## HOUSE JOURNAL

**PROCEEDINGS** 

OF THE

## House of Representatives

OF

# The Legislature

OF THE

STATE OF KANSAS

REGULAR 2010 SESSION JANUARY 11, 2010 THROUGH ADJOURNMENT MAY 28, 2010

SUSAN W. KANNARR, Chief Clerk of the House

DIVISION OF PRINTING DEPARTMENT OF ADMINISTRATION TOPEKA, KANSAS 2010 9848

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# Governor MARK PARKINSON, Topeka

# ${\it Lieuten ant~Governor} \\ {\it TROY~FINDLEY}, {\it Topeka} \\$

#### OFFICERS OF THE HOUSE

#### Session of 2010

Michael "Mike" O'Neal	Speaker
Arlen Siegfreid	
Ray Merrick	
Paul Davis	
Susan Kannarr	Chief Clerk
Wayne Owen	Sergeant-at-Arms

#### **HOUSE OF REPRESENTATIVES—2010**

#### MEMBERS LISTED ALPHABETICALLY

Name and City	Party	Dist.	Occupation
Aurand, Clay, Courtland	Rep.	109	Farmer/Stockman
Ballard, Barbara W., Lawrence	Dem.	44	University Administrator
Barnes, Melany, Wichita	Dem.	95	Technical Assistant - Projects
Benlon, Lisa, Overland Park	Dem.	22	
Bethell, Bob, Alden	Rep.	113	Pastor/Consultant
Bollier, Barbara, Mission Hills	Rep.	25	Retired Anesthesiologist
Bowers, Elaine, Concordia	Rep.	107	Business Owner
Brookens, J. Robert, Marion	Rep.	70	Attorney
Brown, Anthony R., Eudora	Rep.	38	Carpenter/Contractor
Brown, Tony, Baldwin City	Dem.	10	College Professor
Brunk, Steven, Bel Aire	Rep.	85	Real Estate and Business Broker
Burgess, Mike, Topeka	Rep.	51	Web Developer
Burroughs, Tom, Kansas City	Dem.	33	Retired-Colgate- Palmolive Co.
Carlin, Sydney, Manhattan	Dem.	66	Self-Employed
Carlson, Richard, St. Marys	Rep.	61	Businessman
Colloton, Pat, Leawood	Rep.	28	Attorney
Craft, Barbara, Junction City	Rep.	65	
Crow, Marti, Leavenworth	Dem.	41	Attorney
Crum, J. David, Augusta	Rep.	77	Optometrist
Davis, Paul T., Lawrence	Dem.	46	Attorney
DeGraaf, Pete, Mulvane	Rep.	81	Director, Financial Counseling Service
Dillmore, Nile, Wichita	Dem.	92	Development Specialist
Donohoe, Owen, Shawnee	Rep.	39	Medical Sales
Faber, John M., Brewster	Rep.	120	Farmer/Rancher
Feuerborn, Bill, Garnett	Dem.	5	Self-Employed
Finney, Gail, Wichita	Dem.	84	Small Business Owner
Flaharty, Geraldine, Wichita	Dem.	98	Retired Teacher
Frownfelter, Stan S., Kansas City	Dem.	31	Small Business Owner
Fund, Rocky, Hoyt	Rep.	50	Rural Water District Manager
Furtado, Dolores, Overland Park	Dem.	19	Professor Emeriti
Garcia, Delia, Wichita	Dem.	103	Restaurant Asst. Manager/Consultant
Gatewood, Doug, Columbus	Dem.	1	Property Services
Gatewood, Sean, Topeka	Dem.	57	
George, Pat, Dodge City	Rep.	119	Financial Management
Goico, Mario, Wichita	Rep.	100	Business Owner
Gordon, Lana, Topeka	Rep.	52	Customer Services Representative
Goyle, Raj, Wichita	Dem.	87	Attorney and Lecturer
Grange, John C., El Dorado	Rep.	75	Mechanical Contractor, Self-employed

Name and City	Party	Dist.	Occupation
Grant, Robert "Bob", Cherokee	Dem.	2	Catering Business
Hawk, Tom, Manhattan	Dem.	67	Retired School
			Superintendent
Hayzlett, Gary K., Lakin	Rep.	122	Businessman
Henderson, Broderick T., Kansas City	Dem.	35	Parking Control Officer
Henry, Jerry, Cummings	Dem.	63	Achievement Services- Executive Director
Hermanson, Phil, Wichita	Rep.	96	Human Resource Director/Realtor
Hill, Don, Emporia	Rep.	60	Pharmacist
Hineman, Don, Dighton	Rep.	118	Farmer/Rancher
Holmes, Carl D., Liberal	Rep.	125	Land Owner/Manager
Holmes, Mitch, St John	Rep.	114	College Instructor
Horst, Deena L., Salina	Rep.	69	Retired Teacher
Huebert, Steve, Valley Center	Rep.	90	Systems Engineer, Boeing
Jack, Aaron, Andover	Rep.	99	Financial Services
Johnson, Dan, Hays	Rep.	110	Agriculture
Kelley, Kasha, Arkansas City	Rep.	79	CEO, Customer Care Company
Kerschen, Dan, Garden Plain	Rep.	93	Dairy Farmer
Kiegerl, S. Mike, Olathe	Rep.	43	,
King, Jeff, Independence	Rep.	12	Attorney
Kinzer, Lance, Olathe	Rep.	14	Attorney
Kleeb, Marvin G., Overland Park	Rep.	48	Business Owner
Knox, Forrest, Altoona	Rep.	13	Stockman
Kuether, Annie, Topeka	Dem.	55	
Landwehr, Brenda, Wichita	Rep.	91	Business Owner
Lane, Harold, Topeka	Dem.	58	Owner, Lane's BBQ
Light, Bill, Rolla	Rep.	124	Farmer
Loganbill, Judith, Wichita	Dem.	86	Reading Resource Teacher
Long, Margaret, Kansas City	Dem.	36	Retired
Lukert, Steve, Sabetha	Dem.	62	Farmer
Mah, Ann E., Topeka	Dem.	53	Trainer/Speaker
Maloney, Patrick J. (Pat), Kingman	Dem.	116	Farmer/Rancher
Mast, Peggy L., Emporia	Rep.	76	
McCray-Miller, Melody, Wichita	Dem.	89	Business Owner
McLeland, Joe, Wichita	Rep.	94	
° Meier, Melanie, Leavenworth	Dem.	40	Defense Contractor/ Army Reservist
Menghini, Julie, Pittsburg	Dem.	3	
Merrick, Ray, Stilwell	Rep.	27	Small Business Owner
Morrison, Jim, Colby	Rep.	121	Optometrist
Moxley, Tom, Council Grove	Rep.	68	Farmer/Rancher
Myers, Don V., Derby	Rep.	82	Retired Engineer
Neighbor, Cindy, Shawnee	Dem.	18	~
Noufold Molvin Ingella	Don	115	Formor

Name and City	Party	Dist.	Occupation
O'Brien, Connie, Tonganoxie	Rep.	42	Retired
Olson, Robert (Rob), Olathe	Rep.	26	Contractor
O'Neal, Michael R. "Mike", Hutchinson	Rep.	104	Attorney
Otto, Bill, LeRoy	Rep.	9	Retired Teacher
Palmer, Shirley J., Fort Scott	Dem.	4	Retired Teacher
Patton, Joe, Topeka	Rep.	54	Attorney
Pauls, Janice L., Hutchinson	Dem.	102	Attorney
Peck, Virgil Jr., Tyro	Rep.	11	Insurance Agent
Peterson, Michael J. (Mike), Kansas City	Dem.	37	Attorney
Phelps, Eber, Hays	Dem.	111	Sales/Marketing
Pottorff, Jo Ann, Wichita	Rep.	83	Real Estate
Powell, Larry R., Garden City	Rep.	117	Rancher/
•	•		Environmentalist
Prescott, Willie, Osage City	Rep.	59	Farmer
Proehl, Richard J., Parsons	Rep.	7	Banker
Quigley, Jill, Lenexa	Rep.	17	Nurse/Outreach
			Coordinator
Rardin, Gene, Overland Park	Dem.	16	Consulting
Rhoades, Marc, Newton	Rep.	72	College Instructor
Roth, Charles B. (Charlie), Salina	Rep.	71	Retired
Ruiz, Louis E., Kansas City	Dem.	32	Retired, Lucent
, , , ,			Technologies
Schroeder, Don, Inman	Rep.	74	Retired Farmer
Schwab, Scott, Overland Park	Rep.	49	Healthcare/Sales/
	1		Marketing
Schwartz, Sharon, Washington	Rep.	106	Business Manager
Seiwert, Joe, Pretty Prairie	Rep.	101	Self-employed,
	Р-		Agribusiness
Shultz, Clark, Lindsborg	Rep.	73	Auditor
Siegfreid, Arlen H., Olathe	Rep.	15	Realtor
Slattery, Mike, Mission	Dem.	24	Project Management
Sloan, Tom, Lawrence	Rep.	45	Strategic Planner
Spalding, Sheryl, Overland Park	Rep.	29	Retired, Education
sparanig, siteryr, eventura rank minimi	rtep.	_0	Researcher
Suellentrop, Gene M., Wichita	Rep.	105	Business Owner
Svaty, Don, Ellsworth	Dem.	108	Farmer
Swanson, Vern, Clay Center	Rep.	64	Retired, Sales
Swenson, Dale A., Wichita	Dem.	97	Retired
Tafanelli, Lee, Ozawkie	Rep.	47	Agriculture Biosecurity
Talia, Milack, Merriam	Dem.	23	Business Manager
Tietze, Annie, Topeka	Dem.	56	Teacher
Trimmer, Ed, Winfield	Dem.	78	Retired Educator
Vickrey, Jene, Louisburg	Rep.	6	Floor Covering
Ward, Jim, Wichita	Dem.	88	Attorney
Wetta, Vincent, Wellington	Dem.	80	Retired Railroad
, raident,	20111.	50	Engineer
Whitham, Jeff, Garden City	Rep.	123	Banker/Attorney
Williams, Jerry D., Chanute	Dem.	8	Retired
, jerry Di, chanace	D (111.	J	200100

Name and City	Party	Dist.	Occupation
Winn, Valdenia C., Kansas City	Dem.	34	College Professor
Wolf, Bill (William) M., Great Bend	Rep.	112	Retired
Wolf, Kay, Prairie Village	Rep.	21	Business Owner
Worley, Ron, Lenexa	Rep.	30	Retired, City of Lenexa
Yoder, Kevin W., Overland Park	Rep.	20	Attorney

 $<sup>^{\</sup>circ}$  Melanie Meier sworn in January 20, 2010 to replace Don Navinsky, resigned.

#### STANDING COMMITTEES OF THE HOUSE LEGISLATIVE SESSION - 2010

**Aging and Long-term Care:** Bethell, Chairperson; Hill, Vice-chairperson; Bollier, Donohoe, Horst, O'Brien, Schwab, Worley.

Williams, Ranking Minority Member; Carlin, Flaharty, Furtado, Phelps.

**Agriculture and Natural Resources:** Powell, Chairperson; Fund, Vice-chairperson; Bowers, Hayzlett, Hineman, Johnson, Kerschen, Light, Moxley, Prescott, Schroeder, B. Wolf

Lukert, Ranking Minority Member; T. Brown, Maloney, Meier, Palmer, D. Svaty, Wetta.

**Appropriations:** Yoder, Chairperson; Merrick, Vice-chairperson; Crum, DeGraaf, Donohoe, Faber, Hineman, M. Holmes, Kelley, Mast, McLeland, Rhoades, Tafanelli, Whitham.

Feuerborn, Ranking Minority Member; Ballard, Burroughs, Carlin, Dillmore, D. Gatewood, Henry, Lane, Williams.

Calendar and Printing: Merrick, Chairperson; O'Neal, Vice-chairperson; Mast, Siegfreid.

Ward, Ranking Minority Member; Ballard, Davis.

Commerce and Labor: Brunk, Chairperson; Grange, Vice-chairperson; Bowers, Hermanson, Jack, Kerschen, Pottorff, Prescott, Quigley, Schwab, Suellentrop, B. Wolf, Worley. Ruiz, Ranking Minority Member; Garcia, S. Gatewood, Grant, Henderson, Maloney, Swenson, Tietze.

**Corrections and Juvenile Justice:** Colloton, Chairperson; Patton, Vice-chairperson; Bethell, Brookens, Kinzer, Moxley, Roth, Spalding.

McCray-Miller, Ranking Minority Member; Barnes, T. Brown, Frownfelter, Pauls.

**Economic Development and Tourism:** Gordon, Chairperson; Donohoe, Vice-chairperson; George, Hill, Myers, Schwartz, Seiwert, Worley.

Benlon, Ranking Minority Member; Flaharty, Furtado, Slattery, Winn.

**Education:** Aurand, Chairperson; Horst, Vice-chairperson; Bollier, Brookens, Craft, Gordon, Hill, Huebert, Neufeld, Otto, Roth, Spalding, Vickrey.

Winn, Ranking Minority Member; Crow, Flaharty, Loganbill, Mah, Palmer, Phelps, Trimmer.

**Elections:** Huebert, Chairperson; Schwab, Vice-chairperson; Bethell, Brunk, Horst, O'Brien, Otto.

Barnes, Ranking Minority Member; Garcia, Menghini, Peterson.

Energy and Utilities: C. Holmes, Chairperson; Knox, Vice-chairperson; Burgess, Fund, Johnson, Moxley, Myers, O'Brien, Olson, Proehl, Seiwert, Sloan, Swanson.

Kuether, Ranking Minority Member; T. Brown, Finney, Long, Neighbor, Slattery, Talia, Wetta.

**Federal and State Affairs:** Neufeld, Chairperson; Kiegerl, Vice-chairperson; Bowers, A. Brown, Brunk, Carlson, Fund, Hill, M. Holmes, Huebert, Knox, O'Brien, Olson. Loganbill, Ranking Minority Member; Benlon, Grant, Henderson, Peterson, Ruiz, Swenson, Tietze.

**Financial Institutions:** A. Brown, Chairperson; Proehl, Vice-chairperson; DeGraaf, Goico, Hermanson, Olson, Peck, Shultz.

Grant, Ranking Minority Member; Burroughs, Dillmore, Neighbor, Swenson.

Government Efficiency and Fiscal Oversight: Morrison, Chairperson; Burgess, Vicechairperson; Craft, Neufeld, Roth, Sloan, Spalding, Vickrey.

Trimmer, Ranking Minority Member; S. Gatewood, Loganbill, McCray-Miller, Ruiz.

**Health and Human Services:** Landwehr, Chairperson; Crum, Vice-chairperson; Donohoe, Gordon, Hermanson, Jack, Mast, Morrison, Otto, Quigley, Rhoades, Schwab, Schroeder, Shultz.

Flaharty, Ranking Minority Member; Finney, Furtado, Mah, Neighbor, Slattery, Trimmer, Ward, Winn.

**Insurance:** Shultz, Chairperson; Peck, Vice-chairperson; A. Brown, Brunk, DeGraaf, Hermanson, Olson, Proehl.

Swenson, Ranking Minority Member; Burroughs, Davis, Grant, Neighbor.

Interstate Cooperation: Siegfreid, Chairperson; Merrick, Vice-chairperson; Mast, O'Neal.

Crow, Ranking Minority Member; Davis, Ward.

**Judiciary:** Kinzer, Chairperson; Whitham, Vice-chairperson; Brookens, Colloton, Grange, Jack, King, Kleeb, Patton, Suellentrop, K. Wolf, Yoder.

Pauls, Ranking Minority Member; Crow, Goyle, Kuether, Talia, Tietze, Ward.

**Local Government:** Schwartz, Chairperson; M. Holmes, Vice-chairperson; Goico, Gordon, Huebert, Otto, Seiwert.

Garcia, Ranking Minority Member; Mah, Peterson, Slattery.

Rules and Journal: Shultz, Chairperson; Kinzer, Whitham.

Pauls, Vice-chairperson; Trimmer.

**Taxation:** Carlson, Chairperson; King, Vice-chairperson; A. Brown, George, Goico, Hayzlett, Kleeb, Light, Peck, Powell, Schroeder, Schwartz, Siegfreid, K. Wolf.

Menghini, Ranking Minority Member; Benlon, Frownfelter, Furtado, Hawk, Lukert, McCray-Miller, Rardin, D. Svaty.

**Transportation:** Hayzlett, Chairperson; Vickrey, Vice-chairperson; Burgess, Kerschen, King, Kleeb, Peck, Prescott, Proehl, Schwartz, Swanson, B. Wolf, Worley.

Long, Ranking Minority Member; Ballard, Henry, Maloney, Menghini, Palmer, Rardin, Wetta.

Veterans, Military and Homeland Security: Myers, Chairperson; Goico, Vice-chairperson; Bollier, Craft, George, Horst, Seiwert, Tafanelli, K. Wolf. Goyle, Ranking Minority Member; Crow, Garcia, S. Gatewood, Meier, Phelps.

**Vision 2020:** Sloan, Chairperson; George, Vice-chairperson; Bollier, Craft, Goico, Horst, Seiwert, Tafanelli, K. Wolf.

Hawk, Ranking Minority Member; D. Gatewood, S. Gatewood, Goyle, Meier, D. Svaty.

**Agriculture and Natural Resources Budget:** Faber, Chairperson; Powell, Vice-chairperson; Grange, C. Holmes, Light.

Carlin, Ranking Minority Member; Lukert, Williams.

**Education Budget:** McLeland, Chairperson; Aurand, Vice-chairperson; Carlson, Landwehr, Siegfreid.

Lane, Ranking Minority Member; Feuerborn, Rardin.

**General Government Budget:** Whitham, Chairperson; Kelley, Vice-chairperson; Hineman, Pottorff, Suellentrop.

Burroughs, Ranking Minority Member; Dillmore, Talia.

**Legislative Budget:** Yoder, Chairperson; Merrick, Vice-chairperson; Mast, O'Neal, Siegfreid.

Davis, Ranking Minority Member; Phelps, Ward.

Social Services Budget: Mast, Chairperson; Rhoades, Vice-chairperson; Crum, Kiegerl, Knox.

Henry, Ranking Minority Member; Ballard, Hawk.

**Transportation and Public Safety Budget:** Tafanelli, Chairperson; Swanson, Vicechairperson; Faber, Pottorff, Quigley.

D. Gatewood, Ranking Minority Member; Finney, Frownfelter.

#### SELECT COMMITTEES

**Select Committee on KPERS:** Schwartz, Chairperson; Shultz, Vice-chairperson; Carlson, Olson, Proehl, Whitham.

Flaharty, Ranking Minority Member; Lane, Long.

#### JOINT COMMITTEES

**Joint Committee on Administrative Rules & Regulations:** C. Holmes, Vice-Chair; Faber, Huebert, Palmer, Patton; Pauls, Trimmer.

Senate members: V. Schmidt, Chairperson; Brownlee, Ostmeyer; Lee, Steineger.

**Joint Committee on Arts & Cultural Resources:** Horst, Vice-Chair; Gordon, Swanson; Carlin, Furtado.

Senate members: Schodorf, Chairperson; Lynn, Umbarger; Faust-Goudeau, Francisco.

Joint Committee on Children's Issues: Kiergerl, Vice-Chair; DeGraaf, Otto; Crow, Winn.

Senate members: Lynn, Chairperson; Reitz, Wagle; Haley, Faust-Goudeau.

**Joint Committee on Corrections & Juvenile Justice Oversight:** Colloton, Vice-Chair; Craft, Grange, Patton; D. Gatewood, Henry, Ward.

Senate members: Brungardt, Chairperson; Brownlee, Bruce, Owens, Kelsey; Haley, Lee.

**Joint Committee on Economic Development:** Gordon, Vice-Chair; Donohoe, George, Schwartz, Seiwert; Benlon, Slattery, Winn.

Senate members: Brownlee, Chairperson; Lynn, Marshall; Faust-Goudeau, Holland.

**Joint Committee on Energy and Environmental Policy:** C. Holmes, Vice-Chair; M. Holmes, Knox, Sloan; Neighbor, Wetta.

Senate members: McGinn, Chairperson; Apple, Reitz, Taddiken; Lee.

Joint Committee on Health Policy Oversight: Landwehr, Chairperson; Bethell, Hill, Mast; Ruiz, Ward.

Senate members: Barnett, Vice-Chair; V. Schmidt, Reitz, Colyer; Haley, Kelly.

Joint Committee on Home and Community Based Services Oversight: Bethell, Chairperson; Landwehr, Mast; Henry, McCray-Miller.

Senate members: McGinn, Vice-Chair; Umbarger; Kelly, Kultala.

**Joint Committee on Information Technology:** McLeland, Vice-Chair; Burgess, Morrison; Dillmore, Lane.

Senate members: Huelskamp, Chairperson; Petersen, V. Schmidt; Holland, Steineger.

Joint Committee on Kansas Security: Goico, Vice-Chair; Johnson, Tafanelli; Loganbill, Menghini.

Senate members: Emler, Chairperson, McGinn, Owens; Lee, Hensley.

**Legislative Post Audit:** Grange, Vice-Chair; Mast, Peck; Burroughs, Mah. Senate members: Bruce, Chairperson; D. Schmidt, Umbarger; Hensley, Steineger.

**Joint Committee on Pensions, Investments & Benefits:** Olson, Vice-Chair; Carlson, Proehl, Schwartz, Whitham; Flaharty, Long, Swenson.

Senate members: Morris, Chairperson; Teichman, Emler; Kelly, Hensley.

**Joint Committee on Special Claims Against the State:** M. Holmes, Vice-Chair; Fund, Huebert, King, Patton; Feuerborn, Grant, Henderson.

Senate members: Owens, Chairperson; Bruce, Masterson, Pyle; Kultala.

**Joint Committee on State Building Construction:** Pottorff, Vice-Chair; Brunk, M. Holmes; Feuerborn, Grant.

Senate members: Umbarger, Chairperson; Apple, Emler; Francisco, Kelly.

**Joint Committee on State-Tribal Relations:** Knox, Chairperson; Rhoades, K. Wolf; Barnes, Lukert.

Senate members: Brungardt, Vice-Chair; Pyle, Vratil; Haley, Kultala.

## HOUSE MEMBERSHIP INFORMATION 2010 SESSION

## DSOB is 7th Floor, Docking State Office Building R.M. Member denotes Ranking Minority Member.

Aurand, Clay 1995 Education Education Budget 2010 Commission	Office: 174-W District: 109 Chair Vice-Chair Member	<b>785-296-7672</b> <b>Republican</b> 9:00 a.m. 3:30 p.m. On Call	DSOB 711 159-S
Ballard, Barbara 1993 Appropriations Transportation Social Services Budget Calendar & Printing	Office: 451-S District: 44 Member Member Member Member	<b>785-296-7697 Democrat</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	346-S DSOB 783 DSOB 785
Barnes, Melany 1999-2002; 10/17/2009 Corrections & Juvenile Justice Elections Jt. Comm. on State-Tribal Relations	Office: DSOB District: 95 Member R.M. Member Member	<b>785-296-7122 Democrat</b> 1:30 p.m. 3:30 p.m. M/W On Call	144-S 144-S
Benlon, Lisa 1991-2002 (R); 2009(D) Taxation Federal & State Affairs Economic Devel. & Tourism Jt. Comm. on Economic Devel.	Office: 452-S District: 22 Member Member R.M. Member Member	<b>785-296-7647 Democrat</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W On Call	DSOB 783 346-S 152-S
Bethell, Bob 1999 Corrections & Juvenile Justice Elections Aging & Long Term Care Jt. Comm. on Health Policy Oversight Jt. Comm. on Home & Comm.	Office: 55-S District: 113 Member Member Chair Member Based Services Oversight	<b>785-296-7616 Republican</b> 1:30 p.m. 3:30 p.m. M/W 3:30 p.m. T/R On Call Chair	144-S 144-S DSOB 784 On Call
Bollier, Barbara 1/11/2010 Education Vision 2020 Veterans, Military & Homeland Security Aging & Long Term Care	Office: DSOB District: 25 Member Member Member	785-296-7690 Republican 9:00 a.m. 1:30 p.m. M/W 1:30 p.m. T/R 3:30 p.m. T/R	DSOB 711 DSOB 785 DSOB 785 DSOB 784
Bowers, Elaine 2007 Commerce & Labor Federal & State Affairs Ag. & Natural Resources	Office: 54-S District: 107 Member Member Member	<b>785-296-7642 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	DSOB 784 346-S DSOB 783

Brookens, J. 2009 Education Corrections & Juvenile Justice Judiciary	Office: DSOB District: 70 Member Member Member	<b>785-296-7699 Republican</b> 9:00 a.m. DSOB 711 1:30 p.m. 144-S 3:30 p.m. 346-S
Brown, Anthony 2005 Taxation Federal & State Affairs Financial Institutions Insurance	Office: 151-S District: 38 Member Member Chair Member	<b>Republican</b> 9:00 a.m. DSOB 783 1:30 p.m. 346-S 3:30 p.m. M/W DSOB 784 3:30 p.m. T/R 152-S
Brown, Tony 2009 Energy & Utilities Ag. & Natural Resources Corrections & Juvenile Justice	Office: DSOB District: 10 Member Member Member	785-296-7648         Democrat       DSOB 785         3:30 p.m.       DSOB 783         1:30 p.m.       144-S
Brunk, Steven 2003 Commerce & Labor Federal & State Affairs Elections Insurance Jt. Comm. on State Building Construction	Office: 166-W District: 85 Chair Member Member Member Member	<b>Republican</b> 9:00 a.m. DSOB 784 1:30 p.m. 346-S 3:30 p.m. M/W 144-S 3:30 p.m. T/R 152-S On Call
Burgess, Mike 2003 Energy & Utilities Transportation Gov't. Efficiency & Fiscal Oversight Jt. Comm. on Information Tech.	Office: DSOB District: 51 Member Member Vice-Chair Member	<b>785-296-7653 Republican</b> 9:00 a.m. DSOB 785  1:30 p.m. DSOB 783  3:30 p.m. 546-S  On Call
Burroughs, Tom 1997 Appropriations General Government Budget Insurance Financial Institutions Jt. Comm. on Legislative Post Audit	Office: 43-S District: 33 Member R.M. Member Member Member Member	<b>785-296-7885 Democrat</b> 9:00 a.m. 346-S 1:30 p.m. 159-S 3:30 p.m. T/R 152-S 3:30 p.m. M/W DSOB 784 On Call
Carlin, Sydney 2003 Appropriations Ag. & Natural Resources Budget Aging & Long Term Care Jt. Comm. on Arts & Cultural Resources	Office: 451-S District: 66 Member R.M. Member Member Member	<b>785-296-7657 Democrat</b> 9:00 a.m. 346-S  1:30 p.m. 142-S  3:30 p.m. T/R DSOB 784  On Call

Carlson, Richard 2005 Taxation Federal & State Affairs Education Budget Select Committee on KPERS Jt. Comm. on Pensions, Investments & Benefits	Office: 274-W District: 61 Chair Member Member Member Member	<b>785-296-7660 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call On Call	DSOB 783 346-S 159-S
Colloton, Pat 2005 Corrections & Juvenile Justice Judiciary Jt. Comm. on Corrections & Juvenile Justice Oversight	Office: 151-S District: 28 Chair Member Vice-Chair	<b>785-296-7631 Republican</b> 1:30 p.m. 3:30 p.m. On Call	144-S 346-S
Craft, Barbara 2003 Education Vision 2020 Veterans, Military & Homeland Security Gov't. Efficiency & Fiscal Oversight	Office: 54-S District: 65 Member Member Member	<b>785-296-7642 Republican</b> 9:00 a.m. 1:30 p.m. M/W 1:30 p.m. T/R 3:30 p.m.	DSOB 711 DSOB 785 DSOB 785
Crow, Marti 1997 Education Veterans, Military & Homeland Security Judiciary Interstate Cooperation Jt. Comm. on Children's Issues	Office: DSOB District: 41 Member Member Member R.M. Member Member	785-296-7643 Democrat 9:00 a.m. 1:30 p.m. T/R 3:30 p.m. On Call On Call	DSOB 711 DSOB 785 346-S
Crum, J. David 2007 Appropriations Health & Human Services Social Services Budget	Office: 165-W District: 77 Member Vice-Chair Member	<b>785-296-6014 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	346-S DSOB 784 DSOB 785
Davis, Paul 2003 Calendar & Printing Legislative Budget Interstate Cooperation Insurance	Office: 359-W District: 46 Member R.M. Member Member Member	785-296-7630 Democrat On Call On Call On Call 3:30 p.m. T/R	152-S
DeGraaf, Peter 5/29/2008 Appropriations Financial Institutions Insurance Jt. Comm. on Children's Issues	Office: DSOB District: 81 Member Member Member Member Member	<b>785-296-7653 Republican</b> 9:00 a.m. 3:30 p.m. M/W 3:30 p.m. T/R On Call	346-S DSOB 784 152-S

Dillmore, Nile 2001 Financial Institutions Jt. Comm. on Information Tech. Appropriations General Government Budget	Office: 452-S District: 92 Member Member Member Member	<b>785-296-7647 Democrat</b> 3:30 p.m. M/W On Call 9:00 a.m. 1:30 p.m.	DSOB 784 346-S 159-S
Donohoe, Owen 2007 Appropriations Health & Human Services Economic Devel. & Tourism Aging & Long Term Care Jt. Comm. on Economic Devel.	Office: 173-W District: 39 Member Member Vice-Chair Member Member Member	<b>785-296-7682 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W 3:30 p.m. T/R On Call	346-S DSOB 784 152-S DSOB 784
Faber, John 1997 Appropriations Ag. & Natural Resources Budget Transp. & Public Safety Budget Jt. Comm. on Administrative Rules & Regulations	Office: 167-W District: 120 Member Chair Member Member	<b>785-296-7500</b> <b>Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	346-S 142-S 142-S
Feuerborn, Bill 6/4/94 Appropriations Education Budget Legislative Budget Jt. Comm. on Special Claims Against the State Jt. Comm. on State Building Construction	Office: 47-S District: 5 R.M. Member Member Member Member Member	785-296-7688 <b>Democrat</b> 9:00 a.m. 3:30 p.m. On Call On Call	346-S 159-S
Finney, Gail 2009 Energy & Utilities Health & Human Services Transp. & Public Safety Budget Flaharty, Geraldine 11/21/1995	Office: DSOB District: 84 Member Member Member Office: DSOB District: 98	785-296-7668 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. 785-296-7651 Democrat	DSOB 785 DSOB 784 142-S
Education Health & Human Services Aging & Long Term Care Select Committee on KPERS Economic Devel. & Tourism Jt. Comm. on Pensions, Investments & Benefits	Member R.M. Member Member R.M. Member Member Member	9:00 a.m. 1:30 p.m. 3:30 p.m. T/R On Call 3:30 p.m. M/W On Call	DSOB 711 DSOB 784 DSOB 784 152-S
Frownfelter, Stan 2007 Taxation Corrections & Juvenile Justice Transp. & Public Safety Budget	Office: DSOB District: 31 Member Member Member	<b>785-296-7677 Democrat</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	DSOB 783 144-S 142-S

Fund, Rocky 2007 Energy & Utilities Federal & State Affairs Ag. & Natural Resources Jt. Comm. on Special Claims Against the State	Office: 168-W District: 50 Member Member Vice-Chair Vice-Chair	785-296-7671         Republican       DSOB 785         9:00 a.m.       DSOB 785         1:30 p.m.       346-S         3:30 p.m.       DSOB 783         On Call
Furtado, Dolores 2009 Taxation Health & Human Services Aging & Long Term Care Economic Devel. & Tourism Jt. Comm. on Arts & Cultural Resources	Office: DSOB District: 19 Member Member Member Member Member	785-296-7677  Democratic  9:00 a.m. DSOB 783  1:30 p.m. DSOB 784  3:30 p.m. T/R DSOB 784  3:30 p.m. M/W 152-S  On Call
Garcia, Delia 2005 Commerce & Labor Veterans, Military & Homeland Security Local Government Elections	Office: 451-S District: 103 Member Member R.M. Member Member	785-296-6838 Democrat 9:00 a.m. DSOB 784 1:30 p.m. T/R DSOB 785 3:30 p.m. T/R 144-S 3:30 p.m. M/W 144-S
Gatewood, Doug 1999 Appropriations Vision 2020 Transp. & Public Safety Budget Jt. Comm. on Corrections & Juvenile Justice Oversight	Office: 43-S District: 1 Member Member R.M. Member Member	785-296-7698 Democrat 9:00 a.m. 346-S 1:30 p.m. M/W DSOB 785 3:30 p.m. 142-S On Call
Appropriations Vision 2020 Transp. & Public Safety Budget Jt. Comm. on Corrections & Juvenile	District: 1 Member Member R.M. Member	Democrat       9:00 a.m.     346-S       1:30 p.m.     M/W DSOB 785       3:30 p.m.     142-S

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Goico, Mario	Office: 168-W	785-296-7663
2003	District: 100	Republican
Taxation Vision 2020	Member Member	9:00 a.m. DSOB 783 1:30 p.m. M/W DSOB 785
Veterans, Military & Homeland	Vice-Chair	1:30 p.m. T/R DSOB 785
Security		
Financial Institutions	Member	3:30 p.m. M/W DSOB 784
Local Government	Member	3:30 p.m. T/R 144-S On Call
Jt. Comm. on Kansas Security	Vice-Chair	On Call
Gordon, Lana	Office: 151-S	785-296-7652
2001	District: 52	Republican
Education	Member	9:00 a.m. DSOB 711
Health & Human Services	Member	1:30 p.m. DSOB 784
Economic Devel. & Tourism	Chair Member	3:30 p.m. M/W 152-S
Local Government	Member Vice-Chair	3:30 p.m. T/R 144-S On Call
Jt. Comm. on Arts & Cultural Resources	vice-Chair	Oli Cali
Jt. Comm. on Economic Devel.	Vice-Chair	On Call
Goyle, Raj	Office: DSOB	785-296-7648
2007	District: 87	Democrat
Vision 2020	Member	1:30 p.m. M/W DSOB 785
Veterans, Military & Homeland	R.M. Member	1:30 p.m. T/R DSOB 785
Security		
Judiciary	Member	3:30 p.m. 346-S
Grange, John	Office: 268-W	785-296-7655
2005	District: 75	Republican
Commerce & Labor	Vice-Chair	9:00 a.m. DSOB 784
Ag. & Natural Resources Budget	Member	1:30 p.m. 142-S
Judiciary	Member	3:30 p.m. 346-S On Call
Jt. Comm. on Corrections & Juvenile	Member	On Call
Justice Oversight Jt. Comm. on Legislative Post Audit	Member	On Call
Grant, Robert	Office: 451-S	785-296-7650
7/18/91-1994; 1997	District: 2	Democrat
Commerce & Labor	Member	9:00 a.m. DSOB 784
Federal & State Affairs	Member	1:30 p.m. 346-S
Financial Institutions	R.M. Member	3:30 p.m. M/W DSOB 784
Insurance	Member	3:30 p.m. T/R 152-S
Jt. Comm. on Special Claims Against	Member	On Call
the State	3.6 1	
Jt. Comm. on State Building Construction	Member	On Call
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Hawk, Tom	Office: DSOB	785-296-7665
2005	District: 67 Member	Democrat 9:00 a.m. DSOB 783
Taxation Vision 2020	R.M. Member	9:00 a.m. DSOB 783 1:30 p.m. M/W DSOB 785
Social Services Budget	Member	3:30 p.m. DSOB 785
Hayzlett, Gary	- 00-	785-296-7640
	Office: 274-W	
1991	Office: 274-W District: 122	
1991 Taxation	District: 122	Republican
Taxation		<b>Republican</b> 9:00 a.m. DSOB 783
	<b>District: 122</b> Member	<b>Republican</b> 9:00 a.m. DSOB 783

Henderson, Broderick 1995 Commerce & Labor Federal & State Affairs Jt. Comm. on Special Claims Against the State	Office: 451-S District: 35 Member Member Member	<b>785-296-7697 Democrat</b> 9:00 a.m. 1:30 p.m. On Call	DSOB 784 346-S
Henry, Jerry 1993 Appropriations Transportation Social Services Budget Jt. Comm. on Corrections & Juvenile Justice Oversight Joint Committee on Home & Comm. Based Services Oversight	Office: 47-S District: 63 Member Member R.M. Member Member Member	785-296-7688 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	346-S DSOB 783 DSOB 785
Hermanson, Phil 2009 Commerce & Labor Health & Human Services Financial Institutions Insurance	Office: DSOB District: 96 Member Member Member Member	<b>785-296-7699 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W 3:30 p.m. T/R	DSOB 784 DSOB 784 DSOB 784 152-S
Hill, Don 2003 Education Federal & State Affairs Economic Devel. & Tourism Aging & Long Term Care Jt. Comm. on Health Policy Oversight	Office: 54-S District: 60 Member Member Member Vice-Chair Member	<b>785-296-7636 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W 3:30 p.m. T/R On Call	DSOB 711 346-S 152-S DSOB 784
Hineman, Don 2009 Appropriations General Government Budget Ag. & Natural Resources	Office: DSOB District: 118 Member Member Member	<b>785-296-7690 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	346-S 159-S DSOB 783
Holmes, Carl 1985 Energy & Utilities Ag. & Natural Resources Budget Jt. Comm. on Administrative Rules & Regulations Joint Committee on Energy & Environmental Policy	Office: 174-W District: 125 Chair Member Vice-Chair Vice-Chair	<b>785-296-7670 Republican</b> 9:00 a.m. 1:30 p.m. On Call	DSOB 785 142-S
Holmes, Mitch 2005 Appropriations Federal & State Affairs Local Government Joint Committee on Energy & Environmental Policy Jt. Comm. on Special Claims Against the State	Office: 268-W District: 114 Member Member Vice-Chair Member Vice-Chair	785-296-7667 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. T/R On Call	346-S 346-S 144-S

Horst, Deena 1995 Education Vision 2020 Veterans, Military & Homeland Security Elections Aging & Long Term Care Jt. Comm. on Arts & Cultural Resources	Office: 176-W District: 69 Vice-Chair Member Member Member Vice-Chair Vice-Chair	785-296-7501 Republican 9:00 a.m. DSOB 711 1:30 p.m. M/W DSOB 785 1:30 p.m. T/R DSOB 785 3:30 p.m. M/W 144-S 3:30 p.m. T/R DSOB 784 On Call
Huebert, Steve 2001 Education Federal & State Affairs Elections Local Government Jt. Comm. on Administrative Rules & Regulations Jt. Comm. on Special Claims Against the State	Office: 149-S District: 90 Member Member Chair Member Member	785-296-1754         Republican         9:00 a.m.       DSOB 711         1:30 p.m.       346-S         3:30 p.m. M/W 144-S       144-S         On Call       On Call
Jack, Aaron 2009 Commerce & Labor Health & Human Services Judiciary	Office: DSOB District: 99 Member Member Member	<b>785-296-7644 Republican</b> 9:00 a.m. DSOB 784 1:30 p.m. DSOB 784 3:30 p.m. 346-S
Johnson, Dan 1997 Energy & Utilities Ag. & Natural Resources Jt. Comm. on Kansas Security	Office: 167-W District: 110 Member Member Member	<b>785-296-7649 Republican</b> 9:00 a.m. DSOB 785 3:30 p.m. DSOB 783 On Call
Kelley, Kasha 2005 Appropriations General Government Budget	Office: 167-W District: 79 Member Vice-Chair	<b>Republican</b> 9:00 a.m. 346-S 1:30 p.m. 159-S
Kerschen, Dan 2009 Commerce & Labor Transportation Ag. & Natural Resources	Office: DSOB District: 93 Member Member Member	<b>785-296-7644 Republican</b> 9:00 a.m. DSOB 784 1:30 p.m. DSOB 783 3:30 p.m. DSOB 783
Kiegerl, S. Mike 2005 Federal & State Affairs Social Services Budget Jt. Comm. on Children's Issues	Office: 173-W District: 43 Vice-Chair Member Vice-Chair	<b>785-296-7682 Republican</b> 1:30 p.m. 346-S 3:30 p.m. DSOB 785 On Call
King, Jeff 2007 Taxation Transportation Judiciary Jt. Comm. on Special Claims Against the State	Office: 268-W District: 12 Vice-Chair Member Member Member	785-296-7667         Republican       DSOB 783         9:00 a.m.       DSOB 783         1:30 p.m.       DSOB 783         3:30 p.m.       346-S         On Call       346-S

Kinzer, Lance 7/27/2004 Corrections & Juvenile Justice Judiciary Rules & Journal	Office: 165-W District: 14 Member Chair Member	<b>785-296-7692</b> <b>Republican</b> 1:30 p.m. 3:30 p.m. On Call	144-S 346-S
Kleeb, Marvin 2009 Taxation Transportation Judiciary	Office: DSOB District: 48 Member Member Member	<b>785-296-7656 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	DSOB 783 DSOB 783 346-S
Knox, Forrest 2005  Energy & Utilities Federal & State Affairs Social Services Budget Joint Committee on Energy & Environmental Policy Jt. Comm. on State-Tribal Relations	Office: 167-W District: 13 Vice-Chair Member Member Member Chair	<b>785-296-7671 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	DSOB 785 346-S DSOB 785
Kuether, Annie 1997 Energy & Utilities Judiciary	Office: 452-S District: 55 R.M. Member Member	<b>785-296-7669 Democrat</b> 9:00 a.m. 3:30 p.m.	DSOB 785 346-S
Landwehr, Brenda 1995 Health & Human Services Education Budget Jt. Comm. on Health Policy Oversight Joint Committee on Home & Comm. Based Services Oversight	Office: 151-S District: 91 Chair Member Chair Member	<b>785-296-7683 Republican</b> 1:30 p.m. 3:30 p.m. On Call On Call	DSOB 784 159-S
Lane, Harold 8/20/2003 Appropriations Education Budget Select Committee on KPERS Jt. Comm. on Information Tech.	Office: 43-S District: 58 Member R.M. Member Member Member	<b>785-296-7698 Democrat</b> 9:00 a.m. 3:30 p.m. On Call On Call	346-S 159-S
Light, Bill 1999 Taxation Ag. & Natural Resources Budget Ag. & Natural Resources	Office: 54-S District: 124 Member Member Member	<b>785-296-7636 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	DSOB 783 142-S DSOB 783
Loganbill, Judith 2001 Education Federal & State Affairs Gov't. Efficiency & Fiscal Oversight Jt. Comm. on Kansas Security	Office: 452-W District: 86 Member R.M. Member Member Member	<b>785-296-7669 Democrat</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	DSOB 711 346-S 546-S

