HJ**—401
 Referred—67; **HJ**—415
 Report of committee—343
 Committee of whole report—417
 Final Action—472
- S 93.** Joint committee on special claims against the state; membership, qualifications, number. (Ways and Means)
 Introduced—59; **HJ**—351
 Referred—67; **HJ**—367
 Report of committee—109
 Subsidiary motions—109
 Committee of whole report—349
 Final Action—359
- S 94.** Child in need of care; placement of child in custody. (Ways and Means)
 Introduced—59; **HJ**—401
 Referred—67; **HJ**—415
 Report of committee—346
 Committee of whole report—417
 Final Action—472
- S 95.** House Sub for S 95 by Committee on Judiciary — Restricting driving privileges for persons for refusal, failure or high BAC in test to driving with ignition interlock devices. (Ways and Means)
 Introduced—66; **HJ**—164, 361
 Referred—75; **HJ**—165
 Report of committee—146; **HJ**—361
 Committee of whole report—170
 Final Action—171
- S 96.** Permanent annual cost-of-living adjustment for members of the retirement system for judges and the Kansas police and firemen's retirement system whose membership date is on or after July 1, 2010. (Jt Comm on Pensions, Investments and Benefits)
 Introduced—59
 Referred—67
- S 99.** Election in Lyon county to increase retailers' sales tax declared valid, and tax imposed. (Assessment and Taxation)
 Introduced—59
 Referred—67
- S 100.** Sales tax exemption for fees for guided and non-guided hunts and fishing expeditions and sale of game birds for hunting. (Assessment and Taxation)
 Introduced—59
 Referred—67
 Report of committee—115
- S 101.** Tanning facilities; regulating minors' use of tanning device. (Public Health and Welfare)
 Introduced—59
 Referred—67
- S 103.** Elections; certain local units of government; primaries. (Ethics and Elections)
 Introduced—59; **HJ**—203
 Referred—67; **HJ**—205
 Report of committee—166
 Committee of whole report—212
 Final Action—218
- S 104.** Insurance reimbursement for certain services. (Financial Institutions and Insurance)
 Introduced—59
 Referred—67
- S 106.** Cigarette lighters; unlawful to sell to minors; displays must be secure. (Federal and State Affairs)
 Introduced—59
 Referred—67
- S 109.** Amending the grandparents as caregivers act. (Ways and Means)
 Introduced—66
 Referred—75
- S 110.** Competency proceedings for criminal defendants; examination of the defendant. (Ways and Means)
 Introduced—66
 Referred—75
- S 111.** Political subdivision budget expenditures from revenues provided by property tax levies; providing limitations thereon. (Assessment and Taxation)
 Introduced—66
 Referred—75
- S 112.** Kansas act against discrimination amendments regarding disability. (Judiciary)
 Introduced—66
 Referred—75, 190, 199
- S 113.** Legislature; reducing size of Senate, House. (Steineger)
 Introduced—66
 Referred—75
- S 114.** Zoning; group homes; certain restrictions. (Federal and State Affairs)
 Introduced—66
 Referred—75, 199
- S 116.** Private detectives; permit to carry a concealed firearm. (Federal and State Affairs)
 Introduced—66
 Referred—75
- S 117.** Sub for S 117 by Committee on Ethics and Elections — Campaign finance; corrupt political advertising; website, e-mail; other internet communication; vendor record keeping. (Ethics and Elections)
 Introduced—66; **HJ**—203
 Referred—75; **HJ**—205
 Report of committee—166
 Committee of whole report—214
 Final Action—218

- S 118.** H Sub for S 118 by Committee on Local Government — Cities; certain unilateral annexations; county commission approval. (Ethics and Elections)
 Introduced—66; **HJ**—164, 1184
 Referred—75; **HJ**—165, 304
 Report of committee—146; **HJ**—1184
 Committee of whole report—167
 Final Action—171
- S 121.** Health care; reform in funding and structure of the federal and state programs. (Public Health and Welfare)
 Introduced—66
 Referred—75
- S 124.** Affiliation with Kansas police and firemen's retirement system (KP&F) by the Kansas department of wildlife and parks for membership of certain officers and employees. (Transportation)
 Introduced—66
 Referred—75
- S 125.** Grandparents as caregivers act; eligibility, legal guardianship not required. (Faust-Goudeau)
 Introduced—66
 Referred—75
- S 126.** House Sub for S 126 by Committee on Insurance — Controlled insurance program act. (Financial Institutions and Insurance)
 Introduced—66; **HJ**—164, 361
 Referred—75; **HJ**—165, 440
 Report of committee—140; **HJ**—361
 Committee of whole report—167
 Final Action—171
- S 127.** Distribution of revenue from tax on alcoholic liquor. (Assessment and Taxation)
 Introduced—66
 Referred—75
- S 128.** Fatherhood initiative program; implemented by the department of social and rehabilitative services. (Faust-Goudeau)
 Introduced—67
 Referred—75
- S 129.** State medicaid program; county jail inmates; changes. (Local Government)
 Introduced—67
 Referred—75, 91
- S 130.** Schools; school terms, holidays and in-service training. (Education)
 Introduced—75
 Referred—93
- S 131.** Private and out of state postsecondary educational institution act; fees; reporting requirements; penalties; student complaints; state board of regents, powers. (Education)
 Introduced—75; **HJ**—148
 Referred—93; **HJ**—152
 Report of committee—115; **HJ**—280
- Subsidiary motions—**HJ**—299
 Committee of whole report—136; **HJ**—307
 Final Action—140; **HJ**—318
 Further action of Senate—402, 1585
 Further action of House—**HJ**—351, 1449, 1781
 Enrolled—1623
 Action of Governor—1623
- S 133.** Ticket surcharge of \$1 to fund the Kansas sports hall of fame; designated college and high school athletic events. (Ways and Means)
 Introduced—75
 Referred—93
- S 136.** Patient protection act, prohibited provisions in agreement. (Financial Institutions and Insurance)
 Introduced—90
 Referred—93, 190, 199, 977
- S 138.** STAR bond financing. (Commerce)
 Introduced—90; **HJ**—203
 Referred—93; **HJ**—206
 Report of committee—166
 Committee of whole report—214
 Final Action—219
- S 140.** Senior citizen property tax deferral act. (Assessment and Taxation)
 Introduced—92
 Referred—97
- S 141.** Inspector general within Kansas health policy authority transferred to division of post audit. (Judiciary)
 Introduced—92
 Referred—97, 101
- S 143.** The Kansas immigration accountability act. (Federal and State Affairs)
 Introduced—92
 Referred—97
- S 144.** Subdivisions; blanket easements, void; exceptions. (Federal and State Affairs)
 Introduced—92
 Referred—97
- S 146.** H Sub for S 146 by Committee on KPERS—KPERS computation of benefits when state officer or employee is placed on furlough or has reduction in compensation. (Ways and Means)
 Introduced—93; **HJ**—401, 1135
 Referred—97; **HJ**—415, 1034
 Report of committee—334; **HJ**—1135
 Committee of whole report—414; **HJ**—1199
 Final Action—472; **HJ**—1231
 Further action of Senate—1259
 Further action of House—**HJ**—1277
- S 147.** Department of health and environment; HIV screening for pregnant women and newborn children; rules and regulations. (Public Health and Welfare)
 Introduced—93; **HJ**—261

- Referred—97, 198, 226; **HJ**—263
 Report of committee—246; **HJ**—345
 Committee of whole report—268
 Final Action—278
- S 149.** School districts; supplemental general state aid for certain districts. (Education)
 Introduced—93
 Referred—97, 226, 235
- S 150.** Postsecondary education; KPERS eligible educational program act. (Abrams)
 Introduced—96
 Referred—101
- S 151.** Medicaid; charitable donations by certain persons. (Ways and Means)
 Introduced—96
 Referred—101
- S 152.** Regulation of certain motor carriers by the corporation commission. (Transportation)
 Introduced—98; **HJ**—206
 Referred—108; **HJ**—224
 Report of committee—211
 Committee of whole report—227
 Final Action—231
- S 153.** Regulation of certain motor vehicles and motor carriers by the corporation commission. (Transportation)
 Introduced—98; **HJ**—261
 Referred—108, 226, 236; **HJ**—263
 Report of committee—255
 Committee of whole report—268
 Final Action—278
- S 155.** Center for health and environmental statistics employees; fingerprinting, criminal history record checks. (Judiciary)
 Introduced—99
 Referred—108
- S 157.** Driver improvement clinics, fees, disposition thereof; correctional services special revenue fund. (Judiciary)
 Introduced—99
 Referred—108, 190, 199
- S 164.** Municipalities; legal notices; web sites alternative. (Ways and Means)
 Introduced—99
 Referred—108
- S 165.** State water plan fund increases. (Ways and Means)
 Introduced—99
 Referred—108
- S 166.** Medicaid; repealing statute prohibiting prior authorization for certain mental illness medications. (Ways and Means)
 Introduced—99
 Referred—108
- S 167.** Hospitals; increasing the enforceable limit of a hospital lien. (Ways and Means)
 Introduced—99; **HJ**—1161
 Referred—108; **HJ**—1187
 Report of committee—1198
 Committee of whole report—1220
 Final Action—1222
- S 169.** Kansas Act Against Discrimination, inclusion of sexual orientation and gender identity (Federal and State Affairs)
 Introduced—99
 Referred—108, 413
 Report of committee—362, 990
- S 170.** Interpreters data bank. (Public Health and Welfare)
 Introduced—99
 Referred—108
- S 172.** Kansas insurance score act, prohibited acts. (Ways and Means)
 Introduced—99
 Referred—108
- S 173.** State health care benefits program; certain retired officers and employees. (Ways and Means)
 Introduced—99; **HJ**—203
 Referred—108; **HJ**—205
 Report of committee—183
 Committee of whole report—212
 Final Action—220
- S 174.** H Sub for S 174 by Committee on Insurance — Requiring carriers and insurers to offer HSAs and high-deductible plans, providing for employer reimbursements for employee's individual plans, and providing for a federal income tax deduction for individual policies. (Ways and Means)
 Introduced—100; **HJ**—261, 1217
 Referred—108, 190, 199; **HJ**—263
 Report of committee—246; **HJ**—1217
 Committee of whole report—268; **HJ**—1256, 1281
 Final Action—278
- S 176.** State board of regents; elected. (Pilcher-Cook)
 Introduced—104
 Referred—119
- S 177.** Income tax credit for certain adoption expenses. (Assessment and Taxation)
 Introduced—105
 Referred—119, 198, 226
- S 179.** Racial profiling; definition thereof, required policies by law enforcement agencies; investigation of complaints. (Federal and State Affairs)
 Introduced—105
 Referred—119, 926
 Report of committee—317
- S 180.** Prohibiting self-service tobacco sales. (Public Health and Welfare)
 Introduced—105

- Referred—119
- S 181.** Insurance, mental health parity. (Public Health and Welfare)
Introduced—105
Referred—119
- S 182.** Air quality, urban counties, diesel emissions. (Natural Resources)
Introduced—105
Referred—119, 190, 199
- S 184.** Sub for S 184 by Committee on Natural Resources — Surface owner notification. (Natural Resources)
Introduced—105; **HJ**—442
Referred—119, 190, 199; **HJ**—450
Report of committee—414; **HJ**—517
Committee of whole report—487, 506
Final Action—526
- S 185.** Water rights, nonuse, due and sufficient cause. (Agriculture)
Introduced—105
Referred—119, 198, 226
- S 186.** Vacancy in office of lieutenant governor; notice of resignation from office of governor or lieutenant governor. (Pyle)
Introduced—105
Referred—119, 226, 235
- S 188.** Wage garnishment; providing definition of “immediate family”; explaining required affidavit in the event of sickness preventing work. (Ways and Means)
Introduced—105
Referred—119
- S 189.** Creating an outfitter license. (Natural Resources)
Introduced—105
Referred—119
- S 190.** Elections; include electronic and direct read electronic voting machines in voting machine fraud statute. (Haley)
Introduced—105
Referred—119
- S 191.** Elections; paper verification for electronic voting machines. (Haley, Faust-Goudeau)
Introduced—105
Referred—119
- S 192.** Income tax credit for certain taxpayers on motor-fuel taxes paid. (Pyle)
Introduced—105
Referred—119
- S 193.** Vacancy in office of United States senator; procedure. (Pyle)
Introduced—112
Referred—119, 226, 235
- S 194.** Schools; at-risk weighting; age-limitation; FTE computation. (Legislative Post Audit Committee)
Introduced—112
Referred—119
- S 195.** Providing insurance coverage for orally administered anticancer medications. (Wagle)
Introduced—112
Referred—119, 190, 199, 1167, 1192
- S 196.** KPERs employment after retirement restrictions to apply to retirants employed by a third-party entity. (Jt Comm on Pensions, Investments and Benefits)
Introduced—112
Referred—119, 300
Report of committee—268
- S 197.** Property taxation; 2% limit on valuation increases. (Pilcher-Cook, Brownlee, Huelskamp, Masterson, Petersen, Wagle)
Introduced—112
Referred—119
- S 198.** Counties; consolidation commission; reduce number of counties. (Steineger)
Introduced—113
Referred—119, 226, 235
- S 199.** Requiring state agencies to use moneys appropriated for employee salaries on state employee salaries. (Hensley)
Introduced—113
Referred—119
- S 200.** H Sub for S 200 by Committee on Social Service Budget — Health maintenance organizations, annual privilege fee, remove phase-in. (Public Health and Welfare)
Introduced—113; **HJ**—203, 1072
Referred—119; **HJ**—205, 1062
Report of committee—183; **HJ**—1072
Committee of whole report—212; **HJ**—1096
Final Action—220; **HJ**—1104
Further action of Senate—1202, 1303
Further action of House—**HJ**—1161
Enrolled—1374
Action of Governor—1375
- S 201.** Display of U.S. flag at half-staff for veterans killed. (Haley, Apple, Barnett, Bruce, Faust-Goudeau, Hensley, Holland, Kelly, Kelsey, Marshall, Masterson, Petersen, Schmidt, D, Schodorf)
Introduced—113; **HJ**—401
Referred—119; **HJ**—415
Report of committee—343
Committee of whole report—414
Final Action—473
- S 202.** Abortion; late term abortion; records; reporting. (Taddiken)
Introduced—113
Referred—119
- S 204.** Cities; annexation procedures. (Agriculture)

- Introduced—113; **HJ**—284
 Referred—119; **HJ**—298; **SJ**—537
 Report of committee—285; **HJ**—355
 Committee of whole report—297; **HJ**—432
 Final Action—300; **HJ**—447
- S 205.** House Sub for S 205 by Committee on Appropriations — Omnibus appropriation act and omnibus reconciliation spending limit bill for the 2009 regular session. (Ways and Means)
 Introduced—113; **HJ**—367, 706
 Referred—119; **HJ**—401
 Report of committee—335; **HJ**—706
 Committee of whole report—397
 Final Action—397
- S 206.** Kansas insurance score act, defining personal insurance. (Faust-Goudeau, Kelsey, Masterson)
 Introduced—113
 Referred—119
- S 207.** Appropriations for FY 2010 through FY 2014, home and community based services under DD, PD, FE, TBI and autism medicaid waivers and Tiny-K programs. (Ways and Means)
 Introduced—113
 Referred—119
- S 208.** Abolishing the death penalty. (Ways and Means)
 Introduced—113
 Referred—119, 335
 Report of committee—268
- S 209.** Teachers; nontraditional licensure. (Kelsey)
 Introduced—113
 Referred—119
- S 210.** Counties; election commissioners; elected. (Hensley, Kultala)
 Introduced—113
 Referred—119
- S 211.** Providing journalists with privilege concerning the disclosure of certain information. (Schmidt, D, Hensley)
 Introduced—113
 Referred—119
- S 213.** H Sub for S 213 by Committee on Federal and State Affairs—Rules and regulations filing act. (Federal and State Affairs)
 Introduced—113; **HJ**—277, 1106
 Referred—119; **HJ**—284
 Report of committee—268; **HJ**—1106
 Committee of whole report—291; **HJ**—1170
 Final Action—294; **HJ**—1190
 Further action of Senate—1239, 1314
 Further action of House—**HJ**—1298
 Enrolled—1374
 Action of Governor—1375
- S 214.** H Sub for Sub for S 214 by Committee on Agriculture and Natural Resources—Strip annexation prohibited. (Natural Resources)
 Introduced—113; **HJ**—322, 1157
 Referred—119, 190, 199; **HJ**—350
 Report of committee—310; **HJ**—1157
 Committee of whole report—338; **HJ**—1256
 Final Action—340; **HJ**—1295
 Further action of Senate—1298, 1405
 Further action of House—**HJ**—1312
 Enrolled—1540
 Action of Governor—1623
- S 215.** Non-gubernatorial appointments subject to confirmation; procedure. (Federal and State Affairs)
 Introduced—118; **HJ**—239
 Referred—124; **HJ**—244, 322
 Report of committee—210
 Committee of whole report—241
 Final Action—244
- S 216.** Revision of Kansas cigarette and tobacco products act. (Judiciary)
 Introduced—118
 Referred—124
- S 217.** Retail electric suppliers act, state educational institutions authorized to enter into certain energy generation agreements. (Utilities)
 Introduced—118
 Referred—124, 190, 199
- S 220.** Sub for S 220 by Committee on Public Health and Welfare — Emergency medical services; authority of the board of emergency medical services. (Ways and Means)
 Introduced—118; **HJ**—401
 Referred—124, 198, 226; **HJ**—415
 Report of committee—348
 Committee of whole report—418
 Final Action—473
- S 221.** Duties of emergency medical services board. (Ways and Means)
 Introduced—118
 Referred—125
- S 222.** Emergency medical services, criminal history record checks. (Ways and Means)
 Introduced—118; **HJ**—951
 Referred—124, 139; **HJ**—963
 Report of committee—1011
 Committee of whole report—1027
 Final Action—1033
- S 223.** Emergency medical services board, authority to issue subpoenas. (Ways and Means)
 Introduced—118; **HJ**—277
 Referred—124, 139; **HJ**—284
 Report of committee—260
 Committee of whole report—291
 Final Action—294

- S 224.** Emergency medical services board authorized to assess civil fines. (Ways and Means)
 Introduced—118; **HJ**—299
 Referred—124, 139; **HJ**—304
 Report of committee—290
 Committee of whole report—311
 Final Action—312
- S 226.** Taxpayer transparency act; amended to include state and federal funds passed through to counties, cities of first class and school districts and to include each legislator's vote on a given bill during legislative session. (Ways and Means)
 Introduced—118
 Referred—125
- S 227.** Creating the Kansas tourism corporation. (Ways and Means)
 Introduced—118
 Referred—124
- S 229.** Misclassification of employees. (Federal and State Affairs)
 Introduced—118
 Referred—124
- S 230.** Creating the department of financial institutions and abolishing the office of the state bank commissioner and the office of the securities commissioner. (Legislative Post Audit Committee)
 Introduced—123
 Referred—127, 139
- S 231.** Transferring the powers and duties of the animal health department and state conservation commission to the department of agriculture. (Legislative Post Audit Committee)
 Introduced—123
 Referred—127, 180
- S 232.** Civil liability for worthless checks, definition of giving a worthless check. (Judiciary)
 Introduced—124
 Referred—127
- S 233.** Adoption, relinquishment and consent. (Judiciary)
 Introduced—124
 Referred—127, 190, 199
- S 234.** H Sub for S 234 by Committee on Judiciary — Concerning civil procedure and garnishment. (Judiciary)
 Introduced—124; **HJ**—951, 1195
 Referred—127, 190, 199; **HJ**—963
 Report of committee—1011; **HJ**—1195
 Committee of whole report—1027; **HJ**—1237
 Final Action—1033; **HJ**—1268
 Further action of Senate—1292
 Enrolled—1374
 Action of Governor—1375
- S 235.** Uniform adult guardianship and protective proceedings jurisdiction act. (Judiciary)
 Introduced—124
 Referred—127
- S 236.** Interest on judgments. (Judiciary)
 Introduced—124
 Referred—127, 190, 199
- S 239.** Enacting the rural risk bank loan guarantee loan program. (Financial Institutions and Insurance)
 Introduced—124
 Referred—127
- S 241.** Regulating distressed property consulting services. (Financial Institutions and Insurance)
 Introduced—124; **HJ**—299
 Referred—127, 198, 226; **HJ**—304
 Report of committee—290
 Committee of whole report—311
 Final Action—312
- S 243.** Benefits for disabled veterans. (Assessment and Taxation)
 Introduced—124
 Referred—127, 198, 226
- S 244.** Eligible businesses under the economic revitalization and reinvestment act. (Assessment and Taxation)
 Introduced—124
 Referred—127, 198, 226
- S 245.** Allowing publication of a summary of a city ordinance. (Federal and State Affairs)
 Introduced—126
 Referred—139
- S 246.** Allowing the issuance of a special permit to conduct tastings of alcoholic beverages. (Federal and State Affairs)
 Introduced—127
 Referred—139
- S 247.** H Sub for S 247 by Committee on Federal and State Affairs — Children in need of care; grandparent costs; continuing education requirements for guardians ad litem, others. (Federal and State Affairs)
 Introduced—127; **HJ**—351, 1238
 Referred—139; **HJ**—367
 Report of committee—317; **HJ**—1238
 Committee of whole report—349
 Final Action—359
- S 248.** Electronic logging system for sale of methamphetamine precursor. (Ways and Means)
 Introduced—127; **HJ**—299
 Referred—139; **HJ**—304
 Report of committee—296; **HJ**—341
 Committee of whole report—311
 Final Action—312
- S 249.** Pharmacists; dispensing substitution of drug product. (Ways and Means)
 Introduced—127; **HJ**—203
 Referred—139; **HJ**—205
 Report of committee—167

- Committee of whole report—214
Final Action—221
- S 250.** Workers compensation; increase in benefits. (Ways and Means)
Introduced—127
Referred—138, 926
- S 251.** Workers compensation; bilateral scheduled injuries under permanent partial disability. (Ways and Means)
Introduced—127
Referred—138, 926
- S 252.** Criminal offenders in custody, health care costs; department of corrections and juvenile justice authority. (Ways and Means)
Introduced—127
Referred—139
- S 254.** House Sub for S 254 by Committee on Agriculture and Natural Resources — Cities; restrictions on annexation. (Ways and Means)
Introduced—127; **HJ**—284, 358
Referred—139; **HJ**—298, 320
Report of committee—268; **HJ**—358
Committee of whole report—297; **HJ**—432
Final Action—300; **HJ**—448
Further action of Senate—538
Further action of House—**HJ**—451
- S 255.** H Sub for S 255 by Committee on Taxation — Sales tax authority for Kingman and Pottawatomie counties. (Ways and Means)
Introduced—127; **HJ**—367, 1195
Referred—138, 198, 226; **HJ**—401
Report of committee—338; **HJ**—1195
Committee of whole report—397; **HJ**—1256, 1281
Final Action—397; **HJ**—1304
Further action of Senate—1303
Enrolled—1374
Action of Governor—1375
- S 256.** Creating the pesticide safety education fee fund. (Federal and State Affairs)
Introduced—139
Referred—144
- S 258.** Workers compensation act, to increase the caps on benefits. (Ways and Means)
Introduced—139
Referred—144, 926
- S 259.** State and school employer contributions to the Kansas public employees retirement system. (Ways and Means)
Introduced—143
Referred—148
- S 260.** H Sub for S 260 by Committee on Insurance — Implementing an automobile insurance verification system to be overseen by the department of revenue and setting up guidelines for the vendor, government agencies and insurers to comply with the system. (Ways and Means)
Introduced—143; **HJ**—299, 1217
Referred—148; **HJ**—304
Report of committee—268; **HJ**—1217
Committee of whole report—311
Final Action—312
- S 261.** Interstate compact on the agreement among the states to elect the president by national popular vote act. (Ways and Means)
Introduced—143
Referred—148
- S 262.** H Sub for S 262 by Committee on Health and Human Services—Emergency medical services attendants scope of practice and titles. (Ways and Means)
Introduced—143; **HJ**—277, 1106
Referred—148; **HJ**—284
Report of committee—260; **HJ**—1106
Committee of whole report—291; **HJ**—1156
Final Action—294; **HJ**—1163
Further action of Senate—1240, 1343
Further action of House—**HJ**—1254, 1335
Enrolled—1374
Action of Governor—1375
- S 263.** Insurance; mandatory reinstatement of certain insurance policies in case of mental incapacity of an insured. (Federal and State Affairs)
Introduced—143
Referred—148
- S 264.** Amending date by which amount of ad valorem tax to be levied is certified to county clerk. (Ways and Means)
Introduced—147
Referred—177
- S 265.** Energy conservation and electric generation, transmission and efficiency and air emissions. (Ways and Means)
Introduced—148
Referred—177
- S 266.** Community colleges; tax levies for operation and maintenance. (Ways and Means)
Introduced—148
Referred—177
- S 267.** Elections; voters; voter identification changes. (Ways and Means)
Introduced—148
Referred—177, 762
Report of committee—329
- S 268.** Elections; military personnel; voting by electronic mail. (Federal and State Affairs)
Introduced—148; **HJ**—401
Referred—177; **HJ**—415
Report of committee—329
Committee of whole report—414
Final Action—473

- S 269.** H Sub for S 269 by Committee on Judiciary — Concerning the Kansas consumer protection act and advertising and conducting certain live musical performances. (Federal and State Affairs)
 Introduced—148; **HJ**—367, 1183
 Referred—177; **HJ**—401
 Report of committee—338; **HJ**—1183
 Committee of whole report—397; **HJ**—1239
 Final Action—398; **HJ**—1268
 Further action of Senate—1283, 1343
 Further action of House—**HJ**—1301, 1336
 Enrolled—1374
 Action of Governor—1375
- S 270.** Individual district options to consolidate community corrections and court services. (Federal and State Affairs)
 Introduced—148
 Referred—177
- S 271.** Counties; certain contracts; bidding threshold increased. (Federal and State Affairs)
 Introduced—148
 Referred—177
- S 272.** Incompetent to stand trial; commitment, release procedures. (Federal and State Affairs)
 Introduced—148
 Referred—177
- S 273.** Kansas expanded lottery act; electronic gaming machine income distribution, election to allow electronic gaming machines in Sedgwick county. (Federal and State Affairs)
 Introduced—148
 Referred—177
- S 274.** Enacting Kansas scenic and heritage backroads act. (Ways and Means)
 Introduced—148; **HJ**—367
 Referred—177; **HJ**—401
 Report of committee—330
 Committee of whole report—397
 Final Action—398
- S 276.** Providing for separate United States army, navy, air force, marine corps and coast guard or merchant marine license plates. (Ways and Means)
 Introduced—179
 Referred—189
- S 277.** Funding the recodification commission from judicial council funds; judicial performance commission not required to evaluate retired senior judges. (Ways and Means)
 Introduced—189
 Referred—198
- S 278.** Sub for S 278 by Committee on Judiciary — Creating the Kansas DUI commission; correctional services special revenue fund; driver improvement clinics; penalties for driving under the influence; information sent to KBI central repository. (Federal and State Affairs)
 Introduced—189
 Referred—198, 977
 Report of committee—260
- S 279.** Mandatory minimum sentence for involuntary manslaughter while driving under the influence of alcohol drugs. (Federal and State Affairs)
 Introduced—189
 Referred—198
- S 280.** Suspension and restriction of driving privileges for test refusal, test failure or alcohol or drug-related conviction for persons under 21. (Ways and Means)
 Introduced—189
 Referred—198
- S 281.** Sentencing for severity level 4 drug crimes; probation or assignment to community correctional services up to 18 months. (Ways and Means)
 Introduced—189
 Referred—198
- S 282.** Court of appeals; delay 14th judge position to January, 2011. (Ways and Means)
 Introduced—226
 Referred—235
- S 283.** Criminal procedure; community corrections, high risk or needs offenders determined by the risk assessment tool, LSI-R; delay use until January 1, 2011. (Ways and Means)
 Introduced—226
 Referred—235
- S 284.** Third party administrator authorized for certain utilities energy efficiency and conservation programs. (Ways and Means)
 Introduced—237
 Referred—240
- S 285.** KAN-ED; funding. (Ways and Means)
 Introduced—238; **HJ**—367
 Referred—240; **HJ**—401
 Report of committee—297
 Committee of whole report—397
 Final Action—398
- S 286.** Repealing statutes that authorize the destruction of prairie dogs by certain townships. (Federal and State Affairs)
 Introduced—239
 Referred—243
- S 287.** Prairie dog management, control and conservation. (Federal and State Affairs)
 Introduced—239
 Referred—243
- S 288.** Providing insurance coverage for colorectal cancer screening. (Ways and Means)
 Introduced—239
 Referred—243

- S 289.** Increasing penalty for leaving the scene of a vehicle accident which results in death to match penalty for involuntary manslaughter while driving under the influence. (Ways and Means)
 Introduced—239
 Referred—243
- S 291.** Establishing a procedure for preparation and adoption of reapportionment plans. (Federal and State Affairs)
 Introduced—242
 Referred—248
- S 292.** Civil procedure, liens; requiring notice of commencement and notice of furnishings to be filed prior to filing certain commercial property liens. (Ways and Means)
 Introduced—242
 Referred—248
- S 293.** H Sub for S 293 by Committee on Transportation — Designating part of U.S. Highway 75 as the Lane Freedom Trail. (Ways and Means)
 Introduced—243; **HJ**—351, 1159
 Referred—248; **HJ**—367
 Report of committee—330; **HJ**—1159
 Committee of whole report—349; **HJ**—1196
 Final Action—359; **HJ**—1232
 Further action of Senate—1260, 1592
 Further action of House—**HJ**—1277, 1298, 1394, 1782
 Enrolled—1623
 Action of Governor—1623
- S 294.** Amendments to the Kansas whistleblowers act; employee suggestion program. (Ways and Means)
 Introduced—247
 Referred—254
- S 295.** Blind and visually impaired persons, establishing the motor vehicle and safe mobility committee. (Ways and Means)
 Introduced—253
 Referred—256
- S 296.** Federal stimulus act, review and evaluation. (Ways and Means)
 Introduced—254
 Referred—256
- S 297.** Concerning governmental ethics; eliminating the filing requirement for certain faculty of state education institutions; pertaining to reporting of certain expenditures by lobbyists; requiring certain members of the judicial branch to file disclosure statements. (Ways and Means)
 Introduced—256; **HJ**—351
 Referred—260; **HJ**—366
 Report of committee—303
 Committee of whole report—349
 Final Action—359
- S 298.** Requiring well identification signs be placed on or near certain oil or gas wells. (Ways and Means)
 Introduced—256; **HJ**—401
 Referred—260; **HJ**—415
 Report of committee—348; **HJ**—812
 Committee of whole report—414; **HJ**—857
 Final Action—473; **HJ**—862
- S 299.** Regulation for underground hydrocarbon storage wells. (Ways and Means)
 Introduced—259; **HJ**—367
 Referred—265; **HJ**—401
 Report of committee—338
 Committee of whole report—397
 Final Action—398
- S 300.** H Sub for S 300 by Committee on Transportation — Regulating traffic; text messaging, window tinting, license plates, school buses; penalties. (Ways and Means)
 Introduced—259; **HJ**—322, 1159
 Referred—265; **HJ**—350
 Report of committee—311; **HJ**—1159
 Committee of whole report—338; **HJ**—1205
 Final Action—341; **HJ**—1232
 Further action of Senate—1260, 1605
 Further action of House—**HJ**—1277, 1298, 1394, 1815
 Enrolled—1623
 Action of Governor—1623
- S 301.** Sub for S 301 by Committee on Federal and State Affairs — Amendments to statutes relating to monumentation of corners in land surveys and recording such surveys. (Ways and Means)
 Introduced—259
 Referred—264, 1116
 Report of committee—1047
- S 302.** H Sub for S 302 by Committee on Transportation — Transportation works for Kansas, financing. (Ways and Means)
 Introduced—259; **HJ**—367, 1184
 Referred—265; **HJ**—401
 Report of committee—311; **HJ**—1184
 Committee of whole report—397
 Final Action—398
- S 303.** Abolishing KTEC and Kansas, Inc. and transferring the duties thereof to the department of commerce. (Ways and Means)
 Introduced—261
 Referred—280
- S 304.** Appropriations for FY 2009 through FY 2013 for various state agencies. (Ways and Means)
 Introduced—282
 Referred—287
- S 305.** H Sub for S 305 by Committee on Judiciary — Concerning the Kansas tort claims act and charitable health care providers. (Ways and Means)