Long, Margaret 2/9/1998 Energy & Utilities Transportation Select Committee on KPERS Jt. Comm. on Pensions, Investments & Benefits	Office: DSOB District: 36 Member R.M. Member Member Member	<b>785-296-7643 Democrat</b> 9:00 a.m. 1:30 p.m. On Call On Call	DSOB 785 DSOB 783
Lukert, Steve 1/3/06 Taxation Ag. & Natural Resources Budget Ag. & Natural Resources Jt. Comm. on State-Tribal Relations	Office: DSOB District: 62 Member Member R.M. Member Member	<b>785-296-7651 Democrat</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	DSOB 783 142-S DSOB 783
Mah, Ann 2005 Education Local Government Health & Human Services Jt. Comm. on Legislative Post Audit	Office: DSOB District: 53 Member Member Member Member	<b>785-296-7668 Democrat</b> 9:00 a.m. 3:30 p.m. T/R 1:30 p.m. On Call	DSOB 711 144-S DSOB 784
Maloney, Patrick 2009 Commerce & Labor Transportation Ag. & Natural Resources	Office: DSOB District: 116 Member Member Member	<b>785-296-7651 Democrat</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	DSOB 784 DSOB 783 DSOB 783
Mast, Peggy 1997 Appropriations Health & Human Services Social Services Budget Calendar & Printing Interstate Cooperation Legislative Budget Jt. Comm. on Health Policy Oversight Jt. Comm. On Legislative Post Audit Jt. Comm. on Home & Comm. Based Services	Office: DSOB District: 76 Member Member Chair Member Member Member Member Member Member Member Member	785-296-7685 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call On Call On Call On Call On Call	346-S DSOB 784 DSOB 785
McCray-Miller, Melody 2005 Taxation Corrections & Juvenile Justice Gov't. Efficiency & Fiscal Oversight	Office: DSOB District: 89 Member R.M. Member Member	<b>785-296-7687 Democrat</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	DSOB 783 144-S 546-S
McLeland, Joe 2001 Appropriations Education Budget Jt. Comm. on Information Tech.	Office: 458-W District: 94 Member Chair Vice-Chair	<b>785-296-7681 Republican</b> 9:00 a.m. 3:30 p.m. On Call	346-S 159-S

Meier, Melanie 2009 (resigned 2/21/09); 1/20/10 Vision 2020 Veterans, Military & Homeland Security Ag. & Natural Resources	Office: DSOB District: 40 Member Member Member	785-296-7668 Democrat 1:30 p.m. M/W DSOB 785 1:30 p.m. T/R DSOB 785 3:30 p.m. DSOB 783
Menghini, Julie 2005 Taxation Transportation Elections Jt. Comm. on Kansas Security	Office: DSOB District: 3 R.M. Member Member Member Member	<b>785-296-7687 Democrat</b> 9:00 a.m. DSOB 783 1:30 p.m. DSOB 783 3:30 p.m. M/W 144-S On Call
Merrick, Ray 1/6/2000 Appropriations Calendar & Printing Interstate Cooperation Legislative Budget	Office: 372-W District: 27 Vice-Chair Chair Vice-Chair Vice-Chair	<b>785-296-7662 Republican</b> 9:00 a.m. 346-S On Call On Call On Call
Morrison, Jim 9/4/1992 Health & Human Services Gov't. Efficiency & Fiscal Oversight Jt. Comm. on Information Tech.	Office: 274-W District: 121 Member Chair Member	<b>785-296-7676 Republican</b> 1:30 p.m. DSOB 784 3:30 p.m. 546-S On Call
Moxley, Tom	Office: DSOB	785-296-7696
2007 Energy & Utilities Corrections & Juvenile Justice Ag. & Natural Resources	District: 68 Member Member Member	Republican         9:00 a.m.       DSOB 785         1:30 p.m.       144-S         3:30 p.m.       DSOB 783
Energy & Utilities Corrections & Juvenile Justice	Member Member	9:00 a.m. DSOB 785 1:30 p.m. 144-S
Energy & Utilities Corrections & Juvenile Justice Ag. & Natural Resources  Myers, Don 1993 Energy & Utilities Economic Devel. & Tourism Veterans, Military & Homeland	Member Member Member Office: 561-W District: 82 Member Member	9:00 a.m. DSOB 785 1:30 p.m. 144-S 3:30 p.m. DSOB 783 785-296-7695 Republican 9:00 a.m. DSOB 785 3:30 p.m. M/W 152-S

O'Brien, Connie 2009 Energy & Utilities Federal & State Affairs Elections Aging & Long Term Care	Office: DSOB District: 42 Member Member Member Member Member	785-296-7656         Republican       DSOB         9:00 a.m.       DSOB         1:30 p.m.       346-S         3:30 p.m. M/W       144-S         3:30 p.m. T/R       DSOB	
O'Neal, Michael 1985 Calendar & Printing Interstate Cooperation Legislative Budget	Office: 370-W District: 104 Vice-Chair Member Member	296-2302 Republican On Call On Call On Call	
Olson, Robert (Rob) 2005 Energy & Utilities Federal & State Affairs Financial Institutions Insurance Select Committee on KPERS Jt. Comm. on Pensions, Investments & Benefits	Office: 561-W District: 26 Member Member Member Member Member Vice-Chair	785-296-7632         Republican       9:00 a.m.       DSOB         1:30 p.m.       346-S         3:30 p.m. M/W       DSOB         3:30 p.m. T/R       152-S         On Call         On Call	
Otto, Bill 2005 Education Health & Human Services Elections Local Government Jt. Comm. on Children's Issues	Office: DSOB District: 9 Member Member Member Member Member Member	785-296-7656         Republican       DSOB         9:00 a.m.       DSOB         1:30 p.m.       M/W       144-S         3:30 p.m.       T/R       144-S         On Call	
Palmer, Shirley 2007  Ag. & Natural Resources Education Transportation Jt. Comm. on Administrative Rules & Regulations	Office: DSOB District: 4 Member Member Member Member	785-296-7646  Democrat 3:30 p.m. DSOB 9:00 a.m. DSOB 1:30 p.m. DSOB On Call	711
Patton, Joe 2007 Corrections & Juvenile Justice Judiciary Jt. Comm. on Administrative Rules & Regulations Jt. Comm. on Corrections & Juvenile Justice Oversight Jt. Comm. on Special Claims Against the State	Office: 459-W District: 54 Vice-Chair Member Member Member	785-296-7641 Republican 1:30 p.m. 144-S 3:30 p.m. 346-S On Call On Call	

Pauls, Janice 9/4/1991 Corrections & Juvenile Justice Judiciary Rules & Journal Jt. Comm. on Corrections & Juvenile Justice Oversight Jt. Comm. on Administrative Rules & Regulations	Office: 451-S District: 102 Member R.M. Member Vice-Chair Member Member	<b>785-296-7657 Democrat</b> 1:30 p.m. 3:30 p.m. On Call On Call	144-S 346-S
Peck, Virgil 2005 Taxation Transportation Financial Institutions Insurance Jt. Comm. on Legislative Post Audit	Office: 459-W District: 11 Member Member Member Vice-Chair Vice-Chair	<b>785-296-7641 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W 3:30 p.m. T/R On Call	DSOB 783 DSOB 783 DSOB 784 152-S
Peterson, Michael 1979-1990;2005 Federal & State Affairs Local Government Elections	Office: 276-W District: 37 Member Member Member	<b>785-296-7691 Democrat</b> 1:30 p.m. 3:30 p.m. T/R 3:30 p.m. M/W	
Phelps, Eber 1997 Education Veterans, Military & Homeland Security Aging & Long Term Care Legislative Budget	Office: 276-W District: 111 Member Member Member Member	<b>785-296-7691 Democrat</b> 9:00 a.m. 1:30 p.m. T/R 3:30 p.m. T/R On Call	DSOB 711 DSOB 785 DSOB 784
Pottorff, Jo Ann 1985 Commerce & Labor General Government Budget Transp. & Public Safety Budget Jt. Comm. on State Building Construction	Office: 176-W District: 83 Member Member Member Vice-Chair	<b>785-296-7501 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	DSOB 784 159-S 142-S
Powell, Larry 2001 Taxation Ag. & Natural Resources Budget Ag. & Natural Resources Prescott, William 2009 Commerce & Labor Transportation Ag. & Natural Resources	Office: 149-S District: 117 Member Vice-Chair Chair Office: DSOB District: 59 Member Member Member	785-296-7694 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. 785-296-7644 Republican 9:00 a.m. 1:30 p.m.	DSOB 783 142-S DSOB 783 DSOB 784 DSOB 783 DSOB 783
2001 Taxation Ag. & Natural Resources Budget Ag. & Natural Resources Prescott, William 2009 Commerce & Labor	District: 117 Member Vice-Chair Chair Office: DSOB District: 59 Member	Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. 785-296-7644 Republican 9:00 a.m.	142-S DSOB 783 DSOB 784

Proehl, Richard 12/21/05 Energy & Utilities Transportation Financial Institutions Insurance Select Comm. on KPERS Jt. Comm. on Pensions, Investments and Benefits	Office: 50-S District: 7 Member Member Vice-Chair Member Member Member	785-296-7639 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W 3:30 p.m. T/R On Call On Call	DSOB 785 DSOB 783 DSOB 784 152-S
Quigley, Jill 1/15/2008 Commerce & Labor Health & Human Services Transp. & Public Safety Budget	Office: 173-W District: 17 Member Member Member	<b>785-296-7689 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	DSOB 784 DSOB 784 142-S
Rardin, Gene 2007 Taxation Transportation Education Budget Rhoades, Marc	Office: DSOB District: 16 Member Member Member Member Office: 173-W	<b>785-296-7646 Democrat</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	DSOB 783 DSOB 783 159-S
2007 Appropriations Health & Human Services Social Services Budget	<b>District: 72</b> Member Member Vice-Chair	<b>Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	346-S DSOB 784 DSOB 785
Roth, Charles 2/7/2005 Education Corrections & Juvenile Justice Gov't. Efficiency & Fiscal Oversight	Office: 173-W District: 71 Member Member Member	<b>785-296-7689 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	DSOB 711 144-S 546-S
Ruiz, Louis 2005 Commerce & Labor Federal & State Affairs Gov't. Efficiency & Fiscal Oversight Jt. Comm. on Health Policy Oversight	Office: DSOB District: 32 R.M. Member Member Member Member	<b>785-296-7122 Democrat</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	DSOB 784 346-S 546-S
Schroeder, Don 2007 Taxation Health & Human Services Ag. & Natural Resources	Office: 173-W District: 74 Member Member Member	<b>785-296-7689 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	DSOB 783 DSOB 784 DSOB 783
Schwab, Scott 2003-2006; 5/27/2008 Commerce & Labor Health & Human Services Elections Aging & Long Term Care	Office: 561-W District: 49 Member Member Vice-Chair Member	<b>785-296-7632 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W 3:30 p.m. T/R	DSOB 784 DSOB 784 144-S DSOB 784

Schwartz, Sharon 1997 Taxation Transportation Economic Devel. & Tourism Local Government Select Committee on KPERS Jt. Comm. on Pensions, Investments, & Benefits	Office: 149-S District: 106 Member Member Member Chair Chair Member	<b>785-296-7637 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W 3:30 p.m. T/R On Call On Call	DSOB 783 DSOB 783 152-S 144-S
Jt. Comm. on Econ. Devel.	Member	On Call	
Seiwert, Joe 2009 Energy & Utilities Vision 2020 Veterans, Military & Homeland Security Economic Devel. & Tourism Local Government	Office: DSOB District: 101 Member Member Member Member	<b>785-296-7699 Republican</b> 9:00 a.m. 1:30 p.m. M/W 1:30 p.m. T/R 3:30 p.m. M/W 3:30 p.m. T/R	DSOB 785
Shultz, Clark 1997 Health & Human Services Financial Institutions Insurance Rules & Journal Select Committee on KPERS	Office: 166-W District: 73 Member Member Chair Chair Vice-Chair	785-296-7684 Republican 1:30 p.m. 3:30 p.m. M/W 3:30 p.m. T/R On Call On Call	DSOB 784
Siegfreid, Arlen 2003 Taxation Education Budget Calendar & Printing Interstate Cooperation Legislative Budget	Office: 352-S District: 15 Member Member Member Chair Member	785-291-3500 Republican 9:00 a.m. 3:30 p.m. On Call On Call On Call	DSOB 783 159-S
Slattery, Mike 2009 Health & Human Services Economic Devel. & Tourism Local Government Jt. Comm. on Economic Devel. Energy & Utilities	Office: DSOB District: 24 Member Member Member Member Member Member	785-296-7665 <b>Democratic</b> 1:30 p.m. 3:30 p.m. M/W 3:30 p.m. T/R On Call 9:00 a.m.	DSOB 784 152-S 144-S DSOB 785
Sloan, Tom 1995 Energy & Utilities Vision 2020 Gov't. Efficiency & Fiscal Oversight Joint Committee on Energy & Environmental Policy	Office: 55-S District: 45 Member Chair Member Member	<b>785-296-7654</b> <b>Republican</b> 9:00 a.m. 1:30 p.m. M/W 3:30 p.m. On Call	DSOB 785 DSOB 785 546-S
Spalding, Sheryl 2007 Education Corrections & Juvenile Justice Gov't. Efficiency & Fiscal Oversight	Office: 167-W District: 29 Member Member Member	<b>785-296-7649 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	DSOB 711 144-S 546-S

Suellentrop, Gene 12/10/2009 Commerce & Labor General Government Budget Judiciary	Office: DSOB District: 105 Member Member Member	<b>785-296-7690 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	DSOB 784 159-S 346-S
Svaty, Don 08/05/2009 Ag. & Natural Resources Taxation Vision 2020	Office: DSOB District: 108 Member Member Member	<b>785-296-7643 Democrat</b> 3:30 p.m. 9:00 a.m. 1:30 p.m. M/W	DSOB 783 DSOB 783 DSOB 785
Swanson, Vern 2007 Energy & Utilities Transportation Transp. & Public Safety Budget Jt. Comm. on Arts & Cultural Resources	Office: DSOB District: 64 Member Member Vice-Chair Member	<b>785-296-7696</b> <b>Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	DSOB 785 DSOB 783 142-S
Swenson, Dale 1995-2008(R); 2009(D) Commerce & Labor Federal & State Affairs Financial Institutions Insurance Jt. Comm. on Arts & Cultural Resources Jt. Comm. on Pensions, Investment & Benefits	Office: 43-S District: 97 Member Member Member R.M. Member Member Member	785-296-7885 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W 3:30 p.m. T/R On Call	DSOB 784 346-S DSOB 784 152-S
Tafanelli, Lee 2001-2004; 2006 Appropriations Vision 2020 Veterans, Military & Homeland Security Transp. & Public Safety Budget Jt. Comm. on Kansas Security	Office: 50-S District: 47 Member Member Member Chair Member	785-296-7639 Republican 9:00 a.m. 1:30 p.m. M/W 1:30 p.m. T/R 3:30 p.m. On Call	346-S DSOB 785 DSOB 785 142-S
Talia, Milack 2009 Energy & Utilities General Government Budget Judiciary Tietze, Annie 2007 Commerce & Labor Federal & State Affairs Judiciary	Office: DSOB District: 23 Member Member Member Office: DSOB District: 56 Member Member Member Member	785-296-7646 Democratic 9:00 a.m. 1:30 p.m. 3:30 p.m. 785-296-7648 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m.	DSOB 785 159-S 346-S DSOB 784 346-S 346-S

Trimmer, Ed 8/19/2005 Education Health & Human Services Gov't. Efficiency & Fiscal Oversight Rules & Journal Jt. Comm. on Administrative Rules & Regulations	Office: DSOB District: 78 Member Member R.M. Member Member Member	785-296-7122 <b>Democrat</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call On Call	DSOB 711 DSOB 784 546-S
Vickrey, Jene 1993 Education Transportation Gov't. Efficiency & Fiscal Oversight	Office: 165-W District: 6 Member Vice-Chair Member	<b>785-296-6014 Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m.	DSOB 711 DSOB 783 546-S
Ward, Jim 2003  Health & Human Services Judiciary Calendar & Printing Interstate Cooperation Legislative Budget Jt. Comm. on Corrections & Juvenile Justice Oversight	Office: 359-W District: 88 Member Member R.M. Member Member Member Member	785-296-7675 Democrat 1:30 p.m. 3:30 p.m. On Call On Call On Call	DSOB 784 346-S
Jt. Comm. on Health Policy  Wetta, Vincent 2007  Energy & Utilities Transportation Ag. & Natural Resources Joint Committee on Energy & Environmental Policy	Oversight  Office: DSOB District: 80 Member Member Member Member	Member 785-296-7665 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	DSOB 785 DSOB 783 DSOB 783
Whitham, Jeff 2007 Appropriations General Government Budget Judiciary Rules & Journal Jt. Comm. on Pensions, Investments & Benefits Select Comm. on KPERS	Office: 351-S District: 123 Member Chair Vice-Chair Member Member	785-296-7680 <b>Republican</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call On Call	346-S 159-S 346-S
Williams, Jerry 2001 Appropriations Ag. & Natural Resources Budget Aging & Long Term Care	Office: 451-S District: 8 Member Member R.M. Member	<b>785-296-7650 Democrat</b> 9:00 a.m. 1:30 p.m. 3:30 p.m. T/R	346-S 142-S DSOB 784
Winn, Valdenia 2001 Education Health & Human Services Economic Devel. & Tourism Jt. Comm. on Children's Issues Jt. Comm. on Economic Devel.	Office: 451-S District: 34 R.M. Member Member Member Member Member Member	785-296-6838 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W On Call On Call	DSOB 711 DSOB 784 152-S

Wolf, Kay 8/8/2005	Office: 168-W District: 21	785-296-7663 Republican
Taxation	Member	9:00 a.m. DSOB 783
Vision 2020	Member	1:30 p.m. M/W DSOB 785
Veterans, Military & Homeland Security	Member	1:30 p.m. T/R DSOB 785
Judiciary	Member	3:30 p.m. 346-S
Jt. Comm. on State-Tribal Relations	Member	On Call
Wolf, William 2007 Commerce & Labor Transportation	Office: DSOB District: 112 Member Member	<b>Republican</b> 9:00 a.m. DSOB 784 1:30 p.m. DSOB 783
Ag. & Natural Resources	Member	3:30 p.m. DSOB 783
Worley, Ron 2007 Commerce & Labor Transportation Economic Devel. & Tourism Aging & Long Term Care	Office: 168-W District: 30 Member Member Member Member	<b>785-296-7663 Republican</b> 9:00 a.m. DSOB 784  1:30 p.m. DSOB 783  3:30 p.m. M/W 152-S  3:30 p.m. T/R DSOB 784
Yoder, Kevin 2003 Appropriations Judiciary	Office: 351-S District: 20 Chair	785-296-7693 Republican 9:00 a.m. 346-S

# Constitutional Provisions Concerning 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 than 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 (%) 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 twothirds 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.

# 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 ½ 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.

# Rules of the Kansas House of Representatives



State of Kansas
2009-2010
Revised

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# RULES OF THE KANSAS HOUSE OF REPRESENTATIVES 2009-2010

### ARTICLE 1. HOUSE SESSIONS; GENERAL OPERATION

- **Rule 101. Time of Meeting.** The hour of meeting on the first day of each regular session shall be at 2:00 p.m., and on other days, shall be the hour set at adjournment on the previous legislative day except that if no hour of meeting is set at adjournment on the previous legislative day, the hour of meeting shall be 11:00 a.m.
- **Rule 102. Speaker Taking Chair.** The Speaker shall take the chair each day, at the hour to which the House has adjourned. The Speaker shall call the House to order and proceed to business in accordance with the Rules of the House.
- **Rule 103. First Business.** The first business each legislative day shall be the taking of the roll, the taking of roll shall be followed by prayer and the prayer shall be followed by the recitation of the pledge of allegiance to the flag of the United States of America led by a member designated by the Speaker.
- **Rule 104. Order of Business.** (a) The regular order of business each legislative day, except on days and at times set apart for the consideration of special orders and except as provided by the joint rules of the House and Senate, shall be as follows:
  - (1) Introduction and reference of bills and concurrent resolutions.
  - (2) Reports of select committees.
  - (3) Receipt of messages from the Governor.
  - (4) Communications from state officers.
  - (5) Messages from the Senate.
  - (6) Introduction and notice of original motions and house resolutions.
- (7) Consideration of motions and house resolutions offered on a previous day.
- (8) The unfinished business before the House at the time of adjournment on the previous day.
  - (9) Consent calendar.
  - (10) Final Action on bills and concurrent resolutions.
  - (11) Bills under consideration to concur and nonconcur.
  - (12) General Orders.
  - (13) Reports of standing committees.
- (b) The presentation of petitions shall be a special order of business on Friday of each week immediately preceding the regular order of business.
- Rule 105. Members Excused from Attendance. Members may be excused from attendance on any legislative day by the Speaker for the following reasons and such reasons shall be shown in the Journal: (1) verified illness; (2) legislative business; and (3) excused absence by the Speaker.

- **Rule 106.** Introduction of Guests. Except when permission has been given by the Speaker before taking the chair, no guests in the gallery shall be introduced to the House.
- **Rule 107. Session Proforma.** (a) The House of Representatives may meet from time to time for the sole purposes of processing routine business of the House of Representatives. These sessions shall be known as Session Proforma.
- (b) **Time of Meeting.** Session Proforma shall be announced at least one legislative day in advance with the hour for meeting Proforma set on the previous legislative day.
- (c) **Order of Business.** The only orders of business that may be considered during Session Proforma are:
  - (1) Introduction and reference of bills and concurrent resolutions.
  - (2) Receipts of messages from the Governor.
  - (3) Communications from State Officers.
  - (4) Messages from the Senate.
  - (5) Reports of Standing Committees.
  - (6) Presentation of Petitions.
- (d) **Motions.** No motion shall be in order other than the motion to adjourn.
- (e) **Objections.** Any objection by any member shall require the Session Proforma to adjourn to the next day, Saturday and Sundays excluded, at 11:00 a.m.
- (f) **Quorum and Roll.** There shall be no requirement for a quorum or taking of the roll. No demand for a roll call for a quorum shall be in order.
- (g) **Effect on Certain Rules.** If a legislative day referred to in Rule 1309, 1503, 1505, 2303, 2705 or 3705 occurs on a legislative day which is also the day on which a session proforma is held, the term "legislative day" as used in such rule means the next legislative day subsequent to the legislative day on which the session proforma is held.

### ARTICLE 3. QUORUM

- Rule 301. Quorum, What Constitutes. A majority of all members then elected (or appointed) and qualified shall constitute a quorum. In the absence of a quorum no business shall be transacted by the House, except as provided in Rule 107, 302 and 303 or to recess or adjourn.
- **Rule 302. Absence of Quorum.** In the absence of a quorum during any session of the House, the members present may do what is necessary to attain a quorum. In the absence of a quorum while in the committee of the whole, the committee shall rise and report. Reprimand, censure or expulsion may be imposed as provided by Article 49 when there is found to be no sufficient excuse for absence of a member.
- Rule 303. Roll Call to Determine Quorum. A roll call shall be taken to determine the existence of a quorum on demand of any member. The

result of each roll call to ascertain a quorum shall be recorded in the Journal by statement of the total number present, naming only the absentees.

### ARTICLE 5. CONDUCT IN THE HOUSE CHAMBER

- **Rule 501. Admission to Floor.** (a) During daily sessions, from the time of convening until adjournment to the following legislative day, only the following classes of persons shall be admitted to the floor of the House, the cloakrooms to the east of the house chamber and the hallway at the west of the house chamber: (1) Members of the Legislature; (2) officers and employees of the legislative branch who are properly identified; (3) persons having permits from the Speaker.
- (b) No person who is an officer or employee of the executive or judicial branch of Kansas government or an employee of the federal government shall be admitted to the area of the chamber on which legislators' desks are located during the time the House of Representatives is in session, except as provided by resolution, nor shall any such person be on the floor of the House chamber during a call of the House. No person, other than a member, shall lean on the railings on the floor of the House chamber next to the area of the chamber on which legislators' desks are located during any time the House is on final action.
- (c) No person registered with the Secretary of State as a lobbyist shall be on the floor of the House chamber 15 minutes before the time of convening the daily session until 15 minutes after adjournment to the following legislative day.
- (d) The sergeant at arms shall remove all persons from the floor, except persons authorized under the Rules of the House or a House resolution.
- (e) The provisions of this rule shall not be construed to prevent the right of access (through the west hallway) by persons going directly to or returning from the offices of the Speaker and the Majority Leader.
- **Rule 502. Food and Drink.** Members may have food or drink, or both, on their desks in the House chamber only when the member is present at the member's desk.
- **Rule 503.** Galleries. Visitors shall be allowed in one or both galleries of the House in accordance with directions to the sergeant at arms from the Speaker. Except for security personnel authorized by the Speaker, the use of telephones and the making of telephone calls in the galleries of the House are prohibited.
- Rule 504. Placing Material on Member's Desks. No items or material shall be placed upon the desk of any member of the House unless any such item or material bears the signature and printed name of the member responsible for its distribution. This Rule 504 shall not apply to items or material provided by legislative staff.
- **Rule 505. Photographic Record of Vote.** No photographic or similar record shall be made of the vote of any member upon any measure upon which a division of the assembly has been called.

Rule 506. Wireless Electronic Telecommunications Devices. Except for security personnel authorized by the Speaker, the use of wireless electronic telecommunications devices emitting an audible sound or tone to announce or initiate communications in the House chamber is prohibited during any time the House is in session.

**Rule 507. Computer Usage.** Computers may be used on the floor of the House chamber only for legislative or personal business during any time the House is in session.

### ARTICLE 7. INTRODUCTION OF BILLS AND RESOLUTIONS

Rule 701. Introduction of House Bills and Resolutions. Every House bill or resolution intended to be introduced shall be delivered to the chief clerk. The delivery shall be by a legislator who is a sponsor of the legislation or by a legislator who is the chairperson or vice chairperson of a legislative committee that has authorized the introduction, or by a legislative staff person or another member of the House authorized by such legislator. In lieu of introduction as provided by this rule, introduction may be as provided by law for prefiled bills and resolutions.

Rule 702. Introduction of Senate Bills and Concurrent Resolutions. Senate bills and concurrent resolutions sent to the House shall be introduced upon reading of the message received by the chief clerk.

Rule 703. Reading of Bills and Resolutions for Introduction. For the purpose of introduction, the chief clerk shall read bills and resolutions by title, except citations of statutes. The Speaker may require any House resolution to be read in full. The name of the sponsor shall be read if there is only one sponsor. If there are two sponsors, both names shall be read. If there are more than two sponsors, the name of the first sponsor shall be read, followed by the words "and others."

Rule 704. Senate Bills and Concurrent Resolutions; Procedure Following Introduction. Following introduction, all Senate bills and Senate concurrent resolutions when in the House shall follow the same procedure as House bills and House concurrent resolutions.

### ARTICLE 9. REFERENCE OF BILLS AND RESOLUTIONS

**Rule 901. Reference, Generally.** (a) On the day of introduction or the following legislative day, the Speaker shall refer each bill to:

- (1) A standing committee,
- (2) a select committee,
- (3) the committee of the whole House,
- (4) two or more standing committees separately, or
- (5) two or more standing committees jointly.
- (b) On the day of introduction or the following legislative day, the Speaker shall refer each concurrent resolution:
- (1) In any way that a bill may be referred under subsection (a), if the concurrent resolution is a proposition to amend the Constitution of Kan-

sas, to call a constitutional convention to amend or revise the Constitution of Kansas, to ratify an amendment to the Constitution of the United States, to apply for a United States constitutional convention, or to amend the joint rules of the House and Senate;

- (2) if the concurrent resolution is not one of those specified in subpart (1) of this subsection (b), it may be referred in any way that a bill may be referred under subsection (a), or the Speaker may authorize consideration thereof on the day of introduction under the order of business introduction and reference of bills and concurrent resolutions.
- (c) On the day of introduction, the Speaker may refer any House resolution (1) in any way that a bill may be referred under subsection (a) or (2) make no reference, except the Speaker shall make any reference required by the Rules of the House.
- (d) Bills or resolutions prefiled under K.S.A. 46-801 *et seq.* and amendments thereto for the regular session of the legislature held in even-numbered years may be referred by the Speaker to the appropriate committee or the committee of the whole at any time subsequent to the prefiling of such bill or resolution with the chief clerk of the House.
- **Rule 902. Appropriation Bills.** Bills containing more than one item of appropriation shall be referred to the standing committee on appropriations, except that bills introduced by the committee on appropriations may be referred to the committee of the whole House.
- **Rule 903. Separately Referred Bills and Resolutions.** (a) When a bill or resolution has been referred separately to two or more standing committees, each committee shall consider the bill or resolution separately in the order specified by the Speaker.
- (b) If the first committee to which a bill or resolution has been separately referred, reports the bill or resolution adversely, the bill or resolution shall not be considered by the second committee, unless returned to the second committee by the committee of the whole House in accordance with Rule 1505.
- (c) When a bill has been referred separately and the report of the first committee was not adverse, the report of the second committee shall be the report considered by the committee of the whole House.
- **Rule 904. Jointly Referred Bills and Resolutions.** When a bill or resolution is jointly referred, it shall be considered and acted upon at a joint meeting of the two committees. The chairperson of the first committee named in the joint referral shall be the chairperson of the joint committee when considering such bill or resolution.

### ARTICLE 11. COMMITTEES; COMPOSITION

Rule 1101. Standing Committees; Names and Members. (a) The standing committees of the House shall be the following and have the number of members indicated for each:

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	Agriculture and Natural Resources	19
3.	Appropriations	23
	Calendar and Printing	7
5.	Commerce and Labor	21
6.	Corrections and Juvenile Justice	13
	Economic Development and Tourism	13
	Education	21
9.	Elections	11
10.	Energy and Utilities	21
	Federal and State Affairs	21
12.	Financial Institutions	13
13.	Government Efficiency and Fiscal Oversight	13
	Health and Human Services	23
15.	Insurance	13
16.	Interstate Cooperation	7
	Judiciary	19
	Local Government	11
19.	Rules and Journal	Ę
20.	Taxation	23
21.	Transportation	21
	Veterans, Military and Homeland Security	15
	Vision 2020	15

(b) The house standing committee on economic development and tourism shall constitute the successor committee to the house standing committee on tourism and the house standing committee on tourism and parks for purposes of references in statutory or other documents. The house standing committee on economic development and tourism shall constitute the successor committee to the house standing committee on economy for purposes of references in statutory or other documents. The house standing committee on agriculture and natural resources shall constitute the successor committee to the house standing committee on environment for purposes of references in statutory or other documents. The house standing committee on insurance and the house standing committee on financial institutions shall constitute the successor committees to the house standing committees on insurance and financial institutions for purposes of references in statutory or other documents.

**Rule 1102. Committee Appointments.** (a) The Speaker shall appoint the members of the standing committees. The Speaker may remove or replace any such committee member at any time.

(b) The Speaker shall appoint the chairperson and vice chairperson of each standing committee. The Speaker may remove or replace any such chairperson or vice chairperson at any time.

**Rule 1103. Select Committees.** The Speaker may appoint select committees and the chairpersons and vice chairpersons thereof. The Speaker may remove or replace any such chairpersons or vice chairpersons or members of such committees. Select committees shall meet on call of the chairperson or when directed by the Speaker.

Rule 1104. Announce Appointments. All committee appointments shall be announced in open session.

**Rule 1105. Budget Committees.** (a) There is hereby created the following budget committees of the committee on appropriations which shall have the number of members indicated for each:

1. Agriculture and natural resources budget committee	8
2. Education budget committee	8
3. General government budget committee	8
4. Legislative budget committee	8
5. Social services budget committee	8
6. Transportation and public safety budget committee	8

- (b) Members of the budget committees are not required to be members of the committee on appropriations. The Speaker shall designate the number of members of each budget committee who are not members of the committee on appropriations and shall appoint the members of each budget committee who are not members of the committee on appropriations. The chairperson of the committee on appropriations shall appoint the members of each budget committee who are members of the committee on appropriations. The Speaker shall appoint the chairperson and vice chairperson of each budget committee. The Speaker may remove or replace at any time any budget committee chairperson, vice chairperson or any member of such committee appointed by the Speaker.
- (c) Budget committees shall be advisory to and make recommendations to the committee on appropriations. Budget committees are authorized to introduce bills or resolutions, except that budget committees are not authorized to introduce bills containing one or more items of appropriation. Except as otherwise provided in this rule, budget committees shall be deemed to be standing committees under the rules of the House of Representatives.
- (d) Budget committee meetings are subject to the Kansas open meetings act, K.S.A. 75-4317a *et seq*, and amendments thereto.

### ARTICLE 13. COMMITTEES; PROCEDURE

**Rule 1301. Committee Meetings; Time and Place.** (a) When the Legislature is in session, standing committees shall meet at the times and place assigned by the Speaker on the call of the chairperson.

(b) Also, when the Legislature is in session, a standing committee shall meet upon written request of three members of the committee. Such a request shall be submitted to the Speaker and the chairperson at least one legislative day before the requested time of meeting. The time and place of a meeting under this subsection (b) shall be set by the chairperson with the approval of the Speaker.

Rule 1302. Notice and Agenda for Committee Meetings. The chairperson shall provide notice of meetings and an agenda or agenda information to committee members, the chief clerk and the public. The chief clerk shall include in the calendar such information as is practical.

**Rule 1303. Duties of Committee Chairperson.** The principal duties of the chairperson of a standing committee are:

- (a) To preside over meetings of the committee and to put all questions;
- (b) to maintain order and decide all questions of order subject to appeal to the committee;
  - (c) to supervise and direct staff of the committee;
- (d) to keep, or have the committee secretary keep, subject to the approval of the committee at a subsequent meeting, minutes of meetings which shall include:
  - (1) The time and place of each meeting of the committee;
  - (2) the attendance of committee members; and
- (3) the names and city and state of residence of persons appearing before the committee and whom each represents;
- (e) to prepare and sign reports of the committee and submit them promptly to the chief clerk;
- (f) to appoint subcommittees to perform duties on an informal basis; and
- (g) to inform the Speaker of any committee activity which caused any member of the committee to be absent during any recorded vote.

Rule 1304. Introduction of Committee Bills and Resolutions. A committee may introduce bills and resolutions while the Legislature is in session respecting any matters referred to it. A standing committee may introduce bills and resolutions only within the general subject area assigned to the committee. No standing committee shall originate a bill which is substantially identical with any bill which has been referred to another standing committee, and which is under consideration by such committee.

**Rule 1305. Quorum of a Committee.** A quorum shall be present at a meeting for a committee to act officially. A quorum of a committee is a majority of the members of the committee. A quorum of a committee may transact business and a majority of the quorum, even though it is a minority of the committee, may adopt a committee report.

**Rule 1306. Voting in Committees.** (a) All final actions by a committee shall be taken at a called meeting while the Legislature is in session. The final action taken shall be recorded in the committee minutes. An individual member's vote may be recorded at the member's request.

(b) The committee chairperson may vote but shall not be required to vote unless the committee is equally divided. If the chairperson's vote makes the division equal, the question shall be lost.

- (c) An action formally taken by a committee cannot be altered in the committee except by reconsideration and further formal action of the committee.
- (d) A motion to take from the table may be adopted by the affirmative vote of a majority of the members present at any called meeting of the committee.
- Rule 1307. Procedure in General. Committee procedure shall be informal, but where any questions arise thereon, the rules or practices of the House are applicable except that the right of a member to speak to any question shall not be subject to the limitations prescribed by Rule 1704. All motions in a committee shall require a second.
- **Rule 1308. Committee Action on Bills and Resolutions.** (a) A committee shall not take action to report a bill out of committee on the same day that the committee holds a hearing on the bill unless the committee approves such action by a two-thirds vote.
- (b) A committee 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 House. Committee reports shall be signed by the chairperson or other committee members authorized by the committee to make the report, and shall be transmitted to the House not later than the second legislative day following the action of the committee.
- (c) All committee reports on bills and resolutions shall be recorded in the journal.
- (d) If amendments are pending on a measure when referred to a committee, the amendments accompany the bill and the committee may recommend the adoption or rejection of the amendments already proposed and make further recommendations.
- Rule 1309. Motion to Withdraw a Bill or Resolution from a Committee. (a) If a committee does not report on any bill or resolution within 10 legislative days after its reference to the committee, the bill or resolution may be withdrawn from the committee by an affirmative vote of 70 members of the House. 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 House resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the chief 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 House 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.
- (b) Motions to withdraw a bill or resolution from a committee are not subject to amendment or debate.

(c) The provisions of subsections (a) and (b) of this rule shall not apply to resolutions adopting or amending rules of the House. Resolutions relating to the adoption or the amendment of rules of the House may be withdrawn from the Committee on Rules and Journal at any time by the affirmative vote of 63 members of the House.

Rule 1310. Wireless Electronic Telecommunications Devices. Except for security personnel authorized by the Speaker, the use of wireless electronic telecommunications devices emitting an audible sound or tone to announce or initiate communications in a committee room is prohibited during any time when a committee or subcommittee is in session in the room.

## ARTICLE 15. CALENDAR LOCATION OF BILLS AND RESOLUTIONS

Rule 1501. General Orders; Description and Function. Bills, concurrent resolutions and House resolutions reported for further action by the committee to which they were referred and bills and concurrent resolutions referred directly to the committee of the whole shall constitute the General Orders of the calendar of the House. The titles of such bills and resolutions shall appear under the heading General Orders in the order directed by the committee on calendar and printing. The reporting committee and its action on the bill or resolution shall be shown under each thereof. Such bills and resolutions shall be considered by the committee of the whole in the order which they appear on General Orders.

Rule 1502. Posting of Sequence for Succeeding Day. When the committee on calendar and printing has prepared the sequence of bills and resolutions to appear on General Orders for the succeeding legislative day, a copy of the list giving the number designation of each bill and resolution in the order they are to appear shall be posted near the entrance to the House chamber. No bill or resolution shall appear on General Orders or be considered in the Committee of the Whole without notice of the same having been announced in the House not later than 4:00 p.m. or prior to adjournment if at a later hour on the previous day.

**Rule 1503. Change in the Sequence on General Orders.** (a) The order of a bill or resolution on General Orders may be changed by unanimous consent or by the affirmative vote of 70 members.

(b) Also, the order of a bill or resolution on General Orders may be changed by vote of a majority of all members then elected (or appointed) and qualified of the House on a motion made as provided in this subsection (b). Such a motion shall be made in writing, giving the reasons for the proposed change. Such motion shall be made under the order of business introduction and notice of original motions and House resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the chief 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 House resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If such a motion fails, a motion to change the order on General Orders of such bill shall not be in order until the fifth legislative day following such failure.

- (c) Motions to change the order of a bill or resolution on General Orders are not subject to amendment or debate.
- (d) This Rule 1503 does not apply to the addition or removal of a bill or resolution from General Orders.

Rule 1504. Adversely Reported Bills and Resolutions; Calendar Location. Bills and resolutions that are adversely reported shall appear on the calendar for one day under the heading bills adversely reported.

Rule 1505. Motion to Move Adversely Reported Bill or Concurrent Resolution to General Orders. (a) A motion to add an adversely reported bill or resolution to General Orders shall be made in writing. Such motion shall be made under the order of business introduction and notice of original motions and House resolutions, and such motion may not be made after the legislative day when the bill or resolution appears on the calendar under Rule 1504. The motion shall be read by the chief 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 House resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made.

- (b) When a bill or resolution has been separately referred and is adversely reported by the first committee of separate reference, a motion to add the adversely reported bill or resolution to General Orders is not in order, but a motion to move the adversely reported bill or resolution to the next committee of separate reference may be made in the same manner as the motion in subsection (a).
- (c) Adoption of a motion under this Rule 1505 requires the affirmative vote of 70 members of the House.
- (d) If a motion under subsection (a) prevails, the words "Adversely Reported" shall be printed in a line below the title of the bill when it is listed on General Orders.

Rule 1506. Motion to Lay on Table Bill or Resolution while on Final Action Subject to Amendments and Debate. When a motion to lay on the table a bill or resolution is adopted while on final action subject to amendment and debate, on the next legislative day such bill or resolution shall be placed on the calendar under the order of business the unfinished business before the House at the time of adjournment on the previous day.

Rule 1507. Disposition of Bills Subject to Certain Deadlines. Any bill which is subject to a deadline for consideration under subsection (e) or subsection (f) of Joint rule 4 of the Joint Rules of the Senate and House of Representatives and which remains on general orders at the close of

business on such deadline day shall be considered as killed and shall be stricken from the calendar unless such bill is referred by the speaker to a committee before the close of business on such day. Any bill so referred shall be subject to all applicable deadlines under the Joint Rules of the Senate and House of Representatives.

### ARTICLE 17. MEMBERS ADDRESSING THE HOUSE

Rule 1701. Requesting the Floor. Any member desiring to request the floor shall press the member's "speak bill" button, and shall not proceed until recognized by the chair.

**Rule 1702. Order During Speaking.** While a member is speaking to the House, no other member shall engage in private conversation or pass between the member speaking and the chair.

**Rule 1703. When Question is Put.** While a question is being put or a roll call or division is being taken, members are not to speak or leave their seats.

**Rule 1704. Violation of Rules While Speaking.** (a) Members shall address the House from the microphone located in the well of the House chamber.

- (b) No member shall speak more than twice on the same day to the same question without leave of the House, unless the member is the mover or is carrying the measure, in which case such member may open and close the debate and may respond to direct questions from other members addressed to them during the course of consideration of the measure. For the purposes of this subsection, an amendment to any measure shall be considered as a separate and independent question.
- (c) The privilege of a member carrying a measure to open and close the debate shall not be affected by any order for the previous question or that debate shall cease. Such member may occupy 20 minutes in closing the debate after the previous question is ordered and may divide that time with other members.
- (d) While a member is carrying a measure, such member may yield to another member for explanation of the measure, or for personal explanation, or for a motion to adjourn without losing the privilege to carry the measure for the remainder of their time except that such member may not yield to any member who has already spoken twice on such question on the same day.
- (e) If any member, in speaking, violates the rules of the House, the chair shall call such member to order.

### ARTICLE 19. COMMITTEE OF THE WHOLE

**Rule 1901. Motion to go into Committee of the Whole House.** When the order of business General Orders is reached, a motion shall be in order for the House to go into committee of the whole for consideration of bills and resolutions as listed on General Orders.

Rule 1902. Committee of the Whole; Normal Procedure. Bills and resolutions shall be considered in the committee of the whole as follows: If the standing committee has recommended that the bill or resolution be amended, the standing committee report shall first be considered, and if it is adopted, the bill 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, or if the committee has recommended no amendments, the bill, 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 once considered, no amendment thereto shall be in order until the whole bill shall have been considered section by section. After the original bill, together with standing committee amendments if any, has been considered section by section, the chairperson shall announce "Amendments to the bill generally are in order," and amendments not before offered may be made to any part of the bill. A motion that when the committee arises it report a bill favorably, or report a bill favorably as amended, shall not be in order until all other motions have been disposed of, and such a motion shall not be offered as a substitute motion. A motion to strike the enacting clause is in order at any stage until the final vote is announced. The motion to strike the enacting clause may be debated upon the merit of the proposition, and shall not be subject to amendment or substitution. A roll call vote shall be taken upon a motion to strike the enacting clause.

Rule 1903. Motion to Pass Over a Bill or Resolution While in Committee of the Whole. When in the committee of the whole, either (1) a motion to pass over a bill or resolution and that it retain its place on the Calendar or (2) a motion to pass over a bill or resolution and that it retain a place on General Orders shall be in order only after the chairperson has announced that the next order of business is such bill or resolution and has recognized a member to carry it. Either such motion shall require the vote of a majority of the members present for adoption. Motions under this rule shall not be subject to debate.

Rule 1904. Motions to Refer Bills or Resolutions to a Committee While in Committee of the Whole. When in the committee of the whole, motion may be made to refer a bill or resolution to a standing committee only after the chairperson has announced that the next order of business is such bill or resolution and has recognized a member to carry it. Such motion shall require the vote of a majority of the members present for adoption.

Rule 1905. Striking Bills and Resolutions from the Calendar While in Committee of the Whole. (a) While in committee of the whole, a motion to strike a bill or resolution from the calendar shall be in order only after the chairperson has announced that the next order of

business is such bill or resolution and has recognized a member to carry it.

(b) A motion to strike a bill from the calendar under this Rule 1905 (1) shall require a vote of a majority of the members present for adoption, and (2) shall be subject to roll call in accordance with subsection (e) of Rule 2507, but shall not be subject to a call of the House under Rule 2508.

**Rule 1906. Requesting the Floor.** Any member desiring to request the floor shall press such member's "speak bill" button to speak on a bill or offer an amendment and "speak amendment" button to speak on a pending amendment, and shall not proceed until recognized by the chairperson of the committee of the whole.

**Rule 1907. Rules Applicable.** The same rules, except Rule 2508, shall be observed in the committee of the whole as in the House, so far as the same are applicable, except that the previous question and the motion to lay on the table shall not apply.

**Rule 1908. Rise and Report.** A motion for the committee of the whole to rise and report shall be in order at any stage, and shall be decided without debate. When the committee of the whole has a bill under consideration and rises without final action thereon, the bill shall retain a place on General Orders.

Rule 1909. Effect of Recommendation of Committee of the Whole. Bills recommended for passage and resolutions recommended for adoption by the committee of the whole shall not be subject to amendment or debate after the adoption by the House of the committee of the whole report. When a bill or resolution is reported with the recommendation that the enacting or resolving clause be stricken, and the committee of the whole report is adopted by the House, the bill or resolution shall be considered as killed and shall be stricken from the calendar.

Rule 1910. Report of Committee of the Whole. When the report of the committee of the whole recommends the passage of a bill or adoption of a resolution, and the report is adopted by the House, such bills and resolutions shall be considered as ordered to the order of business Final Action. If the bill or resolution has been amended by the committee of the whole it shall be reprinted.

### ARTICLE 21. AMENDMENT OF BILLS AND RESOLUTIONS

Rule 2101. Germaneness. Amendments to bills and resolutions shall be germane to the subject of the bill or resolution. The principal test of whether an amendment is germane shall be its relationship to the subject of the bill or resolution, rather than to wording of the title thereof. The amendment, including any amendment from the floor to strike all of the substantive provisions of a bill or resolution and insert other provisions, must be relevant, appropriate, and have some relation to or involve the same subject as the bill or resolution to be amended. For the purposes

of this rule the subject matter of any appropriation bill is the spending and appropriating of money and any amendment which changes the amount of money spent in any state agency or program is germane to any appropriation bill.

Any member, upon recognition by the presiding officer, may request a ruling upon the germaneness of any amendment to a bill or resolution. All rulings upon the question of germaneness shall be made by the chairperson of the House Committee on Rules and Journal. At the time of making such ruling, the chairperson shall state the reasons or basis for such ruling. Appeals from rulings of the chairperson may be taken upon the motion of any member. Such appeals shall be in order at the time of the making of the ruling and shall take precedence over any question pending at the time the chairperson makes such ruling. Appeals from the ruling of the chairperson shall be debatable only by the member making the motion to amend which is the subject of the ruling, the member carrying the measure sought to be amended, the Majority Leader or a member designated by the Majority Leader and the Minority Leader or a member designated by the Minority Leader. Debate upon the ruling of the chairperson shall be limited to the question of the germaneness of the proposed amendment. At the conclusion of debate the presiding officer shall inquire: "Shall the chairperson's ruling be sustained?"

Rule 2102. Form of Amendment Motions. Motions to amend bills and resolutions shall specify the page and line number, as shown on the printed bill or resolution, and shall be in writing on a form provided by the House or a form substantially similar. Prior to making a motion to amend, the written motion shall be delivered to the chief clerk. In the case of amendment by substitute bill, motion shall be made to substitute a written bill for the bill under consideration.

Rule 2103. Reading Amendments; General Rule. Motions to amend bills and resolutions shall not require readings as for bills introduced, except as otherwise provided in Rule 2107, but shall be subject to Rule 2306.

**Rule 2104. Motions to Amend Motions.** A motion to amend a motion to amend a bill or resolution shall not be in order.

**Rule 2105. Dividing Amendments.** (a) When any motion to amend a bill or resolution contains distinct propositions it shall be divided by the chairperson at the request of any member. The division by the chairperson shall be made in accordance with the following:

- (1) A motion to strike out and insert words of less than a sentence shall be indivisible;
- (2) the distinct propositions shall be only in the form submitted in the motion to amend;
- (3) each proposition must be so distinct that, one being removed, the remainder may stand entirely on their own.

- (b) Upon a request to divide a motion to amend a bill or resolution, the chairperson shall inquire as to whether there is a request for a ruling on germaneness of the motion to amend. If such a request is made, the issue of germaneness shall be determined prior to dividing the motion. If no request for a ruling on germaneness of the motion to amend is made, the chairperson shall proceed to divide the motion to amend in accordance with this rule, and no subsequent request for a ruling on germaneness of any distinct proposition of the motion so divided shall be in order.
- (c) The chairperson, or any member, may request that the member requesting the division make the request in writing specifying the manner in which the motion to amend should be divided.
- (d) The chairperson may request that the member requesting the division and the chairperson or the vice-chairperson of the committee on rules and journal recommend an appropriate division, but the final ruling on how to divide the motion to amend shall be that of the chairperson who shall announce the division to the body.
- (e) The division of the motion to amend shall be in accordance with the rules of the House and with items (1) to (3), inclusive, of subsection (a). The ruling of the chairperson on how to divide the motion to amend shall not be subject to appeal except that any member may appeal the ruling of the chairperson on the grounds that the division is not in accordance with a rule of the House including the provisions of items (1), (2) or (3) of subsection (a), or any combination thereof.

Rule 2106. Substitute Motions. No substitute motion to amend a bill or resolution shall be in order.

- Rule 2107. Subject Change by Senate. (a) When the Senate adopts amendments to a House bill which materially changes its subject, upon return of such bill to the House, it shall be read as provided for the introduction of bills and be referred as provided in Rule 901.
- (b) The Speaker may determine when a bill is subject to subsection (a).
- Rule 2108. Motions to Strike Out and Insert. The rejection of a motion to amend a bill or resolution by striking out and inserting 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 2109. Identical Motions.** Except upon the unanimous consent of the House, an identical motion to amend a bill or resolution shall not be made a second time on the same legislative day.

#### ARTICLE 23. PROCEDURAL MOTIONS

Rule 2301. Order of Motions. When a question is under consider-

ation, no motion shall be received except as specified under the Rules of the House, which motions shall have precedence in the following order:

- (a) For adjournment of the House.
- (b) For call of the House.
- (c) To lay on the table.
- (d) For the previous question.
- (e) To postpone to a certain time.
- (f) To commit to a standing committee.
- (g) To commit to a select committee.
- $(\check{h})$  To reject the adoption of reports of conference committees coupled with the request for appointment of a new conference committee.
  - (i) To adopt the report of conference committees.
  - (j) To amend.
  - (k) To postpone indefinitely.

**Rule 2302. Motion to Adjourn.** The motion to adjourn shall always be in order, except while a vote is being taken and until announced, or when a member has the floor, or when the previous question is pending; but a motion to recess is not equivalent to a motion to adjourn.

Rule 2303. Motion to Reconsider. A motion to reconsider shall take precedence of all other questions except the motion to adjourn. No motion for reconsideration of any vote shall be in order, unless made on the same day or the legislative day following that on which the decision to be reconsidered took place, nor unless a member voting with the prevailing side shall move such reconsideration. A motion for reconsideration, being put and lost, shall not be renewed, nor shall any subject or vote be a second time reconsidered without unanimous consent, but this provision shall not be construed as preventing the introduction of a bill on the same subject. The member moving for reconsideration shall be allowed not more than two minutes for stating the reasons in support of the motion. Such motion shall be subject to debate by any member, stating reasons in support or opposition to the motion. Each of such members shall be allowed not more than one minute for the purpose of such debate. Such motion shall require the affirmative vote of members equal in number to that required to take the action proposed to be reconsidered. A motion to reconsider any final action of the House shall be in order at any time prior to the time at which the message of the House thereon is read into the record of the Senate. A motion to reconsider any final action of the House may be made after the time at which the message of the House thereon is read into the report of the Senate but any action taken pursuant thereto will be contingent upon the return of the measure to the House by the Senate.

**Rule 2304. Previous Question.** The "previous question" shall be: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When voting on the previous question, the House decides that the main question shall not now be put, the main

question shall be considered as still remaining under debate. The main question shall be on the passage of the bill, resolution or other matter under consideration. When amendments are pending, a vote shall first be taken upon such amendments in their order without further debate or amendment. A majority vote of the members present shall order the previous question.

Rule 2305. Motions Not Subject to Debate. All questions relating to priority of business shall be decided without debate. The motion to adjourn, to change the order of consideration of a bill, for a call of the House, and to lay on the table shall be decided without amendment or debate. The several motions to postpone or commit shall preclude all debate on the main question.

Rule 2306. Motion to Refer Bills or Resolutions to Committee When Not in Committee of the Whole. When not in the committee of the whole, a motion to refer a bill or resolution from the calendar to a standing committee shall be in order only when the body is meeting as the House of Representatives and shall be authorized only when offered by the Majority Leader, or in the absence of the Majority Leader, by the Assistant Majority Leader. Such motion shall require the affirmative vote of a majority of the members then elected (or appointed) and qualified to the House.

Rule 2307. Motion to Strike Bills and Resolutions from Calendar When Not in Committee of the Whole. When not in the committee of the whole, a motion to strike a bill or resolution from the calendar shall be in order only when the body is meeting as the House of Representatives and shall be authorized only when offered by the Majority Leader, or in the absence of the Majority Leader, by the Assistant Majority Leader. Such motion shall require the affirmative vote of a majority of the members then elected (or appointed) and qualified to the House.

**Rule 2308. Stating Question.** Every motion shall be first stated by the presiding officer or read by the chief clerk, before debate, and again immediately before putting the question.

**Rule 2309. Dividing Motion.** If any motion, other than a motion under Rule 2105, contains distinct propositions it shall be divided by the chairperson at the request of any member. Motions under Rule 2105 shall be divided in accordance with that rule.

**Rule 2310. When Motions to be in Writing.** Every motion, except those specified in Rules 2301 and 2303, shall be in writing if the Speaker or any member desires it. All motions to amend a bill or resolution and all resolutions shall be in writing.

**Rule 2311. Suspension of Rules of the House.** (a) No rule of the House shall be suspended except by unanimous consent or by an affirmative vote of a majority of the members then elected (or appointed) and qualified to the House, subject to the following exceptions:

- (1) A motion to suspend the rules, and to declare an emergency and to advance a bill to the order of business Final Action, as contemplated in article 2, section 15 of the Constitution shall require an affirmative vote of ½ of the members present in the House.
- (2) A motion to suspend the rules and to permit amendment and debate of a bill under the order of business Final Action shall require an affirmative vote of 2/3 of the members present in the House.
- (b) When under the rules of the House a motion, question or action requires a vote of a majority greater than a majority of the members present, the majority specified for such motion, question or action shall be required to suspend the rules for the purpose of such motion, question or action. When under the rules of the House notice of a motion reduces the required majority for adoption of the motion, the required majority shall not be reduced if the notice is disposed of by suspension of the rules.
- (c) Suspension of the rules or unanimous consent shall not reduce the majority required under subpart (1) of subsection (a) of this rule.
- **Rule 2312.** Mason's Manual; When Applicable. (a) In any case where rules of the House or the joint rules of the Senate and House do not apply, Mason's Manual of Legislative Procedure (2000 edition), with the exception of section 4, paragraph 2, shall govern.
- (b) Rules of legislative procedure are derived from several sources and take precedence in the order listed below. For the Kansas House of Representatives, the principal sources are as follows: (a) Constitutional provisions; (b) statutory provisions; (c) adopted rules; (d) adopted parliamentary authority; (e) custom, usage and precedents.

#### ARTICLE 25. VOTING

Rule 2501. Control and Use of Voting System. The electronic voting system shall be under the control of the Speaker or other presiding officer and shall be operated by the chief clerk. The electronic voting system shall be used to record the vote whenever a roll call vote is taken on any question and may be used for ascertaining the vote upon any measure upon which a division of the assembly has been called. In the event that the system is not operating properly, roll call votes may be taken by calling the roll.

Rule 2502. Procedure for Taking a Roll Call Vote. When a roll call vote is taken, the presiding officer shall state the question and instruct the members to proceed to vote. When sufficient time has been allowed the members to vote, the presiding officer shall inquire: "Has every member had an opportunity to vote?" After a short pause the presiding officer shall direct the chief clerk to close the roll. After the roll has been closed, when Rule 2505 applies, the presiding officer shall inquire: "Does any member desire to explain their vote?" and any member so desiring may give such explanation when recognized by the presiding officer. The presiding officer shall inquire: "Does any member desire to change their

vote?" If any member does desire to change their vote, such member when recognized by the presiding officer, shall advise how they desire to change such vote and the presiding officer shall then instruct the chief clerk to make the appropriate change. A member who has not previously voted may vote at this time when permitted by the presiding officer. Such member shall advise how they wish to vote and the presiding officer shall then instruct the chief clerk to record such vote. After all members who desire to vote or to change their votes have had reasonable opportunity to do so, the presiding officer shall direct the chief clerk to record the vote, and when the vote is recorded the presiding officer shall announce the vote.

Rule 2503. Display of Recurring Totals. Under Rule 2502, recurring totals shall be displayed only after the roll is closed. No recurring totals shall be displayed for a determination of the vote upon a division of the assembly.

**Rule 2504. Voting by Members.** (a) A member may vote only when at their desk or at any place within the chamber of the House when authorized by the presiding officer, who shall direct the chief clerk to so vote for such member.

- (b) No member shall vote for another member. No person not a member shall cast a vote for a member, except as otherwise provided in the rules. In addition to such penalties as may be prescribed by law, any member who votes or attempts to vote for another member shall be subject to Article 49 of these rules. If a person not a member votes or attempts to vote for any member, such person shall be barred from the floor of the House for the remainder of the session, and, in addition to penalties prescribed by law, may be punished further as the House determines.
  - (c) The Speaker shall not be compelled to vote except in case of a tie.

Rule 2505. Explaining Vote. Any member may, when a roll call vote is being taken on the passage or adoption of any bill or resolution, explain their vote. Such member shall be allowed not more than one minute for such explanation. Such explanation, if furnished in writing and signed, with printed name and district number, by such member by 4:00 p.m. upon the day the vote is taken or if the vote is taken subsequent to 3:30 p.m., within one-half hour after the adjournment of the House on that day, shall be entered in the Journal, provided it does not contain more than 100 words.

Rule 2506. Copies of Voting Records. (a) Unless otherwise ordered, the chief clerk shall record each roll call vote and make copies available for the use of the news media. No record shall be made of the vote of any member voting upon any measure upon which a division of the assembly has been called.

(b) When a roll call vote is taken, it shall be recorded in the Journal by a statement of the names and total number voting in the affirmative, the

names and total number voting in the negative, names and total number indicating presence but not voting and the names and total number absent or not voting, except that the provisions of this section shall not permit a member to fail to vote in violation of Rule 2508.

**Rule 2507. When Roll Call Vote to be Taken.** (a) A roll call vote shall be taken for the passage of any bill.

- (b) A roll call vote shall be taken for the adoption of any concurrent resolution to amend the Constitution of the state of Kansas, to call a Kansas constitutional convention, to extend a session of the Legislature in even- numbered years, to ratify any amendment of the Constitution of the United States, to make any application for Congress to call a convention for proposing amendments to the Constitution of the United States and when required by the joint rules of the House and Senate. A roll call vote is not required for adoption of concurrent resolutions pertaining to commendations or acknowledgments, unless required under subsection (e) of Rule 2507.
- (c) A roll call vote shall be taken for the adoption of any House resolution to adopt, amend or revoke any rule of the House or to reject any executive reorganization order.
- (d) A roll call vote shall be taken to concur in Senate amendments to any bill or concurrent resolution or to adopt any conference committee report other than a report agreeing to disagree.
- (e) A roll call vote shall be taken on any question on demand of 15 members, unless a roll call vote is already pending.
- Rule 2508. Call of the House. (a) A call of the House shall be ordered on the demand of any 10 members at any stage of the voting previous to the announcing of the vote or, if the voting system is used, prior to recording the vote. This Rule 2508 shall apply to the taking of a vote upon the final passage of any bill or final adoption of any resolution whether under the order of business Final Action or under any order of business. Also, this Rule 2508 shall apply to the taking of a vote on a motion to strike the enacting clause of a bill and the resolving clause of a resolution and on a motion to strike all after the enacting clause or resolving clause, except when the House is in the committee of the whole. When the call of the House is once invoked, then all members present during the call, shall be required to vote before the call is raised. The call of the House shall not be raised (so long as 10 members continue the demand) until a reasonable effort has been exerted to secure absentees.
- (b) Any member, who is directly interested in a question, may be excused from voting, when there is a call of the House. The member, who is requesting to be excused from voting, shall state the reasons therefor, occupying not more than five minutes. The question on excusing such member from voting shall be taken without debate and a ¾ majority of members present shall be necessary to excuse such member. If a member refuses to vote, when not excused, such refusal shall constitute grounds

for reprimand, censure or expulsion under Article 49 of the Rules of the House.

**Rule 2509. Voice Vote; Division of the Assembly.** Except when a roll call vote is required a voice vote shall be taken on all questions. Any member may call for a division of the assembly to determine the vote by the voting system.

#### ARTICLE 27. FINAL ACTION

Rule 2701. Description and Function. Subject to Rule 2705, bills and resolutions reported favorably by the committee of the whole shall constitute the order of business Final Action of the House. The titles of such bills and resolutions shall appear under the heading Final Action in numerical order. The standing committee which reported it and the committee of the whole action on the bill or resolution shall be shown under each thereof.

**Rule 2702. Reading and Vote.** Each bill and resolution under the order of business Final Action shall be read by title, except citations of statutes amended or repealed and a roll call vote shall then be taken upon final passage or adoption without amendment or debate.

Rule 2703. Amendment and Debate, When. Upon motion as provided in subpart (2) of subsection (a) of Rule 2311 or when recommended in the committee of the whole report which has been adopted by the House, bills or resolutions may be debated and amended on Final Action prior to the vote taken upon final passage or adoption. Each bill or concurrent resolution considered under this Rule 2703 shall be considered in the manner provided in Rule 1902 so far as it is applicable. A motion to strike the enacting clause or resolving clause shall be in order.

**Rule 2704. Speaker to Preside.** Subject to Rule 3303, the Speaker shall preside during the order of business Final Action.

Rule 2705. Consent Calendar. Whenever a standing committee is of the opinion that a bill or concurrent resolution upon which it is reporting is of a noncontroversial nature, it shall so state in its committee report. Whenever a bill or concurrent resolution is so reported, it shall be placed upon the Consent Calendar. Each bill or concurrent resolution placed on the Consent Calendar shall remain thereon for at least two full legislative days before being considered under the order of business Final Action. Under the order of business Consent Calendar and prior to the call for the vote, any member may object to the bill or concurrent resolution as being controversial and thereupon it shall be removed from the Consent Calendar and shall be placed on General Orders. If no objection is made prior to the call for the vote on the bill or concurrent resolution, it shall be ordered to Final Action for vote before other bills and concurrent resolutions on Final Action.

Rule 2706. Majority for Bill Passage. As provided in section 13 of article 2 of the Constitution of Kansas, a majority of the members then

elected (or appointed) and qualified, voting in the affirmative, shall be necessary for the passage of a bill.

- Rule 2707. Vote Required for Adoption of House Resolutions and Concurrent Resolutions. (a) A majority of the members then elected (or appointed) and qualified voting in the affirmative shall be necessary to adopt House resolutions and concurrent resolutions, except as otherwise specified in these rules.
- (b) Adoption of concurrent resolutions to amend the Constitution of the state of Kansas, to call a Kansas constitutional convention, to extend a session of the Legislature in even-numbered years, to ratify any amendment of the Constitution of the United States, to make any application for Congress to call a convention for proposing amendments to the Constitution of the United States and when required by the joint rules of the House and Senate shall require a ½ majority of the members then elected (or appointed) and qualified, voting in the affirmative.
- Rule 2708. Motion to Adopt Report of Conference Committee. The member carrying the report of a conference committee shall move that such report be adopted prior to yielding the floor to any other member and a motion to adopt a report of a conference committee shall not be offered as a substitute motion.

#### ARTICLE 29. RESOLUTIONS

- Rule 2901. Resolving Clause; Form. (a) Concurrent resolutions to amend the Constitution of the state of Kansas, to call a Kansas constitutional convention, to extend a session of the Legislature in even-numbered years, to ratify any amendment of the Constitution of the United States, to make any application for Congress to call a convention for proposing amendments to the Constitution of the United States and when required by the joint rules of the House and Senate shall have a resolving clause which reads "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."
- (b) Concurrent resolutions for any purpose other than subsection (a) shall have a resolving clause which reads "Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein."
- (c) House resolutions shall have a resolving clause which reads "Be it resolved by the House of Representatives of the State of Kansas."

#### Rule 2902. House Resolutions; Introduction and Consideration.

- (a) House resolutions, except for those changing rules of the House or approving or rejecting executive reorganization orders, shall lay over at least one legislative day before action is taken thereon and do not require a roll call vote unless required under subsection (e) of Rule 2507.
- (b) House resolutions shall be considered under the order of business consideration of motions and house resolutions offered on a previous day,

except house resolutions to (1) adopt, amend or revoke any rule of the House or (2) when the resolution has been referred to a standing committee and reported favorably. Resolutions under subparts (1) and (2) shall take a place on General Orders when favorably reported or when referred to the committee of the whole by the Speaker.

**Rule 2903. Resolutions; Limitations.** (a) Appropriations shall not be made by resolutions.

(b) Resolutions do not require approval of the Governor.

Rule 2904. Applications for Introduction of certain Resolutions; Committee on Calendar and Printing; Certificate of the House. Notwithstanding any other rule of the House of Representatives to the contrary, no House resolution or concurrent resolution which congratulates, commemorates, commends, honors or is in memory of any individual, entity or event shall be introduced by a member or committee of the House of Representatives unless application for approval of the introduction of such resolution is first made to the committee on calendar and printing, and the resolution is approved for introduction by the committee on calendar and printing. The application shall be determined on the basis of content alone. The committee on calendar and printing shall consider all such applications and shall determine whether a House resolution or House concurrent resolution should be approved for introduction, or whether a certificate of the House should be approved for issuance or whether no action should be taken on the application. The committee on calendar and printing shall report to the House the decision of the committee on each application approved by the committee under this rule for the introduction of a House resolution or House concurrent resolution or issuance of a certificate of the House.

#### ARTICLE 33. MEMBER OFFICERS

**Rule 3301. Elected Member Officers.** The Speaker and the Speaker Pro Tem shall be members and shall be elected by the members of the House, except as otherwise provided in subsection (b) of Rule 3304.

Rule 3302. Duties of the Speaker. In addition to other powers and duties of the Speaker provided by the Rules of the House and by law, the Speaker shall have the powers and duties as follows:

- (a) To preserve order and decorum;
- (b) to decide all questions of order, subject to appeal to the House;
- (c) in the absence of the Speaker Pro Tem, to appoint any member to perform the duties of the chair for not more than two consecutive legislative days; and
- (d) to name a chairperson to preside when the House is in committee of the whole.

**Rule 3303. Speaker Pro Tem.** In the absence of the Speaker, the Speaker Pro Tem shall exercise the powers and duties of the Speaker.

- Rule 3304. Filling Certain Vacancies. (a) When a vacancy occurs in the office of Speaker and the Legislature is adjourned to a date more than 60 days after the occurrence of the vacancy, the House of Representatives shall meet within 30 days and elect a member to fill the vacancy. The Speaker Pro Tem shall within 10 days of such occurrence issue a call for such meeting at a time not less than 10 days and not more than 20 days after the date of the call.
- (b) When a vacancy occurs in the office of Speaker Pro Tem or Majority Leader of the House of Representatives, the Speaker shall appoint an acting Speaker Pro Tem or acting Majority Leader, to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled in the manner provided for the original election or selection of such officer.
- (c) When a vacancy occurs in the office of Minority Leader of the House of Representatives and the Legislature is adjourned to a date less 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 in the manner provided for the original selection of such officer. When a vacancy occurs in the office of the Minority Leader of the House and the Legislature is adjourned to a date 30 days or more after the occurrence of the vacancy, the Assistant Minority Leader shall within 10 days after such occurrence issue a call for a meeting of the members of the minority party at a time not less than 10 and not more than 20 days after the date of the call to be held in the state capitol for the purpose of filling the vacancy in the office of Minority Leader for the remainder of the term of office. From the time of the occurrence of such vacancy until the filling of the vacancy, the Assistant Minority Leader shall serve as acting Minority Leader and shall exercise the powers and duties of the Minority Leader. When a vacancy occurs in the office of Assistant Minority Leader, the Minority Leader shall appoint an Assistant Minority Leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled in the manner provided for the original selection of such officer.
- (d) Any person elected, appointed or designated to fill a vacancy under this rule shall exercise all of the duties and powers prescribed for the office so filled.

#### ARTICLE 35. NONMEMBER OFFICERS

Rule 3501. Chief Clerk; Appointment. The chief clerk shall be appointed by the Speaker and shall serve under the Speaker's direction, control and supervision and at the pleasure of the Speaker. As used in the Rules of the House, "chief clerk" means the chief clerk appointed under this Rule 3501 or a person designated by the chief clerk to perform a function of the chief clerk.

Rule 3502. Duties of the Chief Clerk. The chief clerk shall supervise the keeping of and be responsible for a record of all proceedings of the House; number and present to the House all bills, resolutions, petitions and other papers which the House may require; deliver all messages from the House to the Senate; transmit bills and other documents to be printed and take a receipt therefor; transmit bills for engrossment and take receipt therefor; receive all bills, resolutions and other papers which are enrolled and give receipt therefor; and cause all enrolled bills, resolutions and other documents to be proofread and corrected prior to signing thereof by officers of the House.

Rule 3503. Other Clerks. The chief clerk shall appoint additional clerks and personnel to assist in performance of the duties of the chief clerk. Such additional clerks and personnel shall serve under the chief clerk's direction, control and supervision and at the pleasure of the chief clerk.

**Rule 3504. Document Care.** No bill, resolution, petition or other document shall be loaned or delivered to any person, except when delivered to an officer of the House, to the director of printing, the revisor of statutes or the Senate and only upon a written receipt therefor.

**Rule 3505. Sergeant at Arms; Appointment.** The sergeant at arms shall be appointed by the Speaker and shall serve under the Speaker's direction, control and supervision and at the pleasure of the Speaker.

Rule 3506. Duties of the Sergeant at Arms. The sergeant at arms shall preserve order within the chamber of the House and its lobby and galleries. The sergeant at arms may arrest and take into custody any person for disorderly conduct, subject at all times to the authority of the House or Speaker, or chairperson of the committee of the whole, and shall be responsible for the enforcement of Rules 501 through 506 and 2506(a). The sergeant at arms shall receive items or material for distribution among the members of the House. The sergeant at arms shall execute all orders of the House not otherwise provided for.

**Rule 3507. Assistant Sergeants at Arms.** The Speaker may appoint and remove assistant sergeants at arms to serve under the supervision of the sergeant at arms. All doorkeepers shall be assistant sergeants at arms.

#### ARTICLE 37. AMENDMENT OF RULES OF THE HOUSE

Rule 3701. Adopting, Amending or Revoking Rules of the House. No rule of the House shall be adopted, amended or revoked except by a House resolution which has been adopted by an affirmative vote of a majority of the members then elected (or appointed) and qualified to the House.

Rule 3702. Resolutions for Rule Changes. (a) Notwithstanding any other rule of the House, the Speaker shall refer all resolutions which provide for the adoption, amendment or revocation of any House rule to

the standing Committee on Rules and Journal before its consideration by the House.

(b) No resolution relating to the rules of the House which has been referred to the standing Committee on Rules and Journal shall be tabled or reported adversely by such committee except by the unanimous vote of all members of such committee.

**Rule 3703. Printing.** Resolutions to which this Article 37 apply shall be printed and are subject to subsection (c) of Rule 2507.

**Rule 3704. Adoption of Resolutions.** Resolutions to which this Article 37 apply shall be subject to Rule 2902.

Rule 3705. Special Sponsorship of Rule Change Resolutions. Notwithstanding any provision of the rules of the House to the contrary, no referral to the standing committee on rules and journal shall be required for the adoption of a resolution adopting, amending or revoking any one or more rules of the House 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 members then elected (or appointed) and qualified, subject to the following conditions: (a) The resolution is sponsored by the Speaker or the standing committee on rules and journal and (b) either (1) a copy thereof is mailed to each member 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 (2) in lieu of mailing, copies of the resolution are made available to members on the first day of the legislative session and consideration under Rule 3704 occurs on the second legislative day.

## ARTICLE 39. FORM AND PRINTING OF BILLS AND RESOLUTIONS

**Rule 3901. Bills Amending Existing Statutes.** Any bill intended to amend or repeal any section or sections of the Kansas Statutes Annotated shall recite in its title the section or sections to be amended or repealed, and if to amend or repeal any section of a session law not in Kansas Statutes Annotated, the section and chapter of the session law affected.

**Rule 3902. Bills, Copies.** Each bill introduced shall consist of an original and copies. All bills shall be printed with as many copies as the Speaker specifies. Except for prefiled bills, printing shall be ordered subsequent to introduction.

**Rule 3903. Showing Committee Amendments.** All bills and resolutions reported by a committee with recommendation for amendments and to be passed as amended shall be reprinted.

Rule 3904. Substitute Bills and Substitute Concurrent Resolutions. (a) When a substitute bill is recommended by a committee report, and when an amendment from the floor is adopted replacing the bill under consideration with a substitute bill, the substitute bill shall be printed in the manner provided for bills introduced, and the bill number designation shall be substantially as follows:

- (1) In the case of bills substituted for House bills, "Substitute for House 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 Senate bills, "House Substitute for Senate Bill No. \_\_\_\_\_," and the blank shall be filled with the number of the bill for which substitution is made or recommended.
- (b) When a substitute concurrent resolution is recommended by a committee report, and when an amendment from the floor is adopted replacing the concurrent resolution under consideration with a substitute concurrent resolution, the substitute concurrent resolution shall be printed in the manner provided for concurrent resolutions introduced, and the concurrent resolution number designation shall be substantially as follows:
- (1) In the case of concurrent resolutions substituted for House concurrent resolutions, "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.
- (2) In the case of concurrent resolutions substituted for Senate concurrent resolutions, "House 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.

**Rule 3905. Appropriation Bills.** All bills making an appropriation shall be printed and distributed at least 24 hours before such bills are considered by the House.

**Rule 3906. Committee of the Whole Amendments.** If a bill or concurrent resolution is amended by the committee of the whole, it shall be reprinted showing the amendments.

Rule 3907. Concurrent Resolutions, When Printed. (a) Concurrent resolutions to amend the Constitution of Kansas, to call a constitutional convention to amend the Kansas constitution, to ratify amendments to the Constitution of the United States, to apply for a United States constitutional convention or to amend the joint rules of the House and Senate shall be printed as provided for bills under Rule 3902.

(b) Other concurrent resolutions shall be printed as provided for bills under Rule 3902, unless otherwise directed by the Speaker.

Rule 3908. Embellished Printing of Certain Resolutions. Unless otherwise directed by the Speaker, not more than five copies of any enrolled House resolutions and any enrolled House concurrent resolutions may be printed on embellished parchment and shall be distributed as directed by the resolution. Additional copies of any resolution may be printed on embellished parchment and mailed at the expense of the member requesting such additional copies.

**Rule 3909. House Resolutions.** Subject to Rule 3908, House resolutions shall not be printed, except resolutions to amend rules of the House, to approve or disapprove executive reorganization orders or if the resolution has been referred to a committee, in which cases the resolution shall be printed.

#### ARTICLE 41. JOURNAL AND CALENDAR

- **Rule 4101. Journal; Preparation.** The daily Journal of the House of Representatives shall be prepared by the chief clerk in accordance with the Rules of the House.
- **Rule 4102. Entering in Journal.** When a bill, order, motion or resolution is entered in the Journal, the names of the members or legislative committee introducing or moving the same shall be entered.
- Rule 4103. Resolutions in Journal. All House resolutions and all House concurrent resolutions shall be printed in the Journal when introduced.
- Rule 4104. Messages from the Governor in Journal. All messages from the Governor and all executive reorganization orders shall be printed in the Journal.
- **Rule 4105. Calendar; Preparation.** The House Calendar shall be prepared for each legislative day by the chief clerk in accordance with the Rules of the House.
- Rule 4106. Status of Bills and Resolutions Shown in Calendar. The status of all House and Senate bills and concurrent resolutions and House resolutions shall be shown by number in the Calendar for each legislative day.
- Rule 4107. Copies of Journals and Calendars. Each member shall be furnished with a printed copy of the daily Journal and the daily Calendar.

#### ARTICLE 43. MISCELLANEOUS

- Rule 4301. Employees; Employment. Such employees as are necessary to enable the officers, members and committees to properly perform their duties and transact the business of the House with efficiency and economy shall be recruited under the supervision of the director of legislative administrative services subject to approval of the Speaker. The director of legislative administrative services shall keep a roster of the employees of the House and an account of the hours of service performed. No employee shall lobby for or against any measure pending in the Legislature and any employee violating this rule shall be discharged immediately.
- Rule 4302. Special Order. Any matter may be made the special order for any particular time or day, but all requests and motions for special orders shall be referred to the committee on rules and journal, which

may designate particular times and days for such special orders and report to the House for its approval. Upon adoption of such report by  $\frac{2}{3}$  of the members present, the matters designated shall stand as special orders for the times stated, but no special order shall be made more than seven days in advance. This Rule 4302 shall not apply to executive reorganization orders or resolutions relating thereto.

**Rule 4303. Petitions; Presentation.** Petitions and memorials addressed to the House shall be presented by a member.

**Rule 4304. Petitions; Endorse Name.** Each member presenting a petition or memorial shall endorse it with their name or the name of the committee, and a brief statement of its subject.

**Rule 4305. Open Meetings.** The open meeting law (K.S.A. 75-4317 *et seq.* and amendments thereto) shall apply to meetings of the House of Representatives and all of its standing committees, select committees, special committees and subcommittees of any of such committees.

#### ARTICLE 45. EXECUTIVE REORGANIZATION ORDERS

Rule 4501. Referral of Executive Reorganization Orders. Whenever an executive reorganization order is received from the Governor, it shall be referred to an appropriate committee by the Speaker.

Rule 4502. Committee Report on Executive Reorganization Orders. The committee to which an executive reorganization order is referred shall report its recommendations upon every executive reorganization order referred to it, in the form of a House 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 of the foregoing occurs first.

Rule 4503. Return in Event of Committee's Failure to Report. In the event that a committee fails to report upon an executive reorganization order and upon all resolutions relating thereto referred to it within the time specified in Rule 4502, such committee shall be deemed to have returned the same to the House without recommendation thereon.

Rule 4504. Special Order of Business for ERO. When a report or return of an executive reorganization order is made, it and all resolutions for approval or disapproval thereof shall be made the special order of business on a particular day and hour specified by the Speaker but not later than the last day the executive reorganization order may be disapproved under section 6 of article 1 of the Constitution of Kansas. A resolution for approval or disapproval of an executive reorganization order shall be considered under the order of business Final Action and shall be subject to debate and final action by the House.

**Rule 4505. Nonapplication to Bills.** This Article 45 shall not apply to bills amending or otherwise affecting executive reorganization orders.

**Rule 4506.** Nonaction When Moot. The House shall act to approve or reject every executive reorganization order unless at the time set for such action the Senate shall have already rejected such executive reorganization order.

#### ARTICLE 47. IMPEACHMENT

**Rule 4701. Impeachment; Powers.** Nothing in the rules of the House or in any statute shall be deemed to impair or limit the powers of the House of Representatives with respect to impeachment.

Rule 4702. Same; Select Committee. The Speaker may appoint a select committee comprised only of members of the House of Representatives, and appoint its chairperson, to inquire into any impeachment matter. Any such committee may be appointed at any time and shall meet at the call of its chairperson or at the direction of the House, with the numbers of such appointees being minority party members and majority party members in the same proportion as for the entire House membership.

Rule 4703. Same; Reference. The Speaker may refer any impeachment inquiry or other impeachment matter to any standing committee or any select committee appointed under Rule 4702, and any committee to which such a referral has been made shall meet on the call of its chairperson.

Rule 4704. Same; Report. Whenever a report is made by a committee to which an impeachment inquiry or other impeachment matter has been referred, the report thereon shall be made to the full House of Representatives, except that any such report may be submitted preliminarily to the Speaker.

**Rule 4705. Same; Call into Session.** The Speaker or a majority of the members then elected (or appointed) and qualified of the House of Representatives may call the House of Representatives into session at any time to consider any impeachment matter.

**Rule 4706. Same; Procedure.** The Speaker 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 House of Representatives.

## ARTICLE 49. REPRIMAND, CENSURE OR EXPULSION OF MEMBERS

Rule 4901. Complaint. When any member of the House of Representatives desires to lodge a complaint against any other member of the House of Representatives, requesting that the member be reprimanded, censured or expelled for any misconduct, the complaining member shall file a written statement of such complaint with the chief clerk, and such complaint shall bear the signature of the complaining member.

Rule 4902. Select Committee; Consideration of Complaint. (a) Whenever any complaint has been filed under Rule 4901, the Speaker shall appoint a select committee of six members for consideration thereof except that if the complaint is filed against the Speaker, the Speaker Pro Tem shall appoint the select committee of six members. A select committee created under this subsection (a) shall be comprised equally of majority and minority party members.

(b) The select committee may dismiss the complaint after the inquiry or may set the matter for hearing. Reasonable notice and an opportunity to appear shall be afforded the member complained of at any hearing held hereunder. Any select committee meeting under authority of this section shall constitute an investigating committee under article 10 of chapter 46 of the Kansas Statutes Annotated and shall be authorized to meet and exercise compulsory process without any further authorization of any kind, subject, however, to limitations and conditions prescribed in article 10 of chapter 46 of Kansas Statutes Annotated.

(c) Upon completing its hearing the deliberations thereon, the select committee may dismiss the complaint or may make recommendations to the full House of Representatives for reprimand, censure or expulsion.

**Rule 4903. Action by House.** Upon receiving any report under Rule 4902, the House of Representatives may, without further hearing or investigation, reprimand, censure or expel the member complained of. Reprimand, censure or expulsion of a member shall require a <sup>2</sup>/<sub>3</sub> majority vote of those members elected (or appointed) and qualified of the House of Representatives.

# JOURNAL OF THE HOUSE

2010 REGULAR SESSION JANUARY 11, 2010 THROUGH ADJOURNMENT MAY 28, 2010

Susan W. Kannarr,  $Chief\ Clerk$ 

#### 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 boldface type facilitates locating the bills readily on each page. The abbreviations used are as follows:

HB 2001	House Bill No. 2001
HCR 5001	House Concurrent Resolution No. 5001
HR 6001	House Resolution No. 6001
HP 2001	House Petition No. 2001
SB 1	Senate Bill No. 1
SCR 1601	Senate Concurrent Resolution No. 1601

#### EXPLANATION OF PAGE NUMBERING

The Senate and House Journals are printed in separate volumes. Paging in both Journals is consecutive and begin with page 1, continuing through the two-year biennium.

Under the section "History of Bills" HJ and SJ page numbers may refer to the separate House Journal and Senate Journal volumes.

# Journal of the House

#### FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES, ТОРЕКА, KS, Monday, January 11, 2010, 2:00 р.т.

This being the day fixed by the Constitution of the State of Kansas for the assembling of the 2010 session of the legislature, the House of Representatives was called to order at 2:00 p.m. by Speaker Michael R. "Mike" O'Neal.

Speaker O'Neal announced that the Rev. Eunice Brubaker, executive associate pastor, Fairlawn Church of the Nazarene, will serve as Chaplain of the House for the 2010 session.

Prayer by guest chaplain, the Rev. Steven L. Vaughn, senior pastor, Fairlawn Church of the Nazarene, Topeka:

Dear Heavenly Father,

May we as the men and women of this legislature bow to acknowledge our dependence upon the power of God, and to confess with assured hope that God will lead us to the truth, announced in Holy Scripture, and proven by all history, that those nations that are blessed are those whose God is the Lord.

We have been the recipients of the choicest prosperity of Heaven; we have grown in numbers, wealth and power as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which has preserved us in peace and multiplied and enriched and strengthened us as a nation

Intoxicated with success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us. It would be fitting for us, then, to humble ourselves before offended power, to confess our dependency upon him and to pray for his clarity and direction in these days of difficult decisions and agendas.

Lord, this day may you grant a supreme wisdom to those who shadow these halls and offices. May you restore dignity, honor, trustworthiness, and right-eousness to the office they hold by their actions to honor you. Grant them this day a gracious gift of grace and guidance as they make motions and laws to once again restore this state to a place of prominence within this time we live for your sake.

Also, please keep Reps. Donohoe, Schroeder and Schwab in your care. In Christ's Name I ask. Amen.

The Pledge of Allegiance was led by Rep. Tafanelli.