- Introduced—282; **HJ**—951, 1183
 Referred—287, 416; **HJ**—963
 Report of committee—389, 1019; **HJ**—1183
 Committee of whole report—1027; **HJ**—1239
 Final Action—1033; **HJ**—1269
 Further action of Senate—1292
 Enrolled—1374
 Action of Governor—1375
- S 306.** H Sub for S 306 by Committee on Federal and State Affairs — Personal and family protection act; amendments. (Ways and Means)
 Introduced—282; **HJ**—351, 1217
 Referred—287; **HJ**—367
 Report of committee—334; **HJ**—1217
 Committee of whole report—**HJ**—1238
 Final Action—358; **HJ**—1269
 Further action of Senate—1294, 1413, 1473
 Further action of House—**HJ**—1307, 1447, 1507
 Enrolled—1620
 Action of Governor—1623
- S 307.** State fire marshal duty to conduct on-site inspect of non-fuel flammable or combustible liquid aboveground storage tanks, delayed until July 1, 2012; compliance with standards, delayed until July 1, 2015. (Ways and Means)
 Introduced—282; **HJ**—367
 Referred—287; **HJ**—401
 Report of committee—338
 Committee of whole report—397
 Final Action—398
- S 308.** State agencies; relating to the 20% administrative fee charged to agencies; cap increased from \$200,000 to \$350,000. (Ways and Means)
 Introduced—283
 Referred—287, 977
 Report of committee—483
- S 309.** Appropriations for FY2010 and FY2011 for capital improvements for various state agencies. (Ways and Means)
 Introduced—283
 Referred—287
- S 310.** H Sub for S 310 by Committee on Judiciary — Concerning marriage license fees and poverty. (Ways and Means)
 Introduced—286; **HJ**—367, 1183
 Referred—293; **HJ**—401
 Report of committee—349; **HJ**—1183
 Committee of whole report—397; **HJ**—1239
 Final Action—399; **HJ**—1270
 Further action of Senate—1294
 Further action of House—**HJ**—1308
- S 311.** Sub for S 311 by Committee on Ways and Means — State budget, state general fund ending balance requirements, revenue shortfalls and reductions in authorized expenditures. (Ways and Means)
 Introduced—293; **HJ**—695
 Referred—300; **HJ**—696
 Report of committee—771
 Committee of whole report—794; **HJ**—1215
 Final Action—794
- S 312.** H Sub for S 312 by Committee on Taxation — Authorizing pooled money investment board to loan funds to counties to refund certain taxes paid under protest or certain taxes subject to appeals. (Ways and Means)
 Introduced—293; **HJ**—413, 1195
 Referred—300; **HJ**—415
 Report of committee—404; **HJ**—1195
 Committee of whole report—484; **HJ**—1237, 1256, 1279
 Final Action—487; **HJ**—1305
 Further action of Senate—1303
 Enrolled—1374
 Action of Governor—1375
- S 313.** H Sub for S 313 by Committee on Appropriations—State and school bond obligations, state general fund bonded debt, school district capital improvement fund transfers. (Ways and Means)
 Introduced—298; **HJ**—351, 1142
 Referred—316; **HJ**—366
 Report of committee—334; **HJ**—1142
 Committee of whole report—349; **HJ**—1214
 Final Action—360; **HJ**—1233
 Further action of Senate—1260
 Further action of House—**HJ**—1277
- S 314.** Creating the special economic revitalization act. (Ways and Means)
 Introduced—298
 Referred—316
- S 315.** Amending the water appropriations act and the water projects environmental coordination act. (Ways and Means)
 Introduced—324
 Referred—337
- S 316.** H Sub for S 316 by Committee on Agriculture and Natural Resources — Nonuse of water as a conservation use. (Ways and Means)
 Introduced—324; **HJ**—401, 940
 Referred—337; **HJ**—415
 Report of committee—343; **HJ**—940
 Committee of whole report—415; **HJ**—1012
 Final Action—473; **HJ**—1015
 Further action of Senate—1116, 1283
 Further action of House—**HJ**—1034, 1218
 Enrolled—1334
 Action of Governor—1374
- S 317.** Abolishing KTEC and transferring the duties thereof to the department of commerce and the board of regents. (Ways and Means)

- Introduced—325
Referred—337
- S 318.** Fees collected by state board of healing arts. (Ways and Means)
Introduced—325
Referred—337
- S 319.** Affiliation with the Kansas police and firemen's retirement system by adjutant general for membership of certain firefighters serving the 190th Kansas air national guard. (Ways and Means)
Introduced—325
Referred—337
- S 320.** The department of social and rehabilitation services, regarding the funeral assistance program. (Ways and Means)
Introduced—325
Referred—337
- S 321.** Insurance department; premium taxes collected, credited to the state general fund for FY 2010, not the insurance department service regulation fund. (Ways and Means)
Introduced—325
Referred—337
- S 322.** Emergency medical services board operating fund and fire service training program fund pay the 20% reimbursement to the state general fund for administrative costs. (Ways and Means)
Introduced—336
Referred—340
- S 323.** 2010 transportation plan, financing thereof. (Ways and Means)
Introduced—337
Referred—340
- S 324.** H Sub for S 324 by Committee on Commerce and Labor — Home inspectors, financial liability. (Ways and Means)
Introduced—337; **HJ**—401, 809
Referred—340; **HJ**—415
Report of committee—407; **HJ**—809
Committee of whole report—460; **HJ**—857
Final Action—473
- S 325.** Employment security law; allows alternate base periods and benefits for individuals forced to leave employment to care for ill or disabled family member. (Ways and Means)
Introduced—337
Referred—340, 926
- S 326.** Increasing allowed transfer from crime victims compensation fund to crime victims assistance fund; from \$100,000 to \$300,000. (Ways and Means)
Introduced—339; **HJ**—442
Referred—358; **HJ**—450, 1034
Report of committee—483; **HJ**—1072
Committee of whole report—498; **HJ**—1105
Final Action—526; **HJ**—1113
- Further action of Senate—1202
Enrolled—1234
Action of Governor—1289
- S 327.** Creating the tobacco master settlement agreement compliance fund; transferring \$900,000 from Kansas endowment for youth fund; enforcing tobacco laws. (Ways and Means)
Introduced—340
Referred—358
- S 328.** Kansas health policy authority; grant program for local primary health projects, creating the aid to locals — primary health projects fund. (Ways and Means)
Introduced—340
Referred—358
- S 329.** Repealing the Kansas home inspectors professional competence and financial responsibility act. (Ways and Means)
Introduced—358
Referred—401, 412, 977
Report of committee—480
- S 330.** Reimbursement rates for nursing facilities; not applicable in fiscal year 2010. (Ways and Means)
Introduced—416
Referred—478
- S 331.** Attaching the athletic commission of the state of Kansas to the Kansas racing and gaming commission. (Ways and Means)
Introduced—530
Referred—532
- S 332.** Annexation by cities; territory of rural water districts; procedures. (Ways and Means)
Introduced—755
Referred—765
- S 333.** Authorizing the Kansas parole board to charge and collect certain fees. (Ways and Means)
Introduced—755
Referred—765
- S 334.** Rates of estate tax and franchise tax, three-year freeze without reduction. (Ways and Means)
Introduced—756
Referred—765
- S 335.** Income taxation, deductions, determination of Kansas adjusted gross income and credits, decoupling legislation. (Ways and Means)
Introduced—756
Referred—765
- S 337.** Sub for S 337 by Committee on Assessment and Taxation — Settlement authority to resolve assessments by secretary of revenue. (Ways and Means)
Introduced—761
Referred—765, 977
Report of committee—800

S 338. Distribution of revenue from tax on privilege of selling alcoholic liquor. (Ways and Means)
Introduced—762
Referred—765

S 339. Energy conservation and electric generation, transmission, efficiency and air emissions. (Federal and State Affairs)
Introduced—814
Referred—815

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S 340. School districts; pupils residing at certain youth residential facilities; determining enrollment of school district. (Vratil)
Introduced—909
Referred—910

S 341. Legislative post audit; school district audit team. (Legislative Post Audit Committee)
Introduced—909
Referred—910

S 342. H Sub for S 342 by Committee on Federal and State Affairs — Smoking regulation. (Faust-Goudeau)

Introduced—909; **HJ**—921, 1217
Referred—910; **HJ**—922
Report of committee—990; **HJ**—1217
Committee of whole report—1020; **HJ**—1394
Final Action—1020

S 343. Employee leave for their child's school related educational activities. (Faust-Goudeau)
Introduced—909
Referred—910

S 344. Sentencing commission restructuring. (Legislative Post Audit Committee)
Introduced—909
Referred—910

S 345. H Sub for S 345 by Committee on Corrections and Juvenile Justice — Proportionality of sentencing; property and securities crimes. (Jt Comm Corrections & Juvenile Justice Oversight)
Introduced—909; **HJ**—980, 1035
Referred—910; **HJ**—988

Report of committee—1037; **HJ**—1035
Committee of whole report—1053; **HJ**—1070
Final Action—1058

S 346. No transfer of offenders with 10 or less days remaining on sentence to department of corrections custody. (Jt Comm Corrections & Juvenile Justice Oversight)

Introduced—909; **HJ**—989
Referred—916; **HJ**—1009
Report of committee—1025; **HJ**—1117
Committee of whole report—1055, 1065; **HJ**—1205
Final Action—1077; **HJ**—1233
Further action of Senate—1260, 1292

Further action of House—**HJ**—1278
Enrolled—1374
Action of Governor—1375

S 347. Postsecondary technical education authority; recommendations, action by state board of regents. (Legislative Educational Planning Committee)

Introduced—909
Referred—916

S 348. Criminalizing certain schedule I drugs. (Schmidt, V, Petersen, Schmidt, D)

Introduced—909; **HJ**—830
Referred—916; **HJ**—833
Report of committee—924
Committee of whole report—942
Final Action—942

S 349. Birth centers. (Jt Comm on Administrative Rules and Regulations)

Introduced—909
Referred—916

S 350. Supplemental appropriations for FY 2010 for various state agencies. (Ways and Means)

Introduced—909
Referred—916

S 351. Prohibiting texting while driving; penalties. (Ways and Means)

Introduced—910; **HJ**—1009
Referred—916; **HJ**—1011
Report of committee—1037
Committee of whole report—1087
Final Action—1093

S 352. Qualifications to become a law enforcement officer; crimes committed when person was under 21 years of age. (Hensley)

Introduced—910
Referred—916

S 353. Sub for S 353 by Committee on Judiciary — Amending the crime of human trafficking and providing for civil forfeiture. (Schmidt, D)

Introduced—910; **HJ**—951
Referred—916; **HJ**—963
Report of committee—1011; **HJ**—1157
Committee of whole report—1027; **HJ**—1196, 1256

Final Action—1034; **HJ**—1294
Further action of Senate—1294, 1353
Further action of House—**HJ**—1308, 1369
Enrolled—1374
Action of Governor—1375

S 354. School districts; tax levies; property subject to taxation. (Ways and Means)

Introduced—915; **HJ**—951
Referred—920; **HJ**—963
Report of committee—1019
Committee of whole report—1038
Final Action—1040

- S 355.** Teachers; contracts; notice of non-renewal, retirants from school employment. (Ways and Means)
 Introduced—916
 Referred—920
 Report of committee—1019
 Committee of whole report—1053
 Final Action—1059
- S 356.** Residential childhood lead poisoning prevention act. (Ways and Means)
 Introduced—916
 Referred—920
- S 357.** Authorizing secretary of administration to convey certain real estate on behalf of juvenile justice authority to city of Beloit. (Lee)
 Introduced—916; **HJ**—870
 Referred—920; **HJ**—873
 Report of committee—958; **HJ**—919
 Committee of whole report—981; **HJ**—956
 Final Action—982; **HJ**—970
 Enrolled—1098
 Action of Governor—1113
- S 358.** State aid for special education; catastrophic state aid. (Legislative Educational Planning Committee)
 Introduced—916
 Referred—920
- S 359.** Special education; catastrophic state aid; medicaid replacement state aid; categorical state aid. (Legislative Educational Planning Committee, (By Request))
 Introduced—916; **HJ**—1103
 Referred—920, 1056, 1084; **HJ**—1112
 Report of committee—1117; **HJ**—1178
 Committee of whole report—1150, 1165, 1176; **HJ**—1239
 Final Action—1182; **HJ**—1270
 Further action of Senate—1283, 1346
 Further action of House—**HJ**—1301, 1339
 Enrolled—1374
 Action of Governor—1375
- S 360.** Removing limitation on number of small claims that may be filed in a calendar year. (Schmidt, D, Abrams, Apple, Huelskamp, Lynn, Petersen, Schmidt, V, Schodorf, Taddiken, Vratil, Wagle)
 Introduced—916; **HJ**—843
 Referred—920; **HJ**—848
 Report of committee—949
 Committee of whole report—958
 Final Action—960
- S 361.** Gold star family license plates. (Kelsey)
 Introduced—920
 Referred—924
- S 362.** Teachers and administrators, contracts; notice of non-renewal. (Ways and Means)
 Introduced—920; **HJ**—951
 Referred—924; **HJ**—963
 Report of committee—1019; **HJ**—1181
 Committee of whole report—1038; **HJ**—1238
 Final Action—1040; **HJ**—1270
 Further action of Senate—1284, 1335
 Further action of House—**HJ**—1301, 1319
 Enrolled—1374
 Action of Governor—1375
- S 363.** Allowing debtors to exempt earned income tax credits during bankruptcy proceedings. (Ways and Means)
 Introduced—920; **HJ**—951
 Referred—924; **HJ**—963
 Report of committee—1011; **HJ**—1158
 Committee of whole report—1027
 Final Action—1034
- S 364.** State fair board; purchase of workers compensation insurance authorized. (Ways and Means)
 Introduced—920
 Referred—924
- S 365.** Suspending increases in subsistence allowances for legislators and certain other state officers and employees. (Ways and Means)
 Introduced—921
 Referred—926
- S 366.** Requiring all local exchange carriers to reduce intrastate access charges to interstate levels by July 1, 2010. (Utilities)
 Introduced—921
 Referred—926, 1029, 1044
- S 367.** Regulating traffic; enforcement of helmet law for motorcycles. (Judiciary)
 Introduced—921; **HJ**—951
 Referred—926; **HJ**—963
 Report of committee—1012
 Committee of whole report—1027
 Final Action—1034
- S 368.** Amending penalties for driving under the influence of alcohol or drugs. (Judiciary)
 Introduced—922; **HJ**—910
 Referred—926; **HJ**—917
 Report of committee—990; **HJ**—1158
 Committee of whole report—1002; **HJ**—1199
 Final Action—1008; **HJ**—1234
 Further action of Senate—1260, 1337, 1475, 1613
 Further action of House—**HJ**—1278, 1320, 1484, 1509, 1806
 Enrolled—1623
 Action of Governor—1623
- S 369.** Open records; electronic devices; continuation of certain exceptions. (Judiciary)
 Introduced—922; **HJ**—980
 Referred—926, 1014; **HJ**—989

- Report of committee—1011, 1025; **HJ**—1082
 Committee of whole report—**HJ**—1140
 Final Action—1058; **HJ**—1153
 Further action of Senate—1226, 1294, 1336
 Further action of House—**HJ**—1161, 1320
 Enrolled—1374
 Action of Governor—1375
- S 370.** Enhanced civil penalties for consumer protection act violations when victim is a veteran, surviving spouse of a veteran or immediate family member of a member of the military. (Judiciary)
 Introduced—922; **HJ**—980
 Referred—926; **HJ**—989
 Report of committee—1026
 Committee of whole report—1053
 Final Action—1059
- S 371.** Increasing the property damage amount that would allow the prevailing party to receive attorney fees. (Judiciary)
 Introduced—922; **HJ**—843
 Referred—926; **HJ**—848
 Report of committee—949; **HJ**—1097
 Committee of whole report—958
 Final Action—960
- S 372.** Amending the Kansas Act for Obtaining a Guardian or a Conservator, or both. (Judiciary)
 Introduced—922; **HJ**—989
 Referred—926; **HJ**—1009
 Report of committee—1048; **HJ**—1158
 Committee of whole report—1065; **HJ**—1196
 Final Action—1078; **HJ**—1234
 Enrolled—1291
 Action of Governor—1374
- S 373.** Clarifying which municipal ordinance violations require the payment of an assessment. (Judiciary)
 Introduced—922; **HJ**—989
 Referred—926; **HJ**—1009
 Report of committee—1011; **HJ**—1108
 Committee of whole report—1065; **HJ**—1168
 Final Action—1078; **HJ**—1190
 Enrolled—1291
 Action of Governor—1374
- S 374.** Sub for S 374 by Committee on Judiciary — Enacting the Kansas Adverse Medical Outcome Transparency Act. (Judiciary)
 Introduced—922
 Referred—926, 1055, 1082
 Report of committee—1037
 Committee of whole report—1055
- S 375.** Abolishing the death penalty; creating the crime of aggravated murder. (Judiciary)
 Introduced—922
 Referred—926
 Report of committee—971
 Committee of whole report—1084
 Final Action—1093
- S 376.** Changing the name of the act for judicial review and civil enforcement of agency actions to the Kansas judicial review act. (Judiciary)
 Introduced—922; **HJ**—910
 Referred—926; **HJ**—917
 Report of committee—986; **HJ**—1072
 Final Action—1007; **HJ**—1103
 Enrolled—1234
 Action of Governor—1282
- S 377.** H Sub for S 377 by Committee on Commerce and Labor — Amending the fairness in private construction contract act and the fairness in public construction contract act concerning retainage. (Business and Labor)
 Introduced—922; **HJ**—951, 1171
 Referred—926; **HJ**—963
 Report of committee—1011; **HJ**—1171
 Committee of whole report—**HJ**—1239
 Final Action—1032; **HJ**—1271
 Further action of Senate—1284, 1354
 Further action of House—**HJ**—1302, 1340
 Action of Governor—1375
- S 378.** Replace dollar cap limitation with 10% reduction in amount of income tax credit for expenditures for restoration and preservation of certain historic structures for fiscal year 2011. (Ways and Means)
 Introduced—922
 Referred—926
- S 379.** Validation of election granting sales tax authority for Chautauqua county. (Assessment and Taxation)
 Introduced—923
 Referred—926
- S 380.** Use of public cabins; unlawful acts involving elk. (Natural Resources)
 Introduced—923; **HJ**—910
 Referred—926; **HJ**—916
 Report of committee—973; **HJ**—1171
 Committee of whole report—1002
 Final Action—1008
- S 381.** H Sub for S 381 by Committee on Judiciary — Criminal law; justified threat or use of force. (Schmidt, D, Petersen)
 Introduced—925; **HJ**—980, 1183
 Referred—929; **HJ**—989
 Report of committee—1026; **HJ**—1183
 Committee of whole report—1053; **HJ**—1239
 Final Action—1059; **HJ**—1271
 Further action of Senate—1284, 1355
 Further action of House—**HJ**—1302, 1370
 Enrolled—1374
 Action of Governor—1375

- S 382.** Housing loan deposit program, eligibility of certain dwellings, outstanding loan amount limit. (Ways and Means)
 Introduced—925; **HJ**—989
 Referred—929; **HJ**—1009
 Report of committee—1002; **HJ**—1134
 Committee of whole report—1020, 1069; **HJ**—1215
 Final Action—1078; **HJ**—1234
 Further action of Senate—1284, 1314
 Further action of House—**HJ**—1302
 Enrolled—1374
 Action of Governor—1375
- S 383.** Schools, buildings; construction plans, approval by state board of education. (Education)
 Introduced—925
 Referred—929
- S 384.** Modifying requirements for telecommunications carriers and allowing local exchange carriers to elect to be regulated as telecommunications carriers. (Utilities)
 Introduced—926
 Referred—929, 1029, 1044
- S 385.** Schools, buildings; construction plans, approval by state board of education. (Ways and Means)
 Introduced—929; **HJ**—1161
 Referred—932; **HJ**—1187
 Report of committee—1168
 Committee of whole report—1220
 Final Action—1222
- S 386.** Discovery; transmission of unredacted personal identifiers; admissibility and certification of forensic examinations; use of interactive video testimony. (Judiciary)
 Introduced—929; **HJ**—980
 Referred—932; **HJ**—988
 Report of committee—1026; **HJ**—1081
 Committee of whole report—1053; **HJ**—1081
 Final Action—1060; **HJ**—1154
 Further action of Senate—1226, 1292
 Further action of House—**HJ**—1161
 Enrolled—1374
 Action of Governor—1375
- S 387.** Claims against the state; appropriations. (Jt Comm on Special Claims Against the State)
 Introduced—929; **HJ**—921
 Referred—932; **HJ**—922
 Report of committee—1002; **HJ**—1031
 Committee of whole report—1020; **HJ**—1105, 1156
 Final Action—1021; **HJ**—1164
 Further action of Senate—1240, 1604
 Further action of House—**HJ**—1254
 Enrolled—1623
 Action of Governor—1623
- S 388.** Changing the effective date for NAIC rules relating to risk-based capital, requiring the Kansas health policy authority to conduct a study on reimbursement for therapists, counselors and psychotherapists, and disallowing health insurance policies in Kansas from covering abortions. (Financial Institutions and Insurance)
 Introduced—929; **HJ**—870
 Referred—932; **HJ**—873
 Report of committee—952; **HJ**—1182
 Committee of whole report—**HJ**—1251
 Final Action—980; **HJ**—1272
 Further action of Senate—1284
 Further action of House—**HJ**—1302
- S 389.** Dentists; prohibition on limiting payment for services not covered under insurance policy. (Financial Institutions and Insurance)
 Introduced—929; **HJ**—980
 Referred—932; **HJ**—989
 Report of committee—1019; **HJ**—1217
 Committee of whole report—1053; **HJ**—1278
 Final Action—1060; **HJ**—1296
 Further action of Senate—1286, 1293
 Further action of House—**HJ**—1302
 Enrolled—1374
 Action of Governor—1375
- S 390.** Regulating the use of genetic testing by insurance and health care entities, and requiring health insurance coverage for orally administered anticancer medications. (Financial Institutions and Insurance)
 Introduced—929; **HJ**—980
 Referred—932; **HJ**—989
 Report of committee—1037
 Committee of whole report—1054
 Final Action—1060
- S 391.** Anatomical gift; first person donor registry. (Public Health and Welfare)
 Introduced—929; **HJ**—870
 Referred—932; **HJ**—873
 Report of committee—957
 Committee of whole report—981
 Final Action—982
- S 392.** Establishing the on-line verification financial security verification and compliance system. (Transportation)
 Introduced—929
 Referred—932, 1084, 1096
- S 393.** Department of Agriculture administrative hearings. (Agriculture)
 Introduced—929; **HJ**—870
 Referred—932; **HJ**—873
 Report of committee—957; **HJ**—1170
 Committee of whole report—981; **HJ**—1256, 1278
 Final Action—982; **HJ**—1294

- Enrolled—1295
Action of Governor—1374
- S 394.** Pesticide education. (Agriculture)
Introduced—929; **HJ**—870
Referred—932; **HJ**—873
Report of committee—957; **HJ**—1080
Subsidiary motions—**HJ**—1112
Committee of whole report—981; **HJ**—1168
Final Action—982; **HJ**—1191
Enrolled—1291
Action of Governor—1374
- S 395.** Licensing and fee requirements related to dairy, milk and milk products. (Agriculture)
Introduced—929; **HJ**—951
Referred—932; **HJ**—963
Report of committee—1011; **HJ**—1080
Committee of whole report—1027; **HJ**—1237
Final Action—1034
- S 396.** Laboratory equipment fund. (Agriculture)
Introduced—929; **HJ**—951
Referred—932; **HJ**—963
Report of committee—1020; **HJ**—1070
Committee of whole report—1038
Final Action—1040; **HJ**—1104
Enrolled—1234
Action of Governor—1282
- S 397.** Exempting the Fort Scott/Bourbon county riverfront authority from sales and property tax. (Assessment and Taxation)
Introduced—931
Referred—937
- S 398.** Indemnification; amendments to certificate of incorporation or corporate bylaws. (Judiciary)
Introduced—931; **HJ**—951
Referred—937; **HJ**—963
Report of committee—1020; **HJ**—1040
Committee of whole report—1027; **HJ**—1070
Final Action—1034; **HJ**—1079
Enrolled—1193
Action of Governor—1282
- S 399.** Controlled substances; aggravated endangering a child; enhanced penalties for distributing on park property and distributing to a child or pregnant person. (Judiciary)
Introduced—931
Referred—937, 1082, 1084, 1147
Report of committee—1108
Committee of whole report—1118
- S 400.** Requiring plaintiff or plaintiff's attorney to notify defendants of payment of appraisers' award within 15 days. (Judiciary)
Introduced—932
Referred—937
- S 401.** Amendments to the Kansas expanded lottery act. (Federal and State Affairs)
Introduced—932
Referred—937
- S 402.** Demonstrations by local telecommunications carriers. (Utilities)
Introduced—932
Referred—937, 1029, 1044
- S 403.** Reducing, by 50%, legislative officers additional compensation; limiting officers compensation to 25 days per calendar year for duties performed in Topeka when not in session. (Ways and Means)
Introduced—932
Referred—937
- S 404.** Early high school graduation scholarship program. (Ways and Means)
Introduced—932
Referred—937
- S 405.** Municipalities; legal notices; web sites alternative. (Ways and Means)
Introduced—932
Referred—937
- S 406.** Establishing service fee for taxpayers with delinquent taxes who enter into installment payment plans with the Kansas department of revenue. (Assessment and Taxation)
Introduced—936; **HJ**—989
Referred—945; **HJ**—1009
Report of committee—1036
Committee of whole report—1065
Final Action—1078
- S 407.** Prescribing penalties for violations of liquor enforcement tax by licensees and persons required to be licensed. (Assessment and Taxation)
Introduced—936
Referred—945, 1082, 1084
- S 408.** County treasurers, additional locations for vehicle registrations. (Transportation)
Introduced—936; **HJ**—951
Referred—945; **HJ**—963
Report of committee—1012
Committee of whole report—1027
Final Action—1035
- S 409.** Establishing the passenger rail service program. (Ways and Means)
Introduced—936; **HJ**—980
Referred—945; **HJ**—989
Report of committee—1026; **HJ**—1062
Committee of whole report—1053; **HJ**—1080
Final Action—1060; **HJ**—1094
Enrolled—1193
Action of Governor—1282
- S 410.** Acceptance of electronic payments by debit card. (Ways and Means)
Introduced—936; **HJ**—910

- Referred—945; **HJ**—917
 Report of committee—990; **HJ**—1135
 Committee of whole report—1004; **HJ**—1196
 Final Action—1009; **HJ**—1235
 Further action of Senate—1258
 Enrolled—1295
 Action of Governor—1374
- S 411.** Criminal possession of a firearm. (Judiciary)
 Introduced—936; **HJ**—989
 Referred—945; **HJ**—1009
 Report of committee—1025
 Committee of whole report—1065
 Final Action—1078
- S 412.** Imposing tobacco products tax on little cigars. (Federal and State Affairs)
 Introduced—936
 Referred—945
- S 413.** Imposing tobacco products tax on moist snuff. (Federal and State Affairs)
 Introduced—937
 Referred—945
- S 414.** Health care stabilization fund; certain fund transfers; period of coverage. (Financial Institutions and Insurance)
 Introduced—937; **HJ**—1009
 Referred—945; **HJ**—1011
 Report of committee—1002; **HJ**—1114
 Committee of whole report—1020, 1092; **HJ**—1156
 Final Action—1095; **HJ**—1164
 Enrolled—1291
 Action of Governor—1374
- S 415.** Municipalities; bond investments. (Financial Institutions and Insurance)
 Introduced—937; **HJ**—989
 Referred—945; **HJ**—1009
 Report of committee—1037; **HJ**—1134
 Committee of whole report—1065; **HJ**—1156
 Final Action—1079; **HJ**—1164
 Further action of Senate—1239
 Enrolled—1291
 Action of Governor—1374
- S 416.** Sub for S 416 by Committee on Ethics and Elections — Governmental ethics; eliminating conflict of interest filing requirements for certain university faculty. (Ethics and Elections)
 Introduced—937; **HJ**—951
 Referred—945; **HJ**—963
 Report of committee—1019
 Subsidiary motions—1039
 Committee of whole report—1039
 Final Action—1040
- S 417.** Requiring campaign contributions reports; to list the occupation, but not industry, of contributors of over \$150. (Ethics and Elections)
 Introduced—937; **HJ**—951
 Referred—945; **HJ**—963
 Report of committee—1019
 Committee of whole report—1038
 Final Action—1041
- S 418.** Campaign finance; electioneering communications; reporting. (Ethics and Elections)
 Introduced—937
 Referred—945, 1014, 1025
- S 419.** Elections; filing requirements for city of fices. (Ethics and Elections)
 Introduced—937; **HJ**—989
 Referred—945; **HJ**—1009
 Report of committee—1047
 Committee of whole report—1068
 Final Action—1079
- S 420.** County extension council elections; date of election of governing body. (Ethics and Elections)
 Introduced—937; **HJ**—951
 Referred—945; **HJ**—963
 Report of committee—1019
 Committee of whole report—1038
 Final Action—1041
- S 421.** Election crimes; increase in penalty for voting when voter unqualified. (Ethics and Elections)
 Introduced—937; **HJ**—870
 Referred—945; **HJ**—873
 Report of committee—966
 Committee of whole report—981
 Final Action—982
- S 422.** Elections; certain local units of government; primary elections. (Ethics and Elections)
 Introduced—937
 Referred—945
- S 423.** Campaign finance; transfer of campaign funds to another candidacy. (Ethics and Elections)
 Introduced—937; **HJ**—980
 Referred—945; **HJ**—988
 Report of committee—1019
 Committee of whole report—1053
 Final Action—1060
- S 424.** Vehicle registrations; insufficient payments by credit card or other instrument. (Financial Institutions and Insurance)
 Introduced—944; **HJ**—951
 Referred—948; **HJ**—963
 Report of committee—1011
 Committee of whole report—1027
 Final Action—1035
- S 425.** House Sub for S 425 by Committee on Commerce and Labor — Employment security law; contribution rates option; no penalties or interest up to 90 days late. (Agriculture)
 Introduced—944; **HJ**—1009, 1065

- Referred—948; **HJ**—1011
 Report of committee—1036; **HJ**—1065
 Committee of whole report—1084
 Final Action—1095
- S 426.** Concerning ballots by uniformed and overseas citizens and federal services voters. (Ethics and Elections)
 Introduced—945; **HJ**—870
 Referred—948; **HJ**—873
 Report of committee—966
 Committee of whole report—981
 Final Action—983
- S 427.** H Sub for S 427 by Committee on Taxation — Amnesty from assessment or payment of penalties and interest with respect to certain taxes. (Assessment and Taxation)
 Introduced—945; **HJ**—980, 1184
 Referred—948; **HJ**—989
 Report of committee—1036; **HJ**—1184
 Committee of whole report—1053; **HJ**—1244
 Final Action—1061; **HJ**—1272
- S 428.** Electronic filing of tax returns, reports and other documents. (Assessment and Taxation)
 Introduced—945
 Referred—948
- S 429.** Amendments to sales tax law to provide conformity with streamlined sales and use tax agreement act. (Assessment and Taxation)
 Introduced—945; **HJ**—989
 Referred—948; **HJ**—1009
 Report of committee—1036
 Committee of whole report—1065
 Final Action—1079
- S 430.** Miscellaneous taxation provision, income tax credit limitations, intangibles tax filing procedure, electronic filing of returns, willful violations, streamlined sales tax conformity, and service fees for delinquent taxpayers. (Assessment and Taxation)
 Introduced—945; **HJ**—951
 Referred—948; **HJ**—963
 Report of committee—1015; **HJ**—1098
 Committee of whole report—1038; **HJ**—1125
 Final Action—1041; **HJ**—1139
 Further action of Senate—1226, 1356
 Further action of House—**HJ**—1161, 1344
 Enrolled—1374
 Action of Governor—1375
- S 431.** Allowing taxing subdivisions to sell tax receivables on delinquent property. (Assessment and Taxation)
 Introduced—946
 Referred—951
- S 432.** Allowing counties to recoup costs associated with using third parties to collect delinquent property taxes. (Assessment and Taxation)
 Introduced—946
 Referred—951
- Report of committee—1036
 Committee of whole report—1068
 Final Action—1079
- S 433.** Kansas Wildscape Foundation sales tax exemption. (Assessment and Taxation)
 Introduced—947
 Referred—951
- S 434.** Creating the department of corrections forensic psychologist fund; increasing municipal court assessments; amending crimes of unlawful sexual relations and trafficking in contraband in a correctional institution; parole board review of certain inmates. (Judiciary)
 Introduced—947; **HJ**—989
 Referred—951; **HJ**—1009
 Report of committee—1026; **HJ**—1172
 Committee of whole report—1069; **HJ**—1256
 Final Action—1079; **HJ**—1295
 Further action of Senate—1286, 1446
 Further action of House—**HJ**—1302, 1477
 Enrolled—1620
 Action of Governor—1623
- S 435.** Criminal procedure; search incident to arrest; uniform citizen contact data form. (Judiciary)
 Introduced—947; **HJ**—1103
 Referred—951, 1082, 1084; **HJ**—1112; **SJ**—1297
 Report of committee—1148; **HJ**—1178
 Committee of whole report—1176; **HJ**—1256, 1278
 Final Action—1182; **HJ**—1305
- S 436.** Children in need of care; runaways. (Judiciary)
 Introduced—947
 Referred—951, 1082, 1084
- S 437.** Secretary of state; resident agent filing requirements. (Judiciary)
 Introduced—947; **HJ**—951
 Referred—951; **HJ**—963
 Report of committee—1019; **HJ**—1082
 Committee of whole report—**HJ**—1140
 Final Action—1032; **HJ**—1154
 Enrolled—1234
 Action of Governor—1289
- S 438.** Business trusts; required filings with the secretary of state. (Judiciary)
 Introduced—947; **HJ**—951
 Referred—951; **HJ**—963
 Report of committee—1019; **HJ**—1062
 Committee of whole report—**HJ**—1080
 Final Action—1032; **HJ**—1094
 Enrolled—1193
 Action of Governor—1282