#### COMMUNICATIONS FROM STATE OFFICERS

To all to whom these presents shall come, Greetings:

I, RON THORNBURGH, Secretary of the State of Kansas, do hereby certify that Don Svaty, Ellsworth, Kansas, was appointed by the Governor effective August 5, 2009, for the unexpired term of State Representative for the 108th Legislative District, to fill the vacancy created by the resignation of Joshua Svaty.

IN TESTIMONY WHEREOF, I hereto set my hand and cause 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

#### COMMUNICATIONS FROM STATE OFFICERS

To all to whom these presents shall come, Greetings:

I, RON THORNBURGH, Secretary of the State of Kansas, do hereby certify that Melany Barnes, Wichita, Kansas, was appointed by the Governor effective October 14, 2009, for the unexpired term of State Representative for the 95h Legislative District, to fill the vacancy created by the resignation of Tom Sawyer.

IN TESTIMONY WHEREOF, I hereto set my hand and cause 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

#### COMMUNICATIONS FROM STATE OFFICERS

To all to whom these presents shall come, Greetings:

I, RON THORNBURGH, Secretary of the State of Kansas, do hereby certify that Gene M. Suellentrop, Wichita, Kansas, was appointed by the Governor effective December 14, 2009, for the unexpired term of State Representative for the 105th Legislative District, to fill the vacancy created by the resignation of Jason Watkins.

IN TESTIMONY WHEREOF, I hereto set my hand and cause 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

#### COMMUNICATIONS FROM STATE OFFICERS

To all to whom these presents shall come, Greetings:

I, RON THORNBURGH, Secretary of the State of Kansas, do hereby certify that Barbara Bollier, Mission Hills, Kansas, was appointed by the Governor effective January 11, 2010, for the unexpired term of State Representative for the 25th Legislative District, to fill the vacancy created by the resignation of Terrie Huntington.

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed my official seal. Done at the City of Topeka, this 11th day of January, A.D. 2010.

Ron Thornburgh Secretary of State

#### OATH OF OFFICE

Representative-elect Barbara Bollier came forward and took and subscribed to the following oath of office, which was administered by Secretary of State Ron Thornburgh.

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of the office of representative of the House of Representatives, so help me God.

Subscribed and sworn to before me this 11th day of January, 2010.

RON THORNBURGH Secretary of State

Reps. Don Svaty, Barnes, Suellentrop and Bollier were welcomed by Speaker O'Neal and the members of the House with an ovation.

The roll was called with 120 members present. Rep. Donohoe was excused on verified illness. Reps. Kelley, Peterson, Schroeder and Schwab were excused on excused absence by the Speaker.

#### COMMUNICATIONS FROM STATE OFFICERS

Dear Mr. Speaker:

This letter is to advise you that the Office of Chief Clerk has received the following communications during the interim since adjournment of the 2008 Regular Session of the Legislature:

From Duncan Friend, Chairman, and Martha Gabehart, Vice-Chairman, Kansas Partnership for Accessible Technology, the 2008 Annual Report of the Kansas Partnership for Accessible Technology. It is also accessible at: http://da.ks.gov/kpat/.

From Bob Page, President and Chief Executive Officer, The University of Kansas Hospital, in accordance with KSA 76-3312(p), the 2009 Annual Report.

From Stephen R. Weatherford, President, Kansas Development Finance Authority, the 2009 Annual Report.

From Elizabeth B.A. Miller, Director of Investments, Kansas Pooled Money Investment Board, in accordance with KSA 75-4222(h), the 2009 Annual Report.

From Glenn Deck, Executive Director, Kansas Public Employees Retirement System, the Annual Report, accessible at http://www.kpers.org/annualreport2009.pdf.

From Steve Six, Attorney General, in accordance with KSA 50-628, the 2008 Annual Report of the Consumer Protection Division.

From Dennis McKinney, State Treasurer, the 2009 Annual Report for the Kansas State Treasurer's Office.

From Robert E. Blecha, Director, Kansas Bureau of Investigation, in accordance with KSA 60-4117, the status report of the KBI State Forfeiture Fund.

From Roderick L. Bremby, Secretary, Kansas Department of Health and Environment, in accordance with KSA 65-5001, the findings and recommendations on the Kansas Association of Addiction Counselor's application seeking credentialing of addiction counselors.

From Roger Werholtz, Secretary, Kansas Department of Corrections, in accordance with KSA 75-52,112, the Annual Report of the Kansas Community Corrections Statewide Risk Reduction Initiative.

From Steve Six, Attorney General, in accordance with KSA 75-7c16(b), the statistical report regarding concealed carry licenses issued, revoked, suspended and denied.

From the Office of Governor Mark Parkinson:

Executive Directive No. 09-398, Authorizing Personnel Transactions.

Executive Directive No. 09-399, Authorizing a Fund Transfer.

Executive Directive No. 09-400, Authorizing Expenditure of Federal Funds and Authorizing Fund Transfers.

Executive Directive No. 10-401, Authorizing Expenditure of Federal Funds.

Executive Directive No. 10-402, Authorizing Expenditure of Federal Funds.

Executive Directive No. 10-403, Authorizing Expenditure of Federal Funds.

Executive Directive No. 10-404, Authorizing Expenditure of Federal Funds.

Also, from J. Michael Hayden, Secretary, Kansas Department of Wildlife and Paks, in accordance with K.S.A. 32-844 and 32-845, report regarding land acquisition and renewals.

From Thomas A. Day, Legislative Liaison, Kansas Corporation Commission, Conservation Division, Abandoned Oil & Gas Well/Remediation Site Status Reports, January 11, 2010.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Merrick, **HR 6001**, by Reps. O'Neal and Davis, as follows, was introduced and adopted:

#### HOUSE RESOLUTION No. 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 Siegfreid, speaker pro tem,

Ray Merrick, majority leader,

Paul Davis, minority leader,

Susan Kannarr, chief clerk,

Wayne Owen, sergeant at arms,

and awaits the pleasure of the Senate.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Merrick,  ${\bf HR~6002}$ , by Reps. O'Neal and Davis, as follows, was introduced and adopted:

#### HOUSE RESOLUTION No. 6002-

A RESOLUTION relating to assignment of seats of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the members of the 2010 regular session shall occupy the same seats assigned pursuant to 2009 House Resolution No. 6014 with the following exceptions: Aurand, seat No. 25; Barnes, seat No. 75; Suellentrop, seat No. 46; D. Svaty, seat No. 54; Trimmer, seat No. 14; Whitham, seat No. 8; Bollier, seat No. 79.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6003-

By Representatives O'Neal and Davis

A RESOLUTION relating to committees of the House of Representatives; amending rules 1101 and 1105.

Be it resolved by the House of Representatives of the State of Kansas: That rule 1101 of the House of Representatives be amended to read as follows:

Rule 1101. Standing Committees; Names and Members. (a) The standing committees of the House shall be the following and have the number of members indicated for each:

1.	Aging and Long-term Care	13
2.	Agriculture and Natural Resources	19
	Appropriations	
4.	Calendar and Printing	
	Commerce and Labor	
6.	Corrections and Juvenile Justice	<del>11</del> 13
7.	Economic Development and Tourism	13
8.	Education	<del>19</del> 21
9.	Elections	11
10.	Energy and Utilities	21
11.	Federal and State Affairs	<del>21</del> 23
12.	Financial Institutions	13
13.	Government Efficiency and Fiscal Oversight	<del>15</del> 13
14.	Health and Human Services	<del>19</del> 23
<del>15.</del>	Higher Education	<del>11</del>
<del>16.</del>	15. Insurance	13
<del>17.</del>	16. Interstate Cooperation	
<del>18.</del>	17. Judiciary	19

<del>19.</del> 18. Local Government	
<del>20.</del> 19. Rules and Journal	
<del>21.</del> 20. Taxation	
<del>22.</del> 21. Transportation	<del>19</del> 21
<del>23.</del> 22. Veterans, Military and Homeland Security	15
<del>24</del> -23 Vision 2020	

(b) The house standing committee on economic development and tourism shall constitute the successor committee to the house standing committee on tourism and the house standing committee on tourism and parks for purposes of references in statutory or other documents. The house standing committee on economic development and tourism shall constitute the successor committee to the house standing committee on economic development and the house standing committee on new economy for purposes of references in statutory or other documents. The house standing committee on agriculture and natural resources shall constitute the successor committee to the house standing committee on environment for purposes of references in statutory or other documents. The house standing committee on insurance and the house standing committee on financial institutions shall constitute the successor committees to the house standing committee on insurance and financial institutions for purposes of references in statutory or other documents.

Be it further resolved: That rule 1105 of the House of Representatives be amended to read as follows:

Rule 1105. Budget Committees. (a) There is hereby created the following budget committees of the committee on appropriations which shall have the number of members indicated for each:

1. Agriculture and natural resources budget committee98
2. Education budget committee
3. General government budget committee98
4. Legislative budget committee
5. Social services budget committee
6. Transportation and public safety budget committee

- (b) Members of the budget committees are not required to be members of the committee on appropriations. The Speaker shall designate the number of members of each budget committee who are not members of the committee on appropriations and shall appoint the members of each budget committee who are not members of the committee on appropriations. The chairperson of the committee on appropriations shall appoint the members of each budget committee who are members of the committee on appropriations. The Speaker shall appoint the chairperson and vice chairperson of each budget committee. The Speaker may remove or replace at any time any budge committee chairperson, vice chairperson or any member of such committee appointed by the Speaker.
- (c) Budget committees shall be advisory to and make recommendations to the committee on appropriations. Budget committees are authorized to introduce bills or resolutions, except that budget committees are not authorized to introduce bills containing one or more items of appropriation. Except as otherwise provided in this rule, budget committees shall be deemed to be standing committees under the rules of the House of Representatives.
- (d) Budget committee meetings are subject to the Kansas open meetings act, K.S.A. 75-4317a et seq., and amendments thereto.

#### HOUSE RESOLUTION No. 6004-

#### By Representative Mah

A RESOLUTION congratulating and commending Shawnee Heights math teacher Bradley Nicks for being honored as a Milken Family Foundation 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 one 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 House of Representatives 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 Chief Clerk of the House of Representatives be directed to provide three enrolled copies of this resolution to Representative Mah.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2408, An act concerning information technology; requiring state agencies to perform periodic reviews of network security, by Joint Committee on Information Technology.

**HB 2409**, An act concerning school districts; relating to special education; amending K.S.A. 72-983 and repealing the existing section, by Legislative Post Audit Committee.

**HB 2410**, An act concerning school districts; relating to school finance; relating to atrisk pupils, by Legislative Post Audit Committee.

**HB 2411**, An act concerning controlled substances; relating to certain synthetic cannabinoids; amending K.S.A. 2009 Supp. 65-4105 and repealing the existing section, by Representative Olson.

**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, by Joint Committee on Corrections and Juvenile Justice Oversight.

**HB 2413**, An act relating to the disposition of district court fines, penalties and forfeitures and the funding of the alcohol and drug abuse treatment fund; amending K.S.A. 2009 Supp. 74-7336 and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

**HB 2414**, An act authorizing the state board of regents to convey certain real estate, by Legislative Educational Planning Committee.

**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, by Legislative Educational Planning Committee.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2416**, An act making and concerning appropriations for the fiscal year ending June 30, 2010, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

**HB 2417**, An act concerning judges; relating to district judges and district magistrate judges; amending K.S.A. 20-353 and 20-355 and repealing the existing sections, by Committee on Appropriations.

**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, by Joint Committee on Administrative Rules and Regulations.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Merrick, **HCR 5024**, by Reps. O'Neal and Davis, as follows, was introduced and adopted:

#### HOUSE CONCURRENT RESOLUTION No. 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.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Senate and the House of Representatives meet in joint session in Representative Hall at 7:00 p.m. on January 11, 2010, for the purpose of hearing the message of the Governor.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Governor.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Lieutenant Governor.

In accordance with **HCR 5024**, Speaker O'Neal appointed Reps. Hayzlett, Myers and Hawk to escort the Governor.

Also, Reps. Vickrey, Aurand and Mah to escort the Lieutenant Governor.

Also, Reps. Brookens, King and Ruiz to escort the Supreme Court.

Also, Reps. Horst, Mast and Menghini to escort the Senate.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following prefiled bills were referred to committees as indicated:

Corrections and Juvenile Justice: HB 2411, HB 2412, HB 2413.

Education: HB 2409, HB 2410.

Government Efficiency and Fiscal Oversight: HB 2408.

Education Budget: HB 2414, HB 2415.

#### INTRODUCTION OF GUESTS

Speaker O'Neal introduced Dr. Michael Munger, Overland Park, who is the President of the Kansas Association of Family Physicians. The association sponsors the doctor of the day program and provides daily assistance for health concerns of those serving the Statehouse during the session.

#### MESSAGES FROM THE SENATE

Announcing adoption of **SR 1801**, a resolution relating to the organization of the 2010 Senate and selection of the following officers:

Steve 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.

Also, announcing adoption og SCR 1620, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2010 session of the Legislature is duly organized and ready to receive communication.

Also, announcing the appointment of Senators Bruce and Kultala as Senate members of the committee to wait upon the Governor.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Merrick, **SCR 1620**, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2010 session of the legislature is duly organized and ready to receive communication, was thereupon introduced and adopted.

In accordance with **SCR 1620**, Speaker O'Neal appointed Reps. Hayzlett, Myers and Lane to wait upon the Governor.

On motion of Rep. Merrick, the House recessed until 6:30 p.m.

#### EVENING SESSION

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

It being the hour in accordance with **HCR 5024** to meet in joint session with the Senate to hear the message of the Governor, Reps. Horst, Mast and Menghini escorted President Morris and members of the Senate to seats in the House.

Reps. Brookens, King and Ruiz and Senators Apple and Kelly escorted the Supreme Court to seats in the House.

Reps. Vickrey, Aurand and Mah and Senators Wagle and Faust-Goudeau escorted the Lieutenant Governor to a seat in the House.

Reps. Hayzlett, Myers and Hawk and Senators Reitz and Holland escorted the Governor to the rostrum.

### Governor Mark Parkinson's Complete Text of the State of the State

"Mr. Speaker, Mr. President, Minority Leaders Hensley and Davis, Mister Chief Justice, legislators, justices, cabinet officers, elected officials, honored guests and my fellow Kansans:

"For almost 150 years, 45 governors have had the honor to report to this body on the state of the state of Kansas. Throughout those 150 years, we have been through many crises. We have gone through booms and busts, two World Wars and faced countless natural disasters. Despite those challenges, every governor for almost 150 years declared that the state of our state was strong.

"They understood that we do not measure the state of our state by the crisis of the day. The true measure of a state is the quality and character of the people living in it. Are they willing to pull together, stare down challenges and provide a helping hand to those in need?

"Mr. Speaker and Mr. President, the economy has once again tested the quality and character of the citizens of Kansas, and I am happy to report we have passed every test. On every measurement that matters, the state of the state of Kansas has never been stronger.

"Unfortunately, this does not mean that we have overcome every challenge. The greatest economic crisis since the Great Depression continues to fight against us. I am here to tell you tonight that this crisis will not defeat us. To succeed, we must pull together and make sacrifices. To give up in the waning moments of this economic challenge would precipitate decades of intolerable consequences.

"One hundred fifty years ago, our ancestors had a vision for Kansas. They turned that vision into a reality and built the greatest state in the nation. I am calling on you to help protect what we have built over these last 150 years. You have all heard me brag on many occasions about our founding fathers, the struggles they endured and the challenges they overcame. Our founders shared a vision of great public schools, outstanding universities, safe communities and an economic climate that would allow us all to prosper.

"In the early years, our leaders understood the importance of a great higher education system. They established Kansas State University in 1863, just two years after Kansas became a state. Since then we have formed six other major universities, 19 community colleges and seven technical schools and colleges. Their vision was elegant and concise - if you want to keep the best and brightest in a state, you must create a great higher education system to retain them. If you want to attract the best and brightest from other states, you must have great higher education. If you want to provide a workforce for the future, you build great universities, technical schools and community colleges.

"This was not a one-time commitment. It is a commitment our leaders have kept for 150 years, and it worked. Hundreds of thousands of Kansans have graduated from these schools and have made our state what it is today. In addition, our schools have become an economic engine. Ask yourself why the animal health corridor exists in Kansas. It exists because this Legislature had the vision many years ago to fund Kansas State University so it could develop a world class veterinary school. At the same time, Missouri was establishing a veterinary school in Columbia, and a corridor sprung up between the two schools. The result was hundreds of companies and tens of thousands of new jobs. The animal health corridor would have never happened if years ago this legislature had been tight fisted and refused to fund our higher education system. Our 150-year commitment made it possible.

"Ask yourself why Kansas University has the chance to achieve designation as a National Cancer Institute. This opportunity exists because this legislature had the vision to fund higher education so KU could establish a world class medical school. National Cancer Institute designation would have been impossible if years ago this legislature had refused to fund higher education. Our 150-year commitment made it possible.

"Consider the aircraft industry. History's greatest entrepreneurs formed this industry in Wichita. They deserve the credit, but its growth depends on educational opportunities. It is Wichita State and schools that have produced the workforce that took those entrepreneurs dreams from just a vision to reality. Make no mistake, our commitment to higher education is not just the right thing to do, it is great economic development.

"The same can be said of our investment in our public schools. While other states were shy to adopt public education, we embraced it. Our leaders made the conscious decision clear back in the 1860s to spend money on public education. Their vision was to create a literate population that would become workers, then consumers and lead our state to prosperity. This commitment to public schools was not one time or intermittent; it was long-lasting. It is at the very essence of what makes Kansas, Kansas.

"Throughout our history this has worked. We developed a world class public school system. It is a system that outside entities consistently rate as one of the best in the country. It is a system that has higher graduation rates and test scores than the national average. It is a system that has provided every child a chance and has created the outstanding labor force that we dreamed of building. It happened because those that came before us had vision and the courage to make investments in our future.

"Those that came before us accomplished even more. They built a transportation system that now serves as a model for the rest of the country. They built a public safety system that keeps our communities safe, and they built a safety net because they realized that the true measure of a society is not how it treats the richest of the rich, but rather how it treats those most in need.

"Along the way there have certainly been naysayers, those who have argued that you cannot build great schools, great universities, great roads and have a safety net for those in need without taxing the state out of business. We know the naysayers are wrong. We know that they are wrong because we have achieved excellence with taxes that are below the national average.

"The Tax Foundation rates each state every year for its combined state and local tax burden. It's an objective way of finding out where we stand. Its findings for 2009 are the same as its findings for most prior years. Kansas is below the national average for taxes that we pay. Below. It is a remarkable achievement. Our founders were cunning and frugal enough to build a great state without taxing us out of business.

"Unfortunately, what we have built is now at risk. Our accomplishments are at risk because the recession has devastated state revenues. We have cut \$1 billion out of the state budget. Like any organization, public or private, there was waste in state government. That is inevitable. That made the first round of cuts relatively easy, but as the deficit grew, the budget cuts have been brutal. We are way beyond the point of cutting waste.

"As a result of my last cuts, schools have closed and universities have laid off professors. Post-release supervision of prisoners has declined, our road maintenance has stopped and payments to our Medicaid providers have decreased. We have cut beyond the point of waste and into the foundation of these critical services.

"Now we face another challenge. Before I describe it, I want to thank each of the 165 of you. Last year, I called on us to pull together in a post-partisan manner to face our challenges and we did. We avoided the partisan bickering and childishness that we see in Washington, D.C. Tonight, the need to pull together has never been more important.

"That is because we face another budget hole of almost \$400 million. We are not \$400 million short of what we need to get these programs back to where they need to be. We are \$400 million short of what we need to keep most of these budgets at their already drastically cut levels.

"I have spent scores of hours studying these programs in search of that \$400 million more that we can cut. I'm here to tell you that it simply is not there. If you can find it, I am open to your input. However, as a person who is fiscally responsible and as a person who has cut more out of our state budget than any Kansan in history, let me repeat - there isn't \$400 million left that we can responsibly cut. Now is the time to protect what we have. Now is the time to stop cutting education, public safety and aid to the elderly and disabled.

"Here is my plan to come up with the \$400 million - we need to raise two taxes. We must take the cigarette and tobacco tax from 79 cents a pack and raise it to the national average of \$1.34. Not only will this allow us to raise revenue, it has the added benefit of reducing teen smoking. Study after study demonstrates that if you raise this tax, teen smoking will decline.

"We must also raise our sales tax by one cent for a temporary period of 36 months. A temporary increase of just one cent allows us to fund our programs at the minimum acceptable levels while we work our way out of this recession. I am then proposing that after the third year the tax retreat, leaving just two tenths of a cent in place that would be available to craft a moderate but necessary highway program.

"This is by no means a big spending budget. We would still force agencies to live under the enormous constraints that our \$1 billion in cuts have placed on them. There are some areas funded above 2010 levels. This budget allows us to reinstate some funding of schools and universities as we begin their road to recovery. This budget allows us to reinstate some of the post-release supervisory programs in the Department of Corrections, which is a matter of public safety. This budget allows us to restore Medicaid funding so that those most in need will have access to hospitals, doctors and nursing homes.

"The alternative to coming up with this \$400 million is not acceptable. It would require a round of cuts that would do years of damage to what we have built. We would hurt every school district in this state. More schools would close and class sizes would reach intolerable levels.

"Universities, technical schools and community colleges would suffer. Our National Cancer Institute designation would be at risk. Our roads would deteriorate, and we would either have to eliminate supervision of prisoners on parole, or start letting prisoners out of jail early. On top of all that, the budgets for 2012 and beyond would be even more difficult.

"Now, I know there are discussions about other ways to raise \$400 million. There has been talk of eliminating some sales tax exemptions and there is some possibility of additional federal money in some areas. I am open to all ideas and encourage you to examine them. What I am not open to are crippling cuts. Our ancestors worked too hard to build what we have. Now it is our turn. It is a fight worth waging. Our schools are worth fighting for, our universities are worth fighting for, our public safety system is worth fighting for and our safety net for the elderly and disabled is worth fighting for.

"We can do more though than just protect what we have. In addition to fixing the budget, we can prepare for the future. First, let's ramp up our fight against cancer by enacting a

public smoking ban. It is time. Twenty-four states including North Carolina have done it. If North Carolina, the largest tobacco producing state in the country can enact a public smoking ban, surely Kansas can.

"Let me be very clear. I'm not proposing that we pass a watered down smoking ban. I do not want legislation that the tobacco industry writes, full of loopholes and not a real ban. Seventy-five percent of Kansans want a real public smoking ban and I am asking you to give that to them.

"The second initiative that I want to propose is that we continue to move forward with energy policy in Kansas; 2008 was about building wind farms in Kansas, 2009 was about bringing wind manufacturing jobs and transmission to Kansas. Let's make 2010 about making Kansas a national leader. We should lead the country in renewable energy.

"Accordingly, I have asked Lieutenant Governor Findley to lead a Cabinet team who will make sure that we take advantage of every opportunity to continue to bring transmission, wind farms and green jobs to Kansas. It is our destiny to provide clean energy to the rest of the country and Lieutenant Governor Findley will lead the way to make that happen.

"Finally, it is time that we take steps to make sure that the state never again finds itself facing this kind of fiscal challenge. There are many reasons for the budget problems that we have. One is that we came into last year without an emergency fund. This is unacceptable.

"Downturns are inevitable. Every business and family knows this, and those that are able develop reserve funds to prepare for those downturns. It is time for the state to do the same. I am asking you to pass the Vratil-Kelly Constitutional Amendment that would require us to set a portion of state revenue aside to create an emergency fund. In years of declining revenue we would tap into the fund and avoid the situation we are currently in. It is time that we put our fiscal house in order and lay the foundation for a solid financial future for this state.

"Now, I want to tell you why I am so optimistic about the future of our state. During a recession, people give up; and once they give up, a recession can become a depression. My message to Kansans tonight is this: don't give up. There are too many reasons for genuine optimism.

"We are all worried about jobs. Our unemployment rate is not acceptable. The good news is that our Department of Commerce has won battle after battle to bring jobs to the state. Unfortunately, these successes have not kept pace with job losses from current employers. I want Kansans to know that we will continue to fight until every Kansan has a job.

"That will not be long. Kansas is an exporter. We export airplanes, food and energy. As emerging markets continue to grow in countries like China, India, and Brazil, even during this recession, the demand for our products will continue to grow. Seven-hundred million people in emerging countries will join the middle class in the next 20 years, and no state will benefit more from this than Kansas. Demand for our airplanes, our wheat and our energy will explode. But, we cannot give up. We must protect what we have, fight for what we have and prepare for the future.

"Last year, I told you about my vision for Kansas in 2030. That vision is fully intact. I told you that by 2030 our agricultural, energy, and aviation sectors will be booming and our animal health corridor will flourish. Kansas University will have achieved designation as a National Cancer Institute and become a leading research institute in life science. Our higher education system will be world class.

"A renewable energy corridor will exist between Wichita and Salina and provide thousands of jobs to Kansas and clean energy to the world. Wind farms will exist all throughout western Kansas and we will have built the transmission to bring that energy to eastern Kansas and beyond. Our public school system will be strong, our transportation system will be world class and opportunity will abound.

"We will be more diverse. Our Hispanic and Asian populations will grow, and rather than reject our new citizens, as some states have done, we will embrace them as Kansans. More than ever, they will be an important part of the Kansas story.

"I am more confident of this vision than ever. Already this year, we have made progress toward many of these predictions. We have achieved the first approvals for needed energy transmission in western Kansas. We beat our goal of 10 percent renewable energy by 2010 and we are still building additional wind farms. Two major companies have already located in our renewable energy corridor, employing hundreds of Kansans.

"This year we will begin the construction of the National Bio and Agro-Defense Facility in Manhattan. I want Governor Perry of Texas to know that he has my personal invitation to participate in the ground breaking. However, for all of my predictions to come true, we must protect what we have and build for the future.

"Let me close on a personal note; 28 years ago, I started law school at KU. On the second day of class, I met the woman who would become the love of my life, Stacy. Stacy had grown up in west Wichita. She attended Goddard public schools, then KU for her undergraduate degree and law school. She was the first person in her family to graduate from college. I was born and grew up in Wichita, attended Wichita public schools, then Wichita State and ultimately KU law school.

"We fell in love, and even though people will tell you that you should not do this, we got married in our second year of law school. Not smart, but we were in love and had big dreams. We lived in a mobile home and had no money, but we didn't care. We had each other and a future that we hoped for. After law school we formed our own law firm, ultimately our own business and have been financially rewarded beyond any level that we could have hoped. We have three great kids, and we love them desperately. We have traveled the world and lived a life beyond what we could possibly have dreamed from that mobile home in Lawrence. Stacy and I have lived the American dream and we have lived it without ever leaving Kansas.

"I tell you this not to boast of our good fortune; I tell you this because I want to make sure that future generations of Kansans have the same opportunities as Stacy and me. We are able to live this life because legislators and governors decades ago decided that building great public schools and universities was the right thing to do. We are able to live this life because in Kansas, you didn't have to be rich to go to a good school or go to college.

"Now I'm asking you to make the same decisions for future generations to come. I'm asking you to give our children and our children's children the same opportunity that Stacy and I and all of you have had - the opportunity to live the American dream without ever leaving the state.

"Generations from now, historians will look at how Kansas handled the greatest economic crisis since the Great Depression. We have the opportunity to astonish them. The decisions that you can make will mean that not only did we fight back, not only did we protect what our ancestors built, but while everyone else was in a panic, we moved forward. Let's seize that opportunity, astonish the historians and write history that will make all future generations proud.

"Thank you. God Bless you, God Bless Kansas and God Bless America."

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, January 12, 2010.

# Journal of the House

#### SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, January 12, 2010, 11:00 a.m.

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

The roll was called with 121 members present.

Rep. Donohoe was excused on verified illness.

Reps. Kelley, Peterson and Schroeder were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Steven L. Vaughn, senior pastor, Fairlawn Nazarene Church, Topeka:

Dear Heavenly Father,

May you grace us with your presence and patience. During these days of decisions and dilemma may you give direction to these who seek it, vision to those who dream it and wisdom to those who ask for it.

Give this session perception and the ability to discern and exercise good judgment. Grant them intelligence that comes from God as pure, peaceful, gentle, easy to be entrusted, merciful, full of good resolutions that are impartial, and without hypocrisy.

Today as this group meets may it be one voice and one cause that unites them. May the decisions they make for the future not be based on whether they are democrat or republican, personal or politically motivated but about the solutions and of working together for the greater cause of this great state.

May you once again allow your blessings to shower the Great Plains of Kansas and the people that inhabit its boundaries and permit us to praise you for your help and advice in all things. In Christ's Name I ask. Amen.

The Pledge of Allegiance was led by Rep. Burroughs.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2419**, An act concerning energy; relating to renewable energy generation units and energy storage devices, by Committee on Energy and Utilities.

HB 2420, An act concerning energy; relating to energy efficiency programs, by Committee on Energy and Utilities.

**HB 2421**, An act concerning energy; requiring schools of engineering to evaluate renewable, distributive generation and transmission technology upon request, by Committee on Energy and Utilities

HB 2422, An act concerning energy; creating a Kansas energy science authority and providing for the powers and duties thereof; amending K.S.A. 2009 Supp. 79-213 and repealing the existing section, by Committee on Energy and Utilities.

**HB 2423**, An act concerning emergency telephone service; relating to fees, charges, collection and distribution; amending K.S.A. 2009 Supp. 12-5338 and 12-5361 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 K.S.A. 2009 Supp. 12-5338, as amended by section 13, and 12-5361, as amended by section 14, by Committee on Energy and Utilities.

**HB 2424**, An act concerning insurance; providing coverage for telemedicine; amending K.S.A. 2009 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Vision 2020.

**HB 2425**, An act concerning workers compensation; pertaining to firefighters' exposure to certain health conditions on the job; amending K.S.A. 2009 Supp. 44-501 and repealing the existing section, by Committee on Vision 2020.

HB 2426, An act concerning agriculture; creating the agricultural land conservation program, by Committee on Vision 2020.

HB 2427, An act concerning healthcare; relating to telemedicine and telehealth monitoring; providing for reimbursement, by Committee on Vision 2020.

HB 2428, An act concerning drinking water supply lakes; imposing certain fees and surcharges, by Committee on Vision 2020.

**HB 2429**, An act concerning judges of the district court; relating to the reassignment of positions; amending K.S.A. 20-327, 20-333, 20-336, 20-348, 20-354 and 20-2908 and repealing the existing sections; also repealing K.S.A. 20-301b, 20-338 and 20-354a, by Committee on Vision 2020.

**HB 2430**, An act concerning veterans; relating to post-traumatic stress disorder; relating to sentencing guidelines; amending K.S.A. 21-4703 and 21-4716 and K.S.A. 2009 Supp. 73-1209 and repealing the existing sections, by Committee on Vision 2020.

**HB 2431**, An act concerning the state conservation commission; creating the land preservation partner program; creating the land preservation partner fund, by Committee on Vision 2020.

**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, by Representative Carlson

**HB 2433**, An act concerning state educational institutions; relating to the acquisition of property and services; amending K.S.A. 2009 Supp. 76-769 and repealing the existing section; also repealing K.S.A. 76-392, by Legislative Educational Planning Committee.

#### 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, 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  $5.00 \, \mathrm{p.m.}$  on January 30,2009, during the  $2009 \, \mathrm{regular}$  session and on February 41,2010, during the  $2010 \, \mathrm{regular}$  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, 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.

## HOUSE CONCURRENT RESOLUTION No. 5026-

By Committee on Vision 2020

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 House of Representatives of the State of Kansas, the Senate 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) Unification and restructuring of the courts; (2) administrative supervision of the courts; (3) selection, tenure, compensation and retirement of judges and court personnel; (4) appellate review; (5) financing of courts; and (6) such other areas assigned to it by the chief justice;

Be it further resolved: That 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.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: HB 2416. Judiciary: HB 2417, HB 2418.

## COMMUNICATIONS FROM STATE OFFICERS

From Carl Dean Holmes, Chairperson, Kansas Electric Transmission Authority, 2009 Annual Report to the Governor and the Legislature.

From Senator Thomas Owens, Chairperson, Report of the Kansas DUI Commission to the 2010 Kansas Legislature.

From Professor Tom Stacy, Chairman, Kansas Criminal Code Recodification Commission, 2010 Final Report to the Kansas Legislature.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

### MESSAGE FROM THE SENATE

Announcing adoption of **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.

The Senate announces the appointment of Senators Reitz and Holland to escort the Governor and Senators Wagle and Faust-Goudeau to escort the Lt. Governor. Also, Senators Apple and Kelly to escort the Supreme Court.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6005-

By Committee on Energy and Utilities

A RESOLUTION establishing targets for energy development, consumption and costs.

WHEREAS, Federal energy policy discussions have focused public attention on climate issues and alternative energy futures; and

WHEREAS, Federal energy policy discussions and ultimate actions will impact each state differently; and

WHEREAS, Energy sources to meet state needs will continue to reflect their existing and potential generation resources; and

WHEREAS, The cost of energy to consumers, businesses and industries will determine quality of life and economic opportunities in each state; and

WHEREAS, Direct and indirect energy costs and their impacts on individual consumers and consumer sectors have not been widely discussed at the federal level, but are of great concern to state policy-makers; and

WHEREAS, The Kansas Energy Council has been disbanded and other official energy forums have not provided a blueprint for state energy objectives that the public and their elected policy-makers can discuss, amend and implement: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we believe that Kansas' public, elected policy-makers and executive agency personnel should have specific targets for energy development, consumption and costs; and

Be it further resolved: That compared to January 1, 2009, by December 31, 2020 the following policy objectives should be achieved and all state agencies, including the Board of Regents, Kansas Bio-Science Authority, Kansas Corporation Commission, Kansas Department of Health & Environment, and the Kansas Development Finance Authority, are charged with the responsibility of achieving them:

RENEWABLE ENERGY: At peak generation and consumption periods, 20% of all electricity produced by Kansas generators and 20% of all electricity used by Kansas residential, commercial and industrial customers shall have been generated from renewable resources; and

All Title IV landfills in Kansas shall capture at least 90% of otherwise escaping methane gas from decomposing refuse and shall be converting new and existing municipal waste into synthetic gas for use in generating electricity and fueling motor vehicles; and

At least 10% of motor fuels sold in Kansas shall contain ethanol from cellulosic processing or bio-fuel synthetic gas; and

At least 60% of wind generated energy shall be "firmed" for reliability and to permit it to be dispatched. Such wind energy, in combination with the necessary energy storage, shall have at least an 80% capacity factor for five hours; and

ENERGY CONSERVATION AND EFFICIENCY: Assuming that the U.S. and Kansas economies will continue to recover strength after the recession of 2008 and 2009 and that electricity demand shall return to its normal 1% to  $1\frac{1}{2}\%$  annual growth, thereby resulting in approximately 15% greater demand by January 1, 2021, than existed as of December 31, 2009, in cooperation with the Kansas Corporation Commission all Kansas electric utilities shall develop measurable programs to reduce the anticipated rate of growth to 7.5% without consumers experiencing a quality of life degradation; and

TRANSMISSION: To develop Kansas' renewable energy generation potential, increase energy exports beyond state borders, provide a more robust transmission system resulting in increased energy reliability and lower cost electricity to high cost service areas, 1,000 miles of new and upgraded transmission lines will be approved and constructed; and

RESEARCH AND RETRO-FIT: Energy research in Kansas by private and public persons and institutions shall cumulatively generate \$500 million in grants, sponsored research and sales of products and technologies that increase energy production, the efficient use of energy and the development of new low-carbon footprint energy sources; with a target of at least \$150 million per year beginning January 1, 2011; and

Smart Grid is the enhanced, real-time communications between elements of the integrated electric system that permit greater efficiencies in the production, distribution and consumption of electricity. At least 70% of transmission and distribution lines and appurtenances and at least 25% of all electric meters for each public utility shall be "smart grid compliant;" and

Existing coal-fired generation units, including both electric public utilities and non-public utilities, shall reduce the rate of their carbon dioxide releases per BTU to equal or less than natural gas generation plants constructed in 2009; and

The Kansas Development Finance Authority and Kansas Bio-Science Authority shall develop enhanced grant, loan and loan assurance programs that better enable energy researchers to secure federal and private sector funding to research, develop, commercialize and market energy-related products and services. Such load assurance programs not to increase state debt obligations, but to provide investors that the State of Kansas believes investing in such companies and research is a prudent investment in our nation's future; and

IMPACTS ON KANSANS: The Kansas Department of Commerce, as lead agency, shall enhance its workforce development, recruitment and training programs that lead to an employment growth rate in energy production, conservation/efficiency, research and related goods on the first production of 15% persons and

sectors of 15% per year; and

As a result of Kansas' energy policies, consumers should not see increases in total energy costs exceeding 20% during the July 1, 2010 through December 31, 2020 period, with many Kansans experiencing reduced or stable energy costs as a result of these Kansas Energy Policies; and

Be it further resolved: That the Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to the Board of Regents, the Kansas Bio-Science Authority, the Kansas Corporation Commission, the Kansas Department of Health and Environment and the Kansas Development Finance Authority.

### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Davis, **HR 6003**, A resolution relating to committees of the House of Representatives; amending rules 1101 and 1105, was adopted.

Roll call was required.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand.

Present but not voting: None.

Absent or not voting: Donohoe, Kelley, Peterson, Schroeder.

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2434**, An act concerning state parks; relating to the naming thereof; amending K.S.A. 2009 Supp. 32-837 and repealing the existing section, by Committee on Appropriations.

## STANDING COMMITTEES OF THE HOUSE LEGISLATIVE SESSION - 2010

**Aging and Long-term Care:** Bethell, Chairperson; Hill, Vice-chairperson; Bollier, Donohoe, Horst, O'Brien, Schwab, Worley

Williams, Ranking Minority Member; Carlin, Flaharty, Furtado, Phelps.

**Agriculture and Natural Resources:** Powell, Chairperson; Fund, Vice-chairperson; Bowers, Hayzlett, Hineman, Johnson, Kerschen, Light, Moxley, Prescott, Schroeder, B. Wolf. Lukert, Ranking Minority Member; T. Brown, D. Svaty, Maloney, Navinsky, Palmer, Wetta.

Appropriations: Yoder, Chairperson; Merrick, Vice-chairperson; Crum, DeGraaf, Donohoe, Faber, Hineman, M. Holmes, Kelley, Mast, McLeland, Rhoades, Tafanelli, Whitham. Feuerborn, Ranking Minority Member; Ballard, Burroughs, Carlin, Dillmore, D. Gatewood, Henry, Lane, Williams.

**Calendar and Printing:** Merrick, Chairperson; O'Neal, Vice-chairperson; Siegfreid, Mast. Ward, Ranking Minority Member; Ballard, Davis.

Commerce and Labor: Brunk, Chairperson; Grange, Vice-chairperson; Bethell, Bowers, Hermanson, Jack, Kerschen, Pottorff, Prescott, Quigley, Schwab, B. Wolf, Worley. Ruiz, Ranking Minority Member; Garcia, S. Gatewood, Grant, Henderson, Maloney, Swenson, Tietze.

**Corrections and Juvenile Justice:** Colloton, Chairperson; Patton, Vice-chairperson; Bethell, Brookens, Kinzer, Moxley, Roth, Spalding.

McCray-Miller, Ranking Minority Member; Barnes, T. Brown, Frownfelter, Pauls.

**Economic Development and Tourism:** Gordon, Chairperson; Donohoe, Vice-chairperson; George, Hill, Myers, Schwartz, Seiwert, Worley.

 $Benlon,\ Ranking\ Minority\ Member;\ Flaharty,\ Furtado,\ Slattery,\ Winn.$ 

**Education:** Aurand, Chairperson; Horst, Vice-chairperson; Bollier, Brookens, Craft, Gordon, Hill, Huebert, Neufeld, Otto, Roth, Spalding, Vickrey.

Winn, Ranking Minority Member; Crow, Flaharty, Loganbill, Mah, Palmer, Phelps, Trimmer.

**Elections:** Huebert, Chairperson; Schwab, Vice-chairperson; Bethell, Brunk, Horst, O'Brien, Otto.

Barnes, Ranking Minority Member; Garcia, Menghini, Peterson.

**Energy and Utilities:** C. Holmes, Chairperson; Knox, Vice-chairperson; Burgess, Fund, Johnson, Moxley, Myers, O'Brien, Olson, Proehl, Seiwert, Sloan, Swanson.

Kuether, Ranking Minority Member; T. Brown, Finney, Long, Neighbor, Slattery, Talia, Wetta.

Federal and State Affairs: Neufeld, Chairperson; Kiegerl, Vice-chairperson; Bowers, A. Brown, Brunk, Carlson, Fund, Hill, M. Holmes, Huebert, Knox, O'Brien, Olson.

Loganbill, Ranking Minority Member; Benlon, Grant, Henderson, Peterson, Ruiz, Swenson, Tietze.

**Financial Institutions:** Anthony Brown, Chairperson; Proehl, Vice-chairperson; DeGraaf, Goico, Hermanson, Olson, Peck, Shultz.

Grant, Ranking Minority Member; Burroughs, Dillmore, Neighbor, Swenson.

Government Efficiency and Fiscal Oversight: Morrison, Chairperson; Burgess, Vicechairperson; Craft, Neufeld, Roth, Sloan, Spalding, Vickrey.

Trimmer, Ranking Minority Member; S. Gatewood, Loganbill, McCray-Miller, Ruiz.

**Health and Human Services:** Landwehr, Chairperson; Crum, Vice-chairperson; Donohoe, Gordon, Hermanson, Jack, Mast, Morrison, Otto, Quigley, Rhoades, Schwab, Schroeder, Shultz.

Flaharty, Ranking Minority Member; Finney, Furtado, Mah, Neighbor, Slattery, Trimmer, Ward. Winn.

**Insurance:** Shultz, Chairperson; Peck, Vice-chairperson; A. Brown, Brunk, DeGraaf, Hermanson, Olson, Proehl.

Swenson, Ranking Minority Member; Burroughs, Davis, Grant, Neighbor.

Interstate Cooperation: Siegfreid, Chairperson; Merrick, Vice-chairperson; O'Neal, Mast. Crow, Ranking Minority Member; Davis, Ward.

Judiciary: Kinzer, Chairperson; Whitham, Vice-chairperson; Brookens, Colloton, Grange, Jack, King, Kleeb, Patton, Suellentrop, K. Wolf, Yoder.

Pauls, Ranking Minority Member; Crow, Goyle, Kuether, Talia, Tietze, Ward.

**Local Government:** Schwartz, Chairperson; M. Holmes, Vice-chairperson; Goico, Gordon, Huebert, Otto, Seiwert.

Garcia, Ranking Minority Member; Mah, Peterson, Slattery.

Rules and Journal: Shultz, Chairperson; Kinzer, Whitham.

Pauls, Vice-chairperson; Trimmer.

**Taxation:** Carlson, Chairperson; King, Vice-chairperson; A. Brown, George, Goico, Hayzlett, Kleeb, Light, Peck, Powell, Schroeder, Schwartz, Siegfreid, K. Wolf.

Menghini, Ranking Minority Member; Benlon, Frownfelter, Furtado, Hawk, Lukert, McCray-Miller, Rardin, D. Svaty.

**Transportation:** Hayzlett, Chairperson; Vickrey, Vice-chairperson; Burgess, Kerschen, King, Kleeb, Peck, Prescott, Proehl, Schwartz, Swanson, B. Wolf, Worley.

Long, Ranking Minority Member; Ballard, Henry, Maloney, Menghini, Palmer, Rardin, Wetta.

Veterans, Military and Homeland Security: Myers, Chairperson; Goico, Vice-chairperson; Bollier, Craft, George, Horst, Seiwert, Tafanelli, K. Wolf.

Goyle, Ranking Minority Member; Crow, Garcia, S. Gatewood, Navinsky, Phelps.

Vision 2020: Sloan, Chairperson; George, Vice-chairperson; Aurand, Bollier, Craft, Goico, Horst, Seiwert, Tafanelli, K. Wolf.

Hawk, Ranking Minority Member; D. Gatewood, S. Gatewood, Goyle, Navinsky, D. Svaty.

**Agriculture and Natural Resources Budget:** Faber, Chairperson; Powell, Vice-chairperson; Grange, C. Holmes, Light.

Carlin, Ranking Minority Member; Lukert, Williams.

Education Budget: McLeland, Chairperson; Aurand, Vice-chairperson; Carlson, Landwehr, Siegfreid.

Lane, Ranking Minority Member; Feuerborn, Rardin.

**General Government Budget:** Whitham, Chairperson; Kelley, Vice-chairperson; Hineman, Pottorff, Suellentrop.

Burroughs, Ranking Minority Member; Dillmore, Talia.

**Legislative Budget:** Yoder, Chairperson; Merrick, Vice-chairperson; Mast, O'Neal, Siegfreid.

Davis, Ranking Minority Member; Phelps, Ward.

Social Services Budget: Mast, Chairperson; Rhoades, Vice-chairperson; Crum, Kiegerl, Knox.

Henry, Ranking Minority Member; Ballard, Hawk.

**Transportation and Public Safety Budget:** Tafanelli, Chairperson; Swanson, Vice-chairperson; Faber, Pottorff, Quigley.

D. Gatewood, Ranking Minority Member; Finney, Frownfelter.

On motion of Rep. Merrick, the House adjourned until  $11:00~\mathrm{a.m.}$ , Wednesday, January  $13,\,2010.$ 

## THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, January 13, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair. The roll was called with 122 members present. Rep. Donohoe was excused on verified illness. Reps. Kelley and Suellentrop were excused on excused absence by the Speaker. Prayer by Chaplain Brubaker:

Our Heavenly Father,

Once again I stand before this great body of leaders and recognize the privilege, honor and responsibility to lift these great leaders of our state to You in prayer. Hold me accountable and diligent in praying for them daily, corporately and individually. I ask early in this session, that we will daily seek first Your kingdom and Your righteousness and know that all other things will be added unto us. Collectively as a body of leaders making decisions for hundreds of thousands of Kansans, we seek Your wisdom and leadership. As individuals, these leaders have many responsibilities and concerns in their personal and professional lives. Again, may they seek You first and know that You will work in and through all situations. For Representative Palmer's husband, I ask for quick healing for him and strength and courage for her. Thank you for your faithfulness specifically to Representatives Rardin, Hawk, Siegfreid and Donohoe over the past few months. Lord, for all these specific needs, we thank You for Your touch, strength and loving care. Continue to lead us today in all ways and we will give you thanks and honor. Let us pause for a moment of silence for the people of Haiti.

In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Horst.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2435**, An act concerning crimes, punishment and criminal procedure; relating to attempt, conspiracy and criminal solicitation to commit certain crimes; 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. 21-4642 and repealing the existing sections, by Representative Kinzer.

HB 2436, An act designating bridge No. 62 on United States highway 77 in Marshall county as the Michael Hugh Breeding memorial bridge, by Representative Schwartz.

**HB 2437**, An act relating to license plates; concerning the Kansas arts license plate; relating to certain fees; amending K.S.A. 2009 Supp. 8-1,141 and repealing the existing section, by Committee on Transportation.

**HB 2438**, An act relating to motor vehicles; concerning restricted drivers' licenses; amending K.S.A. 2009 Supp. 8-2,101 and repealing the existing section, by Committee on Transportation.

**HB 2439**, An act regulating traffic; prohibiting the sending, reading or writing of text messages while operating a motor vehicle; amending K.S.A. 2009 Supp. 8-2118 and repealing the existing section, by Committee on Transportation.

**HB 2440**, An act concerning crimes, criminal procedure and punishment; relating to the 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, by Committee on Corrections and Juvenile Justice.

**HB 2441**, 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 Appropriations.

HB 2442, An act establishing the Kansas streamlining government commission; providing for an independent review of state agencies of the executive branch of state government; prescribing powers, duties and functions for the commission and certain other state agencies; amending K.S.A. 2009 Supp. 75-2973 and 75-4319 and repealing the existing sections, by Committee on Appropriations.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: HB 2426.

Commerce and Labor: HB 2425.

Corrections and Juvenile Justice: **HB 2430**, **HB 2432**. Economic Development and Tourism: **HB 2434**.

Education: HB 2433.

Energy and Utilities: HB 2419, HB 2420, HB 2421, HB 2422, HB 2423; HR 6005.

Insurance: HB 2424 (jointly); HB 2427 (jointly).

Judiciary: **HB 2429; HCR 5026**.

Taxation: HB 2431.

Vision 2020: **HB 2424** (jointly); **HB 2427** (jointly); **HB 2428**.

### COMMUNICATIONS FROM STATE OFFICERS

From Major General Tod M. Bunting, The Adjutant General, Kansas National Guard, Annual Report 2009 of the Kansas Adjutant General's Department.

From Kansas Prescription Drug Monitoring Program Advisory Committee, Legislative Report, January 2010.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6006-

By Representatives Bethell and Hawk

A RESOLUTION declaring January as Kansas Mentoring Month.

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

WHEREAS, Mentoring is a proven, effective strategy that helps children and young adults by matching them with a caring, responsible adult who can provide guidance and direction and build their 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

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

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

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

WHEREAS, Thousands of Kansas children are in need of a caring adult mentor in their lives, and closing this mentoring gap will take more investment, partnerships and 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 is an opportunity to raise public awareness of the importance of mentoring, recognize the dedicated individuals who serve mentors and encourage more citizens to help build a brighter future for Kansas youth through mentoring: Now, therefore,

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

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, January  $14,\,2010.$ 

## FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, January 14, 2010, 11:00 a.m.

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

The roll was called with 120 members present.

Rep. Donohoe was excused on verified illness.

Reps. Kelley, Schwab, Suellentrop and Worley were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Father God.

In Proverbs You tell us that...

When a country is in chaos, everybody has a plan to fix it but a man of understanding and knowledge maintains order.

(Proverbs 28:2)

Although in comparison to other areas

we may not consider our state in chaos,

we do recognize and understand that many issues and concerns will be presented to this body of leadership.

Give us Your understanding, knowledge and especially Your wisdom.

Make us wise as ants — though frail as they are,

they store up their food in the summer;

make us wise as marmots — though they are creatures of little power, they arrange for rock-solid homes;

make us wise as locusts — who have no king, yet they advance together in ranks.

For us to have this wisdom, we need to start with God...

for the fear of the Lord is the beginning of knowledge...

The first step in learning is bowing down to God.

I ask for this today, O Lord,

in the name of Jesus Christ Your Son, Amen.

The Pledge of Allegiance was led by Rep. McCray-Miller.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2443**, An act relating to the department of transportation; concerning certain signs; amending K.S.A. 2009 Supp. 75-5079 and repealing the existing section, by Committee on Economic Development and Tourism.

**HB 2444**, An act concerning the transfer of the office of state fire marshal to the insurance department; amending K.S.A. 75-1511, 75-1515 and 75-1516 and K.S.A. 2009 Supp. 40-110 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 75-1510, by Committee on Federal and State Affairs.

 $HB\ 2445$ , An act concerning land use; relating to military installations and adjacent areas, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: HB 2435, HB 2440.

Transportation: HB 2436, HB 2437, HB 2438, HB 2439, HB 2441.

Transportation and Public Safety Budget: HB 2442.

### COMMUNICATIONS FROM STATE OFFICERS

From Steve Six, Kansas Attorney General, in accordance with K.S.A. 75-723, Kansas Abuse, Neglect & Exploitation Unit, Annual Report, July 1, 2008 - June 30, 2009.

From Steve Irsik, Chair, Kansas Water Authority, 2010 Annual Report to the Governor & Legislature.

From the Kansas Advisory Council on Intergovernmental Relations, in accordance with K.S.A. 12-4002(b), Annual Report which can be found at http://www.ksrevenue.org/kacir.htm

From Kansas State University, Research and Extension, An Informal Report to the Kansas Legislature, January 2010.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **SB 324** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 324," as follows: "HOUSE Substitute for SENATE BILL No. 324

By Committee on Commerce and Labor

"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."; and the substitute bill be passed.

(H. Sub. for SB 324 was thereupon introduced and read by title.)

## REPORT OF STANDING COMMITTEE

Your Committee on  ${\bf Calendar}$  and  ${\bf Printing}$  recommends on requests for resolutions and certificates that

**Request No. 1**, by Representative Holmes, commending Michael Stejskal on attaining the rank of Eagle Scout;

**Request No. 2**, by Representative Maloney, congratulating Steve Hewitt on receiving the GOVERNING'S 2009 Public Official of the Year Award;

**Request No. 3**, by Representative Pottorff, congratulating the Greater Wichita YMCA on celebrating 125 years;

**Request No. 4**, by Representative Pottorff, congratulating Wichita Collegiate School on winning the Class 3A Football title;

**Request No. 5**, by Representative Pottorff, congratulating Wichita Art Museum on their 75th Anniversary;

**Request No. 6**, by Representative Seiwert, congratulating Darrell Pope for over forty years of continuous service as branch president of the NAACP in the United States;

**Request No. 7**, by Representative Davis, Minority Leader, and the Democratic Caucus, recognizing and commending Representative Don Navinsky on his exemplary service in the Kansas House of Representatives, February 2009 to January 2010;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**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, by Legislative Educational Planning Committee.

**HB 2447**, An act relating to nursing; concerning advanced practice nursing; amending K.S.A. 65-1113, 65-1114, 65-1118, 65-1120, 65-1122, 65-1130, 65-1131, 65-1133, 65-1154 and 65-1163 and K.S.A. 2009 Supp. 65-1132, 65-1626 and 65-4101 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 65-1626d, by Committee on Health and Human Services.

**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, by Committee on Health and Human Services.

**HB 2449**, An act concerning eavesdropping; amending K.S.A. 21-4001 and K.S.A. 2009 Supp. 22-4902 and repealing the existing sections, by Committee on Vision 2020.

HB 2450, 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 Representative Aurand.

**HB 2451**, An act concerning controlled substances; related to substances included in schedule I; amending K.S.A. 2009 Supp. 65-4105 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2452**, An act concerning crimes, criminal procedure and punishment; relating to reimbursement by indigent defendants for court services received; amending K.S.A. 21-4610, 22-4507 and 22-4513 and K.S.A. 2009 Supp. 21-4603d and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2453**, An act concerning crimes and punishment; relating to controlled substances; child care facilities; amending K.S.A. 2009 Supp. 21-36a01, 21-36a05, 21-36a10 and 21-36a13 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**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, by Committee on Corrections and Juvenile Justice.

**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, by Committee on Judiciary.

**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, by Committee on Judiciary.

**HB 2457**, An act concerning hunting; relating to nonresident hunters; amending K.S.A. 32-1006 and K.S.A. 2009 Supp. 32-919 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

HB 2458, An act concerning hunting; relating to deer hunting permits; amending K.S.A. 2009 Supp. 32-932 and 32-937 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

**HB 2459**, An act concerning prairie rattlesnakes; abolishing permit requirements; amending K.S.A. 32-941 and K.S.A. 2009 Supp. 32-919 and 32-988 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

On motion of Rep. Merrick, the House adjourned pro forma until 9:00 a.m., Friday, January 15, 2010.

## FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, January 15, 2010, 9:00 a.m.

The House met session pro forma pursuant to recess with Speaker pro tem Siegfreid in the chair.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2460**, An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6410, 72-6415b, 72-6431, 72-6433, 72-6434, 72-6435, 72-6449 and 72-6451 and repealing the existing sections, by Committee on Education.

HB 2461, An act concerning the department of social and rehabilitation services; relating to the contracts for foster care, adoption and placement of children, by Committee on Appropriations.

**HB** 2462, 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 Taxation.

**HB 2463**, An act concerning taxation; establishing the committee on simplified state tax structure; prescribing membership, duties and responsibilities thereof, by Committee on Taxation.

**HB 2464**, An act concerning taxation; relating to delinquent taxes; establishing service fee for taxpayers on installment payment plans, by Committee on Taxation.

**HB 2465**, 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 Taxation.

**HB 2466**, 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 Taxation.

**HB 2467**, An act relating to motor vehicles; concerning the marking of vehicles of political subdivisions; amending K.S.A. 8-305 and repealing the existing section, by Representative Davis.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: HB 2457, HB 2458, HB 2459.

Corrections and Juvenile Justice: HB 2449, HB 2451, HB 2452, HB 2453, HB 2454.

Economic Development and Tourism: HB 2443.

Federal and State Affairs: **HB 2444**.

Health and Human Services: HB 2447, HB 2448.

Judiciary: **HB 2455**, **HB 2456**. Local Government: **HB 2450**.

Veterans, Military and Homeland Security: HB 2445.

Education Budget: **HB 2446**.

### CHANGE OF REFERENCE

Speaker pro tem Siegfreid announced the withdrawal of **HB 2239** and **HB 2280** from Committee on Appropriations and rereferral to Committee on Education Budget.

Also, the withdrawal of **HB 2442** from Committee on Transportation and Public Safety Budget and referral to Committee on Appropriations.

### COMMUNICATIONS FROM STATE OFFICERS

From Kansas, Inc., Technology-Based Economic Development in Kansas: Issues, Opportunities, and Strategies, Research Report, October 2009.

From the office of Governor Kathleen Sebelius:

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

Executive Order 08-07, concerning a drought warning or drought watch for certain counties.

Executive Order 08-08, concerning the Office of Minority and Women Business Development.

Executive Order 08-09, concerning the continuance of the moratorium on employee bonuses for FY 2009.

Executive Order 08-10, concerning an approved mentoring program.

Executive Order 08-11, declaring a drought warning or watch for certain counties.

Executive Order 08-12, establishing the Kansas Partnership for Accessible Technology.

Executive Order 08-13, rescinding Executive Order 08-06 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").

From the office of Governor Mark Parkinson:

Executive Order 09-03, concerning the mutually agreed-t 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 FY2010.

Executive Order 09-05, establishing Kansas Mentors.

Executive Order 09-06, incorporating by reference Executive Orders 98-5, 00-06, 02-05, 03-06, 05-01 and 06—02 and continue said Governor's Military Council through February 28, 2011, unless rescinded earlier or lengthened by executive order.

Executive Order 09-07, offer of reward.

Executive Order 09-08, concerning Leave Advancement policy.

Executive Order 09-09, concerning United Way of the Plains.

Executive Order 09-10, off of reward.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

### REPORTS OF STANDING COMMITTEES

Committee on **Energy and Utilities** recommends **SB 298** be amended on page 1, in line 30, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

### REPORT ON ENROLLED RESOLUTIONS

HR 6001, HR 6002 reported correctly enrolled and properly signed on January 15, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, January 19, 2010.

## SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, January 19, 2010, 11:00 a.m.

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

The roll was called with 118 members present.

Rep. Donohoe was excused on verified illness.

Reps. Brookens, Landwehr, McLeland, Peterson, Schwab and Trimmer were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, In keeping with the spirit of celebrating Martin Luther King Day, We recognize that each leader here represents the dreams of the people of Kansas, whether it be the dreams of the young girl in the inner city of Wichita, or the dreams of the man tending the cattle and wheat fields of Colby. As we work together to see these dreams realized, help us to maintain mutual respect, cooperation and collaboration, and a spirit of humility. And speaking of humility, knowing that Your Word says "pride goes before a fall," keep us from falling in our pride that one of our Kansas teams took down No. 1 in college basketball last night! In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Hermanson.

### PERSONAL PRIVILEGE

Remarks by Rep. Ballard:

In the same spirit as we celebrated Dr. Martin Luther King's holiday this weekend in our districts, I thank you for this opportunity to say a few words about Dr. King.

I will also read a poem by Michael Josephson entitled "What will Matter."

What will Matter

Ready or not, some day it will all come to an end.

There will be no more sunrises, no minutes, hours or days.

All the things you collected, whether treasured or forgotten, will pass to someone else.

Your wealth, fame and temporal power will shrivel to irrelevance.

It will not matter what you owned or what you were owed.

Your grudges, resentments, frustrations and jealousies will finally disappear.

So too, your hopes, ambitions, plans and to-do lists will expire.
The wins and losses that once seemed so important will fade away.
It won't matter where you came from or what side of the tracks you lived on at the end.
It won't matter whether you were beautiful or brilliant.
Even your gender and skin color will be irrelevant.

So what will matter? How will the value of your days be measured?

What will matter is not what you bought, but what you built; not what you got, but what you gave.

What will matter is not your success, but your significance.
What will matter is not what you learned, but what you taught.
What will matter is every act of integrity, compassion, courage or sacrifice that enriched,
empowered or encouraged others to emulate your example.

What will matter is not your competence, but your character. What will matter is not how many people you knew, but how many will feel a lasting loss when you're gone.

What will matter is not your memories, but the memories that live in those who loved you.

What will matter is how long you will be remembered, by whom and for what.

Living a life that matters doesn't happen by accident. It's not a matter of circumstance but of choice. Choose to live a life that matters.

I challenge each of us to think about our legacy, dream and live a life that matters.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**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, by Committee on Corrections and Juvenile Justice.

**HB 2469**, An act concerning crimes and punishment; relating to sentencing; amending K.S.A. 21-4710 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2470**, An act concerning cities; relating to annexation; amending K.S.A. 12-519, 12-520b, 12-521, 12-531 and 12-532 and K.S.A. 2009 Supp. 25-432 and repealing the existing sections, by Committee on Local Government.

**HB 2471**, An act concerning cities; relating to annexation of territory; amending K.S.A. 2009 Supp. 12-520 and repealing the existing section, by Committee on Local Government.

**HB 2472**, 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.

**HB 2473**, An act concerning the consumer credit code; relating to finance charges; prohibiting surcharges on credit and debit cards; amending K.S.A. 16a-2-403 and repealing the existing section, by Committee on Financial Institutions.

**HB 2474**, 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 Representatives Merrick and O'Neal.

**HB 2475**, An act concerning sales taxation; relating to rate of taxation; amending K.S.A. 2009 Supp. 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Taxation.

**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, by Committee on Judiciary.

HB 2477, An act concerning education; relating to the 2010 commission; amending
 K.S.A. 2009 Supp. 46-3401 and repealing the existing section, by Committee on Education.
 HB 2478, An act concerning cities; relating to annexation, by Committee on Local Government.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Judiciary: HB 2467.

Taxation: HB 2462, HB 2463, HB 2464, HB 2465, HB 2466.

Education Budget: **HB 2460**. Social Services Budget: **HB 2461**.

### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2006**, **HB 2228**, **HB 2252**, **HB 2298** from Committee on Higher Education and referral to Committee on Education.

## COMMUNICATIONS FROM STATE OFFICERS

From Thomas E. Wright, Chairman, Kansas Corporation Commission, as directed by the 2008 Legislature in K.S.A. 66.1250-1254, annual report on broadband services.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

### COMMITTEE ASSIGNMENT CHANGES

Speaker O'Neal announced the appointment of Rep. Proehl to replace former Rep. Huntington on **Joint Committee on Pensions, Investment & Benefits** and the **Select Committee on KPERS** effective immediately.

Also, the appointment of Rep. Shultz to replace Rep. Donohoe on **Committee on Appropriations**.

## PERSONAL PRIVILEGE

Rep. Davis recognized Rep. Navinsky and thanked him for his service to the State of Kansas while Melanie Meier has been serving in Iraq.

### REPORT ON ENROLLED RESOLUTIONS

HR 6003 reported correctly enrolled and properly signed on January 19, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, January 20, 2010.

## SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, January 20, 2010, 11:00 a.m.

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

Prayer by Chaplain Brubaker:

Dear Lord,
Your Word tells us that
"where there is no vision, the people perish."
To begin a course with no vision,
is to wander aimlessly with no purpose.
So we ask for Your vision
for the issues we will address
over the next few weeks.
Give us the capacity to see Your vision,
faith to believe in Your vision,
and courage to march forward with resolve
to accomplish what You deem best.
In Christ's Name I pray,

The Pledge of Allegiance was led by Rep. Winn.

## COMMUNICATIONS FROM STATE OFFICERS

To all to whom these presents shall come, Greetings:

I, RON THORNBURGH, Secretary of the State of Kansas, do hereby certify that Melanie Meier, Leavenworth, Kansas, was appointed by the Governor effective January 20, 2010, for the unexpired term of State Representative for the 40th Legislative District, to fill the vacancy created by the resignation of Donald Navinsky.

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed my official seal. Done at the City of Topeka, this 20th day of January, A.D. 2010.

RON THORNBURGH Secretary of State

## OATH OF OFFICE

Representative-elect Melanie Meier came forward and took and subscribed to the following oath of office, which was administered by Chief Justice Robert E. Davis.

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of the office of representative of the State of Kansas, so help me God.

Subscribed and sworn to before me this 20th day of January, 2010.

ROBERT E. DAVIS Chief Justice of the Supreme Court The roll was called with 121 members present.

Reps. Donohoe and Trimmer were excused on verified illness.

Reps. Grange and Schwab were excused on excused absence by the Speaker.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2479**, An act concerning cities; relating to changes in the form of government, by Representative Otto.

**HB 2480**, An act concerning certain public employees; relating to leave of absences; disaster service volunteers; amending K.S.A. 75-5548 and repealing the existing section, by Representative S. Gatewood.

**ĤB 2481**, An act relating to motor vehicles; concerning personalized license plates; amending K.S.A. 2009 Supp. 8-132 and 8-133 and repealing the existing sections, by Committee on Transportation.

**HB 2482**, An act relating to drivers' licenses; concerning the expiration and renewal thereof; amending K.S.A. 2009 Supp. 8-247 and repealing the existing section, by Committee on Transportation.

**HB 2483**, An act relating to drivers' licenses; concerning requirements for restricted driver's license; amending K.S.A. 2009 Supp. 8-2,101 and repealing the existing section, by Committee on Transportation.

**HB 2484**, An act relating to commercial driver's licenses; concerning diversion agreements; amending K.S.A. 2009 Supp. 8-2,150 and repealing the existing section, by Committee on Transportation.

**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, by Committee on Transportation.

**HB 2486**, An act regulating traffic; concerning school buses; amending K.S.A. 8-2009a and repealing the existing section, by Committee on Transportation.

HB 2487, An act concerning land use; relating to military installations and adjacent areas, by Committee on Local Government.

**HB 2488**, An act concerning state agencies and political subdivisions; relating to facility energy conservation; amending K.S.A. 2009 Supp. 75-37,125 and repealing the existing section, by Committee on Local Government.

**HB 2489**, An act concerning crimes, criminal procedure and punishment; relating to the violation of parole, probation or other postrelease supervision term by a defendant; amending K.S.A. 22-3716 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2490, An act concerning insurance; relating to life insurance companies; amending K.S.A. 40-401 and repealing the existing section, by Committee on Insurance.

**HB 2491**, An act concerning insurance; relating to health insurance and creditable coverage plans; amending K.S.A. 2009 Supp. 40-2118 and repealing the existing section, by Committee on Insurance.

**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, by Committee on Insurance.

**HB 2493**, An act repealing K.S.A. 2009 Supp. 82a-303b; relating to classifications of dams and water obstructions, by Committee on Appropriations.

**HB 2494**, An act concerning children in need of care; relating to removal of child from parent's custody; amending K.S.A. 2009 Supp. 38-2255 and 38-2269 and repealing the existing sections, by Committee on Federal and State Affairs.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: HB 2468, HB 2469.

Financial Institutions: HB 2473.

Insurance: HB 2474.

Judiciary: HB 2472, HB 2476.

Local Government: HB 2470, HB 2471, HB 2478.

Taxation: HB 2475.

Education Budget: HB 2477.

#### COMMUNICATIONS FROM STATE OFFICERS

From the office of Governor Mark Parkinson, 2009 Annual Report of the Wireless Enhanced 911 Program.

From Robert Sanders, Chairman, Kansas Parole Board, pursuant to K.S.A. 22-3710, Annual Report for FY 2009.

From Kansas, Inc., County Economic Vitality and Distress, 2008 Report Update, August 2009.

From Stan Ahlerich, President, Kansas, Inc., 2009 Annual Report.

From Gary Alexander, Vice President of Academic Affairs, Kansas Board of Regents, pursuant to K.S.A. 76-717, annual report on the Implementation of Qualified Admissions.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Phelps, **HR 6007**, by Reps. Phelps and Johnson, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6007-

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, handson 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 Beaugh, 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 Spickler, Overland Park; Erica Stacey, Great Bend; Mersadez Tanner, Hays and Nicholas Van Swol, Everest: Now, therefore,

Be it resolved by the House of Representatives 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 Chief Clerk of the House of Representatives 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.

There being no objection, the following remarks by Reps. Phelps and Johnson are spread upon the journal:

Remarks by Rep. Phelps:

As a result of the passage of **SB 139**, the Kansas State Legislature established the Kansas Academy of Mathematics and Science (KAMS) in 2006 to promote mathematics and science education, increase retention of intellectual capital, and promote economic development.

In 2007, The Kansas Board of Regents selected Fort Hays State University to host the academy.

The two-year early-entry to college program is designed to offer the state's brightest and most talented high school juniors and seniors who excel in mathematics and science an exceptional academic experience.

Remarks by Rep. Johnson:

Fort Hays State University was the 16th academy established in the United States. The current class of KAMS, consists of twenty-four students from twenty-four high schools across Kansas and covers all four Kansas congressional districts.

KAMS focuses on academics, research, leadership development, and civic engagement allowing FHSU to cultivate citizen leaders. KAMS students, upon completion of the program, receive a high school diploma and 68 hours of college credit.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6008-

By Representatives George and Henry

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 House of Representatives 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.

## MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Powell, the House nonconcurred in Senate amendments to **HB 2283** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Powell, Fund and Lukert as conferees on the part of the House.

### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to House Rule 2306, **HB 2400** was withdrawn from the calendar under the heading General Orders, and rereferred to Select Committee on KPERS.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2495**, An act concerning school districts; relating to school finance; relating to certain property tax exemptions; amending K.S.A. 2009 Supp. 79-201x and repealing the existing section, by Committee on Education.

## REPORT ON ENROLLED RESOLUTIONS

HCR 5024 reported correctly enrolled and properly signed on January 20, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, January 21, 2010.

## EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, January 21, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair. The roll was called with 121 members present. Reps. Donohoe and Trimmer were excused on verified illness. Reps. George and King were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Lord. Have you noticed the yellow envelopes the last few days. They are everywhere! To look at them, they seem insignificant . . . yellow — blank — large probably purchased cheap with the Easy button. Yet what is inside makes all the difference. Bills and resolutions representing the heartbeat and passion of our people. The issues stated inside these envelopes will call for much discussion and debate. God help us to realize that no matter how we might look on the outside, it is what is inside us that counts and is revealed in our words and actions. Search our hearts, O God, and give us hearts of compassion and respect. I pray for Rep. Trimmer and the injuries he sustained from a fall. Please bring a speedy and complete recovery to him. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Kerschen.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2496**, An act concerning income taxation; relating to income tax 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 Taxation.

**HB 2497**, 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 Local Government.

**HB 2498**, An act relating to drivers' licenses; concerning certain restricted licenses; amending K.S.A. 2009 Supp. 8-296 and 8-2,101 and repealing the existing sections, by Committee on Transportation.

**HB 2499**, An act regulating traffic; concerning distracted driving; amending K.S.A. 2009 Supp. 8-2118 and repealing the existing section, by Committee on Transportation.

**HB 2500**, An act concerning cities and municipalities; relating to municipal insurance pools; amending K.S.A. 12-2618 and repealing the existing section, by Committee on Insurance.

**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, by Committee on Insurance.

HB 2502, An act establishing the child witness protection act, by Committee on Corrections and Juvenile Justice.

**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, by Committee on Corrections and Juvenile Justice.

HB 2504, An act concerning crimes, criminal procedure and punishment; relating to the calculation of good time credits for inmates on postrelease supervision; amending K.S.A. 21-4722 and K.S.A. 2009 Supp. 22-3717 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2505**, An act concerning crimes, criminal procedure and punishment; relating to the Kansas parole board; 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, by Committee on Corrections and Juvenile Justice.

**HB 2506**, An act concerning crimes, criminal procedure and punishment; relating to the Kansas parole board; considerations of the parole board when determining eligibility; amending K.S.A. 2009 Supp. 22-3717 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2507**, An act concerning crimes, criminal procedure and punishment; relating to the Kansas parole board; conditions of parole and postrelease supervision; amending K.S.A. 2009 Supp. 22-3717 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2508, An act concerning crimes, criminal procedure and punishment; relating to the Kansas parole board; deferral of parole board hearings; amending K.S.A. 2009 Supp. 22-3717 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2509**, An act concerning the commitment of sexually violent predators; relating to notice of release into a work release program; amending K.S.A. 59-29a03 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2510**, An act amending the vehicle dealers and manufacturers licensing act; relating to temporary vehicle registration; amending K.S.A. 8-2409 and repealing the existing section, by Committee on Federal and State Affairs.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Siegfreid, **HCR 5027**, by Reps. O'Neal, Merrick and Siegfreid, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. 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).

WHEREAS, Civil aviation plays a pivotal role in promoting cultural exchange, business, trade and tourism; and

WHEREAS, The development of international civil aviation in a safe and orderly manner is the supreme cause of the International Civil Aviation Organization (ICAO); and

WHEREAS, Taiwan is the world's 20th largest economy, the 18th largest trading country and a key air transport hub linking Northeast and Southeast Asia; and

WHEREAS, Over 174,000 international flights travel to and from Taiwan, with foreign passengers making around 3.8 million trips to the island every year and over 35 million passengers, including 25.39 million passengers on international flights, arrived and departed from Taiwan's airports in 2008; and

WHEREAS, Without Taiwan's participation, international flight plans, regulations and procedures that the ICAO formulates will be incomplete and unsafe: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas legislature endorses Taiwan's participation in the International Civil Aviation Organization as an observer; and

Be it further resolved: That the Kansas legislature is supportive of all efforts to grant Taiwan official observer status at the United Nations Framework Convention on Climate Change (UNFCCC) 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

Be it further resolved: That copies of this resolution be sent to the United States Secretary of State, the United States Secretary of Transportation and to each member of the Kansas Congressional Delegation and to the Director-General of the Taipei Economic and Cultural Office in Kansas City.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: HB 2493; HB 2495 (jointly).

Corrections and Juvenile Justice: HB 2489.

Energy and Utilities: **HB 2488**.

Insurance: HB 2490, HB 2491, HB 2492.

Judiciary: **HB 2494**.

Local Government: HB 2479, HB 2487.

Taxation: HB 2495 (jointly).

Transportation: HB 2481, HB 2482, HB 2483, HB 2484, HB 2485, HB 2486.

Veterans, Military and Homeland Security: HB 2480.

#### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2461** from Committee on Social Services Budget and referral to Committee on Federal and State Affairs.

Also, the withdrawal of **HB 2472** from Committee on Judiciary and referral to Committee on Local Government.

### COMMUNICATIONS FROM STATE OFFICERS

From Martin Kennedy, Acting Secretary, Kansas Department on Aging, Annual Report, SFY 2009 - July 1, 2008-June 30, 2009.

From Terry L. Maple, Superintendent, Kansas Highway Patrol, pursuant to KSA 60-4117, report regarding state for feiture funds.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

## MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Bethell,  ${\bf HR~6006}$ , A resolution declaring January as Kansas Mentoring Month, was adopted.

There being no objection, the following remarks by Reps. Hawk and Bethell are spread upon the journal:

Representative Hawk: It is an honor for me and Rep. Bethell to recognize the work of Coach Bill Snyder, of my K-State Wildcats, and Ella Todd, the Executive Director of the Kansas Mentoring Program, for mentoring month. I would like to share the following impacts, statistics and stories of our success in Kansas.

Impact of Mentoring

National research indicates mentored youth are more likely to . . .

- Stay in school & improve their grades
- Graduate from high school & enroll in college

- Be active in their communities
- Be hopeful about their futures

And mentored youth are less likely to . . .

- Begin using illegal drugs & alcohol
- Skip school
- Engage in violent & criminal behaviors

Source: "Mentoring: A Promising Strategy for Youth Development," Child Trends, 2002

## Kansas specific statistics:

And we are seeing those positive results in Kansas. In SFY 2009, Kansas Mentors' grant recipients reported:

- 72% of mentored youth, on average, increased academic achievement as a result of the mentoring relationship
- 82% of mentored youth, on average, improved self-confidence as a result of the mentoring relationship

In addition, several programs reported individual accomplishments, including:

- 76% of mentored youth improved their attitude towards school
- 80% of mentored youth improved their relationships with peers
- 66% of mentored youth improved their ability to avoid substance abuse & delinquency

## The Economic Impact

Ensuring the success of our youth is more than just a social issue; their preparedness for work and life truly affect our state's economic future.

- During the 2007-2008 school year, 3,641 Kansas students dropped out of high school.
- For just that one group of students, it is estimated that they cost the nation approximately \$946 million in lost earnings, taxes and productivity over the course of their lifetimes.
- And mentoring can help it is an evidence-based strategy that is proven to keep kids from engaging in risky behaviors, help them graduate from high school, and open their horizons to new career opportunities.

Source: "Dropouts, Diplomas and Dollars: US High Schools and the Nation's Economy," Alliance for Excellent Education, August 2008

### Statewide Distribution

Through the Kansas Mentors effort, over 175 mentoring programs have been identified statewide. Collectively, these programs serve 86 of Kansas' 105 counties; partnering with our schools, community organizations and places of worship to provide these much-needed services for our young people.

Today, we have with us mentoring matches and staff from several Kansas mentoring programs, including:

- Youth Horizons, a faith-based mentoring program from Wichita
- Kansas Big Brothers Big Sisters, a statewide school, community and faith-based mentoring program
- 4-H Youth Development, a statewide community-based mentoring program

#### Mentoring is Successful — Stories from Kansas' Efforts

Stories about the success of mentoring can be heard throughout Kansas; here are a selected few-

In Wichita, a mentee is now grown-up and an accomplished Captain in the City's Police Department. He credits his success to the mentor he had throughout his developmental years, who also happened to be a police officer.

Another success story comes from a community-based program in Garden City. The pair is beginning their third year together and as a result of their match the young teen has seen improvements in both his grades and behavior. In addition, their relationship has opened up new career options for the youth. The mentor, a John Deere technician, has taught the

young man how to weld and work with metal - developing a positive, creative outlet for the mentee.  $\,$ 

In Bennington, a mentoring pair were able to overcome a young boy's eyesight ailment — a feat that helped to improve his reading skills and overall academic success. The mentor, an energetic high school student, provided constant motivation and support as the young mentee worked through his eye therapy — a painful and frustrating process. The high-school female even donned an embarrassing pair of therapeutic glasses with multi-colored lenses to help read to the young boy. While the therapy was happily discontinued, the relationship continues.

In addition, Coach Bill Snyder, co-chair of the Kansas Mentors program, has also joined us to represent the dedicated efforts of all programs statewide.

Representative Bethell: Today we are here to bring attention to a program that is designed to make this world and our society better on a long term basis. This cannot be said about everything that is done in our life. As those of us in this body realize we are but a microcosm of society and we must admit that many times we deal with the temporal issues of life; a good meal, a sporting event, a night at the theater, a social event and the list goes on. The program that we bring before you today is one that can make the difference in the future of the world.

Someone once said that in 100 years this world will not be concerned about the house we lived in, the car we drove, the result of the super bowl, but the world may be changed because of our involvement in the life of a young person.

Mentoring is something that should be a part of each of our lives. While I am pleased to have Coach Snyder and these young people here today and bring attention to the results of this program, I would encourage all who are in this chamber today and those who will hear and read these comments to evaluate our involvement in the lives of the young who surround us. Are we the example we want of the mentors, or is that something we want them to do because it is easier when we don't have to be involved?

Coach Snyder, thank you for taking the lead to show the way that we should walk. May we all learn from your example what will make a difference.

I won't take the time to present all of the benefits that this program brings to our society but I will ask Mr. Speaker that these remarks be spread across the Journal so we and those who come behind us will have the opportunity to review the benefits of being good mentors.

A framed copy of the resolution was presented to Coach Bill Snyder and the rest of the group.

### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Merrick, **HCR 5025**, A concurrent resolution amending joint rule 4 of the senate and house of representatives for the 2009-2010 biennium, was adopted.

## REPORTS OF STANDING COMMITTEES

Committee on **Education Budget** recommends **HB 2414** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

## REPORT OF STANDING COMMITTEE

Your Committee on Calendar and Printing recommends on requests for resolutions and certificates that

**Request No. 8**, by Representative Gordon, commending Colin C. Johnson, Boy Scout Troop 59, on attaining the rank of Eagle Scout;

**Request No. 9**, by Representative Olson, congratulating Jennifer Snyder for her participation in the Inaugural Class of the Kansas Academy of Mathematics and Science;

**Request No. 10**, by Representative Olson, congratulating Isaac Cook for her participation in the Inaugural Class of the Kansas Academy of Mathematics and Science;

**Request No. 11**, by Representative Carlson, commending Brad Standlee on attaining the rank of Eagle Scout;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

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

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2511**, An act concerning children in need of care; relating to reimbursement of costs of care for child in a grandparent's custody; amending K.S.A. 2009 Supp. 38-2255 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2512**, An act concerning children in need of care; relating to powers of the court; amending K.S.A. 75-3330 and K.S.A. 2009 Supp. 38-2242, 38-2243, 38-2252, 38-2255, 38-2258, 38-2259, 38-2263, 38-2264 and 38-2270 and repealing the existing sections, by Committee on Federal and State Affairs.

 $HB\ 2513,$  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 Federal and State Affairs.

**HB 2514**, An act concerning trusts; relating to the capacity of the settlor of revocable trusts; amending K.S.A. 58a-601 and repealing the existing section, by Committee on Judiciary.

**HB 2515**, An act concerning cities and counties; relating to residential fire protection sprinkler systems, by Committee on Commerce and Labor.

**HB 2516**, 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 Appropriations.

On motion of Rep. Merrick, the House adjourned pro forma until 9:00 a.m., Friday, January 22, 2010.

## NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, January 22, 2010, 9:00 a.m.

The House met session pro forma pursuant to recess with Speaker pro tem Siegfreid in the chair.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2517**, An act concerning crimes, punishment and criminal procedure; relating to domestic violence; amending K.S.A. 20-369, 22-2307 and 22-2401 and K.S.A. 2009 Supp. 21-3110, 21-4603d and 75-712 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2518, An act concerning crimes, punishment and criminal procedure; amending K.S.A. 9-2012, 16-305, 17-12a508, 17-1311a, 19-3519, 21-2511, 21-3301, 21-3302, 21-3303, 21-3437, 21-3701, 21-3704, 21-3707, 21-3720, 21-3729, 21-3734, 21-3761, 21-3763, 21-3846, 21-3902, 21-3904, 21-3905, 21-3910, 21-4018, 21-4111, 21-4503a, 21-4638, 21-4643, 21-4703, 21-4706, 21-4707, 21-4709, 21-4710, 21-4711, 21-4720, 21-4722, 22-2908, 22-3303, 22-4906, 39-720 and 65-2859 and K.S.A. 2009 Supp. 21-36a01, 21-36a03, 21-36a05, 21-36a06, 21-36a07, 21-36a08, 21-36a09, 21-36a10, 21-36a13, 21-36a14, 21-36a16, 21-4603d, 21-4611, 21-4619, 21-4704, 21,4717, 21-4729, 22-2802, 22-3412, 22-3604, 22-3716, 22-3717, 38-2346, 38-2347, 38-2369, 38-2374, 38-2376, 38-2377, 39-717, 40-247, 40-2,118, 40-5013, 44-5,125, 44-719, 47-1827, 65-4167, 74-9101 and 75-5291 and repealing the existing sections; also repealing K.S.A. 21-4724 and K.S.A. 2009 Supp. 21-4705 and 21-4708, by Joint Committee on Corrections and Juvenile Justice Oversight.

**HB 2519**, 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 Taxation.

**HB 2520**, 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 Taxation.

**HB 2521**, 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 Taxation.

**HB 2522**, An act concerning sales taxation; relating to certain cash rebates on sales or leases of new motor vehicles; amending K.S.A. 2009 Supp. 79-3602 and repealing the existing section, by Committee on Taxation.

HB 2523, 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 Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: HB 2502, HB 2503, HB 2504, HB 2505, HB 2506, HB 2507, HB 2508, HB 2509.

Federal and State Affairs: HB 2511, HB 2512, HB 2516.

Insurance: **HB 2500, HB 2501**. Judiciary: **HB 2513, HB 2514**.

Local Government: HB 2497, HB 2515.

Taxation: HB 2496.

Transportation: HB 2498, HB 2499, HB 2510.

### CHANGE OF REFERENCE

Speaker pro tem Siegfreid announced the withdrawal of **HB 2385** from Committee on Agriculture and Natural Resources and referral to Committee on Government Efficiency and Fiscal Oversight.

Also, the withdrawal of **HB 2445** from Committee on Veterans, Military and Homeland Security and referral to Committee on Agriculture and Natural Resources.

Also, the withdrawal of **HB 2495** from Committee on Agriculture and Committee on Taxation (jointly) and referral to Committee on Education and Committee on Taxation (jointly).

## COMMUNICATIONS FROM STATE OFFICERS

From Kent E. Olson, Director, Division of Accounts and Reports, Department of Administration, the 56th Annual Financial Report of the State of Kansas for FY ended June 30, 2009. The report is available on a CD and also on line at http://da.ks.gov/ar/finrept.

From Lucy Mills, Coordinator, Abuse, Neglect & Exploitation Unit, Office of the Attorney General, pursuant to K.S.A. 75-723, Annual Report to the Legislature, July 1, 2008 to June 30, 2009. Report can be accessed at http://www.ksag.org/files/ANE\_Annual\_Report\_1-8-10 \_Final.pdf.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, January 25, 2010.

## TENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, January 25, 2010, 11:00 a.m.

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

The roll was called with 115 members present.

Rep. Donohoe was excused on verified illness.

Reps. C. Holmes and Mah were excused on legislative business.

Reps. Benlon, Davis, Hill, O'Brien, Olson, Peterson and Schwab were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, God,
It is the beginning of a new week,
and already there are deadlines to meet.

Meetings to attend,
people to see,
messages to send,
and feelings like "there is no time left for me."

In the business of our tasks,
may we not put talking to You last.
So, here at the git-go,
give us Your knowledge to know;
and give us wisdom beyond our means,
as this session now convenes.
In the name of Your Son, I pray, Amen.

The Pledge of Allegiance was led by Rep. Long.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2524**, An act concerning townships; prohibiting certain townships from employing board members, by Committee on Local Government.

**HB 2525**, An act concerning the open meetings law; relating to executive sessions; amending K.S.A. 2009 Supp. 75-4319 and repealing the existing section, by Committee on Local Government.

**HB 2526**, An act relating to the vehicle dealers and manufacturers licensing act; concerning scrap metal recyclers; amending K.S.A. 2009 Supp. 8-2401, 8-2404, 8-2408 and 8-2434 and repealing the existing sections, by Representative Trimmer.

**HB 2527**, An act concerning abortion; regarding reports on late term abortions; amending K.S.A. 65-445 and 65-6703 and repealing the existing sections, by Representative Kinzer.

**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, by Committee on Judiciary.

HB 2529, An act concerning open records; relating to exceptions to disclosure; amending K.S.A. 60-3351 and K.S.A. 2009 Supp. 38-1664 and 45-229 and repealing the existing sections; also repealing K.S.A. 74-7405a and K.S.A. 2009 Supp. 79-1437f, by Special Committee on Judiciary.

**HB 2530**, 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, 77-436 and 77-438 and K.S.A. 2009 Supp. 77-415, 77-416, 77-421, 77-422, 77-424, 77-431 and 77-435 and repealing the existing sections, by Committee on Judiciary.

**HB 2531**, An act concerning the courts; relating to docket fees; amending K.S.A. 2009 Supp. 20-367 and repealing the existing section, by Committee on Judiciary.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: HB 2517, HB 2518.

Taxation: HB 2519, HB 2520, HB 2521, HB 2522, HB 2523.

### CHANGE OF REFERENCE

Speaker O'Neal announced that **HB 2495** having been referred jointly to Committees on Education and Taxation is now referred separately to Committees on Education and Taxation.

### MESSAGE FROM THE GOVERNOR

January 21, 2010

Susan W. Kannarr

Chief Clerk of the House of Representatives

Statehouse, Room 272-W

Topeka, Kansas 66612

Re: Report of pardon

Dear Ms. Kannarr:

Pursuant to K.S.A. 22-3703, please find the following report of the only pardon granted by me for the preceding year.

Samuel Jarvis Hunt

Convicted in 1969 of Third Degree Robbery

It has been 39 years since the conviction and Mr. Hunt has been a productive and lawabiding citizen.

The sentencing Judge, former Attorney General Robert T. Stephan, and the District Attorney are in favor of the granting of a pardon.

Another co-defendant was granted a pardon by Governor Joan Finney.

If you have any questions, please feel free to contact Patrick Hurley, Chief Counsel at 368-8767. Thank you for your attention to this matter.

Sincerely, Mark Parkinson Governor of the State of Kansas

### MESSAGE FROM THE SENATE

Announcing passage of SB 348.

## INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 348.

## CONSENT CALENDAR

No objection was made to **HB 2414** appearing on the Consent Calendar for the first day.

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2532**, An act concerning the use of restraints and seclusion; relating to the care and treatment of mentally ill persons, persons with alcohol or substance abuse and committed sexually violent predators; amending K.S.A. 59-2977 and 59-29b77 and K.S.A. 2009 Supp. 59-29a22 and repealing the existing sections, by Committee on Judiciary.

**HB 2533**, An act concerning the Kansas act against discrimination; relating to disability; amending K.S.A. 44-1001, 44-1002 and 44-1006 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2534**, 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 Corrections and Juvenile Justice.

**HB 2535**, An act designating a part of K-61 highway as the John Neal memorial highway, by Representatives O'Neal and Pauls.

## COMMITTEE ASSIGNMENT CHANGE

Speaker O'Neal announced that during the time Rep. Donohoe is away, Rep. Myers is appointed as Vice-Chair of Committee on Economic Development.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, January 26, 2010.

## ELEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, January 26, 2010, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Donohoe was excused on verified illness.

Rep. C Holmes was excused on legislative business.

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

Prayer by guest chaplain, the Rev. Kenneth J. Harder, senior pastor, Emmanuel Mennonite Church, Meade, and guest of Rep. Neufeld:

Dear heavenly Father,

I ask for your guidance for us and all the members of this house as we gather today. Grant that we would be bold and not indecisive in our representative role, and that we would be guided by your divine wisdom. Help the men and women duly appointed to this task of governing in this great state to be people of integrity. Let them be honest in all their dealings and forthright in all their discussions. May the discussions and the subsequent decisions rendered today here in this changer be in accordance with your will. Deliver each one from the temptation to be divided by party lines and the whims of personal agendas but that there will be a coming together for the purpose of governing in the truth.

Forgive us for our shortcomings, arrogance and rebellion. Give us a true compassion for the poor and each other so that this great state may continue to be a beacon in a dark world. Help us to avoid the pitfall of calling evil good and good evil, make us ever more mindful of the fact that ideas and words have lasting consequences.

Give wisdom oh God so a solution may be found to the budget issues which plague this great state of Kansas. Bless us again as you have in the past.

For your honor and glory, in Christ's Name, Amen!

The Pledge of Allegiance was led by Rep. Quigley.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2536, An act concerning the duties of registered nurse anesthetists; amending K.S.A. 65-1158 and repealing the existing section, by Committee on Health and Human Services. HB 2537, An act concerning alcoholic beverages; amending K.S.A. 41-210, 41-211, 41-304, 41-307, 41-308, 41-601, 41-602, 41-701, 41-708, 41-717, 41-718, 41-724, 41-725, 41-726, 41-729, 41-806, 41-901, 41-905, 41-1001, 41-1002, 41-1004, 41-1101, 41-1102, 41-1122, 41-1123, 41-1125, 41-2604, 41-2610, 41-2614, 41-2632, 41-2643, 41-2705, 41-2706, 41-2707, 41-2709, 41-2722, 41-2726, 79-4101, 79-4102, 79-4103, 79-41a04, 79-41a06, 79-41a07 and 79-41a08 and K.S.A. 2009 Supp. 41-102, 41-104, 41-209, 41-308b, 41-712, 41-805, 41-2611, 41-2637, 41-2641, 41-2642, 41-2645, 41-2701, 41-2704, 41-2728, 79-3606, 79-4108 and 79-41a03 and repealing the existing sections; also

repealing K.S.A. 41-103 and 41-2712 and K.S.A. 2009 Supp. 41-2702, 41-2703 and 41-2708, by Committee on Federal and State Affairs.

**HB 2538**, An act concerning the promoting employment across Kansas act; relating to qualifications for benefits under the act; amending K.S.A. 2009 Supp. 74-50,211, 74-50,212 and 74-50,213 and repealing the existing sections, by Committee on Taxation.

**HB 2539**, An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6434 and 72-64b01 and repealing the existing sections, by Representative Aurand.

**HB 2540**, An act concerning municipal bonds; amending K.S.A. 10-131 and repealing the existing section, by Committee on Government Efficiency and Fiscal Oversight.

**HB 2541**, An act enacting the Kansas illegal immigration relief act; amending K.S.A. 2009 Supp. 8-240, 8-1324, 79-32,120 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 76-731a, by Committee on Local Government.

**HB 2542**, An act relating to motor vehicles; concerning drivers' licenses; amending K.S.A. 8-234b and K.S.A. 2009 Supp. 8-235 and repealing the existing sections, by Representative Horst.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: HB 2534; SB 348.

Energy and Utilities: HB 2526.

Federal and State Affairs: HB 2527, HB 2533.

Judiciary: HB 2525, HB 2528, HB 2529, HB 2530, HB 2531, HB 2532.

Local Government: **HB 2524**. Transportation: **HB 2535**.

#### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2445** from Committee on Agriculture and Natural Resources and rereferral to Committee on Veterans, Military and Homeland Security.

Also, the withdrawal of **HB 2432** from Committee on Corrections and Juvenile Justice and referral to Committee on Judiciary.

### COMMUNICATIONS FROM STATE OFFICERS

From Mike Michael, Deputy Director, State Employee Health Plan, Kansas Health Policy Authority, in compliance with K.S.A. 75-6509, Kansas State Employees Health Care commission 2009 Annual Report. The report is contained on a compact disc (cd).

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

## MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. George, **HR 6008**, A resolution congratulating Benedictine College for its 152 years of service to the people of Kansas, was adopted.

Reps. George and Henry addressed a few remarks to the members of the House. Rep. Henry also introduced the following: Stephen Minnis, President; Fr. James Alkers, Prior, St. Benedicts Abbey; Dr. Kimberly Shankman, Dean of the College; Linda Henry, Vice President of Student Life; Joe Wurtz, Dean of Students; Courtney Marshall, Director of Alumni Relations; Keith Jaloma, Director of Individual Giving; and Bill Thornton, Secretary of Commerce.

## CONSENT CALENDAR

No objection was made to  ${\bf HB~2414}$  appearing on the Consent Calendar for the second day.

### REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2411** be amended on page 5, after line 43, by inserting:

Some trade or other names: BZP.

(36) 1-(3-[trifluoromethylphenyl]) piperazine

Some trade or other names: TFMPP.";

On page 6, in line 40, 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.

Committee on **Energy and Utilities** recommends **Substitute for SB 48** be amended by substituting a new bill to be designated as "HOUSE Substitute for Substitute for SEN-ATE BILL No. 48," as follows:

"HOUSE Substitute for Substitute for SENATE BILL No. 48

By Committee on Energy and Utilities

"AN ACT concerning emergency telephone service; relating to fees, charges, collection and distribution; amending K.S.A. 2009 Supp. 12-5338, 12-5361 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, 12-5309 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, 12-5357, 12-5359 and 12-5360."; and the substitute bill be passed.

(H. Sub. for Sub. SB 48 was thereupon introduced and read by title.)

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2543**, An act concerning school districts; relating to state aid for capital outlay and capital improvements; amending K.S.A. 2009 Supp. 72-8814 and 75-2319 and repealing the existing sections, by Education Budget Committee.

**HB 2544**, An act concerning the state public trust established for certain communities within superfund sites; attendance at meetings; amending K.S.A. 2009 Supp. 49-512 and repealing the existing section, by Committee on Appropriations.

**HB 2545**, An act concerning crimes, criminal procedure and punishment; relating to appearance bonds; amending K.S.A. 2009 Supp. 22-2802 and repealing the existing section, by Committee on Judiciary.

HB 2546, An act concerning insurance; providing reimbursement for certain services; amending K.S.A. 2009 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Representatives Moxley, Brunk, Williams, Brookens, Burroughs, Carlin, DeGraaf, George, Goico, Gordon, Grange, Hermanson, Hill, Huebert, Landwehr, Morrison, Neighbor, Proehl, Slattery, Spalding, Swanson, Swenson, Wetta, K. Wolf and Worley.

## REPORT ON ENROLLED RESOLUTIONS

HR 6006 reported correctly enrolled and properly signed on January 26, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, January 27, 2010.

# Journal of the House

## TWELFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, January 27, 2010, 11:00 a.m.

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

The roll was called with 118 members present.

Rep. Donohoe was excused on verified illness.

Rep. C. Holmes was excused on legislative business.

Reps. Hill, Kuether, Landwehr, Peterson and Suellentrop were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. David C. Fulton, pastor, St. Paul's Lutheran Church, Wichita, and guest of Rep. Dillmore:

Holy God — you know Kansas. You know our greatness and you know our challenges. Let your presence move us toward the stars through difficulties. We Kansans share a robust heritage, including the passion of John Brown and Carry Nation, the brilliance of Karl Menninger and the leadership of Dwight Eisenhower; they inspire us to embrace the challenges of our day, the challenges of decreased revenues and increased calls for service, the challenges of violence and intolerance and the challenge of indifference to the public good.

Come O God, accompany us on our pioneer journey to the stars, come with us as we seek excellence in every aspect of our life together in our home on the range. There are those who would make it difficult for us to live in peace, in our communities and in our world. We thank thee for those in uniform who stand fast for safety and freedom. We thank you for law enforcement officers, in our cities and countries, we thank thee for our neighbors who wear the uniform of the United States military, for our national guard and for the active duty military members, from Ft. Riley, Leavenworth and McConnell, who live in Kansas and deploy worldwide for the values of America.

Through the stars through difficulties, it is our motto O God, our passion, our life together as Kansans — bless those who serve all of the state offices in this city and across Kansas, let it be well with them as they serve. O God we thank you for the blessings of America, the blessing of Kansas and the blessings of vital faith traditions serving in our state, it is from our traditions that we pray this day — in your most sacred name all God's people say — Amen — Let's Roll to the stars — AMEN!!

The Pledge of Allegiance was led by Rep. Lane.

#### PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Dillmore are spread upon the journal:

Today my friend Colonel David Fulton was our guest Chaplain. As you heard, Colonel Fulton is pastor of the Saint Paul's Lutheran Church in Wichita. However, what I would

like to point out today is that while Pastor Dave will be back as a guest pastor in the future, he will not be wearing the uniform he so proudly wore today.

After 23 years of distinguished service in the Air Reserve, he will be retiring at the end of March. During his tour, he has traveled 11,000 miles while in the central Command Area of Operations and served in Iraq, Afghanistan, Germany, France, Turkey and Korea.

He was deployed in support of Operation Iraqi Freedom serving as the group chaplain of the 458th Expeditionary Group. In 2006, he deployed with the Expeditionary Red Horse Squadron for six months in Iraq and Afghanistan. He spent eight years with the Kansas Air National Guard serving the 190th Air Refueling Wing at Forbes Field. Currently he is assigned to the command Chaplain's Office of the Air Force Reserve Command.

We could be here quite some time if I listed all of the volunteer positions he has served in making our state a better place to live, work, and worship. Suffice it to say he does not stay stationery very long.

Colonel Fulton, thank you for coming here today; and thank you for your honorable service to our country, our state, and the men and women of our armed forces.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2547**, An act amending the vehicle dealers and manufacturers licensing act; amending K.S.A. 8-2410, 8-2413, 8-2414, 8-2415, 8-2416, 8-2417 and 8-2419 and repealing the existing sections, by Committee on Transportation.

**HB 2548**, An act concerning drainage district No. 2 of Finney county, Kansas; pertaining to the election of directors; amending K.S.A. 24-412 and K.S.A. 2009 Supp. 24-139a and 24-409 and repealing the existing sections, by Representative Powell.

**HB 2549**, 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 Taxation.

**HB 2550**, 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 Taxation.

**HB 2551**, An act concerning recovery zone bonds; granting authority to the department of commerce to recapture unissued bonds, by Committee on Economic Development and Tourism.

**HB 2552**, An act enacting the midwest interstate passenger rail compact, by Representatives Pottorff and McCray-Miller.

**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, by Committee on Economic Development and Tourism.

**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, by Committee on Economic Development and Tourism.

**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, by Representative Maloney.

## HOUSE CONCURRENT RESOLUTION No. 5028-

## By Committee on 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 House of Representatives of the State of Kansas, the Senate 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:

Appropriations: HB 2544.

Federal and State Affairs: HB 2537, HB 2541.

Government Efficiency and Fiscal Oversight: **HB 2540**.

Health and Human Services: HB 2536.

Insurance: **HB 2546**. Judiciary: **HB 2545**. Taxation: **HB 2538**. Transportation: **HB 2542**.

Education Budget: HB 2539, HB 2543.

#### CHANGE OF REFERENCE

Speaker O'Neal announced that **HB 2424** and **HB 2427** having been referred jointly to Committees on Insurance and Vision 2020, are now referred separately to Committees on Insurance and Vision 2020.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Davis, **HR 6009**, by Reps. O'Neal and Davis, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6009-

A RESOLUTION relating to assignment of seats of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the members of the 2010 regular session shall occupy the same seats assigned pursuant to 2010 House Resolution No. 6002 with the following exception: Meier, seat No. 92.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. McCray-Miller, HR 6010, by Rep. McCray-Miller, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6010-

A RESOLUTION congratulating and commending The Research on Black Wichita Project: 1945-1958.

WHEREAS, Wichita, like most of this society, was a predominantly racially segregated environment for well over half of the twentieth century; and

WHEREAS, The Research on Black Wichita Project: 1945 — 1958 will provide a descriptive and critical analysis of importance to the Wichita Black community on the five topics: education, sociocultural activity, business and economic development, political activity, and religious institutions and spiritual foundations; and

WHEREAS, The Research on Black Wichita Project: 1945 — 1958 was conceived and originally implemented in 2003 with the assistance of a publication advisory committee (PAC) comprised of community leaders, volunteers, educators and retired or working professionals from the Wichita Black community; and

WHEREAS, The Research on Black Wichita Project: 1945 — 1958 proceeds under the eminently capable direction of Galyn A. Vesey, PhD, a native and lifelong resident of Wichita following his retirement from teaching at Alabama A & M University in 2004 and his applied research at Cornell University in 1998; and

WHEREAS, In addition to individual interviews, the Project will use formal documents, published reports and books, newspapers, media aids, anecdotal information, photographs and interviews with Wichita's Black pioneers in telling their own stories to fill the void in information and understanding of the history of Black Wichita; and

WHEREAS, We believe that the story of the Wichita Monrovians, a highly successful all-Black professional baseball team named for the capital city of Monrovia, Liberia on the continent of Western Africa, the First Kansas Colored Infantry and other important selfinitiatives and strength perspectives such as these could have useful educational, sociocultural, economic, political and spiritual implications for this investigation; and

WHEREAS, Under the supervision of Wichita social scientist Galyn A.Vesey, an adjunct instructor at Bethel, students at Bethel College will contribute to the Research on Black Wichita project, by collecting data through document searches and other research methods; and

WHEREAS, Dr. Galyn A. Vesey hopes to bring recognition to the many unsung heroes and heroines of Black Wichita history; and

WHEREAS, The results of this project will include a manuscript and are aimed at the general public as well as high school youth and should go a long way in filling the void in information and understanding of the history of Black Wichita; and

WHEREAS, The Research on Black Wichita Project: 1945-1958 is a living project that explores the climate of Black Wichita during the 1940's and 1950's with a goal of bringing to life the areas in the city where most Black businesses and organizations thrived: Now, Therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Dr. Galyn A. Vesey and all the people involved in the Research on Black Wichita: 1945—1958 Project Kansas for their outstanding work in making this important event happen and for gaining national recognition for the State of Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send an enrolled copy of this resolution to Dr. Galyn A. Vesey.

There being no objection, the following remarks by Reps. McCray-Miller and Finney are spread upon the journal:  $\frac{1}{2} \left( \frac{1}{2} - \frac{1}{2} \right) = \frac{1}{2} \left( \frac{1}{2} - \frac{1}{2}$ 

Remarks by Rep. McCray-Miller:

The Research on Black Wichita Project: 1945-1958 will provide a descriptive and critical analysis of importance to the Wichita Black community on the five topics: education, sociocultural activity, business and economic development, political activity, and religious institution and spiritual foundations. It was conceived and originally implemented in 2003

with the assistance of a publication advisory committee (PAC) comprised of community leaders, volunteers, educators and retired or working professionals from the Wichita Black community.

Remarks by Rep. Finney:

The Research on Black Wichita Project proceeds under the eminently capable direction of Galyn A Vesey, PhD, a native and lifelong resident of Wichita following his retirement from teaching at Alabama A & M University in 2004 and his applied research at Cornell University in 1998.

#### CONSENT CALENDAR

No objection was made to **HB 2414** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hineman, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Hill, C. Holmes, Kuether, Landwehr, Peterson, Suellentrop.

The bill passed.

#### REPORTS OF STANDING COMMITTEES

Committee on Taxation recommends HB 2475 be not passed.

Rep Ward rose on a point of order and requested a ruling as to whether a bill could be reported out of committee as be not passed. The Rules Chair ruled that committees have three options of reporting bills out of committee: be passed (be passed as amended), be not passed; or be reported without recommendation. The report was thus ruled in order.

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2556**, An act regulating traffic; restricting the use of certain wireless communication devices while operating a moving motor vehicle; amending K.S.A. 2009 Supp. 8-2118 and repealing the existing section, by Commerce and Labor.

**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, by Committee on Judiciary.

**HB 2558**, An act concerning charitable contribution solicitations; relating to consumer telephone calls; amending K.S.A. 17-1766 and 50-670 and repealing the existing sections, by Committee on Judiciary.

**HB 2559**, An act concerning school districts; relating to certain expenditures; amending K.S.A. 2009 Supp. 72-6760 and repealing the existing section, by Committee on Appropriations.

**ĤB 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, 58-3063 and 58-3068 and repealing the existing sections, by Committee on Commerce and Labor.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, January  $28,\,2010.$ 

# Journal of the House

#### THIRTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, January 28, 2010, 11:00 a.m.

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

The roll was called with 115 members present.

Reps. Donohoe and Kuether were excused on verified illness.

Reps. C. Holmes, Kerschen, Slattery and Sloan were excused on legislative business.

Reps. Aurand, Hill, Landwehr and Peterson were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Lloyd W. Houk, pastor, 3 Rusty Nails Ministry, ACTF Baptist Convention, Moran, and guest of Rep. Otto:

Almighty God,

As we have gathered this day to represent the many that have placed us in this position, we remember our veterans both at home and abroad. We seek your strength and your guidance as we prepare to do the will of the people.

Help us as we discuss the needs of the people for this great state of Kansas, and cause our decisions to be for the good of all people.

Draw us closer not only as individuals, but as a state, a nation and the world.

Keep us in your care and cause us to be all that we profess to be.

Help us to remember the foundations that have been in place since the beginning of this great nation . . . knowing that those who have gone before us knew the value of considering each other and every situation, allowing you to always be our guide.

In a world with so much uncertainty, cause us to look always to you with our every need. Cause us to return to a strength in God that this nation has always possessed.

Help us to always remember when we make decisions without considering God first, there will always be a chance of failure. Help us to always understand the value of God and country.

And as the song says:

God bless America, land that I love.

Stand beside her, and guide her

through the night, with a light from above.

From the mountains, to the prairies,

to the oceans, white with foam

God bless America, my home sweet home.

God bless America, my home sweet home.

The Pledge of Allegiance was led by Rep. Rhoades.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**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, by Committee on Transportation.

**HB 2562**, An act concerning certain legal notice publications; amending K.S.A. 10-120, 19-547, 25-204, 25-209, 25-2702, 79-2001 and 79-2303 and K.S.A. 2009 Supp. 79-2804 and repealing the existing sections, by Committee on Local Government.

**HB 2563**, An act concerning insurance; related to the use of credit information; amending K.S.A. 2009 Supp. 40-5103 and 40-5104 and repealing the existing sections, by Committee on Insurance.

**HB 2564**, An act concerning insurance; excluding coverage for certain abortions; amending K.S.A. 2009 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Insurance.

**HB 2565**, 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, by Committee on Agriculture and Natural Resources.

**HB 2566**, An act concerning the food, drug and cosmetic act, relating to the secretary of agriculture; authorizing the secretary of agriculture to perform certain duties; amending K.S.A. 65-626, 65-635, 65-641, 65-653, 65-655, 65-656, 65-658, 65-665, 65-676, 65-679a, 65-684, 65-684 and 65-686 and K.S.A. 2009 Supp. 65-657 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

**HB 2567**, An act concerning appropriation of water, regarding notices; amending K.S.A. 2009 Supp. 82a-714 and 82a-718 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

**HB 2568**, An act concerning the Kansas power of attorney act; relating to durable powers of attorney; amending K.S.A. 58-651 and 58-663 and K.S.A. 2009 Supp. 58-652, 58-654 and 58-656 and repealing the existing sections, by Committee on Judiciary.

**HB 2569**, 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 Taxation.

**HB 2570**, 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 Taxation.

**HB 2571**, An act concerning wildlife and parks; relating to hunting licenses; exempting prisoners of war from paying hunting license fees; amending K.S.A. 2009 Supp. 32-988 and repealing the existing section, by Representative Ward.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: HB 2548.

Commerce and Labor: HB 2560.

Economic Development and Tourism: HB 2551, HB 2553, HB 2554.

Energy and Utilities: **HB 2558**.

Judiciary: HB 2557.

Taxation: HB 2549, HB 2550; HCR 5028.

Transportation: HB 2547, HB 2552, HB 2555, HB 2556.

Education Budget: HB 2559.

## MESSAGE FROM THE GOVERNOR

January 26, 2010

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

Enclosed herewith is Executive Order No. 2010-01 for your information.

## EXECUTIVE ORDER No. 2010-01

Concerning Standards of Care Provided at Parsons State Hospital and Kansas Neurological Institute

Mark Parkinson Governor

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

#### MESSAGE FROM THE GOVERNOR

January 26, 2010

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

Enclosed herewith is Executive Order No. 2010-02 for your information.

#### EXECUTIVE ORDER No. 2010-02

Establishing the Kansas Advisory Committee for the Blind and Visually Impaired

Mark Parkinson Governor

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

#### COMMUNICATIONS FROM STATE OFFICERS

From Stephen R. Weatherford, President, Kansas Housing Resource Corporation, Financial Statements for the Years ended June 30, 2009 and 2008 and Independent Auditors' Report.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

## MESSAGES FROM THE SENATE

Announcing adoption of HCR 5025.

Also, announcing passage of SB 360, SB 371.

Announcing passage of HB 2222, as amended by S. Sub. for HB 2222; HB 2353, as amended by S. Sub. for HB 2353.

## INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 360, SB 371.

Speaker O'Neal announced that in accordance with House Rule 2107, the Senate amendments to **S. Sub. for HB 2222** do materially change its subject and **S. Sub. for HB 2222** therefor is not subject to Motions to Concur and Nonconcur.

S. Sub. for HB 2222 was thereupon introduced and read by title.

Speaker O'Neal thereupon referred **S. Sub. for HB 2222** to Committee on Appropriations.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6011-

By Representatives Trimmer, Carlin, Crow, Fuerborn, D. Gatewood, Hawk, Lukert, Maloney, Meier, Palmer, Pauls, Phelps, Svaty, Wetta and Williams

A RESOLUTION supporting an exemption from air emissions requirements for cattle producers and prairie maintenance.

WHEREAS, Cattle production is not only an historically important business to Kansas but is also an extremely important contemporary industry throughout the Midwest; and

WHEREAS, Range burning recreates a natural process of rejuvenation of the tall grass prairie in a controlled manner; and

WHEREAS, Beef production is an essential component to overall food production and nutrition to consumers worldwide; and

WHEREAS, Inclusion of the cattle production industry in a federal emissions trading law would not only be an economic burden to cattle producers but would also ultimately raise the price of beef in the United States; and

WHEREAS, Cattle production is a very small contributor to overall carbon dioxide production or atmospheric methane levels; and

WHEREAS, The Tall Grass Prairie is one of the most unique ecosystems in the world; is a source of environmental benefits including clean air and water; and prescribed burning is a vital tool to maintaining the health of the ecosystem: Now, therefore,

Be is resolved by the House of Representatives of the State of Kansas: That the Legislature of the State of Kansas appeals to the President of the United States of America, the Environmental Protection Agency, the Congress of the United States of America, and the Kansas Congressional Delegation to exclude cattle production and prairie maintenance from future air emissions regulations and legislation.

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to the President of the United States of America, the Environmental Protection Agency and the Kansas Congressional Delegation.

## REPORTS OF STANDING COMMITTEES

The Committee on Corrections and Juvenile Justice recommends HB 2440 be amended on page 1, in line 16, after "shall" by inserting ", as soon as practicable,"; in line 17, by striking "and" and inserting a comma; also in line 18, before "and" where it appears for the first time, by inserting "22-3430, 22-3431 and 22-3727,"; in line 21, by striking "who is alive and"; in line 22, by striking "or, if the victim is deceased, to the victim's family if" and inserting ", and the victim's family, if so requested and"; also in line 22, by striking "address"; in line 23, by striking "is" and inserting "addresses are"; also in line 23, after the period, by inserting "The secretary shall also provide such notice to the family of the defendant if requested and such addresses are known to the secretary."; in line 24, by striking "to the victim or the victim's family"; in line 28, by striking "victim's"; in line 39, after "victim" by inserting "and family";

On page 2, in line 42, after "victim" by inserting "and family";

On page 3, in line 16, after "victim" by inserting "and family"; in line 27, after "victim" by inserting "and family"; in line 37, after "victim" by inserting "and family";

On page 4, in line 8, after "victim" by inserting "and family"; in line 22, after "victim" by inserting "and family"; in line 36, after "victim" by inserting "and family";

On page 5, in line 22, after "victim" by inserting "and family"; On page 6, in line 13, after "victim" by inserting "and family"; in line 21, after "victim" by inserting "and family";

On page 7, in line 19, after "victim" by inserting "and family";

On page 8, in line 32, after "victim" by inserting "and family";

On page 9, in line 22, after "victim" by inserting "and family"; in line 43, after "victim" by inserting "and family";

On page 10, in line 29, after "victim" by inserting "and family"; in line 40, after "victim" by inserting "and family";

In the title, in line 10, by striking "the" where it appears for the first time; also in line 10, after "of" where it appears for the first time, by inserting "family and"; and the bill be passed as amended.

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2572**, An act concerning state government; relating to the consolidation of information technology, by Committee on Government Efficiency and Fiscal Oversight.

**HB 2573**, An act concerning sales taxation; relating to exemptions; capitol restoration; amending K.S.A. 2009 Supp. 79-3606 and repealing the existing section, by Committee on Appropriations.

**ĤB** 2574, An act concerning certain vaccinations; requiring disclosure of possible hazards of the vaccine and consent to the administration of the vaccine; amending K.S.A. 72-5209 and repealing the existing section, by Committee on Health and Human Services.

**HB 2575**, An act concerning naturopathic doctors; licensure; prescription of testosterone; amending K.S.A. 17-2707, 65-7201, 65-7202, 65-7203, 65-7204, 65-7205, 65-7206, 65-7207, 65-7211, 65-7212, 65-7216 and 72-5214 and K.S.A. 2009 Supp. 65-2913, 65-4101, 65-7208 and 65-7209 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2576**, An act concerning durable medical equipment; relating to sales of oxygen; amending K.S.A. 2009 Supp. 65-1643 and repealing the existing section; also repealing K.S.A. 2009 Supp. 65-1643c, by Committee on Health and Human Services.

**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, by Committee on Health and Human Services.

**HB 2578**, An act concerning property taxation; relating to refunds of taxes paid under protest; loans to counties by pooled money investment board, terms; amending K.S.A. 2009 Supp. 79-2005 and repealing the existing section, by Committee on Taxation.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6012-

By Representative Long

A RESOLUTION supporting federal legislation to regulate the loud volume of television commercials.

WHEREAS, Sudden spikes in volume as a television program goes to a commercial break are startling and annoying to viewers. Many viewers find the disparity between the volume of the commercial and the volume of the programming disruptive and intrusive; and

WHEREAS, One of the top consumer grievances filed with the Federal Communications Commission regarding radio and television broadcasting is abrupt changes in volume during transition from regular programming to commercials; and

WHEREAS, The Federal Communications Commission currently does not regulate the volume of commercial advertisements; and

WHEREAS, Other countries including Australia, Brazil, France, Israel, Russia, and the United Kingdom have passed legislation or instituted regulations concerning the volume of commercials; and

WHEREAS, Broadcasters are required to have equipment that limits the peak power they can use to send out audio and video signals, which means the loudest commercial will not be louder than the loudest part of a television program. However, many commercials are engineered to provide a sustained level of loud audio, in contrast to programs which have a mix of audio level; and

WHEREAS, Broadcasters in the United States are aware of the problem, and an industry standards-setting body, the Advanced Television Systems Committee (ATSC), has developed technical standards necessary to control variations in commercial loudness; and

WHEREAS, The U.S. House of Representatives passed the Commercial Advertisement Loudness Mitigation (CALM) Act in December 2009, which requires the Federal Communications Commission to prescribe a regulation that incorporates by reference the ATSC-recommended techniques on establishing and maintaining audio loudness for digital television; and

WHEREAS, the CALM Act would allow no more than two years to implement the standard and would allow the Federal Communications Commission to grant compliance waivers upon a showing of financial hardship; and

WHEREAS, The CALM Act is currently assigned to the U.S. Senate Committee on Commerce, Science, and Transportation: Now, therefore,

Be is resolved by the House of Representatives of the State of Kansas: That we express our support for efforts to control the nuisance of unnecessarily loud commercials and strongly support the passage of such regulatory legislation.

Be is further resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to Representative Margaret Long, U.S. Representative from California Anna G. Eshoo, and each member of the Kansas delegation in the United States Senate and House of Representatives.

#### REPORT ON ENROLLED RESOLUTIONS

HR 6007 reported correctly enrolled and properly signed on January 28, 2010.

On motion of Rep. Merrick, the House adjourned until 10:30 a.m., Friday, January 29, 2010.

# Journal of the House

## FOURTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, January 29, 2010, 10:30 a.m.

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

The roll was called with 85 members present.

Reps. Donohoe, Johnson and Kuether were excused on verified illness.

Reps. George, Grange, C. Holmes, Neufeld, Sloan and Worley were excused on legislative business.

Reps. Aurand, Bethell, Brookens, Brunk, Crow, Crum, Finney, Garcia, Goico, Goyle, Hermanson, Hill, Hineman, Huebert, Jack, Kelley, Kerschen, Kiegerl, Landwehr, Loganbill, Long, McCray-Miller, Morrison, Moxley, Peterson, Pottorff, Proehl, Roth, Ruiz, Seiwert, and B. Wolf were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

One hundred forty-nine years ago in the year of eighteen sixty-one, the south west winds did blow and a new state was begun.

Throughout the years much has been accomplished and the land and our people have flourished. You have blessed our homes, businesses and shops, and our vast land with many crops.

But today as we celebrate the past and anticipate what lies ahead in the future, our dreams and visions we cast as we work to make our state better.

One promise that we can claim, is the one that You have exclaimed, "For I know the plans I have for you . . . plans to prosper you and not to harm you, plans to give you hope and a future."

(Jeremiah 29:11)

For Melanie Barnes whose stepmother passed away, we ask for Your strength and comfort today.

I pray this promise with no shame,
In Christ Your Son's Holy name.

Amen

The Pledge of Allegiance was led by Rep. Tietze.

## PERSONAL PRIVILEGE

In celebration of Kansas Day, Rep. Ballard led the members in singing "Home on the Range."

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2579**, An act concerning school districts; relating to financing the costs of utility services and insurance, by Committee on Education.

**HB 2580**, An act concerning school districts; relating to special education; amending K.S.A. 72-983 and repealing the existing section, by Committee on Education.

**HB 2581**, An act concerning criminal procedure; relating to the correctional supervision fee; amending K.S.A. 21-4610a and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2582**, An act concerning crimes, criminal procedure and punishment; relating to property crimes; amending K.S.A. 2009 Supp. 21-4704 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2583**, An act concerning open records; relating to disclosure of certain information, by Committee on Judiciary.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: HB 2565, HB 2566, HB 2567, HB 2571; HR 6011. Federal and State Affairs: HR 6012.

Government Efficiency and Fiscal Oversight: HB 2572.

Health and Human Services: HB 2574, HB 2575, HB 2576, HB 2577.

Insurance: **HB 2563**, **HB 2564**. Judiciary: **HB 2568**; **SB 360**, **SB 371**.

Local Government: HB 2562.

Taxation: HB 2569, HB 2570, HB 2573, HB 2578.

Transportation: **HB 2561**.

#### CHANGE OF REFERENCE

Speaker pro tem Siegfreid announced the withdrawal of **HB 2548** from Committee on Agriculture and Natural Resources and referral to Committee on Local Government.

#### MESSAGE FROM THE SENATE

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

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2503** be adopted and, because the committee is of the opinion that the resolution is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Corrections and Juvenile Justice** recommends **HB 2412** be amended on page 3, in line 41, by striking all after "person"; in line 42, by striking all before the comma and inserting "meets the criteria to be released under this section"; and the bill be passed as amended.

Committee on Insurance recommends HB 2501 be passed.

Committee on **Insurance** recommends **HB 2500** 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 **Judiciary** recommends **HB 2418** be amended on page 2, in line 34, after the period, by inserting "No rule and regulation adopted pursuant to subsection (h) 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.

Committee on **Judiciary** recommends **HB 2476** be amended on page 4, in line 12, by striking "July 1, 2010" and inserting "the effective date of this act.":

striking "July 1, 2010" and inserting "the effective date of this act,";

On page 6, in line 29, by striking "July 1, 2010" and inserting "the effective date of this act,";

On page 9, in line 1, by striking "July 1, 2010" and inserting "the effective date of this act,";

On page 13, in lines 19 and 20, by striking "July 1, 2010" and inserting "the effective date of this act,";

On page 15, in line 28, by striking "July 1, 2010" and inserting "the effective date of this act,";

On page 16, in lines 40 and 41, by striking "July 1, 2010" and inserting "the effective date of this act,";

On page 18, in line 37, by striking "July 1, 2010" and inserting "the effective date of this act,";

On page 19, in line 4, by striking "July 1, 2010" and inserting "the effective date of this act,"; in line 26, by striking "July 1, 2010" and inserting "the effective date of this act"; in line 29, by striking "or an alias"; in line 30, by striking "order or writ of execution"; in line 32, by striking all after "execution"; in line 33, by striking "for hearing" and inserting a comma; in line 34, by striking all after "garnishment"; in line 35, by striking "for garnishment"; in line 38, by striking all after "sale"; in line 39, by striking "order of sale"; in line 41, by striking "or an alias" in line 42, by striking all before the comma where it appears for the first time:

On page 20, in line 1, by striking all after "attachment"; in line 2, by striking "ment"; in lines 22 and 23, by striking "July 1, 2010" and inserting "the effective date of this act,";

On page 22, in line 11, by striking "July 1, 2010" and inserting "the effective date of this act":

On page 24, in lines 8 and 9, by striking "July 1, 2010" and inserting "the effective date of this act.":

On page 26, in line 2, by striking "July 1, 2010" and inserting "the effective date of this act,"; in line 41, by striking "July 1, 2010" and inserting "the effective date of this act,";

On page 27, in lines 10 and 11, by striking "July 1, 2010" and inserting "the effective date of this act,";

On page 29, in line 3, by striking "July 1, 2010" and inserting "the effective date of this act,";

On page 30, in line 7, by striking "July 1, 2010" and inserting "the effective date of this act,"; in line 31, by striking "July 1, 2010" and inserting "the effective date of this act,"; in line 39, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

#### REPORT OF STANDING COMMITTEE

Your Committee on  ${\bf Calendar}$  and  ${\bf Printing}$  recommends on requests for resolutions and certificates that

**Request No. 12**, by Representative Bowers, congratulating Gregg Brummett, Baseball Coach, Cloud County Community College, for being inducted into the Kansas Baseball Hall of Fame;

**Request No. 13**, by Representative Bowers, congratulating Tim and Connie Parker for being selected 2010 Business Persons of the Year by the Concordia Area Chamber of Commerce;

**Request No. 14**, by Representatives Bethell and Hawk, commending Gary Gerhard, Denise Peterson, Sara Wendt, Nancy Daniels, Katie McCollom, Anissa Birkinshaw, Mindi Kohake, Marliek Johnson, Jimi Nickel, Brad Welles, Bill Snyder, Co-Chair and Ella Todd, Director, for participation in the Kansas Mentors Program;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

## REPORT ON ENROLLED RESOLUTIONS

 $\boldsymbol{HR~6008}~reported~correctly~enrolled~and~properly~signed~on~January~28,~2010.$ 

Also, **HR 6010** reported correctly enrolled and properly signed on January 29, 2010.

On motion of Rep. Merrick, the House adjourned until  $11:00\ \mathrm{a.m.}$ , Monday, February 1, 2010.

# Journal of the House

## FIFTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, February 1, 2010, 11:00 a.m.

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

The roll was called with 118 members present.

Reps. Donohoe, Johnson and Kelley were excused on verified illness.

Reps. Barnes, Henderson, Loganbill and Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord.

We read Your words in Proverbs: "Well-spoken words bring satisfaction; well-done work has its own reward. Fools are headstrong and do what they like;

wise people take advice. Fools have short fuses and explode all too quickly; the prudent quietly shrug off insults. Truthful witness by a good person clears the air, but liars lay down a smoke screen of deceit. Rash language cuts and maims, but there is healing in the words of the wise." (Proverbs 12:14-18, The Message) As we begin this week of meetings, much discussion and debate will take place. Help us to be careful with our words showing respect and consideration to one another. I lift to you in prayer Rep. Dan Johnson, who is dealing with some health issues. Please bring healing and a speedy recovery to his body and spirit. I pray this in your Name, Amen.

The Pledge of Allegiance was led by Rep. Spalding.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**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, by Committee on Health and Human Services.

**HB 2585**, An act concerning marriage license fees; relating to poverty; amending K.S.A. 2009 Supp. 23-108a and repealing the existing section, by Representative Patton.

**HB 2586**, An act concerning employment security law; relating to contribution rates for new businesses; amending K.S.A. 2009 Supp. 44-710 and 44-710a and repealing the existing sections, by Representative Patton.

**HB 2587**, An act concerning school districts; relating to reimbursements for the cost of providing special education and related services; amending K.S.A. 2009 Supp. 72-978 and repealing the existing section; also repealing K.S.A. 2009 Supp. 72-998, by Representative Spalding.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: HB 2581, HB 2582.

Judiciary: HB 2583.

Education Budget: HB 2579, HB 2580.

## COMMUNICATIONS FROM STATE OFFICERS

From William R. Thornton, Acting Secretary of Commerce, in accordance with K.S.A. 12-17,169, annual report for projects funded with special obligation bonds.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

#### CONSENT CALENDAR

No objection was made to  $HB\ 2500$ ,  $HB\ 2503$  appearing on the Consent Calendar for the first day.

## MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Carlson, the House nonconcurred in Senate amendments to **S. Sub.** for HB 2353 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Carlson, King and Menghini as conferees on the part of the House.

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

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2588**, An act concerning prepaid funerals; increasing the limitation on irrevocable funds; amending K.S.A. 16-303 and repealing the existing section, by Committee on Health and Human Services.

**HB 2589**, An act concerning prearranged funeral agreements; requiring certain disclosures, by Committee on Health and Human Services.