- S 439.** Kansas register; contents, procedure for submitting materials for publication. (Judiciary)
 Introduced—947; **HJ**—951
 Referred—951; **HJ**—963
 Report of committee—1019; **HJ**—1091
 Committee of whole report—**HJ**—1140
 Final Action—1032; **HJ**—1154
 Further action of Senate—1226, 1293
 Further action of House—**HJ**—1161
 Enrolled—1374
 Action of Governor—1375
- S 440.** Repealing statutes on registration of insignias by secretary of state. (Judiciary)
 Introduced—947; **HJ**—951
 Referred—951; **HJ**—963
 Report of committee—1019; **HJ**—1072
 Final Action—1032; **HJ**—1104
 Enrolled—1234
 Action of Governor—1282
- S 441.** Business entity transactions act; limited partnership mergers. (Judiciary)
 Introduced—947; **HJ**—951
 Referred—951; **HJ**—963
 Report of committee—1019; **HJ**—1082
 Committee of whole report—**HJ**—1140
 Final Action—1033; **HJ**—1155
 Enrolled—1234
 Action of Governor—1289
- S 442.** Court fees, surcharge to fund costs of non-judicial personnel. (Judiciary)
 Introduced—947
 Referred—951
- S 443.** Campaign finance; contribution limitations; candidates for the state board of education. (Education)
 Introduced—947
 Referred—951, 1029, 1044
 Report of committee—1215
- S 444.** Child witness protection act. (Ways and Means)
 Introduced—947
 Referred—951
- S 445.** Property tax exemption, property held by secretary of transportation. (Ways and Means)
 Introduced—947
 Referred—951, 1096, 1098
 Report of committee—1047
 Committee of whole report—1093
- S 446.** State contracts and procurement; creating a council on efficient government. (Ways and Means)
 Introduced—947; **HJ**—921
 Referred—951; **HJ**—922
 Report of committee—990; **HJ**—1142
 Subsidiary motions—**HJ**—1237
 Committee of whole report—1020; **HJ**—1214
 Final Action—1021
- S 447.** Sub for S 447 by Committee on Public Health and Welfare — Child care; supervision of children and licensing and inspection of child care facilities. (Public Health and Welfare)
 Introduced—947; **HJ**—1152
 Referred—951, 1082, 1084; **HJ**—1160
 Report of committee—1144
 Committee of whole report—1200
 Final Action—1203
- S 448.** Use of vital statistics; certificates and maternal and child health surveillance and monitoring. (Public Health and Welfare)
 Introduced—947
 Referred—951
 Report of committee—1051
 Committee of whole report—1066
 Final Action—1080
- S 449.** H Sub for S 449 by Committee on Health and Human Services—Medical gas installers. (Public Health and Welfare)
 Introduced—947; **HJ**—910, 1158
 Referred—951; **HJ**—917
 Report of committee—986; **HJ**—1158
 Committee of whole report—1002; **HJ**—1205
 Final Action—1009; **HJ**—1235
 Further action of Senate—1260, 1368
 Further action of House—**HJ**—1278, 1342
 Enrolled—1374
 Action of Governor—1375
- S 450.** Enabling certain telecommunications carriers to spend federal universal service fund moneys. (Utilities)
 Introduced—947
 Referred—951, 1029, 1044
- S 451.** Municipal bond sales. (Local Government)
 Introduced—950; **HJ**—910
 Referred—955; **HJ**—917
 Report of committee—973; **HJ**—1065
 Committee of whole report—1002
 Final Action—1009; **HJ**—1093
 Enrolled—1193
 Action of Governor—1282
- S 452.** Alcoholic beverages; amendments regarding licensure, fees and eligibility; detention of persons less than 18 years of age for purchase or consumption. (Federal and State Affairs)
 Introduced—950; **HJ**—921
 Referred—955; **HJ**—922
 Report of committee—990; **HJ**—1106
 Committee of whole report—1020; **HJ**—1244
 Final Action—1021; **HJ**—1273
 Further action of Senate—1284, 1471, 1540
 Further action of House—**HJ**—1302, 1500, 1527

- Enrolled—1620
Action of Governor—1623
- S 453.** Alcoholic beverages; permit for packaging and warehousing facilities. (Federal and State Affairs)
Introduced—950; **HJ**—951
Referred—955; **HJ**—963
Report of committee—1011
Committee of whole report—1027
Final Action—1035
- S 454.** License to sell alcoholic beverages; fees, term and eligibility. (Federal and State Affairs)
Introduced—950; **HJ**—1093
Referred—955; **HJ**—1102
Report of committee—1135
Committee of whole report—1150
Final Action—1155
- S 455.** Civil commitment of sexually violent predators; expert testimony. (Judiciary)
Introduced—951; **HJ**—1009
Referred—955; **HJ**—1011
Report of committee—1037; **HJ**—1183
Committee of whole report—1084
Final Action—1095
- S 456.** Creating the Kansas robo-call privacy act. (Judiciary)
Introduced—951
Referred—955
Report of committee—1038
Committee of whole report—1092
Final Action—1095
- S 457.** Barring privately retained attorneys from collecting reimbursement from the state for expert services provided for an indigent defendant except in capital murder cases. (Judiciary)
Introduced—951
Referred—955
- S 458.** H Sub for S 458 by Committee on Corrections and Juvenile Justice—Amending the penalties for violations of the Kansas uniform securities act. (Judiciary)
Introduced—951; **HJ**—989, 1097
Referred—955, 1025, 1029; **HJ**—1009
Report of committee—1048; **HJ**—1097
Committee of whole report—1068; **HJ**—1140
Final Action—1080; **HJ**—1155
Further action of Senate—1226, 1293
Further action of House—**HJ**—1162
Enrolled—1374
Action of Governor—1375
- S 459.** Juvenile offenders; extended jurisdiction juvenile prosecution. (Judiciary)
Introduced—951; **HJ**—989
Referred—955, 1025, 1029; **HJ**—1009
Report of committee—1048; **HJ**—1178
Committee of whole report—1065
Final Action—1080
S 460. Children; permanency and priority of orders. (Judiciary)
Introduced—951; **HJ**—1019
Referred—955, 1025, 1029; **HJ**—1026
Report of committee—1048; **HJ**—1159
Committee of whole report—1101; **HJ**—1205
Final Action—1106; **HJ**—1236
Further action of Senate—1258
Enrolled—1295
Action of Governor—1374
- S 461.** Supplemental salary of district magistrate judge paid by the county. (Ways and Means)
Introduced—951; **HJ**—980
Referred—955; **HJ**—989
Report of committee—1012; **HJ**—1072
Committee of whole report—1053; **HJ**—1105
Final Action—1061; **HJ**—1113
Further action of Senate—1202, 1293
Further action of House—**HJ**—1162, 1256
Enrolled—1374
Action of Governor—1375
- S 462.** Sub for S 462 by Committee on Transportation — Regulating traffic, liability for damage to highway or structure. (Transportation)
Introduced—951; **HJ**—989
Referred—955; **HJ**—1009
Report of committee—1051; **HJ**—1091
Committee of whole report—1065
Final Action—1080
- S 463.** Counties; bonded debt limit; Norton County. (Local Government)
Introduced—951; **HJ**—921
Referred—955; **HJ**—922
Report of committee—998; **HJ**—1023
Subsidiary motions—**HJ**—1035
Committee of whole report—**HJ**—1120
Final Action—1014; **HJ**—1140
Enrolled—1234
Action of Governor—1282
- S 464.** Payment of taxes; cleanup. (Local Government)
Introduced—951; **HJ**—951
Referred—955; **HJ**—963
Report of committee—1002; **HJ**—1091
Final Action—1033; **HJ**—1112
Enrolled—1234
Action of Governor—1282
- S 465.** Cities; nuisance abatement notice. (Local Government)
Introduced—951
Referred—955
- S 466.** Elections; voter registration; advance voting ballot security; HAVA compliance. (Ethics and Elections)
Introduced—951

- Referred—955
- S 467.** Optometrists dispensing lenses. (Federal and State Affairs)
Introduced—953
Referred—965
- S 468.** Amending petition requirements for summoning a grand jury. (Ways and Means)
Introduced—953
Referred—965, 1082, 1084
Report of committee—1050
Committee of whole report—1077
- S 469.** Civil procedure, commercial property liens; state construction registry, notice of commencement and notice of furnishings. (Ways and Means)
Introduced—953
Referred—965
- S 470.** Kansas uniform common interest owners bill of rights. (Local Government)
Introduced—954
Referred—965, 1029, 1044
- S 471.** Changing crime of harassment by telephone to harassment by telecommunications. (Judiciary)
Introduced—954; **HJ**—980
Referred—965; **HJ**—989
Report of committee—1038; **HJ**—1183
Committee of whole report—1053
Final Action—1061
- S 472.** Prohibiting transferability of income tax credits and repealing certain income tax credits. (Assessment and Taxation)
Introduced—954
Referred—965
- S 473.** Physical therapy; education and treatment of patients. (Public Health and Welfare)
Introduced—954
Referred—965
- S 474.** Employment security; increase in exclusion from wages. (Business and Labor)
Introduced—954
Referred—965
- S 475.** Sub for S 475 by Committee on Public Health and Welfare — Board of mortuary arts; funeral directors. (Ways and Means)
Introduced—954; **HJ**—989
Referred—965, 968; **HJ**—1009
Report of committee—1050; **HJ**—1106
Committee of whole report—1069; **HJ**—1156
Final Action—1080; **HJ**—1165
Further action of Senate—1259
Enrolled—1295
Action of Governor—1374
- S 476.** Imposition of sales tax on certain goods and services, elimination of certain sales tax exemp-
tions and fund-raising sales tax exemption in certain circumstances. (Assessment and Taxation)
Introduced—954
Referred—965, 1044, 1056, 1140
- S 477.** Property tax exemption for certain newly constructed buildings and structures on residential property. (Assessment and Taxation)
Introduced—962
Referred—968
- S 478.** Revision of the Kansas cigarette and tobacco products act. (Assessment and Taxation)
Introduced—962
Referred—968
Report of committee—1037
Committee of whole report—1101
Final Action—1106
- S 479.** Permitting the secretary of revenue to disclose certain tax information to the state treasurer for the purpose of locating owners of unclaimed property. (Ways and Means)
Introduced—962; **HJ**—921
Referred—968; **HJ**—923
Report of committee—998
Committee of whole report—1020
Final Action—1021
- S 480.** Regulating traffic; license plates. (Ways and Means)
Introduced—963; **HJ**—1103
Referred—968; **HJ**—1112
Report of committee—1145
Committee of whole report—1165
Final Action—1167
- S 481.** District judges; repealing requirement that each county have a judge. (Ways and Means)
Introduced—963
Referred—968
- S 482.** Community improvement district act; reallocation of assessments on certain exempted property. (Commerce)
Introduced—963; **HJ**—980
Referred—968; **HJ**—988
Report of committee—1036
Committee of whole report—1053
Final Action—1061
- S 483.** Primary seat belt law. (Transportation)
Introduced—963; **HJ**—951
Referred—968; **HJ**—963
Report of committee—1012
Committee of whole report—1038
Final Action—1041
- S 484.** Driver's licenses; restrictions and conditions. (Transportation)
Introduced—963; **HJ**—989
Referred—968; **HJ**—1009
Report of committee—1052
Committee of whole report—1068

- Final Action—1081
- S 485.** Private and out-of-state postsecondary educational institution act; state board of regents, powers; reporting requirements; penalties; student complaints. (Legislative Educational Planning Committee)
 Introduced—963; **HJ**—989
 Referred—968; **HJ**—1009
 Report of committee—1047; **HJ**—1082
 Committee of whole report—1068
 Final Action—1081
- S 486.** Employment security; payment of penalty and interest, deferral of. (Business and Labor)
 Introduced—963
 Referred—968
- S 487.** Teachers; special licenses. (Hensley)
 Introduced—968
 Referred—970
- S 488.** Office of vital statistics; fingerprinting and criminal history records check required for new employees; maternal and child health surveillance and monitoring. (Judiciary)
 Introduced—968; **HJ**—1301
 Referred—970, 1025, 1029, 1103; **HJ**—1312
 Report of committee—1050, 1227
 Committee of whole report—1103, 1265
 Final Action—1280
- S 489.** Distribution of contact lenses. (Public Health and Welfare)
 Introduced—968; **HJ**—951
 Referred—970; **HJ**—963
 Report of committee—1020; **HJ**—1040
 Committee of whole report—1027
 Final Action—1035; **HJ**—1079
 Enrolled—1193
 Action of Governor—1282
- S 490.** Physical therapists; licensure. (Public Health and Welfare)
 Introduced—968; **HJ**—951
 Referred—970; **HJ**—963
 Report of committee—1020; **HJ**—1106
 Committee of whole report—1027
 Final Action—1035
- S 491.** Respiratory therapists; special permits. (Public Health and Welfare)
 Introduced—968; **HJ**—951
 Referred—970; **HJ**—963
 Report of committee—1020; **HJ**—1107
 Committee of whole report—1027; **HJ**—1156
 Final Action—1035; **HJ**—1165
 Further action of Senate—1259
 Enrolled—1295
 Action of Governor—1374
- S 492.** Changing the property valuation appeals process for leased commercial and industrial property. (Assessment and Taxation)
 Introduced—968
 Referred—970
- S 493.** Sales tax exemption for Project Able, Inc. (Assessment and Taxation)
 Introduced—969
 Referred—977
- S 494.** Providing for the exercise of the functions of sheriff by the undersheriff of a county. (Judiciary)
 Introduced—969; **HJ**—1037
 Referred—977, 1082, 1084; **HJ**—1061
 Report of committee—1109
 Committee of whole report—1118
 Final Action—1122
- S 495.** STAR bonds; use of sales tax revenue; approval of certain projects. (Commerce)
 Introduced—969
 Referred—977, 1082, 1084, 1116
 Report of committee—1036
- S 496.** Limiting powers of rural water districts. (Natural Resources)
 Introduced—969
 Referred—977
- S 497.** Excluding certain knives from the definition of a criminal weapon. (Natural Resources)
 Introduced—969; **HJ**—951
 Referred—977; **HJ**—963
 Report of committee—1026; **HJ**—1070
 Committee of whole report—1038; **HJ**—1096
 Final Action—1041; **HJ**—1105
 Further action of Senate—1202, 1239
 Further action of House—**HJ**—1162
 Enrolled—1291
 Action of Governor—1374
- S 498.** Transportation works for Kansas program, financing. (Ways and Means)
 Introduced—969
 Referred—977
- S 499.** Schools; nutrition and health education guidelines; vending machines. (Public Health and Welfare)
 Introduced—970
 Referred—977, 1056, 1084
- S 500.** Healing arts; exception from prohibited acts for individuals who earned a degree from an accredited healing arts school or college. (Public Health and Welfare)
 Introduced—970; **HJ**—989
 Referred—977; **HJ**—1009
 Report of committee—1051; **HJ**—1107
 Committee of whole report—1068; **HJ**—1156
 Final Action—1081; **HJ**—1166
 Further action of Senate—1259
 Enrolled—1295
 Action of Governor—1374
- S 501.** Sub for S 501 by Committee on Public Health and Welfare — Kansas board of healing arts;

- licensure and education of perfusionists. (Public Health and Welfare)
 Introduced—970; **HJ**—1037
 Referred—977, 1082, 1084; **HJ**—1061
 Report of committee—1109
 Committee of whole report—1126
 Final Action—1126
- S 502.** Railroad assistance programs, department of transportation. (Transportation)
 Introduced—975
 Referred—985
- S 503.** Payday and title loans; surcharge to fund certain professional development for teachers. (Education)
 Introduced—975
 Referred—985
- S 504.** Personal and family protection act; amendments. (Judiciary)
 Introduced—975
 Referred—985, 1082, 1084
- S 505.** Consumer nutritional information on the menu. (Public Health and Welfare)
 Introduced—975
 Referred—985, 1082, 1084
- S 506.** Crematory operators, licensure, fees. (Public Health and Welfare)
 Introduced—975; **HJ**—1152
 Referred—985, 1056, 1084; **HJ**—1160
 Report of committee—1199
 Committee of whole report—1209
 Final Action—1209
- S 507.** Concerning the blind and visually impaired; commission. (Public Health and Welfare)
 Introduced—975
 Referred—985
- S 508.** Discount card; filing requirements with the secretary of state. (Public Health and Welfare)
 Introduced—975; **HJ**—1009
 Referred—985; **HJ**—1011
 Report of committee—1051; **HJ**—1106
 Committee of whole report—1084
 Final Action—1096; **HJ**—1136
 Enrolled—1234
 Action of Governor—1282
- S 509.** Establishing the women's health and embryo monitoring program act. (Pilcher-Cook)
 Introduced—975
 Referred—985, 1082, 1084
- S 510.** Creating a conservation use water right. (Agriculture)
 Introduced—975
 Referred—985, 1013, 1025
- S 511.** Kansas small and disadvantaged business development act. (Commerce)
 Introduced—975
 Referred—985
- S 512.** School districts; medicaid replacement state aid. (Ways and Means)
 Introduced—975; **HJ**—980
 Referred—985; **HJ**—989
 Report of committee—1012
 Committee of whole report—1053
 Final Action—1062
- S 513.** Sub for S 513 by Committee on Federal and State Affairs — Alternative project delivery construction; hospital districts; unified school districts. (Ways and Means)
 Introduced—975; **HJ**—1019
 Referred—985; **HJ**—1026
 Report of committee—1037; **HJ**—1106
 Committee of whole report—1101; **HJ**—1156
 Final Action—1106; **HJ**—1166
 Enrolled—1291
 Action of Governor—1374
- S 514.** H Sub for Sub for S 514 by Committee on Federal and State Affairs — Establishing the community defense act; sexually oriented businesses. (Ways and Means)
 Introduced—975; **HJ**—989, 1194
 Referred—985; **HJ**—1009
 Report of committee—1048; **HJ**—1194
 Committee of whole report—1069; **HJ**—1249
 Final Action—1081; **HJ**—1273
 Further action of Senate—1284
 Further action of House—**HJ**—1302
- S 515.** Transportation works for Kansas, financing, sales tax on motor-vehicle fuels. (Ways and Means)
 Introduced—975
 Referred—985
- S 516.** Increasing rate of tax on cigarettes and tobacco products and increasing rate of sales tax. (Assessment and Taxation)
 Introduced—984
 Referred—988, 1044, 1056, 1282
- S 517.** Kansas automobile injury reparation act, penalties, reinstatement fees. (Faust-Goudeau)
 Introduced—984
 Referred—988, 1028, 1044
- S 518.** VIN inspection fees, increasing. (Federal and State Affairs)
 Introduced—984; **HJ**—951
 Referred—988, 994; **HJ**—963
 Report of committee—1019; **HJ**—1100
 Committee of whole report—1038
 Final Action—1042
- S 519.** Allowing for the use of electronic communication and electronic filing in certain instances. (Judiciary)
 Introduced—984; **HJ**—989
 Referred—988, 1025, 1029; **HJ**—1009
 Report of committee—1050; **HJ**—1183

- Committee of whole report—1068; **HJ**—1239
 Final Action—1081; **HJ**—1274
 Enrolled—1295
 Action of Governor—1374
- S 520.** Sentencing; payment of fines; employment of county and city prisoners. (Judiciary)
 Introduced—984; **HJ**—1254
 Referred—988, 1082, 1084; **HJ**—1255
 Report of committee—1148; **HJ**—1395
 Committee of whole report—1237
 Final Action—1240
- S 521.** Amending qualifications for secretary of corrections. (Judiciary)
 Introduced—984
 Referred—988, 1082, 1084
- S 522.** Consent to adoption and termination of parental rights; factors to consider in weighing whether a parent must consent to a stepparent adoption; factors to consider when terminating a parent's right. (Judiciary)
 Introduced—985
 Referred—988, 1082, 1084
- S 523.** Enacting the Kansas racketeer influenced and corrupt organization act (Kansas RICO act). (Petersen, Schodorf)
 Introduced—985; **HJ**—1103
 Referred—988, 1082, 1084; **HJ**—1112
 Report of committee—1132
 Committee of whole report—1165
 Final Action—1167
- S 524.** Increasing penalties for unlawful sexual relations and requiring offender registration; increasing penalties when staff traffic in dangerous contraband in a correctional facility. (Legislative Post Audit Committee)
 Introduced—985
 Referred—988, 1082, 1084
- S 525.** Hospitals; charges for health care goods and services. (Public Health and Welfare)
 Introduced—985
 Referred—988, 1082, 1084
- S 526.** Bidding preference for Kansas companies. (Ways and Means)
 Introduced—985
 Referred—988
- S 527.** Federal nontaxable distributions from KPERS retirement benefits to provide retired public safety officers a source to pay for health insurance premiums. (Ways and Means)
 Introduced—985
 Referred—988
- S 528.** Shifting the burden of proof in the property valuation appeals process. (Ways and Means)
 Introduced—985
 Referred—988
- S 529.** Employment security; freeze of maximum weekly benefit. (Ways and Means)
 Introduced—985
 Referred—988
- S 530.** Repeal of all sales tax exemptions. (Assessment and Taxation)
 Introduced—987
 Referred—993, 1129, 1140
- S 531.** Radon certification law. (Federal and State Affairs)
 Introduced—987; **HJ**—1009
 Referred—993; **HJ**—1011
 Report of committee—1048; **HJ**—1172
 Committee of whole report—1084; **HJ**—1256
 Final Action—1096; **HJ**—1306
 Further action of Senate—1304
 Enrolled—1374
 Action of Governor—1375
- S 532.** Alcoholic beverages; issuance of farm winery or microbrewery license to spouse of retailer licensee; issuance of farm winery and microbrewery licenses concurrently. (Federal and State Affairs)
 Introduced—987; **HJ**—1019
 Referred—993; **HJ**—1026
 Report of committee—1062
 Committee of whole report—1101
 Final Action—1107
- S 533.** Electronic citations, complaints and notices to appear. (Judiciary)
 Introduced—988; **HJ**—1009
 Referred—993, 1025, 1029; **HJ**—1011
 Report of committee—1048; **HJ**—1158
 Committee of whole report—1084; **HJ**—1196
 Final Action—1096; **HJ**—1236
 Enrolled—1291
 Action of Governor—1374
- S 534.** Criminal procedure; correctional supervision fees; pretrial supervision fees. (Judiciary)
 Introduced—988
 Referred—993, 1082, 1084
- S 535.** Requiring certain conditions for violent offenders and sex offenders placed on parole or postrelease supervision. (Judiciary)
 Introduced—988
 Referred—993
- S 536.** Recreational off-highway vehicles, regulation thereof. (Transportation)
 Introduced—988
 Referred—993, 1082, 1084
- S 537.** Liens and claims against property; actions concerning validity. (Judiciary)
 Introduced—991; **HJ**—989
 Referred—994; **HJ**—1009
 Report of committee—1050; **HJ**—1183
 Committee of whole report—1068; **HJ**—1239
 Final Action—1082; **HJ**—1274

- Further action of Senate—1284, 1369
 Further action of House—**HJ**—1302, 1342
 Enrolled—1374
 Action of Governor—1375
- S 538.** Extending school bus exemption to 25 years. (Federal and State Affairs)
 Introduced—999
 Referred—1006, 1014
- S 539.** School districts; school finance law, revision. (Ways and Means)
 Introduced—999
 Referred—1006
- S 540.** Kansas underground utilities damage prevention act; one-call liability changes. (Ways and Means)
 Introduced—1006
 Referred—1013
- S 541.** Court of appeals, delay 14th judge position to January 2012. (Ways and Means)
 Introduced—1006; **HJ**—1037
 Referred—1013; **HJ**—1061
 Report of committee—1101; **HJ**—1134
 Committee of whole report—1118
 Final Action—1122; **HJ**—1163
 Enrolled—1291
 Action of Governor—1374
- S 542.** Elections; changing the date of April primary elections to August. (Ways and Means)
 Introduced—1006
 Referred—1013, 1230
 Report of committee—1226
- S 543.** Authorizing a program to certain telecommunications carriers. (Ways and Means)
 Introduced—1013
 Referred—1023
 Report of committee—1175
- S 544.** Metropolitan transit authority, definition of metropolitan area. (Ways and Means)
 Introduced—1013; **HJ**—1037
 Referred—1023; **HJ**—1061
 Report of committee—1114; **HJ**—1099
 Committee of whole report—1126; **HJ**—1140
 Final Action—1126; **HJ**—1156
 Enrolled—1234
 Action of Governor—1289
- S 545.** Employment security; benefits. (Ways and Means)
 Introduced—1013
 Referred—1023
- S 546.** Assessments of quality assurance fee on skilled nursing care facilities to improve the quality of care. (Ways and Means)
 Introduced—1024
 Referred—1028
- S 547.** Workers compensation; disability benefits, medical benefits, notice requirements. (Ways and Means)
 Introduced—1024
 Referred—1028
- S 548.** Providing sales and property tax authority for counties to support technical colleges. (Federal and State Affairs)
 Introduced—1025
 Referred—1028
- S 549.** Creating a private cause of action for victims of child pornography. (Federal and State Affairs)
 Introduced—1043
 Referred—1056
- S 550.** Alcoholic beverages; amendments to licensure of alcoholic liquor retailers. (Federal and State Affairs)
 Introduced—1043
 Referred—1056
- S 551.** Employment security law; creating an interest payment assessment. (Ways and Means)
 Introduced—1083
 Referred—1098
- S 552.** Employment security law; benefits; negative account balance employers. (Ways and Means)
 Introduced—1084
 Referred—1098
- S 553.** Recovering migrating natural gas. (Ways and Means)
 Introduced—1097
 Referred—1100
- S 554.** Insurance; coverage for autism. (Ways and Means)
 Introduced—1097
 Referred—1100
- S 555.** Appropriations for FY 2011 & FY 2012 for capital improvements for various state agencies. (Ways and Means)
 Introduced—1098
 Referred—1100
- S 556.** Appropriations for FY 2010 through FY 2015 for various state agencies. (Ways and Means)
 Introduced—1098
 Referred—1100
- S 557.** Professional employees of schools; renewal of licenses; professional development. (Ways and Means)
 Introduced—1099
 Referred—1105
- S 558.** Interstate water litigation fund; not subject to allotment, transfer. (Ways and Means)
 Introduced—1104
 Referred—1111

- S 559.** Kansas taxpayer transparency act; amendments. (Federal and State Affairs)
 Introduced—1104; **HJ**—1093
 Referred—1111, 1113; **HJ**—1102
 Report of committee—1130
 Committee of whole report—1150
 Final Action—1155
- S 560.** Health maintenance organizations, annual privilege fee, remove phase-in. (Ways and Means)
 Introduced—1113
 Referred—1116
- S 561.** H Sub for S 561 by Committee on Local Government — Cities; annexation amendments; unilateral annexation, county commission approval; fire districts. (Ways and Means)
 Introduced—1113; **HJ**—1254, 1452
 Referred—1116; **HJ**—1255
 Report of committee—1198; **HJ**—1452
 Committee of whole report—1237
 Final Action—1241
- S 562.** Assessments of waiver provider fee on providers of certain home and community-based services. (Ways and Means)
 Introduced—1115
 Referred—1121
- S 563.** Campaign Finance Act; application to re-tention elections for appellate justices and other judges. (Federal and State Affairs)
 Introduced—1119
 Referred—1129
- S 564.** KPERS, increased employee and employer contributions and benefit multiplier. (Jt Comm on Pensions, Investments and Benefits)
 Introduced—1128
 Referred—1135
- S 565.** Department of health and environment; creating the health information exchange — federal fund and the quanteFERON TB laboratory testing fund. (Ways and Means)
 Introduced—1140
 Referred—1147
- S 566.** Commission on veterans affairs, bi-monthly meetings. (Ways and Means)
 Introduced—1140; **HJ**—1152
 Referred—1147; **HJ**—1160
 Report of committee—1169
 Final Action—1202
- S 567.** Imposing tax upon sweetened beverages or concentrate. (Ways and Means)
 Introduced—1147
 Referred—1152, 1282
- S 568.** Moratorium on employer contributions for KPERS death and disabilities for fourth quarter of fiscal year 2010. (Ways and Means)
 Introduced—1147; **HJ**—1161
 Referred—1152; **HJ**—1187
 Report of committee—1199; **HJ**—1309
 Committee of whole report—1220
 Final Action—1222
- S 569.** Alcoholic liquor, cereal malt beverage and malt products gallonage tax and liquor enforcement tax rate increases. (Ways and Means)
 Introduced—1147
 Referred—1152, 1282
- S 570.** Lodging inspections and food safety fees. (Ways and Means)
 Introduced—1151; **HJ**—1254
 Referred—1166; **HJ**—1255
 Report of committee—1219
 Committee of whole report—1237
 Final Action—1241
- S 571.** Animal Health Department; fees. (Ways and Means)
 Introduced—1151; **HJ**—1254
 Referred—1166; **HJ**—1255
 Report of committee—1219
 Committee of whole report—1237
 Final Action—1241
- S 572.** H Sub for S 572 by Committee on Appropriations — Appropriations for FY 2010 through FY 2015 for various state agencies, omnibus appropriation act and omnibus reconciliation spending limit bill for the 2010 regular session. (Ways and Means)
 Introduced—1151; **HJ**—1301, 1390
 Referred—1166; **HJ**—1312, 1394
 Report of committee—1227; **HJ**—1390
 Committee of whole report—1268; **HJ**—1452, 1459, 1731, 1746, 1771
 Final Action—1280; **HJ**—1783
 Further action of Senate—1597, 1604, 1627
 Further action of House—**HJ**—1807
 Enrolled—1623
 Action of Governor—1623
- S 573.** Prohibition against a municipality requiring the installation of a multi-purpose sprinkler system in a residential structure. (Federal and State Affairs)
 Introduced—1166
 Referred—1185
- S 574.** Transferring funds from the state general fund to the interstate water litigation fund in fiscal years 2012 through 2017. (Ways and Means)
 Introduced—1166; **HJ**—1254
 Referred—1185; **HJ**—1255
 Report of committee—1219
 Committee of whole report—1237
 Final Action—1241
- S 575.** Equalizing distribution of overpayments and under payments from the special city and

- county highway fund during fiscal years 2011 through 2015. (Ways and Means)
 Introduced—1166; **HJ**—1277
 Referred—1185; **HJ**—1299
 Report of committee—1219
 Committee of whole report—1247
 Final Action—1255
- S 576.** Elections; campaign finance, public service advertisements by candidates restricted near elections. (Ways and Means)
 Introduced—1166
 Referred—1185, 1187
- S 577.** Requiring vessels to be titled. (Ways and Means)
 Introduced—1187
 Referred—1192
 Report of committee—1228
 Committee of whole report—1276
- S 578.** Cigarette and tobacco products act; licensing of retail dealers; other amendments; prohibiting sale of novelty lighters. (Federal and State Affairs)
 Introduced—1191
 Referred—1201
 Report of committee—1215
 Committee of whole report—1261, 1265
 Final Action—1280
- S 579.** Regulating traffic, sun screening devices, exemption. (Ways and Means)
 Introduced—1191; **HJ**—1277
 Referred—1201; **HJ**—1299
 Report of committee—1235
 Committee of whole report—1247
 Final Action—1255
- S 580.** Post audit; agencies pay audit costs, school district audit team abolished. (Ways and Means)
 Introduced—1191; **HJ**—1277
 Referred—1201; **HJ**—1299
 Report of committee—1219
 Committee of whole report—1250
 Final Action—1255
- S 581.** Hiram Price Dillon House transfer to Kansas arts commission. (Ways and Means)
 Introduced—1191; **HJ**—1254
 Referred—1201; **HJ**—1255, 1328
 Report of committee—1219; **HJ**—1414
 Committee of whole report—1236
 Final Action—1242
- S 582.** Veterans' commission authorized to sell certain property. (Ways and Means)
 Introduced—1229
 Referred—1239
- S 583.** Electronic publication of court reports. (Ways and Means)
 Introduced—1230
 Referred—1239
- S 584.** Imposing a payment in lieu of tax on certain qualifying crude oil pipelines exempt from property taxation. (Federal and State Affairs)
 Introduced—1238
 Referred—1258
- S 585.** For fiscal year 2011, reducing state officers salaries by 5%; staff of legislative leaders, not chief of staffs, reduced by 2.5%; state officers defined. (Ways and Means)
 Introduced—1335
 Referred—1374
- S 586.** Reconciling amendments to certain statutes. (Ways and Means)
 Introduced—1373; **HJ**—1457
 Referred—1383; **HJ**—1462
 Report of committee—1404
 Committee of whole report—1422; **HJ**—1784
 Final Action—1422; **HJ**—1804
 Enrolled—1623
 Action of Governor—1623
- S 587.** Secretary of corrections; rules and regulations; inmate access to information containing personally identifying information. (Ways and Means)
 Introduced—1391
 Referred—1403

TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS

CARRIED OVER FROM 2009 SESSION

- SCR 1602.** Constitutional amendment authorizing legislature to provide for the classification and taxation of watercraft. (Assessment and Taxation)
 Introduced—59; **HJ**—401
 Referred—67; **HJ**—415
 Report of committee—146
 Committee of whole report—415
 Final Action—474
- SCR 1603.** Unified Greeley County; Greeley County, City of Tribune; endorsement. (Steineger)
 Introduced—67
 Referred—75
- SCR 1605.** State constitutional amendment; deleting mental illness disqualification from voting. (Ethics and Elections)
 Introduced—91
 Referred—93
- SCR 1607.** Constitutional amendment to define underground storage natural gas owners as public utilities and subject them to property taxation. (Assessment and Taxation)
 Introduced—105
 Referred—119
- SCR 1608.** Kansas constitutional amendment; equal rights; no discrimination based on sex. (Federal and State Affairs)
 Introduced—107
 Referred—119
- SCR 1609.** Urging the Congress and the President to refrain from exercising powers beyond those constitutionally delegated. (Pilcher-Cook)
 Introduced—144
 Referred—148
- SCR 1612.** Constitutional amendment to have supreme court justices appointments subject to consent of the senate. (Wagle, Abrams, Brownlee, Bruce, Colyer, Donovan, Emler, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt, D, Taddiken)
 Introduced—262
 Referred—280
- SCR 1613.** Constitutional amendment concerning appropriation of money by the legislative branch. (Wagle, Abrams, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt, D, Steineger, Taddiken)
 Introduced—264
 Referred—280
- SCR 1614.** Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances. (Schmidt, D, Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Huelskamp, Kelsey, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt, V, Schodorf, Steineger, Taddiken, Umbarger, Vratil, Wagle, Wysong)
 Introduced—299; **HJ**—401
 Referred—316; **HJ**—415
 Report of committee—334; **HJ**—959
 Committee of whole report—414; **HJ**—1168, 1237, 1249
 Final Action—474; **HJ**—1275
 Further action of Senate—1263
 Further action of House—**HJ**—1307
- SCR 1615.** Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights. (Pilcher-Cook, Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Emler, Huelskamp, Kelsey, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Petersen, Pyle, Schmidt, D, Schodorf, Taddiken, Vratil, Wagle)
 Introduced—325; **HJ**—921
 Referred—337; **HJ**—922
 Report of committee—986; **HJ**—1065
 Committee of whole report—1020; **HJ**—1105
 Final Action—1021; **HJ**—1114
 Further action of Senate—1202, 1293
 Further action of House—**HJ**—1162
 Enrolled—1374
- SCR 1616.** Urging Kansas school districts to use carefully the federal stimulus funds received. (Ways and Means)
 Introduced—326; **HJ**—723
 Referred—337; **HJ**—779
 Report of committee—762
 Committee of whole report—870
 Final Action—870
- SCR 1617.** Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action. (Kelsey, Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt, D, Schmidt, V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong)
 Introduced—410; **HJ**—519

Referred—478, 582; **HJ**—569
 Report of committee—581
 Committee of whole report—587
 Final Action—587

SCR 1618. Urging the legislature to formulate and implement a comprehensive transportation plan by the 2010 legislative session. (Umberger, Kultala, Marshall)

Introduced—858; **HJ**—744
 Referred—859; **HJ**—779
 Committee of whole report—871
 Final Action—871

2010 SESSION

SCR 1620. Committee to inform governor that legislature is organized, 2010. (Morris, Hensley, Schmidt, D)

Introduced—910; **HJ**—791
 Adopted—910; **HJ**—791
 Enrolled—926

SCR 1621. Expenditure of public moneys to finance litigation against the state. (Kelsey)

Introduced—923
 Referred—926
 Report of committee—986
 Committee of whole report—1004

SCR 1622. State constitutional amendment; repealing legislative authority to exclude persons with mental illness from voting. (Judiciary)

Introduced—924; **HJ**—951
 Referred—926; **HJ**—963
 Report of committee—1012; **HJ**—1082
 Committee of whole report—1038; **HJ**—1394
 Final Action—1042; **HJ**—1406
 Enrolled—1493

SCR 1623. Urging the Congress to exempt the Flint Hills tallgrass prairie from certain United States EPA National Ambient Air Quality Standards related to prairie burning. (Natural Resources)

Introduced—948; **HJ**—1161
 Referred—951; **HJ**—1187
 Report of committee—1208; **HJ**—1238
 Committee of whole report—1220; **HJ**—1256
 Final Action—1222; **HJ**—1306
 Enrolled—1374

SCR 1624. Establishing a three-year moratorium on the granting of new tax exemptions, tax credits or economic development incentive programs involving employer withholding taxes. (Assessment and Taxation)

Introduced—954
 Referred—965

SCR 1625. Urging the federal government to act aggressively in addressing the threats of bio-terrorism and to move quickly to advance the sale

of Plum Island. (Joint Committee on Kansas Security)

Introduced—963; **HJ**—910
 Referred—968; **HJ**—917
 Report of committee—981; **HJ**—1309
 Committee of whole report—1002
 Final Action—1009

SCR 1626. Constitutional amendment to preserve right to choose health care services and health insurance plan. (Pilcher-Cook, Abrams, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pyle, Taddiken)

Introduced—975
 Referred—985, 988
 Report of committee—1051
 Subsidiary motions—1370, 1380

SCR 1627. Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances. (Kelly, Abrams, Barnett, Brownlee, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt, V, Schodorf, Steineger, Taddiken, Teichman, Umberger, Vratil, Wagle, Huntington)

Introduced—991
 Referred—994

SCR 1628. Requesting the supreme court to conduct a survey and study of the Kansas court system; judicial study advisory committee. (Ways and Means)

Introduced—1119
 Referred—1129

SCR 1629. Urging Congress to adopt the Parental Rights Amendment. (Huelskamp)

Introduced—1120
 Referred—1129

SCR 1630. Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado. (Morris, Abrams, Apple, Barnett, Brownlee, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Ostmeyer, Owens, Petersen, Reitz, Schmidt, D, Schmidt, V, Schodorf, Taddiken, Teichman, Umberger, Vratil, Wagle, Huntington)

Introduced—1299; **HJ**—1411
 Referred—1374; **HJ**—1462
 Report of committee—1382
 Committee of whole report—1390
 Final Action—1391

SCR 1631. Reactivating electronic motor vehicle financial security verification system task force. (Umbarger, Teichman)

Introduced—1412; **HJ**—1510

Referred—1424; **HJ**—1512

Committee of whole report—1427

Final Action—1470

SCR 1632. Adjournment for a time during the 2010 legislature. (Morris, Hensley, Schmidt, D)

Introduced—1620; **HJ**—1838

Adopted—1621; **HJ**—1838

Enrolled—1623

TITLE AND HISTORY OF SENATE RESOLUTIONS

- SR 1801.** Organization of the Senate, 2010. (Morris, Hensley, Schmidt, D)
 Introduced—908
 Adopted—908
 Enrolled—920
- SR 1802.** Assignment of seats in Senate, 2010. (Morris, Hensley, Schmidt, D)
 Introduced—909
 Adopted—909
 Enrolled—920
- SR 1803.** Congratulating the Teacher of the Year Team. (Vratil)
 Introduced—930
 Adopted—930
 Enrolled—949
- SR 1804.** Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS). (Lee, Abrams, Apple, Barnett, Brownlee, Emler, Francisco, Haley, Huelskamp, Kelly, Kultala, Lynn, Marshall, McGinn, Morris, Ostmeyer, Pilcher-Cook, Reitz, Schmidt, V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Huntington)
 Introduced—933
 Adopted—934
 Enrolled—949
- SR 1805.** Directing state and federal leaders to consider fair approaches to possible global climate change regulations. (Utilities)
 Introduced—934
 Referred—937
- SR 1806.** Declaring January as Kansas Mentoring Month. (Morris, Abrams, Barnett, Brownlee, Brungardt, Emler, Francisco, Haley, Hensley, Holland, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, McGinn, Ostmeyer, Owens, Reitz, Schmidt, V, Schodorf, Steineger, Taddiken, Umbarger, Vratil, Wagle, Huntington)
 Introduced—941
 Adopted—941
 Enrolled—949
- SR 1807.** Honoring Guy and Mae's Tavern in Williamsburg, Kansas. (Schmidt, D)
 Introduced—949
 Adopted—949
 Enrolled—957
- SR 1808.** Congratulating Benedictine College for its 152 years of service to the people of Kansas. (Brungardt)
 Introduced—952
 Adopted—952
 Enrolled—957
- SR 1809.** Opposing the United States Environmental Protection Agency's greenhouse gas regulation by rulemaking. (Natural Resources)
 Introduced—965
 Referred—968
 Report of committee—1219
 Committee of whole report—1237
 Final Action—1242
 Enrolled—1291
- SR 1810.** Congratulating Julie Hejtmanek. (Hensley, Kelly, Schmidt, V)
 Introduced—970
 Adopted—971
 Enrolled—993
- SR 1811.** Declaring teen dating violence awareness and prevention week. (Faust-Goudeau)
 Introduced—980
 Adopted—980
 Enrolled—993
- SR 1812.** Urging parents to become more actively involved in their children's education and urging the State Board of Education to develop strategies to be used to develop active parental involvement in the education of their children. (Faust-Goudeau)
 Introduced—980
 Referred—985
- SR 1813.** A resolution congratulating and commending Shawnee Heights math teacher Bradley Nicks for being honored as a Milken Family National Educator. (Hensley)
 Introduced—988
 Adopted—989
 Enrolled—993
- SR 1814.** Encouraging participation in the American Heart Association's Go Red for Women campaign. (Schmidt, V, Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, D, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Huntington)
 Introduced—989
 Adopted—990
 Enrolled—993
- SR 1815.** Congratulating Avery Clifton on her athletic and scholastic achievements. (Schmidt, V)
 Introduced—995
 Adopted—995
 Enrolled—1023
- SR 1816.** Congratulating the Washburn Rural High School volleyball team. (Schmidt, V)

- Introduced—995
Adopted—996
Enrolled—1023
- SR 1817.** Congratulating the Washburn Rural High School Boys' soccer team for winning the 2009 Class 6A state soccer championship. (Schmidt, V)
Introduced—996
Adopted—997
Enrolled—1023
- SR 1818.** Boy Scouts of America, 100 years of service. (Hensley, Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, D, Schmidt, V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Huntington)
Introduced—997
Adopted—998
Enrolled—1023
- SR 1819.** Recommending Kevin Saunders for the position of Chairman of the President's Council on Physical Fitness and Sports. (Lee)
Introduced—1010
Adopted—1010
Enrolled—1023
- SR 1820.** Supporting breast cancer screening. (Barnett, Abrams, Apple, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, D, Schmidt, V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Huntington)
Introduced—1014
Adopted—1015
Enrolled—1023
- SR 1821.** Visually impaired pedestrians; motor vehicle safety. (Transportation)
Introduced—1010
Referred—1013
Report of committee—1026
Committee of whole report—1038
Final Action—1042
Enrolled—1062
- SR 1822.** 2010 Horizon Award program educators. (Schodorf)
Introduced—1044
Adopted—1045
Enrolled—1062
- SR 1823.** Kansas National Board Certified Teachers of 2009. (Schodorf)
Introduced—1045
Adopted—1046
Enrolled—1062
- SR 1824.** Honoring Larry W. Magill, Jr. (Teichman)
Introduced—1046
Adopted—1047
Enrolled—1062
- SR 1825.** Honoring Paul Sasse, City Manager, Independence. (Schmidt, D)
Introduced—1100
Adopted—1100
Enrolled—1117
- SR 1826.** Emporia State University Founders Day. (Barnett, Abrams, Apple, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, D, Schmidt, V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Huntington)
Introduced—1107
Adopted—1108
Enrolled—1117
- SR 1827.** Resolution welcoming the Turkish Delegation. (Morris)
Introduced—1123
Adopted—1124
Enrolled—1135
- SR 1828.** In support of religious freedom for Coptic Christians. (Pilcher-Cook, Brownlee, Bruce, Colyer, Kelsey, Masterson, Ostmeyer, Petersen, Taddiken, Wagle)
Introduced—1116
Referred—1121
- SR 1829.** Honoring social workers. (Schmidt, V)
Introduced—1124
Adopted—1125
Enrolled—1135
- SR 1830.** Proclaiming March 11, 2010, as World Kidney Day and March as Kidney Awareness Month. (McGinn)
Introduced—1129
Adopted—1129
Enrolled—1135
- SR 1831.** Deep Vein Thrombosis (DVT). (Barnett, Abrams, Apple, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Holland, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook,

- Pyle, Schmidt, D. Schmidt, V. Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Huntington)
 Introduced—1129
 Adopted—1130
 Enrolled—1135
- SR 1832.** Honoring Representative Ruby Gilbert. (Haley, Faust-Goudeau)
 Introduced—1131
 Adopted—1131
 Enrolled—1135
- SR 1833.** Resolution to honor Elaine Pardee as recipient of 2009 Siemens Award for Advanced Placement. (Schmidt, V)
 Introduced—1140
 Adopted—1140
 Enrolled—1157
- SR 1834.** Congratulating Alex Stonebarger, recipient of the 2010 Prudential Spirit of Community Awards. (Vratil)
 Introduced—1140
 Adopted—1141
 Enrolled—1157
- SR 1835.** Congratulating Aniruddha Rao, Distinguished Finalist in the 2010 Prudential Spirit of Community Awards. (Vratil)
 Introduced—1141
 Adopted—1142
 Enrolled—1157
- SR 1836.** Congratulating the Olathe North High School football team, 2009 6A State Champions. (Lynn)
 Introduced—1142
 Adopted—1142
 Enrolled—1157
- SR 1837.** Congratulating Olathe North High School football coach Pete Flood for the 2009 season. (Lynn)
 Introduced—1142
 Adopted—1143
 Enrolled—1157
- SR 1838.** Congratulating James Franklin for winning the 2009 Thomas A. Simone Memorial Football Award. (Lynn)
 Introduced—1143
 Adopted—1143
 Enrolled—1157
- SR 1839.** Congratulating and commending Coach Joel Branstrom on making a half-court basketball shot while blindfolded. (Lynn)
 Introduced—1144
 Adopted—1144
 Enrolled—1157
- SR 1840.** Recognizing the Kansas Small Business Development Center's 2009 Businesses of the Year. (Brownlee)
 Introduced—1147
 Adopted—1148
 Enrolled—1157
- SR 1841.** Urging Kansas Congressional Delegation to oppose Employee Free Choice Act. (Huelskamp)
 Introduced—1156
 Referred—1166
- SR 1842.** Congratulating Kavya Shivashankar for winning the 2009 National Spelling Bee. (Brownlee, Colyer)
 Introduced—1187
 Adopted—1188
 Enrolled—1234
- SR 1843.** Recognizing the Kansas Center for Safe and Prepared Schools and urging Kansas school boards to maintain safety and preparedness in schools. (Schodorf)
 Introduced—1192
 Adopted—1192
 Enrolled—1234
- SR 1844.** Congratulating and commending Kansas Insurance Commissioner Sandy Praeger for winning the 2010 American Medical Association's Dr. Nathan Davis Award. (Teichman)
 Introduced—1206
 Adopted—1207
 Enrolled—1234
- SR 1845.** Honoring Sonny Weinhardt for his 56 years of officiating Kansas State High School athletics. (Ostmeyer)
 Introduced—1214
 Adopted—1214
 Enrolled—1234
- SR 1846.** Congratulating Tiffany Nickel, Ms. Wheelchair Kansas 2010. (McGinn)
 Introduced—1214
 Adopted—1215
 Enrolled—1234
- SR 1847.** Congratulating and commending the 2010 Kansas Master Teachers. (Barnett, Abrams, Apple, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, D. Schmidt, V. Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Huntington)
 Introduced—1232
 Adopted—1233
 Enrolled—1247
- SR 1848.** Honoring the life and legacy of Ethel May Miller. (Hensley, Kelly, Schmidt, V)
 Introduced—1233
 Adopted—1234
 Enrolled—1247

- SR 1849.** Congratulating the A.Q. Miller School of Journalism and Mass Communications at Kansas State University on its 100th anniversary. (Reitz)
 Introduced—1244
 Adopted—1244
 Enrolled—1247
- SR 1850.** Honoring Quinter High School Football State Eight-Man Division 1 Champions. (Ostmeyer)
 Introduced—1244
 Adopted—1245
 Enrolled—1247
- SR 1851.** Congratulating McPherson High School for winning the NAHB Residential Construction Management Competition. (Emler)
 Introduced—1245
 Adopted—1245
 Enrolled—1247
- SR 1852.** Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas. (Lee, Abrams, Apple, Barnett, Brownlee, Brungardt, Colyer, Donovan, Emler, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt, D, Schmidt, V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Huntington)
 Introduced—1246
 Adopted—1246
 Enrolled—1291
- SR 1853.** Designating May as lupus awareness month. (Faust-Goudeau)
 Introduced—1246
 Adopted—1247
 Enrolled—1291
- SR 1854.** Welcoming the members of the Ukraine Delegation to the State of Kansas through the Open World Program. (Huntington)
 Introduced—1264
 Adopted—1264
 Enrolled—1291
- SR 1855.** Urging the U.S. Government to support the NewGen Tanker. (Petersen, Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Pilcher-Cook, Pyle, Reitz, Schmidt, D, Schmidt, V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Huntington)
 Introduced—1264
 Adopted—1265
 Enrolled—1334
- SR 1856.** Recognizing Geary County and Junction City in their observance of Vietnam Veterans Day and the 40th anniversary of the 1st Infantry Division's return to Kansas. (Reitz)
 Introduced—1289
 Adopted—1289
 Enrolled—1334
- SR 1857.** Congratulating the Norton Community High School Wrestling Team, 2010 3-2-1 A State Champions. (Ostmeyer)
 Introduced—1289
 Adopted—1290
 Enrolled—1334
- SR 1858.** Congratulating the Greeley County High School Boys Cross Country Track Team, 2009 IA State Champions. (Ostmeyer)
 Introduced—1290
 Adopted—1291
 Enrolled—1334
- SR 1859.** Congratulating Greeley County High School Girls Cross Country Track Team, 2009 IA State Champions. (Ostmeyer)
 Introduced—1291
 Adopted—1291
 Enrolled—1334
- SR 1860.** Congratulating and commending Smith Center football coach Roger Barta for the 300th win of his career. (Lee)
 Introduced—1294
 Adopted—1295
 Enrolled—1334
- SR 1861.** Congratulating Thomas More Prep-Marian girls basketball team, state champions with a record-breaking season. (Lee)
 Introduced—1295
 Adopted—1295
 Enrolled—1334
- SR 1862.** Designating National Public Health Week, April 5-11, 2010. (Barnett, Abrams, Apple, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt, D, Schmidt, V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Huntington)
 Introduced—1311
 Adopted—1312
 Enrolled—1334
- SR 1863.** Congratulating Bill McCarter upon his retirement. (Hensley)
 Introduced—1312
 Adopted—1312
 Enrolled—1334

- SR 1864.** Congratulating and commending Ray Woods of Independence, Kansas, Montgomery County's most-traveled citizen. (Schmidt, D, Marshall, Schodorf)
 Introduced—1301
 Adopted—1301
 Enrolled—1334
- SR 1865.** Commemorating the 75th anniversary of "Black Sunday," which took place on April 14, 1935, during the Dust Bowl in Kansas. (Haley)
 Introduced—1370
 Adopted—1370
 Enrolled—1374
- SR 1866.** Commending Steve Errebo for rescuing a family from a burning vehicle. (Emler)
 Introduced—1376
 Adopted—1377
 Enrolled—1381
- SR 1867.** Congratulating Baldwin High School, national champions in the Read World Design Challenge. (Holland)
 Introduced—1377
 Adopted—1377
 Enrolled—1404
- SR 1868.** Honoring Kansas artist Robert Sudlow. (Holland)
 Introduced—1378
 Adopted—1378
 Enrolled—1404
- SR 1869.** Declaring April 28, 2010, as Workers' Memorial Day in Kansas. (Hensley)
 Introduced—1382
 Adopted—1382
 Enrolled—1404
- SR 1870.** Honoring the Olathe East High School Girls Cross Country team, 2009 Class 6A Kansas State Cross Country Champions. (Brownlee, Colyer, Lynn)
 Introduced—1385
 Adopted—1385
 Enrolled—1404
- SR 1871.** Congratulating the Olathe South High School Girls Basketball team, 2010 Class 6A State Basketball Champions. (Brownlee, Colyer, Lynn)
 Introduced—1385
 Adopted—1386
 Enrolled—1404
- SR 1872.** Congratulating the Olathe East High School girls track team. (Brownlee, Colyer, Lynn)
 Introduced—1386
 Adopted—1386
 Enrolled—1404
- SR 1873.** Congratulating Thomas More Prep-Marian High School for winning the Class 3A KS-HSAA State Scholars' Bowl. (Lee)
 Introduced—1386
 Adopted—1387
 Enrolled—1404
- SR 1874.** Congratulating the Emporia State University Women's Basketball team for winning the 2010 NCAA National Championship. (Barnett)
 Introduced—1390
 Adopted—1390
 Enrolled—1404
- SR 1875.** Designating September 19-26, 2010, and September 18-25, 2011, as Mitochondrial Disease Awareness Weeks. (Pilcher-Cook)
 Introduced—1412
 Adopted—1412
 Enrolled—1540
- SR 1876.** Congratulating the Kansas City Kansas Community College Debate team. (Kultala, Haley, Steineger)
 Introduced—1424
 Adopted—1425
 Enrolled—1540
- SR 1877.** Congratulating and commending Dale Cushinberry upon his retirement as Principal of Highland Park High School. (Hensley)
 Introduced—1425
 Adopted—1426
 Enrolled—1540
- SR 1878.** Congratulating Mary Galligan upon her retirement. (Morris, Hensley, Schmidt, D)
 Introduced—1490
 Adopted—1491
 Enrolled—1540
- SR 1879.** Congratulating Terri Weber upon her retirement. (Morris, Hensley, Schmidt, D)
 Introduced—1491
 Adopted—1492
 Enrolled—1540
- SR 1880.** Congratulating Joyce Lundgren upon her retirement. (Morris)
 Introduced—1492
 Adopted—1492
 Enrolled—1540
- SR 1881.** Congratulating Jerry Ann Donaldson upon her retirement. (Morris)
 Introduced—1492
 Adopted—1493
 Enrolled—1540
- SR 1882.** Congratulating and commending Ron Nitcher upon his retirement. (Schodorf, Abrams, Hensley, Huelskamp, Marshall, Owens, Steineger, Teichman, Umbarger, Vratil, Wagle)
 Introduced—1539
 Adopted—1540
 Enrolled—1605
- SR 1883.** Recognizing and supporting the freedom of Kansans to provide for their health care. (Vratil)

- Introduced—1562
Referred—1563
- SR 1884.** Commending Barb Hinton on her service to the State of Kansas and congratulating her on her future endeavors. (Bruce, Hensley, Schmidt, D, Steineger, Umbarger)
Introduced—1563
Adopted—1563
Enrolled—1605
- SR 1885.** In support of religious freedom for Coptic Christians. (Pilcher-Cook, Brownlee, Bruce, Kelsey, Masterson, Ostmeier, Petersen, Taddiken, Wagle)
Introduced—1581
Adopted—1582
Enrolled—1605
- SR 1886.** Recognizing the former Sumner High School in Kansas City, Kansas and encouraging participation in “Summer in the City,” July 15-18, 2010. (Haley)
Introduced—1584
Adopted—1584
Enrolled—1605
- SR 1887.** Congratulating the Washburn University debate team for winning the 2010 national title. (Hensley, Kelly, Schmidt, V)
Introduced—1619
Adopted—1619
Enrolled—1623
- SR 1888.** Congratulating Patricia All. (Brownlee, Colyer, Lynn)
Introduced—1627
Adopted—1627
Enrolled—1628

HISTORY OF SENATE PETITIONS

- SP 1,** by Senator Roger Reitz: A petition submitted by Nila Ridings, Resident, Quivira Falls, Overland Park, Kansas, stating support of Senate Bill 470 — Kansas uniform common interest owners bill of rights, signed by 100 citizens of the greater Kansas City area, page 1135.

FINAL
SENATE CALENDAR
 No. 66

JANUARY 11, 2010 THROUGH ADJOURNMENT MAY 28, 2010

**NUMERICAL SCHEDULE OF SENATE BILLS
 CARRIED OVER FROM 2009 SESSION**

2 Died, Com	S Sub for	81 Died, Com
H Sub	H Sub for	H Sub
3 Died, H Com	Sub	83 Signed, St Bk
4 Died, Com	48 Died, Gen Ord	88 Died, Com
Sub	49 Died, H Com	90 Died, Com
6 Died, H Com	52 Died, Com	92 Died, H Com
7 Died, Com	54 Signed, St Bk	93 Died, H Com
10 Died, Com	55 Died, H Com	94 Died, H Com
12 Died, Com	56 Died, H Com	H Sub
13 Died, Com	57 Died, Com	95 Died, H Gen Ord
15 Died, Com	Sub	96 Died, Com
17 Died, Com	58 Died, H Com	99 Died, Com
18 Died, Com	59 Died, H Com	100 Died, Gen Ord
20 Died, Com	62 Signed, Pub	101 Died, Com
21 Died, Com	4/29/2010	103 Died, H Com
H Sub	63 Died, Com	104 Died, Com
22 Died, H Gen Ord	65 Died, Com	106 Died, Com
24 Died, Com	Sub	109 Died, Com
H Sub	67 Signed, Pub	110 Died, Com
25 Signed, St Bk	4/15/2010	111 Died, Com
H Sub	69 Died, H Com	112 Died, Com
26 Rejected, House	71 Died, H Com	113 Died, Com
27 Died, Com	H Sub	114 Died, Com
30 Signed, Pub	73 Died, H Gen Ord	116 Died, Com
4/29/2010	H Sub	Sub
32 Died, Com	74 Rejected, House	117 Died, H Com
36 Died, Com	H Sub	H Sub
42 Died, Com	75 Signed, Pub	118 Rejected, House
H Sub	4/15/2010	121 Died, Com
43 Rejected, House	76 Died, Com	124 Died, Com
47 Died, Com	79 Died, H Com	125 Died, Com

H Sub	185 Died, Com	224 Died, H Com
126 Died, H Com	186 Died, Com	226 Died, Com
127 Died, Com	188 Died, Com	227 Died, Com
128 Died, Com	189 Died, Com	229 Died, Com
129 Died, Com	190 Died, Com	230 Died, Com
130 Died, Com	191 Died, Com	231 Died, Com
131 Signed, St Bk	192 Died, Com	232 Died, Com
133 Died, Com	193 Died, Com	233 Died, Com
136 Died, Com	194 Died, Com	H Sub
138 Died, H Com	195 Died, Com	234 Signed, St Bk
140 Died, Com	196 Died, Com	235 Died, Com
141 Died, Com	197 Died, Com	236 Died, Com
143 Died, Com	198 Died, Com	239 Died, Com
144 Died, Com	199 Died, Com	241 Died, H Com
H Sub	H Sub	243 Died, Com
146 Died, Conf Com	200 Signed, Pub	244 Died, Com
147 Died, H Gen Ord	4/15/2010	245 Died, Com
149 Died, Com	201 Died, H Com	246 Died, Com
150 Died, Com	202 Died, Com	H Sub
151 Died, Com	204 Died, Com	247 Died, H Gen Ord
152 Died, H Com	H Sub	248 Died, H Gen Ord
153 Died, H Com	205 Died, H Gen Ord	249 Died, H Com
155 Died, Com	206 Died, Com	250 Died, Com
157 Died, Com	207 Died, Com	251 Died, Com
164 Died, Com	208 Died, Com	252 Died, Com
165 Died, Com	209 Died, Com	H Sub
166 Died, Com	210 Died, Com	254 Died, Conf Com
167 Died, H Com	211 Died, Com	H Sub
169 Died, Gen Ord	H Sub	255 Signed, St Bk
170 Died, Com	213 Signed, St Bk	256 Died, Com
172 Died, Com	H Sub for	258 Died, Com
173 Died, H Com	Sub	259 Died, Com
H Sub	214 Signed, Pub	H Sub
174 Died, H Gen Ord	5/20/2010	260 Died, H Gen Ord
176 Died, Com	215 Died, H Com	261 Died, Com
177 Died, Com	216 Died, Com	H Sub
179 Died, Com	217 Died, Com	262 Signed, St Bk
180 Died, Com	Sub	& 1/15/2011
181 Died, Com	220 Died, H Com	263 Died, Com
182 Died, Com	221 Died, Com	264 Died, Com
Sub	222 Died, H Com	265 Died, Com
184 Died, H Gen Ord	223 Died, H Com	266 Died, Com

267 Died, Com	295 Died, Com	315 Died, Com
268 Died, H Com	296 Died, Com	H Sub
H Sub	297 Died, H Com	316 Signed, St Bk
269 Signed, St Bk	298 Killed, Fin Act	317 Died, Com
270 Died, Com	299 Died, H Com	318 Died, Com
271 Died, Com	H Sub	319 Died, Com
272 Died, Com	300 Signed, St Bk	320 Died, Com
273 Died, Com	Sub	321 Died, Com
274 Died, H Com	301 Died, Com	322 Died, Com
276 Died, Com	H Sub	323 Died, Com
277 Died, Com	302 Died, H Gen Ord	H Sub
Sub	303 Died, Com	324 Died, H Gen Ord
278 Died, Com	304 Died, Com	325 Died, Com
279 Died, Com	H Sub	326 Signed, Pub
280 Died, Com	305 Signed, St Bk	4/8/2010
281 Died, Com	H Sub	327 Died, Com
282 Died, Com	306 Signed, St Bk	328 Died, Com
283 Died, Com	307 Died, H Com	329 Died, Com
284 Died, Com	308 Died, Com	330 Died, Com
285 Died, H Com	309 Died, Com	331 Died, Com
286 Died, Com	H Sub	332 Died, Com
287 Died, Com	310 Died, Conf Com	333 Died, Com
288 Died, Com	Sub	334 Died, Com
289 Died, Com	311 Died, H Gen Ord	335 Died, Com
291 Died, Com	H Sub	Sub
292 Died, Com	312 Signed, St Bk	337 Died, Com
H Sub	H Sub	338 Died, Com
293 Signed, St Bk	313 Died, Conf Com	339 Died, Com
294 Died, Com	314 Died, Com	