**HB 2590**, An act providing for certification of medical gas installers in certain counties and cities; defining terms; amending K.S.A. 2009 Supp. 12-1509 and repealing the existing section, by Committee on Health and Human Services.

**HB 2591**, An act concerning schools; relating to inclement weather days; amending K.S.A. 2009 Supp. 72-5413 and repealing the existing section, by Committee on Education.

**HB 2592**, An act concerning health insurance; creating a public health insurance marketplace; creating a health insurance database; requiring certain disclosures by employers; amending K.S.A. 2009 Supp. 75-6501, 75-6506 and 79-32,117 and repealing the existing sections, by Committee on Insurance.

**HB 2593**, An act concerning taxation; relating to tax on alcoholic liquor, cereal malt beverage and malt products; rates; distribution of revenue; creating the developmental disabilities supplemental programs fund and the community mental health centers supplemental programs fund; amending K.S.A. 2009 Supp. 41-501 and repealing the existing section, by Committee on Taxation.

**HB** 2594, An act concerning school districts; creating an enrichment fund and providing a levy therefor, by Committee on Education.

**HB 2595**, An act concerning school districts; relating to the provision of transportation; amending K.S.A. 2009 Supp. 72-1046b and repealing the existing section, by Committee on Education.

## REPORT ON ENROLLED RESOLUTIONS

HCR 5025 reported correctly enrolled and properly signed on February 1, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, February 2, 2010.

# Journal of the House

## SIXTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, February 2, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair. The roll was called with 121 members present. Reps. Donohoe, Johnson and Siegfreid were excused on verified illness. Rep. Loganbill was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Heavenly Father, Today I give thanks for our representatives. We appreciate their willingness to put life and jobs on hold, to come and work tirelessly on issues. Many times they have to make tough decisions not always understood by the citizens. Pour out Your Spirit upon them and make Your Word known to them. Help them to be men and women of integrity and obedience to Your way. Put Your wisdom and knowledge in their hearts, and may they practice discretion and understanding. Again, I pray for Representative Dan Johnson who is now in the hospital. Please give wisdom and discernment to the medical staff who treat him. Along with their skills and Your divine touch, we ask for healing to occur soon. In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Furtado.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2596**, An act concerning the secretary of health and environment; related to rules and regulations regarding lead-based paint removal, repair and painting; amending K.S.A. 65-1,202 and repealing the existing section, by Committee on Commerce and Labor.

**HB 2597**, An act concerning tattoo artists; licensure by endorsement; amending K.S.A. 2009 Supp. 65-1943 and repealing the existing section, by Representative Swenson.

HB 2598, An act concerning the consumer protection act; making any adverse effect on a consumer's credit caused by a health care provider's reporting of a consumer's failure to pay for services provided an unconscionable act, by Representative Swenson.

**HB 2599**, An act concerning the liquor control act; amending K.S.A. 2009 Supp. 41-311 and repealing the existing section, by Representative Trimmer.

HB 2600, An act concerning school districts; relating to reimbursements for the cost of providing special education and related services; amending K.S.A. 2009 Supp. 72-978 and

repealing the existing section; also repealing K.S.A. 2009 Supp. 72-998, by Committee on Education.

**HB 2601**, An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6407 and 72-6455 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 72-6459, by Committee on Education.

HB 2602, An act designating plaza 033 on interstate highway 35 as the Rep. Ted Powers memorial exit, by Representatives DeGraaf, Aurand, Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley and Yoder.

 ${\bf HB~2603}, {\rm An}$  act concerning juvenile records; relating to expungement; amending K.S.A. 2009 Supp. 38-2312 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**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, by Committee on Corrections and Juvenile Justice.

**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; amending K.S.A. 2009 Supp. 28-176 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2606**, An act concerning wildlife and parks; relating to the Tuttle Creek state park, by Committee on Agriculture and Natural Resources.

## HOUSE CONCURRENT RESOLUTION No. 5029-

By Committee on Veterans, Military and Homeland Security

A PROPOSITION to amend section 1 of article 10 of the constitution of the state of Kansas, relating to the reapportionment of senatorial and representative districts.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate 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 1 of article 10 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 1. Reapportionment of senatorial and representative districts. (a) At its regular session in 1989, the legislature shall by law reapportion the state representative districts, the state senatorial districts or both the state representative and senatorial districts upon the basis of the latest census of the inhabitants of the state taken by authority of chapter 61 of the 1987 Session Laws of Kansas. At its regular session in 1992 2012, and at its regular session every tenth year thereafter, the legislature shall, by law, shall reapportion the state senatorial districts and representative districts on the basis of the population of the state as established by the most recent census of population taken and published by the United States bureau of the census. Senatorial and representative districts shall be reapportioned upon the basis of the population of the state adjusted: (1) To exclude nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and (2) to include military personnel stationed within the state who

are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence. Bills reapportioning legislative districts shall be published in the Kansas register immediately upon final passage and shall be effective for the next following election of legislators and thereafter until again reapportioned.

- (b) Within 15 days after the publication of an act reapportioning the legislative districts within the time specified in (a), the attorney general shall petition the supreme court of the state to determine the validity thereof. The supreme court, within 30 days from the filing of the petition, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall enact a statute of reapportionment conforming to the judgment of the supreme court within 15 days.
- (c) Upon enactment of a reapportionment to conform with a judgment under (b), the attorney general shall apply to the supreme court of the state to determine the validity thereof. The supreme court, within 10 days from the filing of such application, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall again enact a statute reapportioning the legislative districts in compliance with the direction of and conforming to the mandate of the supreme court within 15 days after entry thereof.
- (d) Whenever a petition or application is filed under this section, the supreme court, in accordance with its rules, shall permit interested persons to present their views
- (e) A judgment of the supreme court of the state determining a reapportionment to be valid shall be final until the legislative districts are again reapportioned in accordance herewith."
- 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 eliminate the adjustment of the census taken by the United States bureau of the census regarding the exclusion of nonresident military personnel when reapportioning the Kansas senate and house of representatives.
  - "A vote for this amendment would eliminate the adjustment of the census taken by the United States bureau of the census regarding the exclusion of nonresident military personnel when reapportioning the Kansas senate and house of representatives.
  - "A vote against this amendment would continue in effect the requirement for the adjustment of the census taken by the United States bureau of the census regarding the exclusion of nonresident military personnel when reapportioning the Kansas senate and house of representatives."
- Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate 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:

Commerce and Labor: HB 2586.

Education: HB 2595.

Health and Human Services: HB 2584, HB 2589, HB 2590.

Insurance: **HB 2592**.

Judiciary: HB 2585, HB 2588.

Taxation: HB 2593.

Education Budget: HB 2587, HB 2591, HB 2594.

#### COMMUNICATIONS FROM STATE OFFICERS

From Thomas E. Wright, Chairman, Kansas Corporation Commission, pursuant to K.S.A. 66-117b, Annual Report to the 2010 Kansas Legislature concerning changes in rates and schedules. The report can be viewed at http://kcc.ks.gov/10\_legis\_rpt.pdf and is also available on a compact disc.

From Thomas E. Wright, Chairman, Kansas Corporation Commission, pursuant to K.S.A. 2008 Supp. 66-2005 as amended by SB 350 and HB 2637, Report on Price Deregulation.

From Sandy Praeger, Commission of Insurance, pursuant to K.S.A. 44-566(a), 2009 Fiscal Year End Report fo the Kansas Workers' Compensation Fund.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

#### MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2353** and has appointed Senators Donovan, D. Schmidt and Holland as conferees on the part of the Senate.

### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6013-

By Representative S. Gatewood

A RESOLUTION recognizing Commodore Jackson J. Gumb for receiving the Coast Guard Auxiliary Meritorious Service Medal.

WHEREAS, Despite significant organizational and physical challenges, including a shoulder replacement due to an accident, Commodore Gumb provided outstanding leadership to 1,300 auxiliary members and adept stewardship to over 321 auxiliary facilities; and

WHEREAS, The dedication of Commodore Gumb and his unit provided over 462,000 volunteer hours, which resulted in 25 lives saved, 682 assists, 1,448 persons assisted and \$7,434,000 of property protected in the heartland; and

WHEREAS, In support of the Eighth District Prevention Mission, the Western Rivers Auxiliary Region executed 19,526 vessel exams, 13,071 marine dealer visits, 2,806 public education classes and impacted over two million people through public affairs outreach programs; and

WHEREAS, Commodore Gumb spearheaded the region's Name Change Plan, which was chosen by the National Auxiliary as a model for others to follow; and

WHEREAS, Commodore Gumb participated and assisted in two successful District Search and Rescue events, including the first all District Eight competition that produced the D8 All-Star Team that placed second in the 2007 International Search and Rescue event in Canada; and

WHEREAS, Commodore Gumb has provided a notable example of leadership while maintaining his operational qualifications and working over 40 hours each week with the Director of Auxiliary office despite the heavy demands of his full-time job with the State of Kansas and his side job of running a tree cutting and removal business: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we proudly recognize and commend Commodore Jackson J. Gumb for receiving the Coast Guard Auxiliary Meritorious Service Medal at the Spring 2009 Conference of the Eighth District Western Rivers Region.

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

## CONSENT CALENDAR

No objection was made to  $HB\ 2500,\ HB\ 2503$  appearing on the Consent Calendar for the second day.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Rhoades in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Rhoades, Committee of the Whole report, as follows, was adopted: Recommended that committee report recommending a substitute bill to **H. Sub. for Sub. SB 48** be adopted; and the substitute bill be passed.

Committee report to **HB 2411** be adopted; and the bill be passed as amended.

Committee report to SB 298 be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 324** be adopted; also, on motion to recommend the bill favorably for passage, the motion did not prevail.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2607**, An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6410, 72-6412, 72-6413, 72-6414, 72-6455 and 72-6459 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 72-6442b, by Representative Aurand.

**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, by Committee on Financial Institutions.

**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, by Committee on Financial Institutions

**HB 2610**, An act enacting the medical marijuana act; providing for the legal use of marijuana for certain debilitating medical conditions; providing for the registration and functions of compassion centers; authorizing the issuance of identification cards; providing for administration of the act by the department of health and environment, by Committee on Health and Human Services.

**HB 2611**, An act concerning hunting; relating to disabled hunters; amending K.S.A. 2009 Supp. 32-933 and repealing the existing section, by Committee on Judiciary.

**HB 2612**, An act concerning drivers' licenses and restrictions; relating to judgments of restitution; amending K.S.A. 2009 Supp. 8-255 and repealing the existing section, by Committee on Judiciary.

**HB 2613**, An act concerning civil procedure; relating to joinder of persons; amending K.S.A. 60-219 and repealing the existing section, by Committee on Judiciary.

**HB 2614**, An act concerning employment security law; relating to benefits and employer contributions; amending K.S.A. 2009 Supp. 44-703, 44-704c, 44-705, 44-706 and 44-712 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 44-760, 44-761, 44-762, 44-763 and 44-764, by Representative Brunk.

**HB 2615**, An act relating to motor vehicles; providing for a Boy Scouts of America license plate, by Representatives DeGraaf, Ballard, Brunk, Burgess, Davis, Faber, Goico, Grange, Hermanson, Jack, Knox, Maloney, McLeland, Merrick, O'Neal, Olson, Otto, Patton, Pauls, Quigley, Rhoades, Ruiz, Schroeder, Suellentrop and Whitham.

**HB 2616**, An act concerning the Kansas professional regulated sports act; pertaining to violations; pertaining to civil penalties; pertaining to fees; pertaining to rules and regulations; amending K.S.A. 2009 Supp. 74-50,181, 74-50,182, 74-50,186, 74-50,187, 74-50,188, 74-50,189, 74-50,193 and 74-50,194 and repealing the existing sections, by Committee on Appropriations.

**HB 2617**, 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, 8-143k, 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 Transportation.

**HB 2618**, 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, 79-34,142, 79-3606 and 79-3620 and repealing the existing sections; also repealing K.S.A. 68-2314a, by Committee on Transportation.

**HB 2619**, An act concerning registered nurse anesthetists; duties; amending K.S.A. 65-1158 and repealing the existing section, by Committee on Health and Human Services.

**HB 2620**, An act enacting the Kansas firearms freedom act, by Representatives Merrick, Carlson, DeGraaf, Gordon, Hayzlett, Huebert, Jack, Morrison, O'Brien, Olson, Otto, Powell, Rhoades and Siegfreid.

## REPORT ON ENROLLED RESOLUTIONS

HR 6009 reported correctly enrolled and properly signed on February 1, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, February 3, 2010.

## Journal of the House

## SEVENTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, February 3, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair. The roll was called with 121 members present.

Reps. Donohoe and Johnson were excused on verified illness.

Reps. Benlon and Loganbill were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Heavenly Father, Today as we go about our business, Help us to think on these things: what is true, what is noble, what is reputable, what is authentic. what is compelling, what is gracious. Help us to think the best, not the worst; the beautiful, not the ugly. Help us to think of things to praise, not things to curse. Whatever we have seen, received or heard from You and Your Word, help us to put into practice. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Pottorff.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2621**, 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 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 Taxation.

HB 2622, An act concerning the use of public funds for lobbying, by Representative Patton.

**HB 2623**, An act regulating traffic; concerning license plates; amending K.S.A. 2009 Supp. 8-2118 and repealing the existing section, by Committee on Economic Development and Tourism

HB 2624, An act concerning construction of new buildings; relating to schools, colleges and universities; relating to energy efficiency, by Committee on Energy and Utilities.

**HB 2625**, An act concerning energy conservation measures; amending K.S.A. 2009 Supp. 75-37,125 and repealing the existing section, by Committee on Energy and Utilities.

**HB 2626**, 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 Energy and Utilities.

**HB 2627**, An act concerning school districts; relating to consolidation thereof; amending K.S.A. 2009 Supp. 72-8701 and repealing the existing section, by Representative Lukert.

**HB 2628**, An act concerning school districts; relating to bullying; amending K.S.A. 2009 Supp. 72-8256 and repealing the existing section, by Representative Finney.

**HB 2629**, An act concerning care of children; relating to temporary custody; amending K.S.A. 2009 Supp. 38-2243 and repealing the existing section, by Representative Finney.

**HB 2630**, An act concerning property tax; relating to revenues produced by property tax levies; mill levy adjustments; repealing K.S.A. 2009 Supp. 79-2925b, by Representatives Brunk, Crum, DeGraaf, Hermanson, Jack, Kerschen, Kiegerl, Morrison, Patton, Peck, Powell, Rhoades, Schwartz and Siegfreid.

**HB 2631**, An act concerning the state of Kansas; regarding real estate owned or operated by state departments and agencies, by Committee on Government Efficiency and Fiscal Oversight.

**HB 2632**, An act concerning state finance; relating to the state's ability to sweep moneys from fee funds above the statutory 20%; amending K.S.A. 2009 Supp. 75-3170a and repealing the existing section, by Representative Morrison.

**HB 2633**, An act establishing the community defense act; amending K.S.A. 2009 Supp. 22-3901 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:

Agriculture and Natural Resources: HB 2606, HB 2611.

Commerce and Labor: HB 2596, HB 2614.

Corrections and Juvenile Justice: HB 2603, HB 2604, HB 2605.

Education: **HB 2600, HB 2601**.

Elections: HCR 5029.

Federal and State Affairs: HB 2599, HB 2616, HB 2620.

Financial Institutions: HB 2608, HB 2609.

Health and Human Services: HB 2597, HB 2610, HB 2619.

Judiciary: HB 2598, HB 2612, HB 2613.

Taxation: HB 2617 (separately); HB 2618 (separately).

Transportation: HB 2602, HB 2615, HB 2617 (separately); HB 2618 (separately).

Education Budget: HB 2607.

#### CONSENT CALENDAR

No objection was made to **HB 2500**, **HB 2503** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**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 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Barnes, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Pal-

mer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Benlon, Donohoe, Johnson, Loganbill.

The bill passed.

**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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Benlon, Donohoe, Johnson, Loganbill.

The bill passed.

**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, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 11; Present but not voting: 0; Absent or not voting: 4.

Yeas: Barnes, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, DeGraaf, Dillmore, Faber, Feuerborn, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Crow, Davis, Finney, Flaharty, Garcia, Henderson, Kuether, Ruiz, Winn.

Present but not voting: None.

Absent or not voting: Benlon, Donohoe, Johnson, Loganbill.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. Speaker: Yesterday, we were told that **HB 2411** would ban the drug "K2." Yet, the word "K2" is nowhere in the bill. We were told that there were "studies" done that demonstrated the bad effects of JWH-018 and JWH-073, but we were not given the name of a specific study, or a place where that information could be found. We were told that school

counselors appeared before the committee telling of the problems with students using these substances, yet the supplemental note does not list school counselors among those testifying in support of the bill. With so much uncertainty, I must vote no on **HB 2411.**—MARTI CROW, DELIA GARCIA, GAIL FINNEY, GERALDINE FLAHARTY, VALDENIA WINN, BRODERICK HENDERSON

Mr. Speaker: Though this bill bans some dangerous drugs, it goes too far when banning the substances JWH-018 and JWH-073. There is convincing evidence that these help reduce pain and nausea in people with diseases like MS, Parkinson's, and ALS. We were told that these relief substances would still be available with a prescription, but I don't find that waiver in this bill, nor in current statutes.

Why are we banning substances with no empirical evidence of harm, and no scientific research as to damage to anyone, but with a clear record of benefitting some very sick people? I vote "no" on **HB 2411.**—PAUL DAVIS, LOUIS E. RUIZ, BARBARA BALLARD

**H. Sub. for Sub. SB 48**, An act concerning emergency telephone service; relating to fees, charges, collection and distribution; amending K.S.A. 2009 Supp. 12-5338, 12-5361 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, 12-5355, 12-5355, 12-5356, 12-5357, 12-5359 and 12-5360, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 15; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Barnes, Bethell, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Potorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Brunk, Burgess, Carlson, Dillmore, Faber, Gordon, Hayzlett, Huebert, Kerschen, Landwehr, McLeland, Merrick, Peck, Schwab.

Present but not voting: None.

Absent or not voting: Benlon, Donohoe, Johnson, Loganbill.

The substitute bill passed.

 $SB\ 298$ , An act concerning oil and gas; relating to the state corporation commission regulation of certain wells; amending K.S.A. 55-165 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 56; Nays 65; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Barnes, Bethell, Brookens, T. Brown, Burgess, Craft, Crow, Davis, De-Graaf, Dillmore, Finney, Flaharty, Fund, Furtado, Garcia, S. Gatewood, Goyle, Hawk, Henderson, Hill, Hineman, C. Holmes, Horst, Knox, Kuether, Long, Lukert, Mah, McCray-Miller, Menghini, Morrison, Moxley, Neighbor, Neufeld, O'Brien, Patton, Pauls, Peck, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Seiwert, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Ward, Wetta, Winn.

Nays: Aurand, Bollier, Bowers, A. Brown, Brunk, Burroughs, Carlin, Carlson, Colloton, Crum, Faber, Feuerborn, Frownfelter, D. Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Henry, Hermanson, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Landwehr, Lane, Light, Maloney, Mast, McLeland, Meier, Merrick, Myers, O'Neal, Olson, Otto, Palmer, Peterson, Phelps, Powell, Rhoades, Ruiz, Schroeder,

Schwab, Schwartz, Shultz, Siegfreid, Suellentrop, Tafanelli, Tietze, Trimmer, Vickrey, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Benlon, Donohoe, Johnson, Loganbill.

The bill did not pass.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: This type of sign is already on location at all tank batteries and disposal wells. The KCC has the information on file prior to issuing a drilling permit and drilling operations begin.

The current cost of this type of sign is \$50.00 plus installation labor and material, with close to 75,000 such wells in Kansas the increased cost to producers will be over \$3,800,000.

This is an unnecessary bureaucratic mandate that is bad for business, good for sign makers. I vote no on **SB 298**.—JOHN C. GRANGE, BOB GRANT, MIKE KIEGERL

MR. SPEAKER: I believe that accurate information identifying well sites is absolutely necessary. So necessary that almost all existing wells in Kansas already have such signs. Fifty dollars in the \$150,000 to \$250,000 spent on each well is not egregious. That's about one penny in \$40, and the industry is already spending it. I vote yes on **SB 298.**—FORREST KNOX

#### 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 15, after line 3, by inserting the following:

"Sec. 11. On and after July 1, 2009, K.S.A. 59-2971, as amended by section 10 of this act, 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 reated 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 all pleadings and orders in 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 petition for determination of mental illness subject to involuntary commitment for care and treatment, the most recent notice of hearing issued by the court, the order changing venue, the current order of treatment, the most recent written report summarizing treatment and any order allowing withdrawal of the patient's attorney 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. No later than 5.00 p.m. of the second full day the district court transferring venue is open for business following the issuance of

the order transferring venue, the district court transferring venue shall send to the receiving district court the entire file of the case by restricted 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 certified facsimile or electronic copy of all pleadings and orders in 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 certified facsimile or electronic copy of all pleadings and orders entered in the case after transfer.
- Sec. 12. On and after July 1, 2009, K.S.A. 59-29b71, as amended by section 8 of this act, 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 all pleadings and orders in 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 petition for determination of whether a person is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment, the most recent notice of hearing issued by the court, the order changing venue, the current order of treatment, the most recent written report summarizing treatment and any order allowing withdrawal of the patient's attorney 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. No later than 5:00 p.m. of the second full day the district court transferring venue is open for business following the issuance of the order transferring venue, the district court transferring venue shall send to the receiving district court the entire file of the case by restricted mail. 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 certified facsimile or electronic copy of all pleadings and orders in 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 certified facsimile or electronic copy of all pleadings and orders entered in the case after transfer.

Sec. 13. On July 1, 2009, K.S.A. 59-2971, as amended by section 10 of this act, 59-2971, as amended by section 20 of 2009 Senate Bill No.66, 59-29b71, as amended by section 8 of this act, and 59-29b71, as amended by section 21 of 2009 Senate Bill No.66 are hereby repealed.";

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 14, by striking "59-"; in line 15, by striking all before "and" where it appears for the first time and inserting "59-2967, 59-2971, 59-2971, as amended by section 10 of this act, 59-29a19, 59-29b67, 59-29b71, 59-29b71, as amended by section 8 of this act,"; in line 17, before the period, by inserting "; also repealing K.S.A. 59-2971, as amended by section 20 of 2009 Senate Bill No. 66 and 59-29b71, as amended by section 21 of 2009 Senate Bill No. 66";

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

JOHN VRATIL
CAROLYN McGINN
LAURA KELLY
Conferees on part of Senate

JIM MORRISON
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

On motion of Rep. Burgess, the conference committee report on **HB 2195** was adopted (see further action, HJ p. 874).

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

Yeas: Aurand, Ballard, Barnes, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Benlon, Donohoe, Johnson, Loganbill.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Powell in the chair.

#### COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2160** be adopted; also, on motion of Rep. Hawk be amended on page 1, in line 16, by striking "2009" and inserting "2010"; by striking allin lines 27 through 43;

On pages 2 and 3, by striking all in lines 1 through 43;

On page 4, by striking all in lines 1 and 2 and inserting the following:

- "Sec. 2. 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 SÓLÍCITATÍON 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"; and

(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.
  - Sec. 3. K.S.A. 2009 Supp. 50-626 is hereby repealed.";

On page 1, in the title, in line 11, preceding "50-626" by inserting "2009 Supp"; and **HB 2160** be passed as amended.

Committee report to **HB 2082** be adopted; also, on motion of Rep. Grange be amended on page 2, after line 7, by inserting the following:

"(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."; and **HB 2082** be passed as amended.

Committee report to **HB 2412** be adopted; and the bill be passed as amended. Committee report to **HB 2440** be adopted; and the bill be passed as amended. Committee report to **HB 2476** be adopted; and the bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2469** 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 **Judiciary** recommends **HB 2455** be passed.

Committee on **Judiciary** recommends **HB 2456** be amended on page 1, in line 19, before "decedent's" by inserting "known real and personal property in the"; also in line 19, after "all" by inserting "known"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2437**, **HB 2486**, **HB 2535** be passed. Committee on **Transportation** recommends **HB 2436** be amended on page 1, in line 14, following "the" by inserting "1st Lieutenant"; in line 16, preceding "Michael" by inserting "1st Lieutenant";

In the title, in line 10, preceding "Michael" by inserting "1st Lieutenant"; and the bill be passed as amended.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2634, An act regulating vehicle title loans, by Committee on Federal and State Affairs.

**HB 2635**, An act concerning apportionment; relating to the redistricting process for reapportioning congressional and state legislative districts, by Committee on Federal and State Affairs.

**HB 2636**, An act establishing the chronic obstructive pulmonary disease program; providing for administration of the program by the secretary of health and environment, by Committee on Health and Human Services.

**HB 2637**, An act concerning court fees; relating to fees for the Kansas bureau of investigations DNA database; amending K.S.A. 2009 Supp. 75-724 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2638**, An act concerning law enforcement; relating to employees of the horsethief reservoir benefit district; amending K.S.A. 2009 Supp. 12-1,120, 74-5602 and 74-5605 and repealing the existing sections, by Representatives Whitham and George.

**HB 2639**, An act concerning wildlife and parks; allowing mountain lions and wolves to be hunted; amending K.S.A. 2009 Supp. 32-919 and 32-1308 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

**HB 2640**, An act concerning crimes, punishment and criminal procedure; relating to aiding a person required to register under the Kansas offender registration act; failure to register by a person required to register under the Kansas offender registration act; amending K.S.A. 21-3812 and 22-4903 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2641**, 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 Committee on Corrections and Juvenile Justice.

**HB 2642**, An act enacting the Kansas nonsmoker protection act; amending K.S.A. 2009 Supp. 79-3321 and 79-3391 and repealing the existing sections; also repealing K.S.A. 21-4009, 21-4010, 21-4011, 21-4012, 21-4013 and 21-4014 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2643**, An act concerning taxation upon cigarettes and tobacco products; relating to rates; little cigars; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2009 Supp. 79-3301, 79-3310, 79-3310c, 79-3311 and 79-3312 and repealing the existing sections, by Committee on Taxation.

**HB 2644**, An act concerning employment security law; regarding contribution rates, penalties and interest; amending K.S.A. 2009 Supp. 44-710a and 44-717 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2645, An act concerning insurance; relating to state employee health savings accounts, by Committee on Appropriations.

**HB 2646**, An act concerning wildlife and parks; relating to clothing requirements while hunting deer or elk; amending K.S.A. 32-1015 and repealing the existing section, by Committee on Appropriations.

### HOUSE CONCURRENT RESOLUTION No. 5030-

## By Representatives Kinzer and Merrick

A CONCURRENT RESOLUTION supporting a statewide statistical survey of high school football players' families conducted by an independent third-party for the purposes of gauging interest in utilizing the University of Kansas Memorial Football Stadium, Bill Snyder Family Stadium at Kansas State University or Cessna Stadium at Wichita State University as host venues for high school football championship games.

WHEREAS, A survey was conducted in December 2009 by citizen volunteers and certified as a fair survey by two independent market research firms, and after answering the survey questions regarding increased ticket prices, stadium atmosphere and varied potential game days and times, resulted with 70.4% (6% margin of error) of parents from 32 high schools from across Kansas, still choosing the University of Kansas Memorial Football Stadium or Bill Snyder Family Stadium at Kansas State University as their preference for the 11-man high school football championship games over the existing host venues should their high school ever participate in an 11-man high school football championship game; and

WHEREAS, Citizens presented their comprehensive proposal to use the University of Kansas Memorial Football Stadium or Bill Snyder Family Stadium at Kansas State University occasionally at the January 2009 Kansas State High School Activities Association Executive Board meeting and the March 2009 statewide high school athletic directors meeting, and were rejected; and

WHEREAS, Of the state high school activity associations of other states, who have major college, large private or professional stadiums in their state, 87% (39 out of 45) of them use such stadiums for at least some, if not all, of their 11-man high school football championship games almost every year as a special reward for students, as well as other benefits such as being able to televise via a live feed all of the 11-man high school football championship games to citizens statewide, and in particular to citizens from those communities whose high schools are participating in the 11-man high school football championship games but who could not attend the games in person; and

WHEREAS, All independent market research firm costs are to be paid for by volunteer citizens: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we support a statewide statistical survey of 11-man high school football players' families conducted by an independent third-party for the purposes of gathering information as a gauge of interest in utilizing the University of Kansas Memorial Football Stadium, Bill Snyder Family Stadium at Kansas State University or Cessna Stadium at Wichita State University as host venues for all five of the 11-man high school football championship games over a two-day period in two out of every four years, and the continued use of existing host venues for the 11-man high school football championship games the remaining two years; and

Be it further resolved: That the Secretary of State be directed to send an enrolled copy of this resolution to the President of the Kansas State Association of School Boards and the President of the Kansas State High School Activities Association.

#### MESSAGE FROM THE SENATE

Announcing passage of SB 357, SB 388, SB 391, SB 393, SB 394, SB 421, SB 426.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 357, SB 388, SB 391, SB 393, SB 394, SB 421, SB 426.

#### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2539**, **HB 2580** from Committee on Education Budget and referral to Committee on Education.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6014-

By Representative Kuether

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, In 2010, the direct and indirect cost of cardiovascular diseases 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 occur in females; and

WHEREAS, Too many women die each year because they are unaware that heart disease is their No. 1 killer; and

WHEREAS, Nearly as many women die of heart disease, stroke, and all other cardio-vascular 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, 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, 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 House of Representatives 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, by speaking up about heart disease, and by empowering women to reduce their risk for cardiovascular disease, we can save thousands of lives each year; and

Be if further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Linda J. De Coursey, American Heart Association, 5375 SW 7th Street, Topeka, Kansas 66606.

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

# AFTERNOON SESSION

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2647, An act concerning school districts; relating to school finance, by Representative Siegfreid.

HB 2648, An act concerning the legislature; providing for certain efficiencies and limitations and other restrictions on operating expenditures, including expenditures for capital outlay; expenditures for computers and other information technology products and services; prohibiting an increase in the rate of per diem compensation for legislators; amending K.S.A. 2009 Supp. 46-137a and repealing the existing section, by Representatives Davis, Ballard, T. Brown, Carlin, Crow, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Kuether, Lane, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Slattery, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta and Williams.

#### REPORT ON ENGROSSED BILLS

**HB 2411** reported correctly engrossed February 2, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, February  $4,\,2010.$ 

# Journal of the House

## EIGHTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, February 4, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Siegfreid in the chair. The roll was called with 119 members present.

Reps. Donohoe, Johnson and O'Neal were excused on verified illness.

Reps. Hawk, Loganbill and Palmer were excused on excused absence by the Speaker.

Rep. Kelley was excused later in the morning on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Charles J. Robinson, pastor, Northridge Church, Sabetha, and guest of Rep. Lukert:

Our Father, We thank you for another day of life that you have given us to serve one another and You. I ask that this not be just another ordinary day, full of the tyranny of the urgent and the common distractions that take us off our goal of sincere service. I pray that you give each individual in this room the extraordinary strength to endure temptations that feed us and give them an uncommon day filled with wisdom and a passionate pursuit of those things that please your heart the most. May we be found at the end of the day restful in you, knowing that you are enough for all that we face.

For it is in the name of Jesus, your Son, we pray, Amen.

The Pledge of Allegiance was led by Rep. Benlon.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2649**, An act designating little bluestem (schizachyrium scoparium) as the state grass of Kansas, by Committee on Federal and State Affairs.

**HB 2650**, An act designating part of United States highway 75 as the James Lane Freedom Trail memorial highway; amending K.S.A. 68-1051 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2651**, An act concerning lotteries; dealing with debt setoff for child support; amending K.S.A. 2009 Supp. 75-3306 and 75-6202 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2652**, An act concerning the Kelsey Smith act; amending K.S.A. 2009 Supp. 22-4615 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2653**, An act regulating traffic; concerning United States postal service vehicles; amending K.S.A. 2009 Supp. 8-1520a and 8-2118 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2654**, 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, 25-2006, 25-2007, 25-2010, 25-2018, 25-2023, 25-2102, 25-2107, 25-2109, 25-2120, 25-2311, 25-2502, 25-3503, 25-3901, 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 Elections.

**HB 2655**, An act concerning crimes, criminal procedure and punishment; relating to good time credits in community correctional services; amending K.S.A. 21-4703 and 21-4706 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: HB 2638, HB 2639, HB 2646; SB 393, SB 394.

Commerce and Labor: HB 2644.

Corrections and Juvenile Justice: HB 2637, HB 2640, HB 2641.

Education: **HB 2627**, **HB 2628**; **HCR 5030**. Elections: **HB 2622**; **SB 421**, **SB 426**.

Energy and Utilities: HB 2624, HB 2625, HB 2626.

Federal and State Affairs: HB 2634.

Government Efficiency and Fiscal Oversight: HB 2631, HB 2632.

Health and Human Services: HB 2636, HB 2642.

Insurance: HB 2645; SB 388.

Judiciary: HB 2629, HB 2635; SB 391.

Local Government: SB 357.

Taxation: HB 2621, HB 2630, HB 2643.

Transportation: HB 2623.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills appearing on the calendar as "To be referred" were referred to committees as indicated:

Appropriations: **HB 2648**. Education Budget: **HB 2647**.

## CORRECTION OF REFERENCE

Speaker pro tem Siegfreid announced **HB 2633** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Judiciary, should be corrected to be referred to Committee on Federal and State Affairs.

#### CHANGE OF REFERENCE

Speaker pro tem Siegfreid announced the withdrawal of **HB 2588** from Committee on Judiciary and referral to Committee on Health and Human Services.

## MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Mah, **HR 6004**, A resolution congratulating and commending Shawnee Heights math teacher Bradley Nicks for being honored as a Milken Family Foundation National Educator, was adopted.

There being no objection, the following remarks of Rep. Mah are spread upon the journal:

The Milken Family Foundation National Educator Award, first awarded in 1987, is now the nation's largest teacher recognition program, having honored more than 2,400 educators from coast to coast. The Awards were established to provide public recognition and individual financial rewards to elementary and secondary teachers, principals and specialists who are furthering excellence in education.

The Awards are given to early to mid-career educators for what they have achieved and for the promise of what they will accomplish. The 209 Award recipients will convene at the Milken Educator Forum this spring. This event will be an inspirational, national gathering of award- winning educators who will explore their roles and responsibilities in increasing teacher effectiveness and in sharing innovative strategies that make a powerful impact on students. The program will include plenary sessions addressing broad issues facing educators today to small group discussions, and culminate with the presentation of the \$25,000 Milken Educator Awards to honorees.

This year the single Kansas Award recipient is Mr. Bradley Nicks, a mathematics teacher at Shawnee Heights High School in Tecumseh. Brad has a Bachelor's Degree from Emporia

State University and a Master's Degree from Baker University. He has been teaching math and coaching at Shawnee Heights High School for nine years. He has served as a mentor for new teachers and as a cooperating teacher for student teachers.

Brad works with students who have not traditionally performed highly in math. He has been able to increase the skills and confidence level of students so that they are out-performing the student body as a whole. One student stated, "Mr. Nicks has made math simpler and easier for me to understand. Math has always been a class I have struggled with and he made it easy." Mr. Nicks does this by actively engaging his students, creating a culture of learning, and demonstrating a passion for math and for his students and by keeping the focus on learning.

As a coach, Mr. Nicks has demonstrated those same skills that make him a good teacher. As a result, he has guided track teams to state championships in 2007 and 2009 and was selected 2007 track and field coach of the year for the state of Kansas.

Today we have Brad Nicks with us along with Shawnee Heights Superintendent Dr. Marty Stessman. Please help me welcome the 2009 Kansas Milken Family Foundation National Educator, Mr. Bradley Nicks.

#### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Kuether, **HR 6014**, A resolution encouraging participation in the American Heart Association's Go Red for Women campaign, was adopted.

There being no objection, the following remarks by Rep. Kuether are spread upon the journal:

You see, many of us think that heart disease is a "man's" disease. Trouble is: it isn't. Women are as just as likely to develop cardiovascular disease as men. We just don't realize it.

That's why we have this resolution each year . . . American Heart Association's Go Red For Women movement. Go Red For Women gives us the tools to come together to wipe out heart disease in women.

Think of the loved ones you remembered earlier. The daughters, girlfriends, moms, grandmothers, sisters and aunts. If we are women, we are at risk. Heart disease kills one woman every minute, but we can change this statistic by making the right choices for our hearts.

It is time to Speak Up! Too many women die each year because they are unaware that heart disease is their no. 1 killer. **One in three women** suffers in silence, and almost **one woman dies every minute** of this largely preventable disease.

Together, we can bring a voice to this silent killer to **help save lives**. We can listen to what our hearts are telling us, talk to our doctors, and spread the word to our friends and community about making the right choices and taking action.

**SPEAK UP for yourself...SPEAK UP for others.** We must **shatter the silence** by choosing to **Speak Up about heart disease**. By speaking up and spreading the word, we can help save lives.

#### INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Burgess moved, pursuant to House Rule 2303, that the House reconsider its action in the adoption of the conference committee report on **HB 2195** (see HJ, p. 863). The motion prevailed.

Rep. Burgess then moved to not adopt the conference committee report on **HB 2195** and asked that a new conference committee be appointed. The motion prevailed.

Speaker pro tem Siegfreid thereupon appointed Reps. Morrison, Kinzer and Pauls as second conferees on the part of the House.

## CONSENT CALENDAR

Objection was made to **HB 2469** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2082**, An act concerning the advertising and conducting of certain live musical performances or productions; providing for certain restrictions enforcement and penalties, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 5; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Long, Lukert, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, Olson, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Mah, Mast, Roth, Schwab.

Present but not voting: None.

Absent or not voting: Donohoe, Hawk, Johnson, Kelley, Loganbill, O'Neal, Palmer. The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Speaker: While I understand the issue of attending a concert and feeling "ripped off," we should consider *not* trying to fix every bad thing that might happen to every concert-goer. How hard is it to figure out that most of the members of a 50's group are probably not touring? Further, I have more important things for the Attorney General to do than chase down tribute groups who fail to self-identify. This is one place where we might agree we do not need to grow government. I vote no on **HB 2082.**—ANN MAH

**HB 2160**, An act relating to insurance; payment for certain property claims; amending K.S.A. 2009 Supp. 50-626 and repealing the existing section, was considered on final action. On roll call, the vote was: Yeas 98; Nays 19; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Grant, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, Horst, Jack, Kerschen, Kiegerl, King, Kleeb, Kuether, Lane, Light, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, Olson, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Brunk, Gordon, Hayzlett, Huebert, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, O'Brien, Peck, Rhoades, Schroeder, Schwab, Siegfreid, Vickrey, Whitham.

Present but not voting: None.

Absent or not voting: Donohoe, Hawk, M. Holmes, Johnson, Kelley, Loganbill, O'Neal, Palmer.

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, was considered on final action.

On roll call, the vote was: Yeas 74; Nays 44; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Carlin, Colloton, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, M. Holmes, Kerschen, Kiegerl, Kuether, Lane, Light, Mah, McCray-Miller, Menghini, Morrison, Moxley, Myers, Neighbor, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Shultz, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Brunk, Burgess, Burroughs, Carlson, Craft, Crum, DeGraaf, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, Horst, Huebert, Jack, King, Kinzer, Kleeb, Knox, Landwehr, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Neufeld, O'Brien, Olson, Otto, Patton, Rhoades, Schwab, Seiwert, Siegfreid, Slattery, Suellentrop, Talia, Ward, Yoder.

Present but not voting: None.

Absent or not voting: Donohoe, Hawk, Johnson, Kelley, Loganbill, O'Neal, Palmer. The bill passed, as amended.

HB 2440, An act concerning crimes, criminal procedure and punishment; relating to notification of family and 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

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, Olson, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Hawk, Johnson, Kelley, Loganbill, O'Neal, Palmer.

The bill passed, as amended.

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 86; Nays 32; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crum, Davis, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, George, Goico, Gordon, Grange, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Kerschen, King, Kinzer, Kleeb, Kuether, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Patton, Pauls, Peterson, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Carlson, Crow, DeGraaf, Dillmore, Faber, Feuerborn, S. Gatewood, Goyle, Hayzlett, Hermanson, Huebert, Jack, Kiegerl, Knox, Landwehr, Lane, Light, McLeland, Merrick, Neufeld, O'Brien, Olson, Otto, Peck, Phelps, Powell, Schwartz, Tafanelli, Talia, Vickrey.

Present but not voting: None.

Absent or not voting: Donohoe, Hawk, Johnson, Kelley, Loganbill, O'Neal, Palmer. The bill passed, as amended.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Patton in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Patton, Committee of the Whole report, as follows, was adopted: Recommended that committee report to **HB 2418** be adopted; and the bill be passed as amended.

On motion of Rep. DeGraaf, **HB 2501** be amended on page 1, after line 31, by inserting: "New Sec. 2. If such waiver is granted, the commissioner shall provide immediate written notification to the chair, vice-chair and ranking minority member of the senate standing committee on financial institutions and insurance and to the chair, vice-chair and ranking minority member of the house standing committee on insurance. The commissioner shall provide at least semi-annual reports for each such mortgage guaranty company, including historical data and actions being taken by the commissioner and such mortgage guaranty company, until the total liability of such company no longer exceeds 25 times its capital, surplus and contingency reserve or such waiver is otherwise withdrawn.";

And by renumbering sections accordingly; and **HB 2501** be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on Economic Development and Tourism recommends HB 2551 be passed.

Committee on **Economic Development and Tourism** recommends **HB 2434, HB 2553** be passed and, because the committee is of the opinion that the bills are of a non-controversial nature, be placed on the consent calendar.

Committee on **Economic Development and Tourism** recommends **HB 2554** be amended on page 5, in line 5, by striking "and" and inserting "or";

On page 6, in line 22, by striking "and" and inserting "or"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2433** be amended on page 2, in line 13, after "(4)" by inserting "(A)"; after line 14, by inserting the following:

"(B) "Services" does not mean architectural services, engineering services, construction management or ancillary technical services.";

On page 3, after line 22, by inserting the following:

"Sec. 2. K.S.A. 2009 Supp. 75-5275 is hereby amended to read as follows: 75-5275. (a) The secretary is hereby authorized to purchase in the manner provided by law, equipment, raw materials and supplies, and to employ the supervisory personnel necessary to establish and maintain for this state at each correctional institution, industries for the utilization of services of inmates in the manufacture or production of such articles or products or in providing such services as authorized by the prison-made goods act of Kansas.

(b) The secretary is hereby authorized to sell all such articles, products and services to the federal government, any state agency, state employees for their personal use, other individuals who are residents of the state of Kansas and any business located within the state of Kansas, any local agency, or any organization within the state and, to the extent not prohibited by federal law, to other states.