NUMERICAL SCHEDULE OF SENATE BILLS

2010 SESSION

340 Died, Com	H Sub	350 Died, Com
341 Died, Com	345 Rejected, House	351 Died, H Com
H Sub	346 Signed, St Bk	352 Died, Com
342 Died, H Com	347 Died, Com	Sub
343 Died, Com	348 Died, H Com	353 Signed, St Bk
344 Died, Com	349 Died, Com	354 Died, H Com

355 Killed, Fin Act	386 Signed, Pub	422 Died, Com
356 Died, Com	4/15/2010	423 Died, H Com
357 Signed, Pub	387 Signed, Pub	424 Died, H Com
3/11/2010	6/3/2010	H Sub
358 Died, Com	388 Died, Conf Com	425 Rejected, House
359 Signed, Pub	389 Signed, St Bk	426 Died, H Com
4/29/2010	390 Died, H Com	H Sub
360 Died, H Com	391 Died, H Com	427 Killed, Fin Act
361 Died, Com	392 Died, Com	428 Died, Com
362 Signed, Pub	393 Signed, St Bk	429 Died, H Com
4/29/2010	394 Signed, St Bk	430 Signed, Pub
363 Died, H Gen Ord	395 Rejected, House	4/29/2010
364 Died, Com	396 Signed, St Bk	431 Died, Com
365 Died, Com	397 Died, Com	432 Killed, Fin Act
366 Died, Com	398 Signed, St Bk	433 Died, Com
367 Died, H Com	399 Died, Com	434 Signed, St Bk
368 Signed, Pub	400 Died, Com	435 Died, Com
6/3/2010	401 Died, Com	436 Died, Com
369 Signed, Pub	402 Died, Com	437 Signed, St Bk
4/29/2010	403 Died, Com	438 Signed, St Bk
370 Died, H Com	404 Died, Com	439 Signed, St Bk
371 Rejected, House	405 Died, Com	440 Signed, St Bk
372 Signed, St Bk	406 Died, H Com	441 Signed, St. Bk
373 Signed, St Bk	407 Died, Com	442 Died, Com
Sub	408 Died, H Com	443 Died, Gen Ord
374 Died, Com	409 Signed, Pub	444 Died, Com
375 Killed, Fin Act	4/1/2010	445 Died, Com
376 Signed, St Bk	410 Signed, St Bk	446 Died, H Gen Ord
H Sub	411 Died, H Com	Sub
377 Signed, St Bk	412 Died, Com	447 Died, H Com
378 Died, Com	413 Died, Com	448 Killed, Fin Act
379 Died, Com	414 Signed, Pub	H Sub
380 Rejected, House	4/8/2010	449 Signed, St Bk
H Sub	415 Signed, St Bk	450 Died, Com
381 Signed, Pub	Sub	451 Signed, St Bk
4/29/2010	416 Died, H Com	452 Signed, St Bk
382 Signed, Pub	417 Died, H Com	453 Died, H Com
4/29/2010	418 Died, Com	454 Died, H Com
383 Died, Com	419 Died, H Com	455 Rejected, House
384 Died, Com	420 Died, H Com	456 Killed, Fin Act
385 Died, H Com	421 Died, H Com	457 Died, Com

H Sub	495 Died, Com	531 Signed, St Bk
458 Signed, St Bk	496 Died, Com	532 Died, H Com
459 Died, H Gen Ord	497 Signed, Pub	533 Signed, St Bk
460 Signed, St Bk	4/8/2010	534 Died, Com
461 Signed, Pub	498 Died, Com	535 Died, Com
4/15/2010	499 Died, Com	536 Died, Com
Sub	500 Signed, St Bk	537 Signed, St Bk
462 Rejected, House	Sub	538 Died, Com
463 Signed, St Bk	501 Died, H Com	539 Died, Com
464 Signed, St Bk	502 Died, Com	540 Died, Com
465 Died, Com	503 Died, Com	541 Signed, St Bk
466 Died, Com	504 Died, Com	542 Died, Com
467 Died, Com	505 Died, Com	543 Died, Gen Ord
468 Died, Com	506 Died, H Com	544 Signed, St Bk
469 Died, Com	507 Died, Com	545 Died, Com
470 Died, Com	508 Signed, St Bk	546 Died, Com
471 Rejected, House	509 Died, Com	547 Died, Com
472 Died, Com	510 Died, Com	548 Died, Com
473 Died, Com	511 Died, Com	549 Died, Com
474 Died, Com	512 Died, H Com	550 Died, Com
Sub	Sub	551 Died, Com
475 Signed, St Bk	513 Signed, St Bk	552 Died, Com
476 Died, Com	H Sub for	553 Died, Com
477 Died, Com	Sub	554 Died, Com
478 Killed, Fin Act	514 Died, Conf Com	555 Died, Com
479 Died, H Com	515 Died, Com	556 Died, Com
480 Died, H Com	516 Died, Com	557 Died, Com
481 Died, Com	517 Died, Com	558 Died, Com
482 Died, H Com	518 Died, H Gen Ord	559 Died, H Com
483 Died, H Com	519 Signed, St Bk	560 Died, Com
484 Died, H Com	520 Died, H Gen Ord	H Sub
485 Rejected, House	521 Died, Com	561 Died, H Gen Ord
486 Died, Com	522 Died, Com	562 Died, Com
487 Died, Com	523 Died, H Com	563 Died, Com
488 Died, H Com	524 Died, Com	564 Died, Com
489 Signed, St Bk	525 Died, Com	565 Died, Com
490 Rejected, House	526 Died, Com	566 Died, H Com
491 Signed, St Bk	527 Died, Com	567 Died, Com
492 Died, Com	528 Died, Com	568 Died, H Gen Ord
493 Died, Com	529 Died, Com	569 Died, Com
494 Died, H Com	530 Died, Com	570 Died, H Com

571 Died, H Com	575 Died, H Com	582 Died, Com
H Sub	576 Died, Com	583 Died, Com
572 Signed, Line	577 Died, Gen Ord	584 Died, Com
Item Vetoes,	578 Killed, Fin Act	585 Died, Com
Pub 6/10/2010	579 Died, H Com	586 Signed, Pub
573 Died, Com	580 Died, H Com	6/3/2010
574 Died, H Com	581 Died, H Gen Ord	587 Died, Com

**NUMERICAL SCHEDULE OF SENATE
CONCURRENT RESOLUTIONS CARRIED OVER
FROM 2009 SESSION**

1602 Died, H Com	1609 Died, Com	1615 Adopted & Enr
1603 Died, Com	1612 Died, Com	1616 Died, H Com
1605 Died, Com	1613 Died, Com	1617 Died, H Gen Ord
1607 Died, Com	1614 Died, Conf Com	1618 Died, H Com
1608 Died, Com		

**NUMERICAL SCHEDULE OF SENATE
CONCURRENT RESOLUTIONS 2010 SESSION**

1620 Adopted & Enr	1625 Died, H Gen Ord	1629 Died, Com
1621 Died, Gen Ord	1626 Died, Com	1630 Died, H Com
1622 Adopted & Enr	1627 Died, Com	1631 Died, H Com
1623 Adopted & Enr	1628 Died, Com	1632 Adopted & Enr
1624 Died, Com		

**NUMERICAL SCHEDULE OF SENATE RESOLUTIONS
2010 SESSION**

1801 Adopted & Enr	1813 Adopted & Enr	1825 Adopted & Enr
1802 Adopted & Enr	1814 Adopted & Enr	1826 Adopted & Enr
1803 Adopted & Enr	1815 Adopted & Enr	1827 Adopted & Enr
1804 Adopted & Enr	1816 Adpoted & Enr	1828 Died, Com
1805 Died, Com	1817 Adopted & Enr	1829 Adopted & Enr
1806 Adopted & Enr	1818 Adopted & Enr	1830 Adopted & Enr
1807 Adopted & Enr	1819 Adopted & Enr	1831 Adopted & Enr
1808 Adopted & Enr	1820 Adopted & Enr	1832 Adopted & Enr
1809 Adopted & Enr	1821 Adopted & Enr	1833 Adopted & Enr
1810 Adopted & Enr	1822 Adopted & Enr	1834 Adopted & Enr
1811 Adopted & Enr	1823 Adopted & Enr	1835 Adopted & Enr
1812 Died, Com	1824 Adopted & Enr	1836 Adopted & Enr

1837 Adopted & Enr	1855 Adopted & Enr	1872 Adopted & Enr
1838 Adopted & Enr	1856 Adopted & Enr	1873 Adopted & Enr
1839 Adopted & Enr	1857 Adopted & Enr	1874 Adopted & Enr
1840 Adopted & Enr	1858 Adopted & Enr	1875 Adopted & Enr
1841 Died, Com	1859 Adopted & Enr	1876 Adopted & Enr
1842 Adopted & Enr	1860 Adopted & Enr	1877 Adopted & Enr
1843 Adopted & Enr	1861 Adopted & Enr	1878 Adopted & Enr
1844 Adopted & Enr	1862 Adopted & Enr	1879 Adopted & Enr
1845 Adopted & Enr	1863 Adopted & Enr	1880 Adopted & Enr
1846 Adopted & Enr	1864 Adopted & Enr	1881 Adopted & Enr
1847 Adopted & Enr	1865 Adopted & Enr	1882 Adopted & Enr
1848 Adopted & Enr	1866 Adopted & Enr	1883 Died, Gen Ord
1849 Adopted & Enr	1867 Adopted & Enr	1884 Adopted & Enr
1850 Adopted & Enr	1868 Adopted & Enr	1885 Adopted & Enr
1851 Adopted & Enr	1869 Adopted & Enr	1886 Adopted & Enr
1852 Adopted & Enr	1870 Adopted & Enr	1887 Adopted & Enr
1853 Adopted & Enr	1871 Adopted & Enr	1888 Adopted & Enr
1854 Adopted & Enr		

**SENATE ACTION ON HOUSE BILLS CARRIED OVER
FROM 2009 SESSION**

Sub	2195 Adopt CCR	S Sub for
2029 Died, S Com	2206 Died, S Com	S Sub for Sub
S Sub	S Sub	2320 P Am, H Con
2039 Adopt CCR	2219 Adopt CCR	2323 P Am, H Con
S Sub	2221 P Am, H Con	2325 Died, S Com
2079 Died, S Com	S Sub	Sub
S Sub	2222 Adopt CCR	2340 Died, S Com
2082 Died, S Com	S Sub	Sub
2084 Died, S Com	2226 P Am, H Con	2345 P Am, H Con
2107 Passed	Sub	S Sub
S Sub	2238 Died, S Com	2353 Adopt CCR
2115 Veto sustained	2239 Died, S Com	S Sub
2125 Passed	2265 Died, Conf Com	2356 Adopt CCR
2130 Adopt CCR	2275 Died, S Com	S Sub
S Sub	2280 Died, S Com	2360 P Am, H Con
2160 P Am, H Con	2283 Adopt CCR	2364 Passed
2166 Died, S Com	2299 Died, S Com	2383 Died, S Com
S Sub	S Sub	2388 Died, S Com
2180 Killed, Fin Act	2310 P Am, H Con	Sub
	2319 Died, S Com	2390 Died, S Com

**SENATE ACTION ON HOUSE BILLS
2010 SESSION**

2408 Died, S Com	2485 Passed	2561 P Am, H Con
2410 Died, S Com	2486 Adopt CCR	2566 P Am, H Con
2411 Passed	2491 Died, S Com	2572 Died, S Com
2412 Adopt CCR	2492 Passed	Sub
2414 P Am, H Con	2500 P Am, H Con	2575 Died, Conf Com
2415 P Am, H Con	2501 Adopt CCR	2577 Passed
2418 P Am, H Con	2503 Passed	2578 Died, S Com
Sub	S Sub	2581 P Am, H Con
2428 Died, S Com	2506 Adopt CCR	S Sub
S Sub	S Sub	2582 Adopt CCR
2432 Adopt CCR	2508 P Am	2584 Passed
2433 Passed	S Sub for	S Sub
2434 Adopt CCR	Sub	2585 Adopt CCR
2435 Adopt CCR	2509 Adopt CCR	2588 Passed
2436 Passed	2510 Died, S Com	2589 Passed
S Sub	Sub	2595 P Am, H Con
2437 P Am	2517 P Am, H Con	2601 Died, S Com
2440 P Am, H Con	2519 Died, S Com	2604 Passed
2442 Died, S Com	2520 Died, S Com	2605 Adopt CCR
2445 Passed	Sub	2608 P Am, H Con
2446 Passed	2521 Died, S Com	2609 Passed
2448 Passed	Sub	2619 Passed
Sub	2528 Adopt CCR	2620 Died, S Com
2453 Died, S Com	2535 Passed	2621 Died, S Com
2454 Adopt CCR	S Sub for	S Sub
2455 Passed	Sub	2631 P Am
2456 Passed	2538 P Am	2637 Died, S Com
2463 Died, S Com	2540 Died, Conf Com	2638 Passed
2468 P Am, H Con	2544 Passed	2649 Passed
2469 P Am, H Con	2547 P Am, H Con	S Sub for
2471 Died, S Com	2548 Died, S Com	S Sub
2472 Adopt CCR	2551 P Am, H Con	2650 P Am, H Con
2473 Died, S Com	2552 Passed	2652 Adopt CCR
S Sub	2553 P Am	2656 Adopt CCR
2476 Adopt CCR	2554 Adopt CCR	2657 Died, S Com
2478 Died, S Com	2555 Passed	2660 Adopt CCR
2482 Adopt CCR	2557 Passed	2661 Passed
2484 Died, S Com	2560 P Am, H Con	2666 P Am, H Con

2667 Died, S Com	2676 P Am, H Con	2691 Adopt CCR
2668 Adopt CCR	2678 Passed	2698 Passed
Sub	2685 Died, S Com	2704 Died, Conf Com
2669 Died, S Com	Sub	2729 Died, S Com
2671 Died, S Com	2689 Died, S Com	

**SENATE ACTION ON HOUSE CONCURRENT RESOLUTIONS
CARRIED OVER FROM 2009 SESSION**

5008 Died, S Com	5012 Adopted	5013 Adopted
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**SENATE ACTION ON HOUSE CONCURRENT RESOLUTIONS
2010 SESSION**

5024 Adopted	5026 Died, S Com	5034 Died, S Com
5025 Adopted	5027 Adopt, Am	5037 Adopted

SUMMARY OF ACTIONS ON SENATE BILLS AND SENATE RESOLUTIONS

Senate Bills

Senate bills introduced in the 2010 session	248	
Senate bills carried over from 2009 session	<u>248</u>	
TOTAL		496

Senate bills signed by Governor	76	
(H Sub SB 572 contains line item vetoes)		
Senate bills killed in Senate	9	
Senate bills that died on Senate Calendar	6	
Senate bills that died in Senate Committees	284	
Senate bills killed in House	14	
Senate bills that died on House Calendar	21	
Senate bills that died in House Committees	80	
Senate bills that died in Conference Committees	<u>6</u>	
(H Sub 146, H Sub 254, 310, H Sub 313, 388, H Sub 514)		
TOTAL		496

Senate Concurrent Resolutions

Senate concurrent resolutions introduced in 2010 session	13	
Senate concurrent resolutions carried over from 2009	<u>13</u>	
TOTAL		26

Senate concurrent resolutions adopted by both houses	5	
Senate concurrent resolutions killed in Senate	0	
Senate concurrent resolutions that died on Senate Calendar	1	
Senate concurrent resolutions that died in Senate Committees	12	
Senate concurrent resolutions killed in House	0	
Senate concurrent resolutions that died on House Calendar	2	
Senate concurrent resolutions that died in House Committees	5	
Senate concurrent resolutions that died in Conference Committees	<u>1</u>	
TOTAL		26

Senate Resolutions

Senate resolutions introduced in 2010 Session	88	
Senate resolutions adopted	83	
Senate resolutions killed in Senate	0	
Senate resolutions that died on Senate Calendar	1	
Senate resolutions that died in Senate Committees	<u>4</u>	
TOTAL		88

Status of Bills and Resolutions

Senate bills signed by the governor: Nos. H Sub 25, 30, 54, 62, Sub 67, H Sub 75, H Sub 83, 131, H Sub 200, H Sub 213, H Sub for Sub 214, H Sub 234, H Sub 255, H Sub 262, H Sub 269, H Sub 293, H Sub 300, H Sub 305, H Sub 306, H Sub 312, H Sub 316, 326, 346, Sub 353, 357, 359, 362, 368, 369, 372, 373, 376, H Sub 377, H Sub 381, 382, 386, 387, 389, 393, 394, 396, 398, 409, 410, 414, 415, 430, 434, 437, 438, 439, 440, 441, H Sub 449, 451, 452, H Sub 458, 460, 461, 463, 464, Sub 475, 489, 491, 497, 500, 508, Sub 513, 519, 531, 533, 537, 541, 544, H Sub 572, 586

Senate bills line item vetoed by governor: No. H Sub 572

Senate bills published in Kansas register: Nos. 30, 62, Sub 67, H Sub 75, H Sub 200, H Sub for Sub 214, 326, 357, 359, 362, 368, 369, H Sub 381, 382, 386, 387, 409, 414, 430, 461, 497, H Sub 572, 586

Senate resolutions adopted: Nos. 1801, 1802, 1803, 1804, 1806, 1807, 1808, 1809, 1810, 1811, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1884, 1885, 1886, 1887, 1888

Senate concurrent resolutions adopted by both houses:
Nos. 1615, 1620, 1622, 1623, 1632

**APPOINTMENTS, COMMUNICATIONS, CONFIRMATIONS, MESSAGES
FROM THE GOVERNOR, SPECIAL EVENTS AND GUESTS
2010 SENATE JOURNAL**

APPOINTMENTS

Reverend Fred S. Hollomon, Topeka, to serve as Chaplain of the Senate, page 907.

SR 1801, relating to the organization of the Senate and appointments of the president, vice president, majority leader, minority leader, secretary and sergeant at arms, page 909.

SR 1802, relating to seating assignments, page 909.

COMMUNICATIONS FROM STATE OFFICERS

Ron Thornburgh, Secretary of State, certified that Terrie Huntington, Fairway, Kansas, was appointed by the Governor effective December 21, 2009, for the unexpired term of State Senator for the 7th Senate District, to fill the vacancy created by the resignation of David Wysong, page 908.

Kansas Health Policy Authority, Joe Tilghman, Board Chairman, announced the appointment of Dr. Robert Andrew Allison, PhD, as the permanent executive director of the agency, subject to confirmation by the Kansas Senate, page 912.

Office of the Attorney General, Steve Six, submitted for confirmation by the Senate the reappointment of Nan Porter as a member of the Crime Victims Compensation Board, page 912.

Office of the Attorney General, Steve Six, submitted for confirmation by the Senate the appointment of Suzanne Valdez as Chairperson of the Crime Victims Compensation Board, page 912.

Senate President Stephen R. Morris, appointed Dr. William A. Reed, to the Kansas Health Policy Authority, page 912.

Secretary of the Senate, Pat Saville, received from Governor Mark Parkinson, since the adjournment of the 2009 session of the legislature, the following communications: Executive Directives Nos. 09-398, 09-399, 10-400, 10-401, 10-402, 10-403 and 10-404, all relating to Authorizing Personnel Transactions and Expenditure of Federal Funds, page 912.

Secretary of the Senate, Pat Saville, submitting the following communications received during the interim since adjournment of the 2009 Regular Session of the Legislature:

Office of the Attorney General submitted the 2008 Annual Report of the Consumer Protection Division pursuant to KSA 50-628, page 912.

Kansas Bureau of Investigation submitted a report regarding the status of the KBI State Forfeiture Fund in compliance with KSA 60-4117, page 912.

Kansas Department of Corrections submitted a report detailing the progress of the Kansas Community Corrections Statewide Risk Reduction Initiative pursuant to provisions of KSA 75-52,112, page 913.

Kansas Development Finance Authority submitted the Annual Report for the fiscal year ending June 30, 2009, page 913.

Kansas Pooled Money Investment Board submitted the Annual Report of the Pooled Money Investment Board for Fiscal Year 2009 in compliance with KSA 75-4222(h), page 913.

Kansas Public Employees Retirement Systems Comprehensive Annual Financial Report for FY ending June 30, 2009, page 913.

Kansas State Treasurer submitted the 2009 Annual Report, page 913.

State of Alaska, Office of the Lieutenant Governor Craig E. Campbell, submitted a copy of House Joint Resolution No. 27, stating that the Tenth Amendment to the Constitution of the United States defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more. This resolution serves as Notice and Demand to the federal government to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers, page 913.

Kansas DUI Commission, Senator Thomas Owens, Chairperson, submitted a copy of an interim report and recommendations, page 917.

Kansas Corporation Commission, Conservation Division, Director, Doug Louis, submitted a report on the Remediation Site Status Report and the Abandoned Oil & Gas Well Status Report, page 917.

Kansas Department of Wildlife and Parks, J. Michael Hayden, Secretary, submitted the Land Acquisition and Renewal Report, page 917.

Senate President's Office, in accordance with Rule 8 of the Senate Rules, has established a Senate Select Committee to be named the Business and Labor Committee. The following senators have been appointed to the committee: Senator Susan Wagle, chair; Senator Julia Lynn, vice-chair; Senator Jay Emler, Senator Jean Schodorf, Senator Roger Reitz, Senator Karin Brownlee, Senator Dick Kelsey, Senator Tom Holland, and Senator Oletha Faust-Goudeau, page 917; OCR committee changes, page 918.

Kansas Criminal Code Recodification Commission, Professor Tom Stacy, Chairman and Ed Klumpp, Vice Chairman, submitted the 2010 Final Report to the Kansas Legislature for Volume I — Recodification and Volume II — Policy Recommendations, page 929.

Kansas Parole Board, Robert Sanders, Chairman, submitted the annual report of the Kansas Parole Board for Fiscal Year 2009, page 932.

Kansas Department on Aging, Martin Kennedy, Acting Secretary, submitted the July 1, 2008-June 30, 2009 Annual Report, page 937.

Kansas Corporation Commission, Thomas E. Wright, Chairman, submitted a report concerning the availability of Broadband services in the State of Kansas, page 937.

Kansas Highway Patrol, Terry L. Maple, Superintendent, submitted the annual report regarding state forfeiture funds, page 938.

Kansas Department of Administration, Kent E. Olson, Director, Division of Accounts and Reports, submitted a CD containing the 56th Annual Financial Report of the State of Kansas for the fiscal year ended June 30, 2009, page 938.

Office of the Attorney General, Lucy Mills, Coordinator, Abuse, Neglect and Exploitation Unit, submitted its Annual Report to the Legislature for the period of July 1, 2008 to June 30, 2009, page 949.

Kansas Health Policy Authority, Mike Michael, Deputy Director, State Employee Health Plan, submitted a compact disc containing the Kansas State Employees Health Care Commission 2009 Annual report, page 949.

Kansas Corporation Commission, Thomas E. Wright, Chairman, submitted a report on Price Deregulation, page 978.

Kansas Corporation Commission, Thomas E. Wright, Chairman, submitted the annual report regarding changes in rates and schedules for the fiscal year beginning July 1, 2008 and ending June 30, 2009, page 978.

Supreme Court of Kansas, Howard Schwartz, Judicial Administrator, submitted the 2009 Annual Report of the Statement of the Alcohol Drug Safety Action Program, page 1105.

Kansas Sentencing Commission, Helen Pedigo, Executive Director, submitted the Kansas Sentencing Commission 2010 Report to the Legislature, page 1112.

KPERS, submitted a report to the Joint Committee on Pensions, Investments and Benefits regarding KPERS Long-Term Funding Status, page 1114.

State of the Judiciary, Robert E. Davis, Chief Justice, submitted the 2010 Annual Report of the Chief Justice of the Kansas Supreme Court, page 1121.

Kansas Department of Revenue, Mark S. Beck, Director, Division of Property Valuation, submitted the 2009 Preliminary Real Estate Appraisal/Sales Ratio Study, page 1187.

Office of the Attorney General, Rita Noll, Board Chair, Crime Victims Compensation Board, submitted the 2008 Annual Report of the Crime Victims Compensation Board, page 1201.

Kansas Health Policy Authority, Dr. Andrew Allison, PhD, Executive Director, has announced Nicholas M. Kramer as the Authority's new Inspector General, page 1376.

Senator Anthony Hensley appointed Dan Watkins to the Kansas Bioscience Authority (KBA), effective March 15, 2010, page 1376.

Kansas State Board of Healing Arts, Michael J. Beezley, M.D., President, has announced the appointment of Kathleen J. Selzer Lippert as Acting Executive Director of the Board pending Senate confirmation, page 1376.

House of Representatives, State of Idaho, Bonnie Alexander, Chief Clerk, has announced House Concurrent Resolution 44, was adopted by the House of Representatives and the State Senate during the Second Regular Session of the Sixtieth Idaho Legislature, page 1376.

Wyoming Secretary of State Max Maxfield, as directed by the State of Wyoming's Sixtieth Legislature — 2010 Budget Session, sent a copy of original House Joint Resolution 9, House Enrolled Joint Resolution 3, demanding Congress to cease and desist from enacting mandates that are beyond the enumerated powers granted to the Congress by the United States Constitution; and, to amend the tenth amendment and the interstate commerce clause in article 1, section 8 of the United States Constitution, page 1376.

Kansas Human Rights Commission, William V. Minner, Executive Director, submitted the Annual Report for the Fiscal Year July 1, 2008-June 30, 2009, page 1387.

Kansas Department of Corrections, Roger Werholtz, Secretary of Corrections, submitted the report of the Kansas Department of Corrections State Forfeiture Fund for the period of December 1, 2008 through December 1, 2009, page 1387.

Kansas Department of Labor, Jim Garner, Secretary, submitted the Workers Compensation 35th Annual Statistical Report, the 2009 Kansas Economic Report, the 2010 Workplace Safety Annual Report, the Unemployment Insurance Reference Guide and the Kansas Department of Labor 2009 Annual Report, page 1493.

John A. Bartolac, Chairman, Kansas Electronic Recording Commission, submitted an update to the Kansas Electronic Recording Standards as modified at the April 6, 2010 annual meeting of the Kansas Electronic Recording Commission, page 1538.

Kansas Department of Labor, Jim Garner, Secretary, submitted the 2009 Green Jobs Report, page 1626.

State of Arizona, Secretary of State Ken Bennett, submitted a copy of HCR 2001, resolving intent to claim sovereignty under the Tenth Amendment to the Constitution of the United States over certain powers, service notice to the federal government to cease and desist certain mandates and providing that certain federal legislation be prohibited or repealed, page 1626.

CONFIRMATION OF APPOINTMENTS

Consideration of confirmation of appointments, pages 938, 939, 940, 978, 979, 1031, 1105, 1106, 1152, 1153, 1154, 1494, 1495, 1602.

MESSAGES FROM THE GOVERNOR

Submitted for confirmation, Joshua Svaty, Secretary, Department of Agriculture; Belinda Vierthaler, Ombudsman, State Long-Term Care Ombudsman; John Poertner, Member, State Board of Indigents Defense Services, page 910.

Submitted for confirmation, Scott M. Slabotsky, Member, University of Kansas Hospital Authority; Michael Thomas Sawyer, Member, Kansas Parole Board; Suchitra Padmanabhan, Member, Kansas Development Finance Authority; Thomas Cohen, Member, Kansas Technology Enterprise Corporation; Christine L. Downey-Schmidt, Member, Kansas Board of Regents; Robert Dan Lykins, Member, Kansas Board of Regents; Juana Janie Perkins, Member, Kansas Board of Regents; Michael C. Moffet, Commissioner, State Corporation Commission; Timothy McKee, Member, Kansas Electric Transmission Authority; Thomas E. Murphy III, Member, University of Kansas Hospital Authority; Betty T. Keim, Member, University of Kansas Hospital Authority; Dr. Vernon Mills, Member, Kansas Health Policy Authority; Robert Sanders, Member, Kansas Parole Board; Rebecca Crotty, Member, State Court of Tax Appeals; Martin A. Kennedy, Secretary, Department of Aging, page 911.

Submitted herewith to the Senate by Governor Mark Parkinson withdrawing the reappointment of Thomas Murphy as a Member of the University of Kansas Hospital authority due to his death, submitted August 4, 2009, page 911.

The following executive orders were received from Governor Kathleen Sebelius:

Executive Order 07-27, establishing the Statewide Interoperability Executive Committee (SIEC), page 926.

Executive Order 08-07, declaring a Drought Warning for Grant, Hamilton, Morton, Stanton and Stevens counties in the Southwest and a Drought Watch for Greeley, Scott and Wichita counties in the West Central part of the state and in Finney, Haskell, Kearny, Meade and Seward in the Southwest. The order remains in effect for 60 days or until revised or rescinded by a subsequent Executive Order, page 926.

Executive Order 08-08, declaring the state will expand the current certification program to include additional certification for Women Business Enterprises (“WBEs”) and Minority Business Enterprises (“MBEs”), page 926.

Executive Order 08-09, continuing the moratorium on employee bonuses for Fiscal Year 2009 and maintaining the dollar amount limit that was established in Fiscal Year 2006, page 926.

Executive Order 08-10, authorizing all full-time, classified and unclassified employees in the Executive Branch of the State of Kansas to spend up to 90 minutes of regularly scheduled work time per pay period for the purpose of working with an approved mentoring program, page 926.

Executive Order 08-11, declaring a Drought Warning for Grant, Morton, Stanton and Stevens counties in the Southwest and a Drought Watch for Greeley and Wichita counties in the West Central part of the state and Hamilton, Haskell, Kearny, Meade and Seward in the Southwest. The order remains in effect until October 31, 2008 or until revised or rescinded by a subsequent Executive Order, page 926.

Executive Order 08-12, establishing the Kansas Partnership for Accessible Technology (“Partnership”), page 926.

Executive Order 08-13, rescinding the force and effect of Executive Order No. 08-06 promulgated by the Governor of the State of Kansas and abolishing the Kansas Energy Council created by such Executive Order, page 926.

Executive Order 09-01, creating the Facilities Closure and Realignment Commission, page 926.

Executive Order 09-02, creating the Kansas Coalition for Children in Nature (“KCCN”), page 926.

The following executive orders were received from Governor Mark Parkinson:

Executive Order 09-03, supporting, encouraging and approving the mutually agreed-to cross-evaluation of programs between the state department of education and the state board of regents, page 927.

Executive Order 09-04, continuing the moratorium on employee bonuses for fiscal year 2010, page 927.

Executive Order 09-05, establishing the Kansas Mentors with the Kansas Mentors Leadership Council serving as the main advisory body, page 927.

Executive Order 09-06, continuing Governors Military Council, through February 28, 2011, unless rescinded earlier or lengthened by executive order, page 927.

Executive Order 09-07, offering a reward of five thousand dollars (\$5,000) for information leading to the arrest and conviction of the individual or individuals who committed the homicide of Jeffrey Rogers, page 927.

Executive Order 09-08, adopting a Leave Advancement policy whereby agency appointing authorities may provide paid leave to employees who have exhausted their own accrued leave, page 927.

Executive Order 09-09, designating United Way of the Plains as the lead entity for 2-1-1 Kansas as identified in the Calling for 2-1-1 Act of 2009, page 927.

Executive Order 09-10, offering a reward of five thousand dollars (\$5,000) for information leading to the arrest and conviction of the individual or individuals who committed the homicide of Beverly Logan, page 927.

Governor Parkinson reported the only pardon granted by him for the preceding year was for Samuel Jarvis Hunt, page 948.

Executive Order No. 10-01, concerning guidelines for the Secretary of the Department of Social and Rehabilitation to follow regarding Parsons State Hospital and the Kansas Neurological Institute, page 955.

Executive Order No. 10-02, establishing the Kansas Advisory Committee of the Blind and Visually Impaired with purposes and charges, page 955.

Michael Moffet be withdrawn from the reappointment of Commissioner, State Corporation Commission, page 965.

Submitted for confirmation, Thomas Wright, Commissioner, State Corporation Commission; William R. Thornton, Secretary, Department of Commerce; Joanne M. Budler, State Librarian of Kansas; Patricia Ann Biggs, Member, Kansas Parole Board; Lawrence P. Daniels, Member, State Board of Indigent Services, page 1000.

Submitted for confirmation, Mark R. Jorgenson, Member, University of Kansas Hospital Authority; Audrey Langworthy, Member, Kansas Development Finance Authority; Keith A. Lawing, Member, Public Employee Relations Board; James Needham, Member, State Banking Board; John P. Smith, Administrator, Credit Union Council; Steven F. Warren, Member, Kansas Technology Enterprise Corporation; and Deryl Wynn, Member, University of Kansas Hospital Authority; A. E. McKechnie, Member, Kansas State Board of Regents, page 1001.

Executive Directive No. 10-405, Authorizing Expenditure of Federal Funds, page 1029. Submitted for confirmation, Ward E. Loyd, Commissioner, State Corporation Commission, page 1114.

Executive Directive No. 10-406, Authorizing Expenditure of Federal Funds, page 1288.

Executive Directive No. 10-407, Authorizing Personnel Transactions, page 1289.

Submitted for confirmation, Richard Fish, Member, State Banking Board; John W. Lehman, Member, Pooled Money Investment Board; John O. Delmont, Member, State Public Trust — Treece Buyout Board of Trustees; Eddie L. Hamilton, Member, State Public Trust — Treece Buyout Board of Trustees; Betty J. McBride, Member, State Public Trust — Treece Buyout Board of Trustees; James J. Dahmen, Member, State Public Trust — Treece Buyout Board of Trustees; and Gene Bicknell, Member, State Public Trust — Treece Buyout Board of Trustees, page 1375.

Executive Order No. 10-03, offering an award of five thousand dollars (\$5,000) for information leading to the arrest and conviction of the individual or individuals who committed the homicide of Jesus Aaron Lerma, page 1493.

Executive Directive No. 10-408, Authorizing Expenditure of Federal Funds, page 1620.

Executive Directive No. 10-409, Authorizing Expenditure of Federal Funds, page 1623.

Veto message regarding **House Substitute for SB 572** on the Fiscal Year 2011 budget, approved by the governor; except line item vetoes: Sections 72(c), 76(h), 79(l), 94(j), 107(c), 163, 165, 167, and 168 and portions of Section 46(b) and Section 91(a). Veto sustained, page 1627.

SPECIAL EVENTS AND GUESTS

Reverend Fred S. Hollomon, Topeka, to serve as Chaplain of the Senate, page 907.

President Morris introduced the new reader, Stephen Jones, a second year law student at Washburn University, page 907.

President Morris introduced Dr. Michael Munger, President of the Kansas Academy of Family Physicians. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the Capitol during the session, page 908.

Senator Barnett rose on a Point of Personal Privilege to introduce Brian Hagen, Rose Hill High School; Nicholas Ediger and Aaron Slater, Hillsboro High School; Dan Rahe, Emporia High School; Mark McCoy; Chelsea Turkin, Lyndon High School; and Carolyn Cole, State Advisor, all representing the Technical Student Association, page 919.

Senator Haley rose on a Point of Personal Privilege in honor of Dr. Martin Luther King, Jr., page 927.

Senator Vratil rose on a Point of Personal Privilege to pay tribute to Karen M. Tritt, 2010 Kansas Teacher of the Year from Shawnee Mission West High School, Overland Park. Also acknowledged were the 2010 Kansas Regional Teachers of the Year: Arthur R. Commons, Baxter Springs High School; Cathy Durano, Cottonwood Elementary School, Andover; Jeline D. Harclerode, Emporia Middle School; Joan L. Moore, Lincoln Elementary School, McPherson; Rose M. Nemchik, Riverview Elementary School, Shawnee; Beth Slawson,

Cottonwood Elementary School, Paola; and Tracey B. Repp, Andover Central Middle School, page 930.

Senator Lee introduced Dr. Edward H. Hammond, President of Ft. Hays State University. Also introduced were the following Kansas Academy of Math and Science Students from Ft. Hays State University: Kaleb Beaugh, Amanda Berckefeldt, Leo Budy, Emilie Clare, Tyler Clark, Isaac Cook, Alexandria Darden, Ben Davis, Bryant Davis, Seth Gooding, Alexis Greb-Bonham, Whitney Hersh, Kassandra Kirk, Jaeton Martin, William Morris, William Robertson II, Carlton E. Savage, Kathryn Schmidt, Christian Sellers, Jennifer Snyder, Bailey Spickler, Erica Stacey, Mersadez Tanner and Nicholas Van Swol, page 934.

Guest chaplain Dr. Robert Meneilly, Pastor Emeritus, Village Presbyterian Church, Prairie Village, Kansas, page 936.

Bill Snyder was recognized for his dedication with the Kansas Mentoring program. Also welcomed were several Kansas Mentors from throughout the state, page 941.

Senator D. Schmidt introduced Mae Kesner, owner of Guy and Maes Tavern in Williamsburg, Kansas. Also introduced were Diana Macoubrie, Judy Simpson, Ty Thompson, Lori Thompson, Ernie Macoubrie and Amy Macoubrie, all affiliated with Guy and Maes tavern, page 949.

Guest chaplain Jim Young, Southbridge Fellowship Church and President, Capitol Commission, Raleigh, North Carolina, page 950.

Senator Brungardt introduced Steve Minnis, President of Benedictine College and Kim Shankman, Dean of Benedictine College. Also representing Benedictine College were Tim Andrews, Linda Henry, Matt Jackson, Keith Jaloma, Steve Johnson, Courtney Marshall, Andy Morgentern, Rosemary Wilkerson and Joe Wurtz, page 952.

Senator V. Schmidt introduced Julie Hejtmanek and her husband Dan. Julie Hejtmanek was recognized on her election as President of Sertoma International and for her service to Topeka. Julie was also named Woman of the Year by the American Business Women's Association, page 971.

Senator Hensley introduced and congratulated Bradley Nicks, math teacher from Shawnee Heights, for being honored as a Milken Family National Educator. Also introduced was Dr. Martin Stessman, Superintendent of Shawnee Heights Schools, page 989.

Senator V. Schmidt introduced Avery Clifton for being named the Gatorade Cross Country Runner of the Year for Kansas for the second year in a row from Washburn Rural High School. Also representing Washburn Rural High School were Brenda Dietrich, Superintendent; Ed Raines, Principal and Penny Lane, Athletic Director, page 995.

Senator V. Schmidt introduced and congratulated the Washburn Rural High School volleyball team for winning the 2009 Class 6A state volleyball championship. Team members include Alexa Bordewick, Kelsey Lewis, Kylie Pease, Emily Conklin, Liz Mariner, Peyton Evans, Dani Musselman, Whitney Gifford, Sarah Williams, Alyssa Carney, Erika Lane and Sarah Vicory. Also in attendance were Coach Kevin Bordewick and Coach Scott Shufelberger, page 996.

Senator V. Schmidt introduced and congratulated the Washburn Rural High School boy's soccer team for winning the 2009 Class 6A state soccer championship. Team members include Haden Beardmore, Levi Brunton, Brahms Cohen, Grant Copeland, Nick Golden, Justin Ives, Austin Jackson, Eric Semjenow, Jeffrey Veatch, Keenan Ankerhol, Daniel DeZamacona, Collin Erbert, Harrison Petrik, Ethan Speake, Ben Sullivan, Keven Thomas, Nick Gideon, Craig Harding, Allan McFarland, Addison Schile, Anthony Schmiedeler and Joey Welch. Also in attendance were coach Brian Hensyel and assistant coaches: Brian Bell, David Chocharoen and Andy Vogel, page 997.

Senator Hensley introduced Samuel Mazas, Cub Scout, Chandler R. Emslie, Boy Scout, and Jacob Bures, Eagle Scout and congratulated the Boy Scouts of America on its 100th Anniversary and contributions to Society. Also introduced representing the Boy Scouts of America were Jeffrey R. Moe, Scout Executive, David A. Nolle, Assistant Scout Executive, Jill Garrard, Scout Executive and John Emslie, Scout Leader, page 998.

Senator Lee and members of the Senate welcomed and recognized Kevin Saunders for his outstanding accomplishments in the field of physical fitness. His wife Dora, guests Dan Lykins, Coach Bill Snyder and family and friends were acknowledged, page 1010.

Senator Barnett introduced Debra Brant and Tina Herold in recognition of their support of breast cancer screening, page 1015.

Senator Teichman recognized Larry W. Magill Jr., who passed away January 6, 2010. Mr. Magill served the Kansas Association of Insurance Agents in several executive roles over 25 years. His wife Carrie, Daniel Magill, Natalie Magill, Marge Haub, Tess Magill, Pam Clutter, Mike Clutter, Don Johnston, Alice Ann Johnston and Will Larson were also acknowledged, page 1047.

Guest chaplain, Fort Leavenworth Garrison Chaplain Mike Thompson, in honor of Armed Forces Day, page 1056.

Senator D. Schmidt introduced and congratulated Paul Sasse upon his retirement as City Manager of Independence, Kansas, after nearly 33 years of service. His wife Mary, Matthew Sasse, Jacob Sasse, Andrew Johanson, Corey Sasse, DeDe Swanson, Dillon Swanson, Jessica Rumberg, Amy Spellman, Kent Spellman, Ashlee Muninger, Kevon Abshier, Jill Abshier, Mason Abshier, Hailey Abshier and Tristan Willis were also introduced, page 1100.

Senator Barnett introduced Michael R. Lane, President of Emporia State University, in recognition of Emporia State University's celebration of Founders Day of 147 years of educational excellence. Also recognized were: Jonathan Krueger, Caroline Ewing, Jonathan Rivers, Laura Bosiljevac, Amy Stonebraker, Michael Olsen and Marjorie Werly, page 1108.

Senator Morris introduced Selahattin Aydin, Cemil Teber, Kemal Oksuz, Ed Stevenson, The Honorable Yasar Karayel, The Honorable Ahmet Oksuzkaya, The Honorable Fikri Isik and Selcuk Cetin representing the Turkish Parliament, page 1124.

Senator V. Schmidt introduced Kirsten (Joiner) Flax, Stacey Pershall, Elizabeth Culbreth, Kelli Verble, Catie Rech and Kelsey Nepote in recognition of Social Work Month, page 1125.

Senator McGinn introduced Scott Ochs, Holly Hagman and Elizabeth English in recognition of World Kidney Day and March as Kidney Awareness Month in Kansas, page 1129.

Senator V. Schmidt introduced and congratulated Elaine Pardee as the recipient of the "Kansas 2009 Siemens Award for Advanced Placement". Her husband Rick, Nikki Meier, Lauren Meier, Dean Glatt, Rose Marie Glatt, Ted Mlynek, Judie Mlynek, Superintendent Brenda Dietrich, Principal Ed Raines, Gordon Shipley and Linda Shipley were also introduced, page 1140.

Senator Vratil introduced and congratulated Alex Stonebarger for being named one of the top two youth volunteers in Kansas for 2010 in the 15th annual Prudential Spirit of Community Awards. Accompanying Alex were Greg Stonebarger, Lorie Stonebarger, Jack Stonebarger and Mary Friend, page 1141.

Senator Vratil introduced and congratulated Aniruddha (Andy) Rao for being named a Distinguished Finalist for 2010 in the 15th annual Prudential Spirit of Community Awards. Accompanying Andy were Sneha Rao, Sandeep Rao, Priyanka Rao, Helen Hardgree and Allison Basinger, page 1142.

Senator Lynn congratulated and commended the Olathe North High School football team for winning the 2009 6A State Championship. The football players acknowledged were Jason Herman, Pete Flood, Chad Ralston, Brad Keepes, Matt Sinclair, Jake Petty, Tre Walker, Lucas Vincent, James Franklin, Jake Carroll, Oliver Venegas and Jason Peete, page 1142.

Senator Lynn congratulated Coach Pete Flood on receiving the 2009 Metro Sports Coach of the Year Award. Olathe North High School won the 2009 6A State Championship, page 1143.

Senator Lynn congratulated James Franklin on winning the 2009 Thomas A. Simone Memorial Football Award, page 1143.

Senator Lynn introduced Coach Joel Branstrom and described the circumstance under which he exhibited outstanding basketball shooting skills at Olathe Northwest High School. Accompanying Coach Branstrom were Megan Blevins, Rebecca DeGroot, Kara Hoisington, Amber Ramsey, Betsy Smith, Chad Ralston, Brad Keepes, Matt Sinclair and Jake Petty, page 1144.

Guest Chaplain Colonel Donald F. Davidson, State Chaplain, Kansas National Guard, Topeka, Kansas, page 1166.

Senator Barnett rose on a Point of Personal Privilege to introduce Yvonne Barnett, gifted specialist teacher; Hayden Richardson and her Mom, Christy Richardson, Landon Ginther and his Mom, Lashelle Ginther, Doug Gould and his Mom, Leslie LaPlace, Gracie Salts and her Mom, Peggy Salts, Drew Schiffman and his Dad, Ken Schiffman, Maggie Manning, Dominic Legato, Ryan Schmidt, Evan Phillips, Analiese Lahey and Luke Killman all representing Sunrise Point Elementary School, page 1166.

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize the ladies of Delta Sigma Theta. Senator Haley joined her in recognition of his mother, Doris Haley, his sister, Anne Haley-Brown and Dr. Michelle Haley, page 1186.

Senator Brownlee introduced and congratulated Kavya Shivashankar for winning the 2009 National Spelling Bee. Her father, Mirle Shivashankar and sister, Vanya Shivashankar, were also introduced, page 1188.

Senator Schodorf introduced Major General Tod M. Bunting and Dr. Bob Hull in recognition of their support of the accomplishments of the Kansas Center for Safe and Prepared Schools. Jerry Tenbrink, Chris Tuck, Terri Ploger, Jordan McCool and Kelvin McCool were acknowledged for their support of the program, page 1192.

Senator Teichman introduced and congratulated Kansas Insurance Commissioner Sandy Praeger, recipient of the American Medical Association's top government service award, the Dr. Nathan Davis Award, page 1207.

Senator Ostmeyer introduced and congratulated Sonny Weinhardt of Grinnell, Kansas, upon his retirement after 56 years of officiating Kansas State High School athletics. His wife Joan, Ann Weinhardt, Chuck Weinhardt, Henry Weinhardt, Mark Weinhardt, Terry Ostmeyer and Gary Musselman were also introduced, page 1214.

Senator McGinn congratulated and commended Tiffany Nickel, Bel Aire, Kansas, for being named Ms. Wheelchair Kansas 2010. Tiffany's parents, Roger and Val Nickel, and Carrie Greenwood, a former Ms. Wheelchair Kansas recipient were also introduced, page 1215.

Senator Barnett congratulated and commended the 2010 Kansas Master Teachers: Eleanor Browning, Kathy Doussa, Michael Dunlap, Lou Ann Getz, Sheila Lewis, Andrea Saylor-Siefkes and Kassie Shook, page 1233.

Senator Hensley recognized the life and legacy of Ethel May Miller, who passed away January 28, 2010, at the age of 91. Ethel Miller was a strong supporter and the first Executive Director of the Topeka Association for Retarded Citizens (TARC). Family members and friends in support of TARC were Mike Miller, Ronda Miller, Meegan Shuler, Wade Shuler, Shayla Hobrock, Randall Hobrock, Marcia Miller, Matthew Miller, Linda Miller, Tess Miller, Reis Miller, Amy Wright, Alex Wright, Stephanie Wright, Susanna Coxe, Mary Ann Keating, Marcia Dechand, Donna White, Dawn McWilliams, Olga Hennessey, Ramona Macek and Cathie Huckins, page 1234.

Senator Reitz introduced Dr. Gloria Freeland and Dr. Steven Smethers, professors at Kansas State University School of Journalism, in recognition of the 100th anniversary of the A. Q. Miller School of Journalism and Mass Communications at Kansas State University, page 1244.

Senator Ostmeyer recognized and congratulated the Quinter High School Football Team for winning the 2009 8-Man Division I State Football Championship. Team members and coaches in attendance were Brian Roesch, Coach, Jeff Ruckman, Coach, Brady Reed, Matt Bird, Jordon Hargitt, Jeremy Amon, Thatcher Deaton, Skyler Wittman, Zach Nemechek, Cody Corwin, Scott Ochs, Joe Simon, Justin Roesch, Ben Eilert, Sam Leighton, Toby Hawbaker, Logan Reed, Toby Wagoner, Aaron Teeter, Brian Ochs, Jesse Ochs, Zach Bishop, Chance Smith, Alex Albin, Brandon Kerns, Austin Heier, Braden Evans, Dustin Zahn and David Fleener, page 1245.

Senator Emler congratulated and commended the Residential Construction Management Team from McPherson High School for being named National Champions at the NAHB Residential Construction Management Competition. Members of the Construction Management Team were introduced: Max Aracher, Preston Mossman, Joel Piper, Adam Porter, Jacob Reese, Coach Arlan Penner and Coach Don Willits, page 1245.

Senator Lee introduced Mark Stubbs, Executive Director of the American Diabetes Association and Dr. Jeremiah Nelson in endorsing the Kansas Diabetes Plan and declaring March 23, 2010, as American Diabetes Association Alert Day, page 1246.

Senator Faust-Goudeau introduced members of the Lupus Association of America in recognition of their support designating May as Lupus Awareness Month, page 1247.

Guest chaplain, Senator Dick Kelsey, page 1258.

Senator Huntington welcomed the Ukraine Delegation to the State of Kansas. Members of the Ukraine delegation: Valeriy Mykolayovych Oliynyk, Serhiy Ivanovych Harhat, Oleh Vasylovych Kulmich, Oleh Mykhaylovych Kurakov, Mariya Dmytrivna Porchuk and Serhiy Petrovych Yaremenko. Alex Tsiovkh and Therese Lindell were also in attendance for their support of the Ukraine delegation, page 1264.

Senator D. Schmidt introduced and congratulated Ray Woods of Independence, Kansas, for being the most-traveled citizen in Montgomery County. Family members introduced were Mark Woods, Kathy Woods, Tommy Woods, Kyle Woods and Kara Henshel, page 1301.

Senator Barnett introduced and thanked members of the Department of Health and Environment: Roderick Bremby, Liz Conrade, Dr. Jason Eberhart-Phillips, Linda Franzier, Anne Gray, Heather Heneke and her daughter Mariah, Tanya Honderick, Robert Lowery, Dick Morrissey, Erin Reece, Elaine Schwartz and Marvin Stotlemire, page 1312.

Senator Emler introduced and congratulated Steve Errebo for rescuing Michele Pasley and three of her children from a burning vehicle. Steve Errebo, Marilyn Errebo, Ben Errebo, Steve Sutton, Al Jo Wallace and Wendy Gronau were also acknowledged, page 1377.

Senator Holland congratulated Baldwin High School for being named national champions in the Real World Design Challenge. Members of the Baldwin High School Design Team were introduced: Carrie Dietz, Mason Johnson, Mac Halpin, Carson Barnes, Shelby Gregory, Austin Kraus and Brandon Baltzell. Accompanying the team were Coach Pam Davis and Sandy Barnes, page 1377.

Senator Holland honored nationally recognized Kansas artist Robert Sudlow, age 90, who passed away March 25, 2010. His wife Barbara and daughters Mitzi Sudlow and Amy Sudlow were recognized and introduced, page 1378.

Senator Brownlee recognized the team members and coaches of Olathe East High School Girls Cross Country Team, page 1385.

Senator Brownlee recognized the team members and coaches of Olathe South High School Girls Basketball Team, page 1386.

Senator Brownlee recognized the team members and coaches of Olathe East High School Girls Track and Field Team, page 1386.

Senator Barnett congratulated and commended the Emporia State University women's basketball team on winning the 2010 NCAA Division II Women's Basketball National Championship. Members of the women's basketball team were introduced: Cassondra Boston, Rachel Hanf, Jocelyn Cummings, Jamie Augustyn, Lacy Corker, Kelsey Newman, Brittney Miller, Sophia Lenard, Ashley Ferrell, Negesti Taylor, Kayla Krueger, Dava Logsdon and Alli Volkens. Accompanying the team were Emporia State University President Michael Lane, Trainer Alica Thomas, Assistant Coach Jory Collins and Graduate Assistant Coach Kiel Unruh, page 1390.

Senator Kultala congratulated the Kansas City Kansas Community College Debate and Forensics Team for winning the Phi Rho Pi community college national championship. The Kansas City Kansas Community College Debate and Forensics Team were introduced as follows: Aaron Thomas, Kristyn Russell, Blake Burge, Dennis Sudac, Nick Novak, Corey Lande, Katelyn Lawson, Marquis Bell-Ard, Tiara Tyson, Stephanie Henderson and Michael Kelley. Also introduced were College President Dr. Thomas Burke, Head Coach Darren Elliott and Assistant Coach Amy Arellano, page 1425.

Senator Hensley introduced and congratulated Dale E. Cushinberry upon his retirement as principal of Highland Park High School. Also introduced were Anita Cushinberry, Superintendent Dr. Kevin Singer, Ron Harbaugh, Larry Robbins, Steve Burkholder, Mrs. Janel Johnson and Hal Gardner, page 1426.

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Emler, Jay Scott

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- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1866 Commending Steve Errebo for rescuing a family from a burning vehicle.

Faust-Goudeau, Oletha

- S 24 Kansas insurance score act, repeal of.
- S 54 Concerning the state capitol and grounds.
- S 125 Grandparents as caregivers act; eligibility, legal guardianship not required.
- S 128 Fatherhood initiative program; implemented by the department of social and rehabilitative services.
- S 191 Elections; paper verification for electronic voting machines.
- S 201 Display of U.S. flag at half-staff for veterans killed.
- S 206 Kansas insurance score act, defining personal insurance.
- S 342 Prohibiting the sale of novelty cigarette lighters.
- S 343 Employee leave for their child's school related educational activities.
- S 517 Kansas automobile injury repairation act, penalties, reinstatement fees.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.

Faust-Goudeau, Oletha—Concluded

- SR 1811 Declaring teen dating violence awareness and prevention week.
- SR 1812 Urging parents to become more actively involved in their children's education and urging the State Board of Education to develop strategies to be used to develop active parental involvement in the education of their children.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1832 Honoring Representative Ruby Gilbert.
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1853 Designating May as lupus awareness month.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.

Francisco, Marci

- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
- SR 1806 Declaring January as Kansas Mentoring Month.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.

Haley, David

- S 4 Kansas turnpike authority, speed based tolls.
- S 17 Videotaping felony interrogations.
- S 18 The crime of deprivation of rights under color of law.
- S 54 Concerning the state capitol and grounds.
- S 190 Elections; include electronic and direct read electronic voting machines in voting machine fraud statute.
- S 191 Elections; paper verification for electronic voting machines.
- S 201 Display of U.S. flag at half-staff for veterans killed.

Haley, David—Concluded

- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
- SR 1806 Declaring January as Kansas Mentoring Month.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1832 Honoring Representative Ruby Gilbert.
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1865 Commemorating the 75th anniversary of "Black Sunday," which took place on April 14, 1935, during the Dust Bowl in Kansas.
- SR 1876 Congratulating the Kansas City Kansas Community College Debate team.
- SR 1886 Recognizing the former Sumner High School in Kansas City, Kansas and encouraging participation in "Sumner in the City," July 15-18, 2010.

Hensley, Anthony

- S 2 Governmental ethics; placing two years restriction on certain state officers, employees and appointees before becoming lobbyist.
- S 3 Senate confirmation oversight committee; membership.
- S 13 Restrictions on qualifications for Kansas bioscience authority board members.
- S 54 Concerning the state capitol and grounds.
- S 199 Requiring state agencies to use moneys appropriated for employees salaries on state employee salaries.
- S 201 Display of U.S. flag at half-staff for veterans killed.
- S 210 Counties; election commissioners; elected.
- S 211 Providing journalists with privilege concerning the disclosure of certain information.
- S 352 Qualifications to become a law enforcement officer; crimes committed when person was under 21 years of age.
- S 487 Teachers; special licenses.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1620 Committee to inform governor that legislature is organized, 2010.

Hensley, Anthony—Concluded

- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SCR 1632 Adjournment for a time during the 2010 legislature.
- SR 1801 Organization of the Senate, 2010.
- SR 1802 Assignment of seats in Senate, 2010.
- SR 1806 Declaring January as Kansas Mentoring Month.
- SR 1810 Congratulating Julie Hejtmanek.
- SR 1813 A resolution congratulating and commending Shawnee Heights math teacher Bradley Nicks for being honored as a Milken Family National Educator.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1848 Honoring the life and legacy of Ethel May Miller.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1863 Congratulating Bill McCarter upon his retirement.
- SR 1869 Declaring April 28, 2010, as Workers' Memorial Day in Kansas.
- SR 1877 Congratulating and commending Dale Cushinberry upon his retirement as Principal of Highland Park High School.
- SR 1878 Congratulating Mary Galligan upon her retirement.
- SR 1879 Congratulating Terri Weber upon her retirement.
- SR 1882 Congratulating and commending Ron Nitcher upon his retirement.
- SR 1884 Commending Barb Hinton on her service to the State of Kansas and congratulating her on her future endeavors.
- SR 1887 Congratulating the Washburn University debate team for winning the 2010 national title.

Holland, Tom

- S 201 Display of U.S. flag at half-staff for veterans killed.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1806 Declaring January as Kansas Mentoring Month.

Holland, Tom—Concluded

- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1867 Congratulating Baldwin High School, national champions in the Read World Design Challenge.
- SR 1868 Honoring Kansas artist Robert Sudlow.

Huelskamp, Tim

- S 197 Property taxation; 2% limit on valuation increases.
- S 360 Removing limitation on number of small claims that may be filed in a calendar year.
- SCR 1612 Constitutional amendment to have supreme court justices appointments subject to consent of the senate.
- SCR 1613 Constitutional amendment concerning appropriation of money by the legislative branch.
- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
- SCR 1626 Constitutional amendment to preserve right to choose health care services and health insurance plan.
- SCR 1629 Urging Congress to adopt the Parental Rights Amendment.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1841 Urging Kansas Congressional Delegation to oppose Employee Free Choice Act.
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1882 Congratulating and commending Ron Nitcher upon his retirement.

Huntington, Terrie

- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.

Huntington, Terrie—Concluded

- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
- SR 1806 Declaring January as Kansas Mentoring Month.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1854 Welcoming the members of the Ukraine Delegation to the State of Kansas through the Open World Program.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.

Kelly, Laura

- S 201 Display of U.S. flag at half-staff for veterans killed.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
- SR 1806 Declaring January as Kansas Mentoring Month.
- SR 1810 Congratulating Julie Hejtmanek.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1848 Honoring the life and legacy of Ethel May Miller.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1887 Congratulating the Washburn University debate team for winning the 2010 national title.

Kelsey, Dick

- S 24 Kansas insurance score act, repeal of.
- S 201 Display of U.S. flag at half-staff for veterans killed.
- S 206 Kansas insurance score act, defining personal insurance.

Kelsey, Dick—Concluded

- S 209 Teachers; nontraditional licensure.
 S 361 Gold star family license plates.
 SCR 1612 Constitutional amendment to have supreme court justices appointments subject to consent of the senate.
 SCR 1613 Constitutional amendment concerning appropriation of money by the legislative branch.
 SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
 SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
 SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
 SCR 1621 Expenditure of public moneys to finance litigation against the state.
 SCR 1626 Constitutional amendment to preserve right to choose health care services and health insurance plan.
 SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
 SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
 SR 1806 Declaring January as Kansas Mentoring Month.
 SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
 SR 1818 Boy Scouts of America, 100 years of service.
 SR 1820 Supporting breast cancer screening.
 SR 1826 Emporia State University Founders Day.
 SR 1828 In support of religious freedom for Coptic Christians.
 SR 1831 Deep Vein Thrombosis (DVT).
 SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
 SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
 SR 1855 Urging the U.S. Government to support the NewGen Tanker.
 SR 1862 Designating National Public Health Week, April 5-11, 2010.
 SR 1885 In support of religious freedom for Coptic Christians.

Kultala, Kelly

- S 210 Counties; election commissioners; elected.
 SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
 SCR 1618 Urging the legislature to formulate and implement a comprehensive transportation plan by the 2010 legislative session.
 SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.

Kultala, Kelly—Concluded

- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
 SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
 SR 1806 Declaring January as Kansas Mentoring Month.
 SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
 SR 1818 Boy Scouts of America, 100 years of service.
 SR 1820 Supporting breast cancer screening.
 SR 1826 Emporia State University Founders Day.
 SR 1831 Deep Vein Thrombosis (DVT).
 SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
 SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
 SR 1855 Urging the U.S. Government to support the NewGen Tanker.
 SR 1862 Designating National Public Health Week, April 5-11, 2010.
 SR 1876 Congratulating the Kansas City Kansas Community College Debate team.
- Lee, Janis**
- S 357 Authorizing secretary of administration to convey certain real estate on behalf of juvenile justice authority to city of Beloit.
 SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
 SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
 SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
 SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
 SR 1806 Declaring January as Kansas Mentoring Month.
 SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
 SR 1818 Boy Scouts of America, 100 years of service.
 SR 1819 Recommending Kevin Saunders for the position of Chairman of the President's Council on Physical Fitness and Sports.
 SR 1820 Supporting breast cancer screening.
 SR 1826 Emporia State University Founders Day.
 SR 1831 Deep Vein Thrombosis (DVT).
 SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
 SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
 SR 1855 Urging the U.S. Government to support the NewGen Tanker.
 SR 1860 Congratulating and commending Smith Center football coach Roger Barta for the 300th win of his career.
 SR 1861 Congratulating Thomas More Prep-Marian girls basketball team, state champions with a record-breaking season.
 SR 1862 Designating National Public Health Week, April 5-11, 2010.

Lee, Janis—Concluded

- SR 1873 Congratulating Thomas More Prep-Marian High School for winning the Class 3A KSHSAA State Scholars' Bowl.

Lynn, Julia

- S 360 Removing limitation on number of small claims that may be filed in a calendar year.
- SCR 1612 Constitutional amendment to have supreme court justices appointments subject to consent of the senate.
- SCR 1613 Constitutional amendment concerning appropriation of money by the legislative branch.
- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1626 Constitutional amendment to preserve right to choose health care services and health insurance plan.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
- SR 1806 Declaring January as Kansas Mentoring Month.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1836 Congratulating the Olathe North High School football team, 2009 6A State Champions.
- SR 1837 Congratulating Olathe North High School football coach Pete Flood for the 2009 season.
- SR 1838 Congratulating James Franklin for winning the 2009 Thomas A. Simone Memorial Football Award.
- SR 1839 Congratulating and commending Coach Joel Branstrom on making a half-court basketball shot while blindfolded.
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1870 Honoring the Olathe East High School Girls Cross Country team, 2009 Class 6A Kansas State Cross Country Champions.
- SR 1871 Congratulating the Olathe South High School Girls Basketball team, 2010 Class 6A State Basketball Champions.

Lynn, Julia—Concluded

- SR 1872 Congratulating the Olathe East High School girls track team.
- SR 1888 Congratulating Patricia All.

Marshall, Bob

- S 201 Display of U.S. flag at half-staff for veterans killed.
- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1618 Urging the legislature to formulate and implement a comprehensive transportation plan by the 2010 legislative session.
- SCR 1626 Constitutional amendment to preserve right to choose health care services and health insurance plan.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
- SR 1806 Declaring January as Kansas Mentoring Month.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1864 Congratulating and commending Ray Woods of Independence, Kansas, Montgomery County's most-traveled citizen.
- SR 1882 Congratulating and commending Ron Nitcher upon his retirement.

Masterson, Ty

- S 24 Kansas insurance score act, repeal of.
- S 197 Property taxation; 2% limit on valuation increases.
- S 201 Display of U.S. flag at half-staff for veterans killed.
- S 206 Kansas insurance score act, defining personal insurance.
- SCR 1612 Constitutional amendment to have supreme court justices appointments subject to consent of the senate.

Masterson, Ty—Concluded

- SCR 1613 Constitutional amendment concerning appropriation of money by the legislative branch.
- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1626 Constitutional amendment to preserve right to choose health care services and health insurance plan.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1828 In support of religious freedom for Coptic Christians.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1855 In support of religious freedom for Coptic Christians.

McGinn, Carolyn

- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).

McGinn, Carolyn—Concluded

- SR 1806 Declaring January as Kansas Mentoring Month.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1830 Proclaiming March 11, 2010, as World Kidney Day and March as Kidney Awareness Month.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1846 Congratulating Tiffany Nickel, Ms. Wheelchair Kansas 2010.
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.

Morris, Stephen

- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1620 Committee to inform governor that legislature is organized, 2010.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SCR 1632 Adjournment for a time during the 2010 legislature.
- SR 1801 Organization of the Senate, 2010.
- SR 1802 Assignment of seats in Senate, 2010.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
- SR 1806 Declaring January as Kansas Mentoring Month.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1827 Resolution welcoming the Turkish Delegation.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1878 Congratulating Mary Galligan upon her retirement.

Morris, Stephen—Concluded

- SR 1879 Congratulating Terri Weber upon her retirement.
- SR 1880 Congratulating Joyce Lundgren upon her retirement.
- SR 1881 Congratulating Jerry Ann Donaldson upon her retirement.

Ostmeyer, Ralph

- SCR 1612 Constitutional amendment to have supreme court justices appointments subject to consent of the senate.
- SCR 1613 Constitutional amendment concerning appropriation of money by the legislative branch.
- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1626 Constitutional amendment to preserve right to choose health care services and health insurance plan.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
- SR 1806 Declaring January as Kansas Mentoring Month.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1828 In support of religious freedom for Coptic Christians.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1845 Honoring Sonny Weinhardt for his 56 years of officiating Kansas State High School athletics.
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1850 Honoring Quinter High School Football State Eight-Man Division 1 Champions.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1857 Congratulating the Norton Community High School Wrestling Team, 2010 3-2-1 A State Champions.
- SR 1858 Congratulating the Greeley County High School Boys Cross Country Track Team, 2009 1A State Champions.
- SR 1859 Congratulating Greeley County High School Girls Cross Country Track Team, 2009 1A State Champions.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1885 In support of religious freedom for Coptic Christians.

Owens, Tim

- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1806 Declaring January as Kansas Mentoring Month.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1882 Congratulating and commending Ron Nitcher upon his retirement.

Petersen, Mike

- S 197 Property taxation; 2% limit on valuation increases.
- S 201 Display of U.S. flag at half-staff for veterans killed.
- S 348 Criminalizing certain schedule I drugs.
- S 360 Removing limitation on number of small claims that may be filed in a calendar year.
- S 381 Criminal law; justified threat or use of force.
- S 523 Enacting the Kansas racketeer influenced and corrupt organization act (Kansas RICO act).
- SCR 1612 Constitutional amendment to have supreme court justices appointments subject to consent of the senate.
- SCR 1613 Constitutional amendment concerning appropriation of money by the legislative branch.
- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1626 Constitutional amendment to preserve right to choose health care services and health insurance plan.

Petersen, Mike—Concluded

- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1828 In support of religious freedom for Coptic Christians.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1885 In support of religious freedom for Coptic Christians.

Pilcher-Cook, Mary

- S 176 State board of regents; elected.
- S 197 Property taxation; 2% limit on valuation increases.
- S 509 Establishing the women's health and embryo monitoring program act.
- SCR 1609 Urging the Congress and the President to refrain from exercising powers beyond those constitutionally delegated.
- SCR 1612 Constitutional amendment to have supreme court justices appointments subject to consent of the senate.
- SCR 1613 Constitutional amendment concerning appropriation of money by the legislative branch.
- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1626 Constitutional amendment to preserve right to choose health care services and health insurance plan.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.

Pilcher-Cook, Mary—Concluded

- SR 1826 Emporia State University Founders Day.
- SR 1828 In support of religious freedom for Coptic Christians.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1875 Designating September 19-26, 2010, and September 18-25, 2011, as Mitochondrial Disease Awareness Weeks.
- SR 1885 In support of religious freedom for Coptic Christians.

Pyle, Dennis

- S 186 Vacancy in office of lieutenant governor; notice of resignation from office of governor or lieutenant governor.
- S 192 Income tax credit for certain taxpayers on motor-fuel taxes paid.
- S 193 Vacancy in office of United States senator; procedure.
- SCR 1612 Constitutional amendment to have supreme court justices appointments subject to consent of the senate.
- SCR 1613 Constitutional amendment concerning appropriation of money by the legislative branch.
- SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
- SCR 1626 Constitutional amendment to preserve right to choose health care services and health insurance plan.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.

Reitz, Roger

- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).

Reitz, Roger—Concluded

- SR 1806 Declaring January as Kansas Mentoring Month.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1849 Congratulating the A.Q. Miller School of Journalism and Mass Communications at Kansas State University on its 100th anniversary.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1856 Recognizing Geary County and Junction City in their observance of Vietnam Veterans Day and the 40th anniversary of the 1st Infantry Division's return to Kansas.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.

Schmidt, Derek

- S 6 Professional fund raisers; required disclosures.
- S 201 Display of U.S. flag at half-staff for veterans killed.
- S 211 Providing journalists with privilege concerning the disclosure of certain information.
- S 348 Criminalizing certain schedule I drugs.
- S 353 Coercing employment; peonage; human trafficking; aggravated human trafficking; forfeiture.
- S 360 Removing limitation on number of small claims that may be filed in a calendar year.
- S 381 Criminal law; justified threat or use of force.
- SCR 1612 Constitutional amendment to have supreme court justices appointments subject to consent of the senate.
- SCR 1613 Constitutional amendment concerning appropriation of money by the legislative branch.
- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1620 Committee to inform governor that legislature is organized, 2010.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SCR 1632 Adjournment for a time during the 2010 legislature.
- SR 1801 Organization of the Senate, 2010.
- SR 1802 Assignment of seats in Senate, 2010.
- SR 1807 Honoring Guy and Mae's Tavern in Williamsburg, Kansas.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1825 Honoring Paul Sasse, City Manager, Independence.
- SR 1826 Emporia State University Founders Day.
- SR 1831 Deep Vein Thrombosis (DVT).

Schmidt, Derek—Concluded

- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1864 Congratulating and commending Ray Woods of Independence, Kansas, Montgomery County's most-traveled citizen.
- SR 1878 Congratulating Mary Galligan upon her retirement.
- SR 1879 Congratulating Terri Weber upon her retirement.
- SR 1884 Commending Barb Hinton on her service to the State of Kansas and congratulating her on her future endeavors.

Schmidt, Vicki

- S 348 Criminalizing certain schedule I drugs.
- S 360 Removing limitation on number of small claims that may be filed in a calendar year.
- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
- SR 1806 Declaring January as Kansas Mentoring Month.
- SR 1810 Congratulating Julie Hejtmanek.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1815 Congratulating Avery Clifton on her athletic and scholastic achievements.
- SR 1816 Congratulating the Washburn Rural High School volleyball team.
- SR 1817 Congratulating the Washburn Rural High School Boys' soccer team for winning the 2009 Class 6A state soccer championship.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1829 Honoring social workers.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1833 Resolution to honor Elaine Pardee as recipient of 2009 Siemens Award for Advanced Placement.
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1848 Honoring the life and legacy of Ethel May Miller.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.

Schmidt, Vicki—Concluded

- SR 1862 Designating National Public Health Week, April 5-11, 2010.
 SR 1887 Congratulating the Washburn University debate team for winning the 2010 national title.

Schodorf, Jean

- S 201 Display of U.S. flag at half-staff for veterans killed.
 S 360 Removing limitation on number of small claims that may be filed in a calendar year.
 S 523 Enacting the Kansas racketeer influenced and corrupt organization act (Kansas RICO act).
 SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
 SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
 SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
 SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
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 SR 1806 Declaring January as Kansas Mentoring Month.
 SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
 SR 1818 Boy Scouts of America, 100 years of service.
 SR 1820 Supporting breast cancer screening.
 SR 1822 2010 Horizon Award program educators.
 SR 1823 Kansas National Board Certified Teachers of 2009.
 SR 1826 Emporia State University Founders Day.
 SR 1831 Deep Vein Thrombosis (DVT).
 SR 1843 Recognizing the Kansas Center for Safe and Prepared Schools and urging Kansas school boards to maintain safety and preparedness in schools.
 SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
 SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
 SR 1855 Urging the U.S. Government to support the NewGen Tanker.
 SR 1862 Designating National Public Health Week, April 5-11, 2010.
 SR 1864 Congratulating and commending Ray Woods of Independence, Kansas, Montgomery County's most-traveled citizen.
 SR 1882 Congratulating and commending Ron Nitcher upon his retirement.

State Legislature, Joint Senate and House Committees*Administrative Rules and Regulations*

- S 349 Birth centers.

State Legislature, Joint Senate and House Committees—Continued

- H 2042 Uniform electronic transactions act; failure to register unlawful.
 H 2044 Insurance; payment of premium by terminated employee.
 H 2065 Intensive groundwater control areas; hearing procedure.
 H 2418 Carbon dioxide reduction act; limiting liability of the state of Kansas.

Corrections and Juvenile Justice Oversight

- S 15 Court ordered custody to commissioner of juvenile justice.
 S 345 Increasing the probation services fee and community correctional services fee for persons convicted of felonies or misdemeanors.
 S 346 No transfer of offenders with 10 or less days remaining on sentence to department of corrections custody.
 H 2412 Functional incapacitation release; procedures; notice; conditions; supervision upon release.
 H 2413 Disposition of district court fines, penalties and forfeitures.
 H 2518 Proportionality of sentencing; merging the drug and nondrug sentencing grids.

Economic Development

- H 2018 Workers compensation insurance rates.

Information Technology

- H 2408 State agencies periodic reviews of network security.

Kansas Security

- SCR 1625 Urging the federal government to act aggressively in addressing the threats of bioterrorism and to move quickly to advance the sale of Plum Island.

Legislative Educational Planning Committee

- S 7 School finance; state aid; increases based on CPI-U.
 S 10 Colleges and universities; fees and tuition; service scholarship programs, allied health care professionals for children with autism.
 S 12 Insurance; coverage for autism.
 S 347 Postsecondary technical education authority; recommendations, action by state board of regents.
 S 358 State aid for special education; catastrophic state aid.
 S 485 Private and out-of-state postsecondary educational institution act; state board of regents, powers; reporting requirements; penalties; student complaints.
 H 2005 KAN-ED funding; Kansas universal service fund.
 H 2006 State educational institutions; recruitment of payment of moving expenses.
 H 2414 Authorization for state board of regents to sell land on behalf of Fort Hays State University.
 H 2415 State surplus property act; state educational institutions.
 H 2433 State agencies and state educational institutions; acquisition and disposal of certain property; acquisition of certain services.

State Legislature, Joint Senate and House Committees—Concluded

- H 2446 State educational institutions; gifts and donations; investments.

Legislative Post Audit Committee

- S 194 Schools; at-risk weighting; age-limitation; FTE computation.
 S 230 Creating the department of financial institutions and abolishing the office of the state bank commissioner and the office of the securities commissioner.
 S 231 Transferring the powers and duties of the animal health department and state conservation commission to the department of agriculture.
 S 341 Legislative post audit; school district audit team.
 S 344 Sentencing commission restructuring.
 S 524 Increasing penalties for unlawful sexual relations and requiring offender registration; increasing penalties when staff traffic in dangerous contraband in a correctional facility.
 H 2181 At-risk moneys; limitation on use for teacher salaries and benefits.
 H 2265 Post audit, financial compliance audits, new state treasurer transition audits, periodic audits of state treasurer and pooled money investment board financial management practices.
 H 2409 Special education and related services; catastrophic aid.
 H 2410 School districts; recalculating adjusted enrollment if it is determined pupils are ineligible for free meals.

Pensions, Investments and Benefits

- S 96 Permanent annual cost-of-living adjustment for members of the retirement system for judges and the Kansas police and firemen's retirement system whose membership date is on or after July 1, 2010.
 S 196 KPERs employment after retirement restrictions to apply to retirees employed by a third-party entity.
 S 564 KPERs, increased employee and employer contributions and benefit multiplier.
 H 2073 Authorization for KPERs purchase of service credit for certain service as journeyman above apprenticeship for certain teachers.
 H 2090 KPERs, option for affiliation by counties for county detention officers; normal retirement date; associated costs.

Special Claims Against the State

- S 387 Claims against the state; appropriations.

State Legislature, Senate Committees*Agriculture*

- S 185 Water rights, nonuse, due and sufficient cause.
 S 204 Cities; annexation procedures.
 S 393 Department of Agriculture administrative hearings.
 S 394 Pesticide education.
 S 395 Licensing and fee requirements related to dairy, milk and milk products.
 S 396 Laboratory equipment fund.
 S 425 Blending motor-vehicle fuel at the terminal.

State Legislature, Senate Committees—Continued

- S 510 Creating a conservation use water right.
 S Sub for H 2508 Blending motor vehicle fuel.

Assessment and Taxation

- S 99 Election in Lyon county to increase retailers' sales tax declared valid, and tax imposed.
 S 100 Sales tax exemption for fees for guided and non-guided hunts and fishing expeditions and sale of game birds for hunting.
 S 127 Distribution of revenue from tax on alcoholic liquor.
 S 140 Senior citizen property tax deferral act.
 S 177 Income tax credit for certain adoption expenses.
 S 243 Benefits for disabled veterans.
 S 244 Eligible businesses under the economic revitalization and reinvestment act.
 Sub S 337 Settlement authority to resolve assessments by secretary of revenue.
 S 379 Validation of election granting sales tax authority for Chautauqua county.
 S 397 Exempting the Fort Scott/Bourbon county riverfront authority from sales and property tax.
 S 406 Establishing service fee for taxpayers with delinquent taxes who enter into installment payment plans with the Kansas department of revenue.
 S 407 Prescribing penalties for violations of liquor enforcement tax by licensees and persons required to be licensed.
 S 427 Defining "willfully" for failure to collect taxes and other violations of Kansas tax law.
 S 428 Electronic filing of tax returns, reports and other documents.
 S 429 Amendments to sales tax law to provide conformity with streamlined sales and use tax agreement act.
 S 430 Miscellaneous taxation provision, income tax credit limitations, intangibles tax filing procedure, electronic filing of returns, willful violations, streamlined sales tax conformity, and service fees for delinquent taxpayers.
 S 431 Allowing taxing subdivisions to sell tax receivables on delinquent property.
 S 432 Allowing counties to recoup costs associated with using third parties to collect delinquent property taxes.
 S 433 Kansas Wildscape Foundation sales tax exemption.
 S 472 Prohibiting transferability of income tax credits and repealing certain income tax credits.
 S 476 Imposition of sales tax on certain goods and services, elimination of certain sales tax exemptions and fund-raising sales tax exemption in certain circumstances.
 S 477 Property tax exemption for certain newly constructed buildings and structures on residential property.
 S 478 Revision of the Kansas cigarette and tobacco products act.
 S 492 Changing the property valuation appeals process for leased commercial and industrial property.
 S 493 Sales tax exemption for Project Able, Inc.
 S 516 Increasing rate of tax on cigarettes and tobacco products and increasing rate of sales tax.
 S 530 Repeal of all sales tax exemptions.

**State Legislature, Senate Committees—
Continued**

- SCR 1607 Constitutional amendment to define underground storage natural gas owners as public utilities and subject them to property taxation.
- SCR 1624 Establishing a three-year moratorium on the granting of new tax exemptions, tax credits or economic development incentive programs involving employer withholding taxes.
- S Sub for H 2353 Validation of election granting sales tax authority for Chautauqua county.

Business and Labor

- S 377 Kansas home inspectors professional competence and financial responsibility act.
- S 474 Employment security; increase in exclusion from wages.
- S 486 Employment security; payment of penalty and interest, deferral of.
- S Sub for H 2676 Employment security law; contribution rates option; no penalties or interest up to 90 days late.

Commerce

- S 36 Special assessments in transportation districts.
- S 138 STAR bond financing.
- S 482 Community improvement district act; reallocation of assessments on certain exempted property.
- S 495 STAR bonds; use of sales tax revenue; approval of certain projects.
- S 511 Kansas small and disadvantaged business development act.
- S Sub for H 2538 Revision and expansion of promoting employment across Kansas act.

Education

- S 42 Elections; ballots; members of the state board of education.
- S 43 State board of education; campaign contributions; limitations.
- S 71 Question submitted elections; new reporting requirements; prohibiting use of public funds or equipment for advocacy.
- S 130 Schools; school terms, holidays and in-service training.
- S 131 Private and out of state postsecondary educational institution act; fees; reporting requirements; penalties; student complaints; state board of regents, powers.
- S 149 School districts; supplemental general state aid for certain districts.
- S 383 Schools, buildings; construction plans, approval by state board of education.
- S 443 Campaign finance; contribution limitations; candidates for the state board of education.
- S 503 Payday and title loans; surcharge to fund certain professional development for teachers.

Ethics and Elections

- S 79 Election; changing filing deadlines for candidates.
- S 103 Elections; certain local units of government; primaries.
- S 117 Elections; certain political advertising; disclosure requirements.

**State Legislature, Senate Committees—
Continued**

- Sub S 117 Campaign finance; corrupt political advertising; website, e-mail; other internet communication.
- S 118 Campaign finance; state-wide offices; electronic filing required.
- S 416 Eliminating the expiration date on an act requiring state educational faculty to file a statement of substantial interest.
- Sub S 416 Governmental ethics; eliminating conflict of interest filing requirements for certain university faculty.
- S 417 Requiring campaign contributions reports; to list the occupation, but not industry, of contributors of over \$150.
- S 418 Campaign finance; electioneering communications; reporting.
- S 419 Elections; filing requirements for city offices.
- S 420 County extension council elections; date of election of governing body.
- S 421 Election crimes; increase in penalty for voting when voter unqualified.
- S 422 Elections; certain local units of government; primary elections.
- S 423 Campaign finance; transfer of campaign funds to another candidacy.
- S 426 Concerning ballots by unformed and overseas citizens and federal services voters.
- S 466 Elections; voter registration; advance voting ballot security; HAVA compliance.
- SCR 1605 State constitutional amendment; deleting mental illness disqualification from voting.
- S Sub for H 2079 Making judge and justice retention elections subject to campaign ethics rules and limiting campaign contributions to such judges.
- S Sub for H 2082 Campaign finance; electioneering communications; reporting.

Federal and State Affairs

- S 52 Cities; payment for public improvements.
- S 75 Municipalities; consolidation and reorganization; political and taxing subdivisions.
- S 76 Cereal malt beverages; alcohol content, regulation by ABC, retailers authorized to sell, taxation.
- S 106 Cigarette lighters; unlawful to sell to minors; displays must be secure.
- S 114 Zoning; group homes; certain restrictions.
- S 116 Private detectives; permit to carry a concealed firearm.
- S 143 The Kansas immigration accountability act.
- S 144 Subdivisions; blanket easements, void; exceptions.
- S 169 Kansas Act Against Discrimination, inclusion of sexual orientation and gender identity
- S 179 Racial profiling; definition thereof, required policies by law enforcement agencies; investigation of complaints.
- S 213 Consumption of alcoholic liquor in entertainment and arts and cultural districts.
- S 215 Non-gubernatorial appointments subject to confirmation; procedure.
- S 229 Misclassification of employees.
- S 245 Allowing publication of a summary of a city ordinance.
- S 246 Allowing the issuance of a special permit to conduct tastings of alcoholic beverages.

State Legislature, Senate Committees—
Continued

- S 247 Authorizing requests by local governing bodies for hearings by director to revoke or suspend a club or drinking establishment license.
- S 256 Creating the pesticide safety education fee fund.
- S 263 Insurance; mandatory reinstatement of certain insurance policies in case of mental incapacity of an insured.
- S 268 Elections; military personnel; voting by electronic mail.
- S 269 Conduct and offenses giving rise to forfeiture; adding prostitution and related offenses.
- S 270 Individual district options to consolidate community corrections and court services.
- S 271 Counties; certain contracts; bidding threshold increased.
- S 272 Incompetent to stand trial; commitment, release procedures.
- S 273 Kansas expanded lottery act; electronic gaming machine income distribution, election to allow electronic gaming machines in Sedgwick county.
- S 278 Creating the Kansas highway safety commission; penalties for driving under the influence; district magistrate judge jurisdiction for DUI cases.
- S 279 Mandatory minimum sentence for involuntary manslaughter while driving under the influence of alcohol drugs.
- S 286 Repealing statutes that authorize the destruction of prairie dogs by certain townships.
- S 287 Prairie dog management, control and conservation.
- S 291 Establishing a procedure for preparation and adoption of reapportionment plans.
- Sub S 301 Amendments to statutes relating to monumentation of corners in land surveys and recording such surveys.
- S 339 Energy conservation and electric generation, transmission, efficiency and air emissions.
- S 401 Amendments to the Kansas expanded lottery act.
- S 412 Imposing tobacco products tax on little cigars.
- S 413 Imposing tobacco products tax on moist snuff.
- S 452 Alcoholic beverages; amendments regarding licensure, fees and eligibility; detention of persons less than 18 years of age for purchase or consumption.
- S 453 Alcoholic beverages; permit for packaging and warehousing facilities.
- S 454 License to sell alcoholic beverages; fees, term and eligibility.
- S 467 Optometrists dispensing lenses.
- Sub S 513 Alternative project delivery construction; hospital districts; unified school districts.
- Sub S 514 Alcoholic beverages; eligibility for license for club and drinking establishments; public venues.
- S 518 VIN inspection fees, increasing.
- S 531 Radon certification law.
- S 532 Alcoholic beverages; issuance of farm winery or microbrewery license to spouse of retailer licensee; issuance of farm winery and microbrewery licenses concurrently.
- S 538 Extending school bus exemption to 25 years.
- S 548 Providing sales and property tax authority for counties to support technical colleges.
- S 549 Creating a private cause of action for victims of child pornography.
- S 550 Alcoholic beverages; amendments to licensure of alcoholic liquor retailers.

State Legislature, Senate Committees—
Continued

- S 559 Kansas taxpayer transparency act; amendments.
- S 563 Campaign Finance Act; application to retention elections for appellate justices and other judges.
- S 573 Prohibition against a municipality requiring the installation of a multi-purpose sprinkler system in a residential structure.
- S 578 Cigarette and tobacco products act; licensing of retail dealers; other amendments; prohibiting sale of novelty lighters.
- S 584 Imposing a payment in lieu of tax on certain qualifying crude oil pipelines exempt from property taxation.
- SCR 1608 Kansas constitutional amendment; equal rights; no discrimination based on sex.
- S Sub for H 2180 Amendments to the Kansas expanded lottery act.

Financial Institutions and Insurance

- S 49 Insurance coverage, mental health, alcoholism, drug abuse or other substance use disorder benefits.
- S 104 Insurance reimbursement for certain services.
- S 126 Controlled insurance program act.
- S 136 Patient protection act, prohibited provisions in agreement.
- S 239 Enacting the rural risk bank loan guarantee loan program.
- S 241 Regulating distressed property consulting services.
- S 388 Changing the effective date for NAIC rules relating to risk-based capital, requiring the Kansas health policy authority to conduct a study on reimbursement for therapists, counselors and psychotherapists, and disallowing health insurance policies in Kansas from covering abortions.
- S 389 Dentists; prohibition on limiting payment for services not covered under insurance policy.
- S 390 Regulating the use of genetic testing by insurance and health care entities, and requiring health insurance coverage for orally administered anticancer medications.
- S 414 Health care stabilization fund; certain fund transfers; period of coverage.
- S 415 Municipalities; bond investments.
- S 424 Vehicle registrations; insufficient payments by credit card or other instrument.
- S Sub for H 2160 Insurance; coverage for autism.

Judiciary

- Sub S 6 Professional fund raisers; required disclosures.
- S 26 Additional months added to sentences for certain drug felonies involving firearms.
- S 27 Presumption of paternity; genetic testing.
- S 67 Creating the crime of endangering a dependent adult; amending mistreatment of a dependent adult.
- Sub S 67 Amending the crime of mistreatment of a dependent adult.
- S 69 Crime stoppers advisory council; Kansas crime stopper trust fund.
- S 88 Children; permanency and priority of orders.
- S 112 Kansas act against discrimination amendments regarding disability.
- S 141 Inspector general within Kansas health policy authority transferred to division of post audit.

State Legislature, Senate Committees—
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- S 155 Center for health and environmental statistics employees; fingerprinting, criminal history record checks.
- S 157 Driver improvement clinics, fees, disposition thereof; correctional services special revenue fund.
- S 216 Revision of Kansas cigarette and tobacco products act.
- S 232 Civil liability for worthless checks, definition of giving a worthless check.
- S 233 Adoption, relinquishment and consent.
- S 234 Civil procedure; garnishment.
- S 235 Uniform adult guardianship and protective proceedings jurisdiction act.
- S 236 Interest on judgments.
- Sub S 278 Creating the Kansas DUI commission; correctional services special revenue fund; driver improvement clinics; penalties for driving under the influence; information sent to KBI central repository.
- Sub S 353 Amending the crime of human trafficking and providing for civil forfeiture.
- S 367 Regulating traffic; enforcement of helmet law for motorcycles.
- S 368 Amending penalties for driving under the influence of alcohol or drugs.
- S 369 Open records; electronic devices; continuation of certain exceptions.
- S 370 Enhanced civil penalties for consumer protection act violations when victim is a veteran, surviving spouse of a veteran or immediate family member of a member of the military.
- S 371 Increasing the property damage amount that would allow the prevailing party to receive attorney fees.
- S 372 Amending the Kansas Act for Obtaining a Guardian or a Conservator, or both.
- S 373 Clarifying which municipal ordinance violations require the payment of an assessment.
- S 374 Adopting a Kansas apology law.
- Sub S 374 Enacting the Kansas Adverse Medical Outcome Transparency Act.
- S 375 Abolishing the death penalty; creating the crime of aggravated murder.
- S 376 Changing the name of the act for judicial review and civil enforcement of agency actions to the Kansas judicial review act.
- S 386 Discovery; transmission of unredacted personal identifiers; admissibility and certification of forensic examinations; use of interactive video testimony.
- S 398 Indemnification; amendments to certificate of incorporation or corporate bylaws.
- S 399 Controlled substances; aggravated endangering a child; enhanced penalties for distributing on park property and distributing to a child or pregnant person.
- S 400 Requiring plaintiff or plaintiff's attorney to notify defendants of payment of appraisers' award within 15 days.
- S 411 Criminal possession of a firearm.
- S 434 Creating the department of corrections forensic psychologist fund; increasing municipal court assessments; amending crimes of unlawful sexual relations and trafficking in contraband in a correctional institution; parole board review of certain inmates.
- S 435 Criminal procedure; search incident to arrest; uniform citizen contact data form.

State Legislature, Senate Committees—
Continued

- S 436 Children in need of care; runaways.
- S 437 Secretary of state; resident agent filing requirements.
- S 438 Business trusts; required filings with the secretary of state.
- S 439 Kansas register; contents, procedure for submitting materials for publication.
- S 440 Repealing statutes on registration of insignias by secretary of state.
- S 441 Business entity transactions act; limited partnership mergers.
- S 442 Court fees, surcharge to fund costs of non-judicial personnel.
- S 455 Civil commitment of sexually violent predators; expert testimony.
- S 456 Creating the Kansas robo-call privacy act.
- S 457 Barring privately retained attorneys from collecting reimbursement from the state for expert services provided for an indigent defendant except in capital murder cases.
- S 458 Providing for the use of interactive video testimony in hearings or trials where there is a report concerning a forensic examination.
- S 459 Juvenile offenders; extended jurisdiction juvenile prosecution.
- S 460 Children; permanency and priority of orders.
- S 471 Changing crime of harassment by telephone to harassment by telecommunications.
- S 488 Office of vital statistics; fingerprinting and criminal history records check required for new employees; maternal and child health surveillance and monitoring.
- S 494 Providing for the exercise of the functions of sheriff by the undersheriff of a county.
- S 504 Personal and family protection act; amendments.
- S 519 Allowing for the use of electronic communication and electronic filing in certain instances.
- S 520 Sentencing; payment of fines; employment of county and city prisoners.
- S 521 Amending qualifications for secretary of corrections.
- S 522 Consent to adoption and termination of parental rights; factors to consider in weighing whether a parent must consent to a stepparent adoption; factors to consider when terminating a parent's right.
- S 533 Electronic citations, complaints and notices to appear.
- S 534 Criminal procedure; correctional supervision fees; pretrial supervision fees.
- S 535 Requiring certain conditions for violent offenders and sex offenders placed on parole or post-release supervision.
- S 537 Liens and claims against property; actions concerning validity.
- SCR 1622 State constitutional amendment, repealing legislative authority to exclude persons with mental illness from voting.
- S Sub for H 2039 Removing limitation on number of small claims that may be filed in a calendar year.
- S Sub for H 2226 Increasing traffic fines to fund the department of corrections alcohol and drug abuse treatment fund and the criminal justice information system line fund.
- S Sub for H 2432 Increasing property damage amount that would allow prevailing party to receive attorney fees.
- S Sub for H 2476 Court fees, surcharge to fund costs of non-judicial personnel.

State Legislature, Senate Committees—
Continued

- S Sub for H 2506 Juvenile offenders; extended jurisdiction juvenile prosecution.
 S Sub for Sub H 2509 Creating a private cause of action for victims of child pornography.
 S Sub for H 2585 Providing journalists with privilege concerning the disclosure of certain information.

Local Government

- S 129 State medicaid program; county jail inmates; changes.
 S 451 Municipal bond sales.
 S 463 Counties; bonded debt limit; Norton County.
 S 464 Payment of taxes; cleanup.
 S 465 Cities; nuisance abatement notice.
 S 470 Kansas uniform common interest owners bill of rights.

Natural Resources
 S 182 Air quality, urban counties, diesel emissions.
 S 184 Surface owner notice act.
 Sub S 184 Surface owner notification.
 S 189 Creating an outfitter license.
 S 214 Requiring the secretary of health and environment to convene a task force to study disposal of fluorescent lamps and medical sharps.
 Sub S 214 Allowing schools to receive grants to purchase recycled products.
 S 380 Use of public cabins; unlawful acts involving elk.
 S 496 Limiting powers of rural water districts.
 S 497 Excluding certain knives from the definition of a criminal weapon.
 SCR 1623 Urging the Congress to exempt the Flint Hills tallgrass prairie from certain United States EPA National Ambient Air Quality Standards related to prairie burning.
 SR 1809 Opposing the United States Environmental Protection Agency's greenhouse gas regulation by rulemaking.

Public Health and Welfare

- S 25 State-wide prohibition on smoking in indoor public areas.
 S 32 Evidence in civil actions; expression of apology by health care providers.
 S 62 Department of health and environment; screening of diseases and licensure of audiologists; rules and regulations.
 S 63 Polysomnography practice act; duties of the board of healing arts; creation of the polysomnography professional standard council.
 S 81 Enacting the Kansas nonsmoker protection act.
 S 83 Autism task force.
 S 101 Tanning facilities; regulating minors' use of tanning device.
 S 121 Health care; reform in funding and structure of the federal and state programs.
 S 147 Department of health and environment; HIV screening for pregnant women and newborn children; rules and regulations.
 S 170 Interpreters data bank.
 S 180 Prohibiting self-service tobacco sales.
 S 181 Insurance, mental health parity.
 S 200 Board of healing arts; regulations of allied health care professionals.
 Sub S 220 Emergency medical services; authority of the board of emergency medical services.

State Legislature, Senate Committees—
Continued

- S 391 Anatomical gift; first person donor registry.
 S 447 Child care; supervision of children and licensing and inspection of child care facilities.
 Sub S 447 Child care; supervision of children and licensing and inspection of child care facilities.
 S 448 Use of vital statistics; certificates and maternal and child health surveillance and monitoring.
 S 449 Audiologists; educational requirements for licensure.
 S 473 Physical therapy; education and treatment of patients.
 Sub S 475 Board of mortuary arts; funeral directors.
 S 489 Distribution of contact lenses.
 S 490 Physical therapists; licensure.
 S 491 Respiratory therapists; special permits.
 S 499 Schools; nutrition and health education guidelines; vending machines.
 S 500 Healing arts; exception from prohibited acts for individuals who earned a degree from an accredited healing arts school or college.
 S 501 Kansas board of healing arts; licensure and education of perfusionists.
 Sub S 501 Kansas board of healing arts; licensure and education of perfusionists.
 S 505 Consumer nutritional information on the menu.
 S 506 Crematory operators, licensure, fees.
 S 507 Concerning the blind and visually impaired; commission.
 S 508 Discount card; filing requirements with the secretary of state.
 S 525 Hospitals; charges for health care goods and services.
 S Sub for H 2310 Crematory operators, licensure, fees.
 S Sub for H 2356 Child care; supervision of children and licensure and inspection of child care facilities.

Transportation

- S 59 Primary seat belt law, penalty.
 S 124 Affiliation with Kansas police and firemen's retirement system (KP&F) by the Kansas department of wildlife and parks for membership of certain officers and employees.
 S 152 Regulation of certain motor carriers by the corporation commission.
 S 153 Regulation of certain motor vehicles and motor carriers by the corporation commission.
 S 392 Establishing the on-line verification financial security verification and compliance system.
 S 408 County treasurers, additional locations for vehicle registrations.
 S 462 Regulating traffic, liability for damage to highway or structure.
 Sub S 462 Regulating traffic, liability for damage to highway or structure.
 S 483 Primary seat belt law.
 S 484 Driver's licenses; restrictions and conditions.
 S 502 Railroad assistance programs, department of transportation.
 S 536 Recreational off-highway vehicles, regulation thereof.
 SR 1821 Visually impaired pedestrians; motor vehicle safety.
 S Sub for H 2437 Regulating traffic, primary seat belt law, prohibiting text messaging.
 S Sub for H 2650 Transportation works for Kansas program, financing.

State Legislature, Senate Committees—*Continued*

- S Sub for Transportation works for Kansas program, financing.
S Sub H 2650

Utilities

- S 47 Local exchange carriers methods to satisfy carrier of last resort obligation.
S 48 Enhanced wireless and VoIP 911 service amendments, collection and disbursement of certain funds.
Sub S 48 Enhanced wireless and VoIP 911 services amendments, collection and disbursement of certain funds.
S Sub for H Sub Emergency communication service, fees, for Sub S 48 charges, collection and distribution.
S 58 Underground utility damage prevention act, amending tolerance zone definition.
Sub S 58 Kansas underground utility damage prevention act amendments.
S 217 Retail electric suppliers act, state educational institutions authorized to enter into certain energy generation agreements.
S 366 Requiring all local exchange carriers to reduce intrastate access charges to interstate levels by July 1, 2010.
S 384 Modifying requirements for telecommunications carriers and allowing local exchange carriers to elect to be regulated as telecommunications carriers.
S 402 Demonstrations by local telecommunications carriers.
S 450 Enabling certain telecommunications carriers to spend federal universal service fund monies.
SR 1805 Directing state and federal leaders to consider fair approaches to possible global climate change regulations.
S Sub for H 2115 Late term abortion reporting.
S Sub for H 2582 Emergency communications service, fees, charges, collection and distribution.

Ways and Means

- S 20 State aid for school capital improvements ceases for bonds issued after December 31, 2008 through June 30, 2011; state aid resumes on and after July 1, 2011.
S 21 School districts; special capital outlay levy for insurance and utility services.
S 22 School districts; no-fund warrants for teacher salaries and benefits.
S 30 State surplus property; disposition of computers and firearms.
S 55 Concerning ballots by uniformed and overseas citizens and federal services voters.
S 56 Elections; security of advance voting ballots.
S 57 Campaign finance; requiring electronic filing of certain reports.
S 73 School districts; special local option budget authority for certain school years.
S 74 Cash basis law; exceptions when state aid to school districts are not paid when due.
S 90 Insurance department, electronic filing of certain documents.
S 92 Child in need of care; jurisdiction on CINC proceedings.
S 93 Joint committee on special claims against the state; membership, qualifications, number.
S 94 Child in need of care; placement of child in custody.

State Legislature, Senate Committees—*Continued*

- S 95 Trafficking in contraband in a correctional institution or treatment care facility.
S 109 Amending the grandparents as caregivers act.
S 110 Competency proceedings for criminal defendants; examination of the defendant.
S 133 Ticket surcharge of \$1 to fund the Kansas sports hall of fame; designated college and high school athletic events.
S 146 Kansas public employees retirement system; computation of benefits when rate of computation is reduced or placed on furlough; removing sunset provision.
S 151 Medicaid; charitable donations by certain persons.
S 164 Municipalities; legal notices; web sites alternative.
S 165 State water plan fund increases.
S 166 Medicaid; repealing statute prohibiting prior authorization for certain mental illness medications.
S 167 Hospitals; increasing the enforceable limit of a hospital lien.
S 172 Kansas insurance score act, prohibited acts.
S 173 State health care benefits program; certain retired officers and employees.
S 174 Removal of mandatory participation requirements for group life insurance.
S 188 Wage garnishment; providing definition of "immediate family"; explaining required affidavit in the event of sickness preventing work.
S 205 Prohibiting the development finance authority from refunding any bonds for any state agency unless specifically approved by an act of the legislature.
S 207 Appropriations for FY 2010 through FY 2014, home and community based services under DD, PD, FE, TBI and autism Medicaid waivers and Tiny-K programs.
S 208 Abolishing the death penalty.
S 220 Emergency medical services; changing attendants from certified to licensed.
S 221 Duties of emergency medical services board.
S 222 Emergency medical services, criminal history record checks.
S 223 Emergency medical services board, authority to issue subpoenas.
S 224 Emergency medical services board authorized to assess civil fines.
S 226 Taxpayer transparency act; amended to include state and federal funds passed through to counties, cities of first class and school districts and to include each legislator's vote on a given bill during legislative session.
S 227 Creating the Kansas tourism corporation.
S 248 Electronic logging system for sale of methamphetamine precursor.
S 249 Pharmacists; dispensing substitution of drug product.
S 250 Workers compensation; increase in benefits.
S 251 Workers compensation; bilateral scheduled injuries under permanent partial disability.
S 252 Criminal offenders in custody, health care costs; department of corrections and juvenile justice authority.
S 254 Urban area counties; zoning amendments and conditional use permits; protest petitions, other; extraordinary vote not requires.

State Legislature, Senate Committees—
Continued

- S 255 Continuation of statewide levy for public schools and exemption therefrom for residential property.
- S 258 Workers compensation act, to increase the caps on benefits.
- S 259 State and school employer contributions to the Kansas public employees retirement system.
- S 260 No cause of action for recovery of certain loss while operating uninsured motor vehicle.
- S 261 Interstate compact on the agreement among the states to elect the president by national popular vote act.
- S 262 Emergency medical services attendants scope of practice and titles.
- S 264 Amending date by which amount of ad valorem tax to be levied is certified to county clerk.
- S 265 Energy conservation and electric generation, transmission and efficiency and air emissions.
- S 266 Community colleges; tax levies for operation and maintenance.
- S 267 Elections; voters; voter identification changes.
- S 274 Enacting Kansas scenic and heritage backroads act.
- S 276 Providing for separate United States army, navy, air force, marine corps and coast guard or merchant marine license plates.
- S 277 Funding the recodification commission from judicial council funds; judicial performance commission not required to evaluate retired senior judges.
- S 280 Suspension and restriction of driving privileges for test refusal, test failure or alcohol or drug-related conviction for persons under 21.
- S 281 Sentencing for severity level 4 drug crimes; probation or assignment to community correctional services up to 18 months.
- S 282 Court of appeals; delay 14th judge position to January, 2011.
- S 283 Criminal procedure; community corrections, high risk or needs offenders determined by the risk assessment tool, LSI-R; delay use until January 1, 2011.
- S 284 Third party administrator authorized for certain utilities energy efficiency and conservation programs.
- S 285 KAN-ED; funding.
- S 288 Providing insurance coverage for colorectal cancer screening.
- S 289 Increasing penalty for leaving the scene of a vehicle accident which results in death to match penalty for involuntary manslaughter while driving under the influence.
- S 292 Civil procedure, liens; requiring notice of commencement and notice of furnishings to be filed prior to filing certain commercial property liens.
- S 293 Regulating traffic, concerning the definition of an all-terrain vehicle.
- S 294 Amendments to the Kansas whistleblowers act; employee suggestion program.
- S 295 Blind and visually impaired persons, establishing the motor vehicle and safe mobility committee.
- S 296 Federal stimulus act, review and evaluation.

State Legislature, Senate Committees—
Continued

- S 297 Concerning governmental ethics; eliminating the filing requirement for certain faculty of state education institutions; pertaining to reporting of certain expenditures by lobbyists; requiring certain members of the judicial branch to file disclosure statements.
- S 298 Requiring well identification signs be placed on or near certain oil or gas wells.
- S 299 Regulation for underground hydrocarbon storage wells.
- S 300 Special overweight or oversize permits; increasing fees.
- S 301 Repealing statutes concerning land surveys relating to monumentation of corners in boundaries of subdivisions.
- S 302 Kansas intermodal transportation revolving fund; financing intermodal transportation projects.
- S 303 Abolishing KTEC and Kansas, Inc. and transferring the duties thereof to the department of commerce.
- S 304 Appropriations for FY 2009 through FY 2013 for various state agencies.
- S 305 Kansas tort claims act; charitable health care providers.
- S 306 Kansas fireworks act; creating the fireworks and explosives fund.
- S 307 State fire marshal duty to conduct on-site inspect of non-fuel flammable or combustible liquid aboveground storage tanks, delayed until July 1, 2012, compliance with standards, delayed until July 1, 2015.
- S 308 State agencies; relating to the 20% administrative fee charged to agencies; cap increased from \$200,000 to \$350,000.
- S 309 Appropriations for FY2010 and FY2011 for capital improvements for various state agencies.
- S 310 SRS prohibited from placing more than six sexually violent predators in any one county on transitional release or conditional release.
- S 311 State budget, state general fund ending balance requirements, revenue shortfalls and reductions in authorized expenditures, economic impact statements, fiscal note updates.
- Sub S 311 State budget, state general fund ending balance requirements, revenue shortfalls and reductions in authorized expenditures.
- S 312 Public utility defined for property tax purposes related to natural gas inventories.
- S 313 School districts; contingency reserve fund; limitations, suspension of.
- S 314 Creating the special economic revitalization act.
- S 315 Amending the water appropriations act and the water projects environmental coordination act.
- S 316 Application of swine waste.
- S 317 Abolishing KTEC and transferring the duties thereof to the department of commerce and the board of regents.
- S 318 Fees collected by state board of healing arts.
- S 319 Affiliation with the Kansas police and firemen's retirement system by adjutant general for membership of certain firefighters serving the 190th Kansas air national guard.
- S 320 The department of social and rehabilitation services, regarding the funeral assistance program.

State Legislature, Senate Committees—
Continued

- S 321 Insurance department; premium taxes collected, credited to the state general fund for FY 2010, not the insurance department service regulation fund.
- S 322 Emergency medical services board operating fund and fire service training program fund pay the 20% reimbursement to the state general fund for administrative costs.
- S 323 2010 transportation plan, financing thereof.
- S 324 Kansas rural policy commission; membership.
- S 325 Employment security law; allows alternate base periods and benefits for individuals forced to leave employment to care for ill or disabled family member.
- S 326 Increasing allowed transfer from crime victims compensation fund to crime victims assistance fund; from \$100,000 to \$300,000.
- S 327 Creating the tobacco master settlement agreement compliance fund; transferring \$900,000 from Kansas endowment for youth fund; enforcing tobacco laws.
- S 328 Kansas health policy authority; grant program for local primary health projects, creating the aid to locals — primary health projects fund.
- S 329 Repealing the Kansas home inspectors professional competence and financial responsibility act.
- S 330 Reimbursement rates for nursing facilities; not applicable in fiscal year 2010.
- S 331 Attaching the athletic commission of the state of Kansas to the Kansas racing and gaming commission.
- S 332 Annexation by cities; territory of rural water districts; procedures.
- S 333 Authorizing the Kansas parole board to charge and collect certain fees.
- S 334 Rates of estate tax and franchise tax, three-year freeze without reduction.
- S 335 Income taxation, deductions, determination of Kansas adjusted gross income and credits, decoupling legislation.
- S 337 Amnesty from assessment or payment of penalties and interest on certain unpaid taxes.
- S 338 Distribution of revenue from tax on privilege of selling alcoholic liquor.
- S 350 Supplemental appropriations for FY 2010 for various state agencies.
- S 351 Prohibiting texting while driving; penalties.
- S 354 School districts; tax levies; property subject to taxation.
- S 355 Teachers; contracts; notice of non-renewal, retirees from school employment.
- S 356 Residential childhood lead poisoning prevention act.
- S 362 Teachers and administrators, contracts; notice of non-renewal.
- S 363 Allowing debtors to exempt earned income tax credits during bankruptcy proceedings.
- S 364 State fair board; purchase of workers compensation insurance authorized.
- S 365 Suspending increases in subsistence allowances for legislators and certain other state officers and employees.
- S 378 Replace dollar cap limitation with 10% reduction in amount of income tax credit for expenditures for restoration and preservation of certain historic structures for fiscal year 2011.

State Legislature, Senate Committees—
Continued

- S 382 Housing loan deposit program, eligibility of certain dwellings, outstanding loan amount limit.
- S 385 Schools, buildings; construction plans, approval by state board of education.
- S 403 Reducing, by 50%, legislative officers additional compensation; limiting officers compensation to 25 days per calendar year for duties performed in Topeka when not in session.
- S 404 Early high school graduation scholarship program.
- S 405 Municipalities; legal notices; web sites alternative.
- S 409 Establishing the passenger rail service program.
- S 410 Acceptance of electronic payments by debit card.
- S 444 Child witness protection act.
- S 445 Property tax exemption, property held by secretary of transportation.
- S 446 State contracts and procurement; creating a council on efficient government.
- S 461 Supplemental salary of district magistrate judge paid by the county.
- S 468 Amending petition requirements for summoning a grand jury.
- S 469 Civil procedure, commercial property liens; state construction registry, notice of commencement and notice of furnishings.
- S 475 Defining funeral services for the purpose of regulating funeral directors.
- S 479 Permitting the secretary of revenue to disclose certain tax information to the state treasurer for the purpose of locating owners of unclaimed property.
- S 480 Regulating traffic; license plates.
- S 481 District judges; repealing requirement that each county have a judge.
- S 498 Transportation works for Kansas program, financing.
- S 512 School districts; medicaid replacement state aid.
- S 513 County alternative project delivery construction; hospital districts; other changes.
- S 514 Kansas unified school district alternative project delivery building construction procurement act.
- S 515 Transportation works for Kansas, financing, sales tax on motor-vehicle fuels.
- S 526 Bidding preference for Kansas companies.
- S 527 Federal nontaxable distributions from KPERS retirement benefits to provide retired public safety officers a source to pay for health insurance premiums.
- S 528 Shifting the burden of proof in the property valuation appeals process.
- S 529 Employment security; freeze of maximum weekly benefit.
- S 539 School districts; school finance law, revision.
- S 540 Kansas underground utilities damage prevention act; one-call liability changes.
- S 541 Court of appeals, delay 14th judge position to January 2012.
- S 542 Elections; changing the date of April primary elections to August.
- S 543 Authorizing a program to certain telecommunications carriers.
- S 544 Metropolitan transit authority, definition of metropolitan area.
- S 545 Employment security; benefits.

**State Legislature, Senate Committees—
Continued**

- S 546 Assessments of quality assurance fee on skilled nursing care facilities to improve the quality of care.
- S 547 Workers compensation; disability benefits, medical benefits, notice requirements.
- S 551 Employment security law; creating an interest payment assessment.
- S 552 Employment security law; benefits; negative account balance employers.
- S 553 Recovering migrating natural gas.
- S 554 Insurance; coverage for autism.
- S 555 Appropriations for FY 2011 & FY 2012 for capital improvements for various state agencies.
- S 556 Appropriations for FY 2010 through FY 2015 for various state agencies.
- S 557 Professional employees of schools; renewal of licenses; professional development.
- S 558 Interstate water litigation fund; not subject to allotment, transfer.
- S 560 Health maintenance organizations, annual privilege fee, remove phase-in.
- S 561 Cities; rehabilitation of abandoned houses; non-profit corporations.
- S 562 Assessments of waiver provider fee on providers of certain home and community-based services.
- S 565 Department of health and environment; creating the health information exchange — federal fund and the quanteFERON TB laboratory testing fund.
- S 566 Commission on veterans affairs, bimonthly meetings.
- S 567 Imposing tax upon sweetened beverages or concentrate.
- S 568 Moratorium on employer contributions for KPERs death and disabilities for fourth quarter of fiscal year 2010.
- S 569 Alcoholic liquor, cereal malt beverage and malt products gallanage tax and liquor enforcement tax rate increases.
- S 570 Lodging inspections and food safety fees.
- S 571 Animal Health Department; fees.
- S 572 Statute books; copies furnished to legislators.
- S 574 Transferring funds from the state general fund to the interstate water litigation fund in fiscal years 2012 through 2017.
- S 575 Equalizing distribution of overpayments and under payments from the special city and county highway fund during fiscal years 2011 through 2015.
- S 576 Elections; campaign finance, public service advertisements by candidates restricted near elections.
- S 577 Requiring vessels to be titled.
- S 579 Regulating traffic, sun screening devices, exemption.
- S 580 Post audit; agencies pay audit costs, school district audit team abolished.
- S 581 Hiram Price Dillon House transfer to Kansas arts commission.
- S 582 Veterans' commission authorized to sell certain property.
- S 583 Electronic publication of court reports.
- S 585 For fiscal year 2011, reducing state officers salaries by 5%; staff of legislative leaders, not chief of staffs, reduced by 2.5%; state officers defined.
- S 586 Reconciling amendments to certain statutes.

**State Legislature, Senate Committees—
Concluded**

- S 587 Secretary of corrections; rules and regulations; inmate access to information containing personally identifying information.
- SCR 1616 Urging Kansas school districts to use carefully the federal stimulus funds received.
- SCR 1628 Requesting the supreme court to conduct a survey and study of the Kansas court system; judicial study advisory committee.
- S Sub for H 2219 Moratorium on employer contributions for KPERs death and disabilities for fourth quarters of fiscal years 2010 and 2011.
- S Sub for H 2222 Supplemental appropriations for FY 2010 and 2011 for various state agencies.
 - S Sub for Sub H 2320 Assessments of quality assurance fee on skilled nursing care facilities to improve the quality of care.
 - S Sub for S Sub for Sub H 2320 Assessments of quality assurance fee on skilled nursing care facilities to improve the quality of care.
 - S Sub for H 2360 Sales tax rate increase revenue distribution and refunds on sales of food; income tax credits; and the Kansas taxpayer transparency act.
 - S Sub for H 2631 Appropriations for FY 2010 through 2017 for various state agencies; appropriations for FY 2011 and FY 2012 for capital improvements for various state agencies.

**State Legislature, Special Senate and
House Committees**

Assessment and Taxation

- S 111 Political subdivision budget expenditures from revenues provided by property tax levies; providing limitations thereon.
- SCR 1602 Constitutional amendment authorizing legislature to provide for the classification and taxation of watercraft.
- H 2078 Income tax treatment of net operating loss carryback on the sale of certain hotels.
- H 2079 Sales tax refund on certain purchasers of telecommunications machinery and equipment.

*Eminent Domain in Condemnation of Water
Rights*

- S 65 Eminent domain; water rights.
- H 2029 Cities; annexation; deannexation procedures.
- H 2030 Cities; annexation; board of county commissioners; agriculture land restriction.
- H 2031 Cities; annexation; board of county commissioners decision; election required.

Judiciary (2009 Interim)

- H 2529 Continuation of certain exceptions to disclosure under the open records act.

Steineger, Chris

- S 113 Legislature; reducing size of Senate, House.
- S 198 Counties; consolidation commission; reduce number of counties.
- SCR 1603 Unified Greeley County; Greeley County, City of Tribune; endorsement.
- SCR 1613 Constitutional amendment concerning appropriation of money by the legislative branch.
- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.

Steineger, Chris—Concluded

- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SR 1806 Declaring January as Kansas Mentoring Month.
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1876 Congratulating the Kansas City Kansas Community College Debate team.
- SR 1882 Congratulating and commending Ron Nitcher upon his retirement.
- SR 1884 Commending Barb Hinton on her service to the State of Kansas and congratulating her on her future endeavors.

Taddiken, Mark

- S 202 Abortion; late term abortion; records; reporting.
- S 360 Removing limitation on number of small claims that may be filed in a calendar year.
- SCR 1612 Constitutional amendment to have supreme court justices appointments subject to consent of the senate.
- SCR 1613 Constitutional amendment concerning appropriation of money by the legislative branch.
- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1626 Constitutional amendment to preserve right to choose health care services and health insurance plan.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
- SR 1806 Declaring January as Kansas Mentoring Month.

Taddiken, Mark—Concluded

- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1825 In support of religious freedom for Coptic Christians.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1885 In support of religious freedom for Coptic Christians.

Teichman, Ruth

- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SCR 1631 Reactivating electronic motor vehicle financial security verification system task force.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1824 Honoring Larry W. Magill, Jr.
- SR 1826 Emporia State University Founders Day.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1844 Congratulating and commending Kansas Insurance Commissioner Sandy Praeger for winning the 2010 American Medical Association's Dr. Nathan Davis Award.
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1882 Congratulating and commending Ron Nitcher upon his retirement.

Umbarger, Dwayne

- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.

Umbarger, Dwayne—Concluded

- SCR 1618 Urging the legislature to formulate and implement a comprehensive transportation plan by the 2010 legislative session.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SCR 1631 Reactivating electronic motor vehicle financial security verification system task force.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).
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- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1882 Congratulating and commending Ron Nitcher upon his retirement.
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- S 360 Removing limitation on number of small claims that may be filed in a calendar year.
- SCR 1614 Constitutional amendment, creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
- SCR 1627 Constitutional amendment creating the budget stabilization fund; certain increases in state general fund revenues would be deposited in the fund; only withdrawn by act of the legislature and only under defined circumstances.
- SCR 1630 Support of participation in Auger North cosmic ray observatory; formation of task force to lead collaboration with Colorado.
- SR 1803 Congratulating the Teacher of the Year Team.
- SR 1804 Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS).

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- SR 1826 Emporia State University Founders Day.
- SR 1831 Deep Vein Thrombosis (DVT).
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- SR 1835 Congratulating Aniruddha Rao, Distinguished Finalist in the 2010 Prudential Spirit of Community Awards.
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
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- SCR 1615 Urging congress and the President to respect the 10th amendment and refrain from passing laws intruding on states' rights.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.
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- SR 1814 Encouraging participation in the American Heart Association's Go Red for Women campaign.
- SR 1818 Boy Scouts of America, 100 years of service.
- SR 1820 Supporting breast cancer screening.
- SR 1826 Emporia State University Founders Day.

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- SR 1828 In support of religious freedom for Coptic Christians.
- SR 1831 Deep Vein Thrombosis (DVT).
- SR 1847 Congratulating and commending the 2010 Kansas Master Teachers.
- SR 1852 Declaring March 23, 2010, as American Diabetes Association Alert Day in Kansas.
- SR 1855 Urging the U.S. Government to support the NewGen Tanker.
- SR 1862 Designating National Public Health Week, April 5-11, 2010.
- SR 1882 Congratulating and commending Ron Nitcher upon his retirement.
- SR 1885 In support of religious freedom for Coptic Christians.

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- SCR 1614 Constitutional amendment; creating a budget stabilization fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.
- SCR 1617 Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action.

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- Aging, Department of
 - Martin A. Kennedy, Secretary
 - Appointment submitted for confirmation: SJ p 911
 - Appointment confirmed: SJ p 940
- Agriculture, Department of
 - Joshua Svaty, Secretary
 - Appointment submitted for confirmation: SJ p 910
 - Appointment confirmed: SJ p 940
 - Allison, Robert Andrew, Dr., PhD, Executive Director
 - Kansas Health Policy Authority
 - Appointment submitted for confirmation: SJ p 912
 - Appointment confirmed: SJ p 1031
- Banking Board, State
 - Richard Fish
 - Appointment submitted for confirmation: SJ p 1375
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 - James Needham
 - Appointment submitted for confirmation: SJ p 1001
 - Appointment confirmed: SJ p 1106
- Bicknell, Gene
 - State Public Trust — Treece Buyout Board of Trustees
 - Appointment submitted for confirmation: SJ p 1375
 - Appointment confirmed: SJ p 1494
- Biggs, Patricia Ann
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 - Appointment confirmed: SJ p 1152
- Bioscience Authority, Kansas
 - Dan Watkins
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- Budler, Joanne M.
State Librarian of Kansas
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- Cohen, Thomas
Kansas Technology Enterprise Corporation
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- Commerce, Department of
William R. Thornton, Secretary
Appointment submitted for confirmation: SJ p 1000
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- Corporation Commission, State
Ward E. Loyd, Commissioner
Appointment submitted for confirmation: SJ p 1114
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Michael C. Moffet, Commissioner
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Reappointment withdrawn: SJ p 965
Thomas Wright, Commissioner
Appointment submitted for confirmation: SJ p 1000
Appointment confirmed: SJ p 1153
- Credit Union Administrator
John P. Smith
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- Crime Victims Compensation Board
Nan Porter
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Suzanne Valdez, Chairman
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- Crotty, Rebecca
State Court of Tax Appeals
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- Dahmen, James J.
State Public Trust — Treece Buyout Board of Trustees
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Appointment confirmed: SJ p 1494
- Daniels, Lawrence P.
State Board of Indigent' Defense Services
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- Delmont, John O.
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Kansas Board of Regents
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- Electric Transmission Authority, Kansas
Timothy E. McKee
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- Employee Relations Board, Public
Keith A. Lawing
Appointment submitted for confirmation: SJ p 1001
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- Finance Authority, Kansas Development
Audrey Langworthy
Appointment submitted for confirmation: SJ p 1001
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Suchitra Padmanabhan
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- Fish, Richard
State Banking Board
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- Hamilton, Eddie L.
State Public Trust — Treece Buyout Board of Trustees
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- Healing Arts, Kansas State Board
Kathleen J. Selzer Lippert, Acting Executive Director
Appointment submitted for confirmation: SJ p 1375
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- Health Policy Authority, Kansas
Dr. Robert Andrew Allison, PhD, Executive Director
Appointment submitted for confirmation: SJ p 912
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Nicholas M. Kramer, Inspector General
Appointment submitted for confirmation: SJ p 1376
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Dr. Vernon Mills
Appointment submitted for confirmation: SJ p 911
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William Allen Reed, M.D.
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Mark R. Jorgenson
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- Betty T. Keim
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- Thomas E. Murphy, III
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- Scott M. Slabotsky
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 979
- Deryl Wynn
 Appointment submitted for confirmation: SJ p 1001
 Appointment confirmed: SJ p 1154
- Indigents' Defense Services, State Board of
 Lawrence P. Daniels
 Appointment submitted for confirmation: SJ p 1000
 Appointment confirmed: SJ p 1153
- John Poertner
 Appointment submitted for confirmation: SJ p 910
 Appointment confirmed: SJ p 979
- Jorgenson, Mark R.
 University of Kansas Hospital Authority
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 Appointment confirmed: SJ p 1153
- Keim, Betty T.
 University of Kansas Hospital Authority
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 940
- Kennedy, Martin A., Secretary
 Department of Aging
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 Appointment confirmed: SJ p 940
- Kramer, Nicholas M., Inspector General
 Kansas Health Policy Authority
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 Appointment confirmed: SJ p 1495
- Langworthy, Audrey
 Kansas Development Finance Authority
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 Appointment confirmed: SJ p 1152
- Lawing, Keith A.
 Public Employee Relations Board
 Appointment submitted for confirmation: SJ p 1001
 Appointment confirmed: SJ p 1152
- Lehman, John W.
 Pooled Money Investment Board
 Appointment submitted for confirmation: SJ p 1375
 Appointment confirmed: SJ p 1494
- Librarian, State, of Kansas
 Joanne M. Budler
 Appointment submitted for confirmation: SJ p 1000
 Appointment confirmed: SJ p 1106

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- Lippert, Kathleen J. Selzer, Acting Executive Director
 Kansas State Board of Healing Arts
 Appointment submitted for confirmation: SJ p 1375
 Appointment confirmed: SJ p 1495
- Long-Term Care Ombudsman, State
 Belinda Vierthaler, Ombudsman
 Appointment submitted for confirmation: SJ p 910
 Appointment confirmed: SJ p 979
- Loyd, Ward E., Commissioner
 State Corporation Commission
 Appointment submitted for confirmation: SJ p 1114
 Appointment confirmed: SJ p 1153
- Lykins, Robert "Dan"
 Kansas Board of Regents
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 939
- McBride, Betty J.
 State Public Trust — Treece Buyout Board of Trustees
 Appointment submitted for confirmation: SJ p 1375
 Appointment confirmed: SJ p 1495
- McKechnie, A. E. "Ed"
 Kansas State Board of Regents
 Appointment submitted for confirmation: SJ p 1001
 Appointment confirmed: SJ p 1105
- McKee, Timothy E.
 Kansas Electric Transmission Authority
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 938
- Mills, Dr. Vernon
 Kansas Health Policy Authority
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 938
- Moffet, Michael C., Commissioner
 State Corporation Commission
 Reappointment submitted for confirmation: SJ p 911
 Reappointment withdrawn: SJ p 965
- Murphy III, Thomas E.
 University of Kansas Hospital Authority
 Reappointment submitted for confirmation: SJ p 911
 Reappointment removed due to death SJ p 911
- Needham, James
 State Banking Board
 Appointment submitted for confirmation: SJ p 1001
 Appointment confirmed: SJ p 1106
- Padmanabhan, Suchitra
 Kansas Development Finance Authority
 Appointment submitted for confirmation: SJ p 911
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- Parole Board, Kansas
 Patricia Ann Biggs
 Appointment submitted for confirmation: SJ p 1000
 Appointment confirmed: SJ p 1152
- Robert Sanders
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 938
- Michael “Thomas” Sawyer
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 939
- Perkins, Juana “Janie”
 Kansas Board of Regents
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 939
- Poertner, John
 State Board of Indigents’ Defense Services
 Appointment submitted for confirmation: SJ p 910
 Appointment confirmed: SJ p 979
- Pooled Money Investment Board
 John W. Lehman
 Appointment submitted for confirmation: SJ p 1375
 Appointment confirmed: SJ p 1494
- Porter, Nan
 Crime Victims Compensation Board
 Reappointment submitted for confirmation: SJ p 912
 Reappointment confirmed: SJ p 940
- Public Trust, State — Treece Buyout Board of Trustees
 Gene Bicknell
 Appointment submitted for confirmation: SJ p 1375
 Appointment confirmed: SJ p 1494
- James J. Dahmen
 Appointment submitted for confirmation: SJ p 1375
 Appointment confirmed: SJ p 1494
- John O. Delmont
 Appointment submitted for confirmation: SJ p 1375
 Appointment confirmed: SJ p 1494
- Eddie L. Hamilton
 Appointment submitted for confirmation: SJ p 1375
 Appointment confirmed: SJ p 1495
- Betty J. McBride
 Appointment submitted for confirmation: SJ p 1375
 Appointment confirmed: SJ p 1495
- Reed, William Allen, M.D.
 Kansas Health Policy Authority
 Appointment submitted for confirmation: SJ p 912
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- Regents, Board of, Kansas
 Christine L. Downey-Schmidt
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 939

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- Robert “Dan” Lykins
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 939
- A. E. “Ed” McKechnie
 Appointment submitted for confirmation: SJ p 1001
 Appointment confirmed: SJ p 1105
- Juana “Janie” Perkins
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 939
- Sanders, Robert
 Kansas Parole Board
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 938
- Sawyer, Michael “Thomas”
 Kansas Parole Board
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 939
- Slabotsky, Scott M.
 University of Kansas Hospital Authority
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 979
- Smith, John P.
 Credit Union Administrator
 Appointment submitted for confirmation: SJ p 1001
 Appointment confirmed: SJ p 1105
- State Corporation Commission
 Thomas Wright, Commissioner
 Appointment submitted for confirmation: SJ p 1000
 Appointment confirmed: SJ p 1153
- Svaty, Joshua, Secretary
 Department of Agriculture
 Appointment submitted for confirmation: SJ p 910
 Appointment confirmed: SJ p 940
- Tax Appeals, Court of, State
 Rebecca Crotty
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 940
- Technology Enterprise Corporation, Kansas
 Thomas Cohen
 Appointment submitted for confirmation: SJ p 911
 Appointment confirmed: SJ p 979
- Steven F. Warren
 Appointment submitted for confirmation: SJ p 1001
 Appointment confirmed: SJ p 1152
- Thornton, William R., Secretary
 Department of Commerce
 Appointment submitted for confirmation: SJ p 1000
 Appointment confirmed: SJ p 1153

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- Valdez, Suzanne, Chairman
 Crime Victims Compensation Board
 Appointment submitted for confirmation: SJ p 912
 Appointment confirmed: SJ p 978
- Vierthaler, Belinda, Ombudsman
 State Long-Term Care Ombudsman
 Appointment submitted for confirmation: SJ p 910
 Appointment confirmed: SJ p 979
- Warren, Steven F.
 Kansas Technology Enterprise Corporation
 Appointment submitted for confirmation: SJ p 1001
 Appointment confirmed: SJ p 1152
- Watkins, Dan
 Kansas Bioscience Authority
 Appointment submitted for confirmation: SJ p 1376
 Appointment confirmed: SJ p 1602
- Wright, Thomas, Commissioner
 State Corporation Commission
 Appointment submitted for confirmation: SJ p 1000
 Appointment confirmed: SJ p 1153
- Wynn, Deryl
 University of Kansas Hospital Authority
 Appointment submitted for confirmation: SJ p 1001
 Appointment confirmed: SJ p 1154

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 H 2635 Congressional and state legislative districts

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