(c) The secretary is hereby authorized to contract with a private individual, corporation, partnership or association for work projects involving assembly, processing, fabrication or repair of parts or components for goods or products being manufactured or produced by

the contracting party. Any contract authorized by this subsection shall be in compliance with federal law and shall not result in the significant displacement of employed workers in the community. If an inmate receives at least federal minimum wage pursuant to a contract authorized by this subsection, the provisions of K.S.A. 75-5211 and 75-5268, and amendments thereto, for withdrawing amounts from the compensation paid to inmates shall apply.

(d) The secretary is hereby authorized to contract with a private individual, corporation, partnership or association for work projects involving the repair of real estate damaged by a tenant under the release supervision of the department of corrections.";

And by renumbering the sections accordingly;

Also on page 3, in line 23, after "Supp." by inserting "75-5275 and";

In the title, in line 9, by striking all after "state"; in line 10, by striking all before the semicolon and inserting "agencies; relating to the acquisition and disposal of certain property; relating to the acquisition of certain services"; also in line 10, after "Supp." by inserting "75-5275 and"; and the bill be passed as amended.

Committee on **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.

## REPORT OF STANDING COMMITTEE

Your Committee on Calendar and Printing recommends on requests for resolutions and certificates that

**Request No. 15**, by Representative Vickrey, congratulating Lynsey Randolph on achieving academic honors and membership in the Washburn University President's Honors Program;

**Request No. 16**, by Representative Lukert, congratulating Thelma Cross on celebrating her 100th birthday on February 3, 2010;

Request No. 17, by Representative O'Brien congratulating Bailey Miller on achieving the rank of Eagle Scout;

**Request No. 18**, by Representative O'Brien congratulating Breanne Somolik for being a member of the Kansas City Kansas Community College 2010 All-Kansas Academic Team; **Request No. 19**, by Representative O'Brien congratulating Wally Rachford for being a

member of the Kansas City Kansas Community College 2010 All-Kansas Academic Team; **Request No. 20**, by Representative Bowers, congratulating Ashley McMillan on her new

position as Executive Director of the Kansas Republican Party;

Request No. 21, by Representative Maloney, congratulating Estella Snead on celebrating

her 100th birthday on February 1, 2010;

Request No. 22, by Representative Maloney, congratulating Jean Heath on celebrating

her 100th birthday on February 3, 2010; be approved and the Chief Clerk of the House be directed to order the printing of said

certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**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, 22-3609, 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, 59-2944, 59-2947, 59-3052, 60-101, 60-102, 60-103, 60-104, 60-201, 60-202, 60-203, 60-204, 60-205, 60-207, 60-208, 60-201, 60-211, 60-212, 60-213, 60-214, 60-215, 60-217, 60-218, 60-220, 60-221, 60-222, 60-223, 60-223h, 60-223h, 60-224h, 60-225h, 60-227h, 60-224h, 60-232h, 60-238h, 60-238h, 60-239h, 60-240h, 60-241h, 60-242h, 60-243h, 60-245h, 6

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, 61-3504, 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, by Committee on Judiciary.

## REPORT ON ENGROSSED BILLS

**HB 2082, HB 2160, HB 2412, HB 2440, HB 2476** reported correctly engrossed February 3, 2010.

On motion of Rep. Merrick, the House adjourned pro form a until 9:00 a.m., Friday, February 5, 2010.

# Journal of the House

## NINETEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, February 5, 2010, 9:00 a.m.

The House met session pro forma pursuant to recess with Speaker pro tem Siegfreid in the chair.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2657**, An act concerning information technology; establishing the Kansas partnership for accessible technology, by Committee on Federal and State Affairs.

**HB 2658**, An act concerning the state fair board; authorizing the purchase of workers compensation insurance, by Committee on Appropriations.

**HB 2659**, An act concerning lodging establishments; relating to license requirements; amending K.S.A. 36-505, 36-515a and 36-517 and K.S.A. 2009 Supp. 36-503, 36-515, 36-518 and 79-201b and repealing the existing sections; also repealing K.S.A. 2009 Supp. 36-502, by Committee on Appropriations.

**HB 2660**, 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.

#### HOUSE CONCURRENT RESOLUTION No. 5031-

## By Committee on Appropriations

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 House of Representatives of the State of Kansas, the Senate 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.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: HB 2655.

Elections: HB 2654.

Energy and Utilities: **HB 2652**. Federal and State Affairs: **HB 2649**. Judiciary: **HB 2651**, **HB 2656**. Transportation: **HB 2650**, **HB 2653**.

#### COMMUNICATIONS FROM STATE OFFICERS

From Joan Wagnon, Secretary of Revenue, pursuant to K.S.A. 79-32,261(f), Annual Report concerning Higher Education Deferred Maintenance Tax Credit.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

On motion of Rep. Merrick, the House recessed until 11:30 p.m.

## LATE MORNING SESSION

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**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, by Committee on Corrections and Juvenile Justice.

HB 2662, An act concerning energy; establishing the wind generation permit act, by Committee on Energy and Utilities.

HB 2663, An act concerning cities and counties; creating energy management districts, by Committee on Energy and Utilities.

**HB 2664**, An act concerning income taxation; relating to credits; certain contributions by taxpayers to employment security fund, by Committee on Commerce and Labor.

HB 2665, An act concerning labor and employment; providing for the individual unemployment insurance savings account program, by Committee on Commerce and Labor.

**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, by Committee on Appropriations.

**HB 2667**, An act concerning domestic relations; relating to recodification of certain domestic relations matters; amending K.S.A. 20-164, 20-165, 20-302b, 23-4,118, 60-1606, 60-1613, 60-1620, 60-1629 and 60-3107 and K.S.A. 2009 Supp. 12-5005 and repealing the existing sections; also repealing K.S.A. 23-101, 23-201, 60-1608, 60-1611, 60-1612 and 60-1616 and K.S.A. 2009 Supp. 60-1610, by Committee on Judiciary.

**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, 21-4009, 21-4010, 21-4011, 21-4012, 21-4013, 21-4014, 21-4016, 21-4017, 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 $4630,\ 21-4631,\ 21-4632,\ 21-4633,\ 21-4634,\ 21-4635,\ 21-4636,\ 21-4637,\ 21-4638,\ 21-4639,\ 21-4640,\ 21-4641,\ 21-4643,\ 21-4644,\ 21-4645,\ 21-4701,\ 21-4702,\ 21-4703,\ 21-4706,\ 21-4707,\ 21-4709,\ 21-4710,\ 21-4711,\ 21-4716,\ 21-4718,\ 21-4720,\ 21-4721,\ 21-4722,\ 21-4723,\ 21-4724,\ 21-4725,\ 21-4726,\ 21-4727,\ 21-4728 \ and\ 21-4801 \ and\ K.S.A.\ 2009\ Supp.\ 21-3110,\ 21-3412a,\ 21-3419,\ 21-3419a,\ 21-3436,\ 21-3438,\ 21-3523,\ 21-3525,\ 21-3608a,\ 21-3610,\ 21-3610c,\ 21-3702,\ 21-3705,\ 21-3718,\ 21-3736,\ 21-3737,\ 21-3811,\ 21-3826,\ 21-3843,\ 21-4015a,\ 21-4201,\ 21-4203,\ 21-4204,\ 21-4205,\ 21-4217,\ 21-4218,\ 21-4226,\ 21-4310,\ 21-4315,\ 21-4316,\ 21-4713,\ 21-4714,\ 21-4715,\ 21-4717,\ 21-4719\ and\ 21-4729,\ by\ Committee\ on\ Judiciary.$ 

#### MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2195** and has appointed Senators Vratil, McGinn and Kelly as second conferees on the part of the Senate.

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2442** be amended on page 1, following line 27, by inserting the following:

"(c) The Kansas streamlining government act shall not apply to any fee-funded state agency. The Kansas streamlining government commission shall have no authority to review or make recommendations regarding any fee-funded state agency.";

Also on page 1, in line 38, by striking "and"; in line 43, by striking the period and inserting ": and

(g) "Fee-funded state agency" means the abstracters' board of examiners, behavioral sciences regulatory board, board of accountancy, board of examiners in optometry, board of nursing, consumer credit commissioner, Kansas board of barbering, Kansas board of examiners in fitting and dispensing of hearing aids, Kansas dental board, Kansas real estate commission, Kansas state board of cosmetology, office of the securities commissioner of Kansas, real estate appraisal board, state bank commissioner, state board of healing arts, state board of mortuary arts, state board of pharmacy, state board of technical professions, state board of veterinary examiners, state department of credit unions and Kansas home inspectors registration board.";

On page 2, in line 18, by striking "five" and inserting "four"; in line 43, following "member" by inserting "shall be disqualified to serve as a member of the commission and"; also in line 43, by striking "within 10 days":

in line 43, by striking "within 10 days";
On page 3, in line 1, by striking "from" and inserting "effective on"; and the bill be passed as amended.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, February 8, 2010.

# Journal of the House

## TWENTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, February 8, 2010, 11:00 a.m.

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

The roll was called with 119 members present.

Reps. Donohoe and Johnson were excused on verified illness.

Reps. Goico, Kelley, Palmer and Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord, This morning we exclaim T.G.I.M. Thank goodness it's Monday! With the new beginning of the week, we have an opportunity for a fresh new start. We can say we haven't made a mistake yet this week. We can set new goals to accomplish this week. We can set into action the plans we have made for the week. As we celebrate this Monday, we ask you to remind us, That although "In our hearts we plan our course, It is the Lord who determines our steps. Walk with us this week, O Lord, Father we have several representatives who especially need your love and compassion today. Be with Representatives Carlin and Grant as they grieve the loss of loved ones. Bring comfort and consolation to them today. I pray for Representative Palmer whose husband is in Mayo Clinic and awaiting results tomorrow, and for Representative Johnson who is at home recovering. Please bring healing to them. And to all going through some rough storms, may they know you as their anchor holding them strong. In Your Son's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. McLeland.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2669, An act establishing the Kansas employment initiative act and creating the Kansas employment first oversight commission, by Committee on Federal and State Affairs. HB 2670, 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 Federal and State Affairs.

## HOUSE CONCURRENT RESOLUTION No. 5032-

By Representatives Landwehr, Mast, Jack and Schwab, A. Brown, Brunk, Carlson, Crum, DeGraaf, Faber, Fund, George, Goico, Gordon, Grange, Hermanson, M. Holmes, Horst, Huebert, Kelley, Kerschen, Kiegerl, Kinzer, Knox, McLeland, Merrick, Morrison, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Seiwert, Siegfreid, Suellentrop, Vickrey, B. Wolf and Yoder

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 House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate 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.
- $(\hat{A})$  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 House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate, 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 and resolution were referred to committees as indicated:

Agriculture and Natural Resources: HB 2659.

Commerce and Labor: HB 2658, HB 2664, HB 2665.

Corrections and Juvenile Justice: **HB 2661**. Energy and Utilities: **HB 2662**, **HB 2663**.

Government Efficiency and Fiscal Oversight: **HB 2657**.

Judiciary: HB 2667, HB 2668; HCR 5031.

Transportation: **HB 2660**.

Agriculture and Natural Resources Budget: **HB 2666**.

## COMMUNICATIONS FROM STATE OFFICERS

From the Kansas Guardianship Program, pursuant to K.S.A. 74-9601 et seq., as amended, 2009 Annual Report, July 1, 2008 - June 30, 2009.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Prescott, **HR 6015**, by Reps. Prescott and Brookens, DeGraaf, George, Grange, C. Holmes, M. Holmes, McLeland, Merrick, O'Neal and Vickrey, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6015-

A RESOLUTION honoring the Boy Scouts of America's Contributions to Society and Vision for the Future.

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 House of Representatives 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 Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to Jeffrey R. Moe, Scout Executive, Jayhawk Area Council, 1020 S.E. Monroe Street, 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, 1513.5 Fulton Terrace, Garden City, KS 67846; Alan Franks, Scout Executive, Pony Express Council, 1704 Buckingham St., St. Joseph, MO; Dean Ertel, Scout Executive, Ozark Trails Council, 1616 S. Eastgate, Springfield, MO 65809.

There being no objection, the following remarks of Rep. Prescott are spread upon the journal:

The Boy Scouts of America is one of the nation's largest and most prominent valuesbased youth development organizations. The Boy Scouts of America provides a program for young people that builds character, trains them in the responsibilities of participating citizenship and develops personal fitness.

For a century, the BSA has helped build the future leaders of this country by combining educational activities and lifelong values with fun. The Boy Scouts of America believes, and through a century of experience know, that helping youth is a key to building a more conscientious, responsible and productive society.

The mission of the Boy Scouts of America is to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law

The Boy Scouts were incorporated February 8, 1910, one hundred years ago today. They grew quickly adding the Cub Scouts in 1930, Webelos in 1941, Explorers in 1949, Tiger

Cubs in 1982 and Venture Scouts in 1998. Adults stay involved as Scout mentors, where men and women volunteer thousands of hours annually.

For the past century, Scouting has been steadfast. Our 100th Anniversary provides a unique opportunity to celebrate this heritage and lay the foundation for the next 100 years.

## MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. S. Gatewood, **HR 6013**, A resolution recognizing Commodore Jackson J. Gumb for receiving the Coast Guard Auxiliary Meritorious Service Medal, was adopted.

There being no objection, the following remarks of Rep. S. Gatewood are spread upon the journal:

Commodore Jackson Gumb has dedicated his life to service of his country, state and community.

He has served his community through his service on the local lakes on behalf of the Coast Guard Auxiliary, by assisting in rescues and teaching boater safety classes.

He has served his state by working at the Department of Social and Rehabilitation Services in the information technology unit.

And he served his country during a lifetime of service in the Coast Guard and now is serving as this Region's Commander. The eighth region stretches from Minnesota to Louisiana, from Colorado to Illinois, and encompasses part or all of 16 states.

Commodore Gumb has served all of us with his disaster relief efforts around the country. Last spring Commodore Gumb was awarded the prestigious Coast Guard Auxiliary Meritorious Service Medal for Exceptionally Meritorious Achievement and Superior Performance of Duties.

I take great pride in honoring this kind of lifetime achievement. Commodore Gumb and his wife Nancy are here with us today.

Rep. S. Gatewood presented Commodore Gumb with a framed resolution.

## CONSENT CALENDAR

Objection was made to **HB 2434**, **HB 2492** appearing on the Consent Calendar; the bills were placed on the calendar under the heading of General Orders.

No objection was made to **HB 2553** appearing on the Consent Calendar for the first day.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**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 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Goico, Johnson, Kelley, Palmer, Peterson.

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 79; Nays 40; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlson, Colloton, Craft, Crow, Davis, Feuerborn, Finney, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, George, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, King, Kleeb, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schwartz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Barnes, A. Brown, Brunk, Carlin, Crum, DeGraaf, Dillmore, Faber, Flaharty, S. Gatewood, Gordon, Grange, Hermanson, Huebert, Kerschen, Kiegerl, Kinzer, Knox, Kuether, Landwehr, Lane, Mast, McLeland, Merrick, Morrison, Neufeld, O'Brien, Patton, Pauls, Rhoades, Schroeder, Schwab, Seiwert, Siegfreid, Suellentrop, Tafanelli, Vickrey, Ward, Whitham.

Present but not voting: None.

Absent or not voting: Donohoe, Goico, Johnson, Kelley, Palmer, Peterson.

The bill passed, as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **Senate Substitute for HB 2222** be amended on page 1, by striking all in lines 32 through 43;

On page 2, by striking all in lines 1 through 3; in line 4, by striking "(b)" and inserting "(a)"; in line 9, by striking "(c)" and inserting "(b)"; in line 14, by striking "(d)" and inserting "(c)"; following line 18, by inserting the following material to read as follows: "Sec. 3.

## LEGISLATURE";

Also on page 2, in line 19, by striking "(e)" and inserting "(a)";

On page 3, by striking lines 6 and 7; in line 8, by striking "(a)" and inserting "(b)"; following line 12, by inserting the following:

- "(c) During the fiscal year ending June 30, 2010, the expenditures by the legislature for fiscal year 2010 from the moneys appropriated or reappropriated from the state general fund and any special revenue fund or funds for fiscal year 2010, 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, for the compensation payable pursuant to subsection (a) of K.S.A. 46-137e, and amendments thereto, for each officer specified in K.S.A. 46-137b, and amendments thereto, shall not exceed the aggregate amount of compensation that would be payable for 25 days in the performance of the duties of the officer in the officer's legislative office in Topeka during fiscal year 2010: Provided, That, on and after the effective date of this act, if the aggregate amount of such expenditures for fiscal year 2010 by the legislature for compensation payable pursuant to subsection (a) of K.S.A. 46-137e, and amendments thereto, for an officer specified in K.S.A. 46-137b, and amendments thereto, is equal to or exceeds the aggregate amount equal to the aggregate amount of such compensation that would be payable for 25 days in the performance of the duties of the officer in the officer's legislative office in Topeka during fiscal year 2010, then no further expenditures shall be made by the legislature from the moneys appropriated or reappropriated from the state general fund and any special revenue fund or funds for fiscal year 2010 for compensation payable pursuant to subsection (a) of K.S.A. 46-137e, and amendments thereto, for such officer for fiscal year 2010.
- (d) (1) On and after the effective date of this act, the expenditures payable from moneys appropriated from the state general fund for the legislature for the fiscal year ending June 30, 2010, for per diem compensation for members of the legislature for days occurring on or after the effective date of this act during payroll periods chargeable to fiscal year 2010 (A) for service at any regular or special session as provided by subsection (a) of K.S.A. 46-

137a, and amendments thereto, (B) for attendance at or for going to or coming from authorized meetings as provided by K.S.A. 75-3212, and amendments thereto, or (C) for the performance of the duties of the member as an officer in the officer's legislative office in Topeka during fiscal year 2010 or to attend to any legislative business in Topeka when authorized by the legislative coordinating council and the legislature is not in session, as provided by K.S.A. 46-137e, and amendments thereto, for each payroll period commencing on or after the effective date of this act and chargeable to fiscal year 2010, shall not exceed aggregate amount for all such days for the payroll period determined by applying a per diem rate of compensation equal to the rate of per diem compensation specified in K.S.A. 46-137a, and amendments thereto, reduced by the amount equal to 11.1% of such rate of per diem compensation: *Provided*, That, on the first day of the first payroll period commencing on or after the effective date of this act, notwithstanding the provisions of K.S.A. 46-137a, 46-137e, or 75-3212, and amendments thereto, or any other statute, the rate of per diem compensation provided by law for members of the legislature is hereby reduced by 11.1% for days occurring during the first payroll period commencing on or after the effective date of this act and for days occurring during each ensuing payroll period chargeable to fiscal year 2010: Provided, however, That such reduction shall not apply to days occurring on or after June 13, 2010.

(2) On and after the effective date of this act, the expenditures payable from moneys appropriated from the state general fund for the legislature for the fiscal year ending June 30, 2010, for the allowance provided at a biweekly pay rate as provided in K.S.A. 46-137b, and amendments thereto, for each officer specified in subsection (a) of K.S.A. 46-137b, and amendments thereto, for each payroll period commencing on or after the effective date of this act and chargeable to fiscal year 2010, shall not exceed an amount determined for the payroll period by applying a biweekly pay rate equal to the biweekly pay rate specified for such officer in K.S.A. 46-137a, and amendments thereto, reduced by the amount equal to 11.1% of such biweekly pay rate: *Provided*, That, on the first day of the first payroll period commencing on or after the effective date of this act, notwithstanding the provisions of K.S.A. 46-137b, and amendments thereto, or any other statute, the biweekly pay rate provided by law for each officer specified in subsection (a) of K.S.A. 46-137b, and amendments thereto, is hereby reduced by 11.1% for each payroll period commencing on or after the effective date of this act which is chargeable to fiscal year 2010: *Provided, however*, That such reduction shall not apply to any payroll period commencing on or after June 13, 2010.";

On page 6, following line 30, by inserting the following material to read as follows:

"Sec. 14. Severability. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.";

And by renumbering section 14 as section 15; And the substitute bill be passed as amended.

Committee on **Appropriations** recommends **HB 2403** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2403," as follows:

"Substitute for HOUSE BILL No. 2403

By Committee on Appropriations

"AN ACT creating the council on efficient government."; and the substitute bill be passed.

(Sub. HB 2403 was thereupon introduced and read by title.)

Committee on Corrections and Juvenile Justice recommends HB 2435, HB 2454, HB 2468 be passed.

Committee on Corrections and Juvenile Justice recommends HB 2413 be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2413," as follows:

"Substitute for HOUSE BILL No. 2413

By Committee on Corrections and Juvenile Justice

"AN ACT concerning district court fines, penalties and forfeitures; relating to traffic fines; relating to funding of the alcohol and drug abuse treatment fund; amending K.S.A. 2009 Supp. 8-2118 and 74-7336 and repealing the existing sections."; and the substitute bill be passed.

(Sub. HB 2413 was thereupon introduced and read by title.)

Committee on **Insurance** recommends **HB 2491** be amended on page 2, in line 23, by striking "who"; in line 24, by striking "who"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2226** be amended on page l, in line 18, after "petition" by inserting "the chief judge or the chief judge's designee in"; in line 21, by striking "or 4" and inserting ", 4 or 5"; in line 22, by striking "judge or judges of" and inserting "chief judge or the chief judge's designee in"; in line 23, after the second comma by inserting "as set forth in this subsection,"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2465** be amended on page 1, in line 23, after the stricken material, by inserting ", and if nonrefundable, K.S.A. 2009 Supp. 79-32,261 and 79-32,262"; in line 40, after "79-32,210" by striking the comma and inserting "and"; also in line 40, after "79-32,211a," by inserting "and if refundable, K.S.A. 2009 Supp."; and the bill be passed as amended.

Committee on Veterans, Military and Homeland Security recommends HB 2445 be amended on page 1, in line 26, after "Notify" by inserting "and coordinate with"; in line 27, by striking "of" and inserting "regarding"; in line 34, after "Meet" by inserting "and coordinate"; in line 38, after "area" by inserting "is determined in a coordinated manner between the military installation and the municipality and"; also in line 38, by striking "controlled, or both," and inserting "managed"; in line 39, by striking all after "operation"; in line 40, by striking "installation" and inserting "and the economic well being of the municipality"; in line 43, after "Meet" by inserting "and coordinate";

On page 2, in line 9, by striking "written"; in line 13, by striking "60" and inserting "30"; in line 24, after the period, by inserting "Such an assessment shall not be unreasonably withheld, but shall be offered within the statutorily required notice for public hearing."; in line 25, by striking "prior to or"; in line 27, by striking "Evaluate and consider" and inserting "Consider"; in line 28, by striking "final";

On page 3, in line 14, by striking "Ensure that" and inserting "Review and coordinate"; in line 16, after "interest" by inserting "and"; in line 25, by striking "and effective-"; in line 26, by striking "ness"; also in line 26, by striking "and recommendations"; in line 28, by striking "Interpret" and inserting "For"; also in line 28, by striking all after "regulations"; in line 29, by striking "considers" and inserting ", consider"; by striking all in lines 38 and 39; in line 40, by striking "(J)" and inserting "(I)"; and the bill be passed as amended.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2671**, An act concerning the fire marshal; relating to investigation authority; amending K.S.A. 31-157 and repealing the existing section, by Committee on Appropriations.

## REPORT ON ENGROSSED BILLS

HB 2418, HB 2501 reported correctly engrossed February 4, 2010.

#### REPORT ON ENROLLED RESOLUTIONS

HR 6004, HR 6014 reported correctly enrolled and properly signed on February 8, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, February 9, 2010.

# Journal of the House

## TWENTY-FIRST DAY

Hall of the House of Representatives, Topeka, KS, Tuesday, February 9, 2010, 11:00~a.m.

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

The roll was called with 120 members present.

Reps. Donohoe and Johnson were excused on verified illness.

Reps. Kelley, Palmer and Slattery were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Jim Bond, pastor, Church of the Nazarene, Junction City, and guest of Reps. Craft and Neufeld:

Almighty God, Maker of heaven and earth,

We draw near the throne of grace today recognizing that You are the author and sustainer of life. Every good gift we enjoy today including the very breath we breathe is because of You. We say thank you.

As we reflect today on the many needs around us, we ask for your help. In Haiti and around the world, may you provide the resources through us to meet the needs of the impoverished and less fortunate. In our own country, may you provide a spirit of unity and cooperation to solve the great problems that challenge us. Continue to protect and provide for our military and their families as they work to provide peace in Iraq and Afghanistan. We do our part to preserve peace recognizing the lessons of history that evil will advance in our world if we stand by and do nothing. And yet, Lord, only You can provide a lasting peace. Bring your kingdom in its fullness so that we may rejoice when the lion lays down with the lamb.

Finally, Lord, I ask that you give these great representatives of this state of Kansas wisdom to govern and lead; strength for the demands of the job; a strong moral compass and perseverance to say the course of what is right even when it might be contrary to popular opinion. At the end of day, Lord, when we lay our heads on our pillows, give us Your peace, knowing we have all done our part.

In Your name we pray, Amen.

The Pledge of Allegiance was led by Rep. Neighbor.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce and Labor: HB 2669.

Corrections and Juvenile Justice: **HB 2670**. Health and Human Services: **HCR 5032**.

 $Insurance: HB\ 2671.$ 

#### CONSENT CALENDAR

No objection was made to  ${\bf HB~2553}$  appearing on the Consent Calendar for the second day.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Landwehr in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Landwehr, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2437**, **HB 2486**, **HB 2535**, **HB 2455** be passed.

Committee report to **HB 2436** be adopted; and the bill be passed as amended.

Committee report to **HB 2456** be adopted; and the bill be passed as amended.

Committee report to **HB 2433** be adopted; also, on motion of Rep. Brookens be amended on page 3, in line 38, after "(b)" by inserting "(1)"; in line 40, by striking ", other individuals who are res-"; by striking all in line 41; in line 42, by striking "Kansas" and inserting "for their personal use"; after line 43 by inserting the following:

"(2) In addition to the persons and entities specified in paragraph (1), the secretary is hereby authorized to sell all such articles, products and services to any individual who is a resident of the state of Kansas and to any business located within the state of Kansas.

The provisions of this paragraph (2) shall expire on June 30, 2013."

Also, on motion of Rep. M. Holmes to amend HB 2433, the motion was withdrawn.

Also, on motion of Rep. Gordon to amend **HB 2433**, Rep. Colloton offered a motion to rerefer the bill to Committee on Education. The motion was withdrawn.

Also, on further motion of Rep. Colloton to refer the bill to Committee on Corrections and Juvenile Justice, the motion did not prevail.

The question then reverted back to the motion of Rep. Gordon to amend **HB 2433**, which did not prevail; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on Corrections and Juvenile Justice recommends HB 2506 be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2508** be amended on page 7, in line 40, by striking "five" and inserting "10"; in line 42, by striking "five" and inserting "10";

On page 8, in line 2, by striking "under the existing law,"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2509** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2509," as follows:

"Substitute for HOUSE BILL No. 2509

By Committee on Corrections and Juvenile Justice

"AN ACT concerning work release; relating to the release of sexually violent predators; amending K.S.A. 75-5267 and repealing the existing section."; and the substitute bill be passed.

(**Sub. HB 2509** was thereupon introduced and read by title.)

Committee on Corrections and Juvenile Justice recommends HB 2518 be amended on page 7, in line 21, by striking "2007" and inserting "2009";

On page 18, in line 40, by striking "person" and inserting "nonperson"; in line 41, by striking "person" and inserting "nonperson";

On page 21, by striking all in lines 38 through 43;

On page 22, by striking all in lines 1 and 2; in line 3, by striking "(f)" and inserting "(e)"; in line 10, by striking "(g)" and inserting "(f)";

On page 37, in line 30, by striking "2007" and inserting "2009";

On page 69, after line 3, by inserting the following:

"(B) Any party requesting the nonprison sentence be served by attending and successfully completing a treatment or behavioral modification program shall notify the court and opposing counsel prior to sentencing of the proposed program. The presentence investigation report by the court services officer shall verify the availability of the program and the adequacy of the provider of such program and the treatment or behavioral modification plan.";

Also on page 69, in line 4, by striking "(B)" and inserting "(C)";

On page 73, after line 23, by inserting the following:

"(t) The sentencing court shall not distinguish between the controlled substances cocaine base (9041L000) and cocaine hydrochloride (9041L005) when sentencing within the sentencing range of the grid block.";

On page 74, after line 36, by inserting the following:

"(d) No plea bargaining agreement may be entered into whereby the prosecutor agrees to decline to use a prior drug conviction of the defendant to elevate or enhance the severity level of a drug crime as provided in K.S.A. 2009 Supp. 21-36a03, 21-36a05 or 21-36a06, and amendments thereto, or agrees to exclude any prior conviction from the defendant's criminal history.";

On page 86, in line 27, by striking "or" and inserting a comma; in line 28, after the second comma by inserting "or a felony violation of K.S.A. 2009 Supp. 21-36a06, and amendments thereto,"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2490** 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 Judiciary recommends HB 2530 be passed.

Committee on **Judiciary** recommends **HB 2364** be amended on page 1, in line 32, after "holidays" by inserting a comma; in line 33, after "the" where it appears the first time, by inserting "office of the clerk of the";

On page 2, in line 40, after "days" where it appears the first time, by inserting a comma; also in line 40, after "the" by inserting "office of the clerk of the";

On page 3, in line 2, after "days" where it appears the first time, by inserting a comma; also in line 2, after "the" by inserting "office of the clerk of the"; in line 11, by striking "2008" and inserting "2009"; in line 13, by striking "2008" and inserting "2009"; in line 25, after "holidays" by inserting a comma; also in line 25, after "the" by inserting "office of the clerk of the":

On page 4, in line 4, after "holidays" by inserting a comma; in line 5, after "the" where it appears the first time, by inserting "office of the clerk of the"; by striking all in lines 8 through 43;

By striking all on pages 5 through 8;

On page 9, by striking all in lines 1 through 30 and inserting the following:

"Sec. 4. K.S.A. 2009 Supp. 38-2232 is hereby amended to read as follows: 38-2232. (a) To the extent possible, when any law enforcement officer takes into custody a child under the age of 18 years without a court order, the child shall forthwith be delivered to the custody of the child's parent or other custodian unless there are reasonable grounds to believe that such action would not be in the best interests of the child. Except as provided in subsection (b), if the child is not delivered to the custody of the child's parent or other custodian, the child shall forthwith be delivered to a shelter facility designated by the court, court services officer, juvenile intake and assessment worker, licensed attendant care center or other person or, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse, to a facility or person designated by the secretary. If, after delivery of the child to a shelter facility, the person in charge of the shelter facility at that time and the law enforcement officer determine that the child will not remain in the shelter facility and if the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2009 Supp. 38-2202, and amendments thereto, the law enforcement officer shall deliver the child to a juvenile detention facility or other secure facility, designated by the court, where the child shall be detained for not more than 24 hours, excluding Saturdays, Sundays and, legal holidays, and days on which the office of the clerk of the court is not accessible. No child taken into custody pursuant to this code shall be placed in a juvenile detention facility or other secure facility, except as authorized by this section and by K.S.A. 2009 Supp. 38-2242, 38-2243 and 38-2260, and amendments thereto. It shall be the duty of the law enforcement officer to furnish to the county or district attorney, without unnecessary delay, all the information in the possession of the officer pertaining to the child, the child's parents or other persons interested in or likely to be interested in the child and all other facts and circumstances which caused the child to be taken into custody.

- (b) When any law enforcement officer takes into custody any child as provided in subsection (b)(2) of K.S.A. 2009 Supp. 38-2231, and amendments thereto, proceedings shall be initiated in accordance with the provisions of the interstate compact on juveniles, K.S.A. 38-1001 et seq., and amendments thereto, or K.S.A. 2009 Supp. 38-1008, and amendments thereto, when effective. Any child taken into custody pursuant to the interstate compact on juveniles may be detained in a juvenile detention facility or other secure facility.
- (c) Whenever a child under the age of 18 years is taken into custody by a law enforcement officer without a court order and is thereafter placed as authorized by subsection (a), the facility or person shall, upon written application of the law enforcement officer, have physical custody and provide care and supervision for the child. The application shall state:
  - (1) The name and address of the child, if known;
- (2) the names and addresses of the child's parents or nearest relatives and persons with whom the child has been residing, if known; and
- (3) the officer's belief that the child is a child in need of care and that there are reasonable grounds to believe that the circumstances or condition of the child is such that the child would be harmed unless placed in the immediate custody of the shelter facility or other person.
- (d) A copy of the application shall be furnished by the facility or person receiving the child to the county or district attorney without unnecessary delay.
- (e) The shelter facility or other person designated by the court who has custody of the child pursuant to this section shall discharge the child not later than 72 hours following admission, excluding Saturdays, Sundays and, legal holidays, and days on which the office of the clerk of the court is not accessible, unless a court has entered an order pertaining to temporary custody or release.
- $(\hat{f})$  In absence of a court order to the contrary, the county or district attorney or the placing law enforcement agency shall have the authority to direct the release of the child at any time.
- (g) When any law enforcement officer takes into custody any child as provided in subsection (d) of K.S.A. 2009 Supp. 38-2231, and amendments thereto, the child shall forthwith be delivered to the school in which the child is enrolled, any location designated by the school in which the child is enrolled or the child's parent or other custodian.
- Sec. 5. K.S.A. 2009 Supp. 38-2242 is hereby amended to read as follows: 38-2242. (a) The court, upon verified application, may issue ex parte an order directing that a child be held in protective custody and, if the child has not been taken into custody, an order directing that the child be taken into custody. The application shall state for each child:
  - (1) The applicant's belief that the child is a child in need of care;
  - (2) that the child is likely to sustain harm if not immediately removed from the home;
- (3) that allowing the child to remain in the home is contrary to the welfare of the child; and
- (4) the facts relied upon to support the application, including efforts known to the applicant to maintain the family unit and prevent the unnecessary removal of the child from the child's home, or the specific facts supporting that an emergency exists which threatens the safety of the child.
- (b) (1) The order of protective custody may be issued only after the court has determined there is probable cause to believe the allegations in the application are true. The order shall remain in effect until the temporary custody hearing provided for in K.S.A. 2009 Supp. 38-2243, and amendments thereto, unless earlier rescinded by the court.
- (2) No child shall be held in protective custody for more than 72 hours, excluding Saturdays, Sundays and, legal holidays, and days on which the office of the clerk of the court is not accessible, unless within the 72-hour period a determination is made as to the necessity for temporary custody in a temporary custody hearing. The time spent in custody pursuant to K.S.A. 2009 Supp. 38-2232, and amendments thereto, shall be included in calculating the 72-hour period. Nothing in this subsection shall be construed to mean that the child must remain in protective custody for 72 hours. If a child is in the protective custody of the secretary, the secretary shall allow at least one supervised visit between the child and the parent or parents within such time period as the child is in protective custody. The court

may prohibit such supervised visit if the court determines it is not in the best interest of the child.

- (c) (1) Whenever the court determines the necessity for an order of protective custody, the court may place the child in the protective custody of:
- (A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (e):
- (B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto:
  - (C) a youth residential facility;
  - (D) a shelter facility; or
- (E) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.
- (2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the protective custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the protective custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2009 Supp. 38-2202, and amendments thereto, the child may be placed in a juvenile detention facility or other secure facility pursuant to an order of protective custody for a period of not to exceed 24 hours, excluding Saturdays, Sundays and, legal holidays, and days on which the office of the clerk of the court is not accessible.
- (d) The order of protective custody shall be served pursuant to subsection (a) of K.S.A. 2009 Supp. 38-2237, and amendments thereto, on the child's parents and any other person having legal custody of the child. The order shall prohibit the removal of the child from the court's jurisdiction without the court's permission.
- (e) If the court issues an order of protective custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child, other family member or witness; or attempting to visit, contact, harass or intimidate the child, other family member or witness. Such restraining order shall be served by personal service pursuant to subsection (a) of K.S.A. 2009 Supp. 38-2237, and amendments thereto, on any alleged perpetrator to whom the order is directed.
- (f) (1) The court shall not enter an order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (A)(i) the child is likely to sustain harm if not immediately removed from the home;
  - (ii) allowing the child to remain in home is contrary to the welfare of the child; or
  - (iii) immediate placement of the child is in the best interest of the child; and
- (B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.
- (2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, the court shall provide the secretary with a written copy of any orders entered upon making the order.
- Sec. 6. K.S.A. 2009 Supp. 38-2243 is hereby amended to read as follows: 38-2243. (a) Upon notice and hearing, the court may issue an order directing who shall have temporary custody and may modify the order during the pendency of the proceedings as will best serve the child's welfare.
- (b) A hearing pursuant to this section shall be held within 72 hours, excluding Saturdays, Sundays and, legal holidays, and days on which the office of the clerk of the court is not accessible, following a child having been taken into protective custody.

- (c) Whenever it is determined that a temporary custody hearing is required, the court shall immediately set the time and place for the hearing. Notice of a temporary custody hearing shall be given to all parties and interested parties.
- (d) Notice of the temporary custody hearing shall be given at least 24 hours prior to the hearing. The court may continue the hearing to afford the 24 hours prior notice or, with the consent of the party or interested party, proceed with the hearing at the designated time. If an order of temporary custody is entered and the parent or other person having custody of the child has not been notified of the hearing, did not appear or waive appearance and requests a rehearing, the court shall rehear the matter without unnecessary delay.
- (e) Oral notice may be used for giving notice of a temporary custody hearing where there is insufficient time to give written notice. Oral notice is completed upon filing a certificate of oral notice.
- (f) The court may enter an order of temporary custody after determining there is probable cause to believe that the: (1) Child is dangerous to self or to others; (2) child is not likely to be available within the jurisdiction of the court for future proceedings; or (3) health or welfare of the child may be endangered without further care.
- (g) (1) Whenever the court determines the necessity for an order of temporary custody the court may place the child in the temporary custody of:
- (A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (h);
- (B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto:
  - (C) a youth residential facility;
  - (D) a shelter facility; or
- (E) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.
- (2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the temporary custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the temporary custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is presently alleged, but not yet adjudicated to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2009 Supp. 38-2202, and amendments thereto, the child may be placed in a juvenile detention facility or other secure facility, but the total amount of time that the child may be held in such facility under this section and K.S.A. 2009 Supp. 38-2242, and amendments thereto, shall not exceed 24 hours, excluding Saturdays, Sundays and, legal holidays, and days on which the office of the clerk of the court is not accessible. The order of temporary custody shall remain in effect until modified or rescinded by the court or an adjudication order is entered but not exceeding 60 days, unless good cause is shown and stated on the record.
- (h) If the court issues an order of temporary custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child; or attempting to visit, contact, harass or intimidate the child, other family members or witnesses. Such restraining order shall be served by personal service pursuant to subsection (a) of K.S.A. 2009 Supp. 38-2237, and amendments thereto, on any alleged perpetrator to whom the order is directed.
- (i) (1) The court shall not enter an order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (A)(i) the child is likely to sustain harm if not immediately removed from the home;
  - (ii) allowing the child to remain in home is contrary to the welfare of the child; or
  - (iii) immediate placement of the child is in the best interest of the child; and

- (B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.
- (2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, upon making the order the court shall provide the secretary with a written copy.
- (i) If the court enters an order of temporary custody that provides for placement of the child with a person other than the parent, the court shall make a child support determination pursuant to K.S.A. 2009 Supp. 38-2277, and amendments thereto.";

Also on page 9, in line 31, by striking "2008" and inserting "2009"; in line 39, by striking "2008" and inserting "2009";

On page 10, in line 13, by striking "2008" and inserting "2009"; On page 11, in line 40, by striking "2008" and inserting "2009";

On page 12, in line 6, after "holidays" by inserting a comma; in line 7, after "the" by inserting "office of the clerk of the"; in line 9, by striking "2008" and inserting "2009"; in line 12, after "holidays" by inserting a comma; in line 13, after "the" where it appears the first time, by inserting "office of the clerk of the"; in line 24, by striking "2008" and inserting

On page 13, in line 3, by striking "2008" and inserting "2009"; in line 15, by striking "2008" and inserting "2009"; in line 25, by striking "2008" and inserting "2009"; in line 27, by striking "2008" and inserting "2009"; in line 28, by striking "2008" and inserting "2009"; in line 29, by striking "2008" and inserting "2009"; in line 31, by striking "2008" and inserting "2009"; in line 37, by striking "2008" and inserting "2009";

On page 14, in line 26, by striking "2008" and inserting "2009"; in line 36, by striking "2008" and inserting "2009"; in line 37, by striking "2008" and inserting "2009";

On page 18, in line 8, after "holidays" by inserting a comma; also in line 8, after "the" by inserting "office of the clerk of the"; in line 17, by striking "2008" and inserting "2009"; in line 26, by striking "2008" and inserting "2009";

On page 19, in line 6, by striking "2008" and inserting "2009"; in line 7, by striking "2008" and inserting "2009"; in line 19, after "holidays" by inserting a comma; also in line 19, after "the" by inserting "office of the clerk of the"; in line 40, after "holiday" by inserting a comma; also in line 40, after "the" by inserting "office of the clerk of the"; in line 41, after "holiday" by inserting a comma; in line 42, after "the" where it appears the first time, by inserting "office of the clerk of the";

On page 20, in line 6, after "holiday" by inserting a comma; also in line 6, after "the" where it appears the first time, by inserting "office of the clerk of the"; in line 7, after "holiday" by inserting a comma; in line 8, after "the" where it appears the first time, by inserting "office of the clerk of the";

On page 22, in line 10, after "holiday" by inserting a comma; in line 11, before "court" by inserting "office of the clerk of the"; in line 19, after "holiday" by inserting a comma; also in line 19, after "the" by inserting "office of the clerk of the";

On page 24, in line 12, by striking "2008" and inserting "2009"; in line 20, after "holiday" by inserting a comma; in line 21, after "the" where it appears the first time, by inserting "office of the clerk of the"; in line 22, after "holiday" by inserting a comma; in line 23, after "the" where it appears the first time, by inserting "office of the clerk of the"; in line 25, after "holidays" by inserting a comma; also in line 25, after "the" by inserting "office of the clerk of the";

On page 25, in line 29, after "holiday" by inserting a comma; also in line 29, after "the" where it appears the first time, by inserting "office of the clerk of the"; in line 43, after "holiday" by inserting a comma; also in line 43, after "the" by inserting "office of the clerk of the";

On page 26, in line 22, by striking "and" where it appears the first time, and inserting a comma; also in line 22, after "holidays" by inserting "and accessibility"; in line 23, after "holidays" by inserting a comma; also in line 23, after "the" by inserting "office of the clerk of the"; in line 41, after "holidays" by inserting a comma; also in line 41, after "the" by inserting "office of the clerk of the";

On page 27, in line 3, by striking "2008" and inserting "2009"; in line 7, by striking "statute book" and inserting "Kansas register";

In the title, in line 11, by striking "2008" and inserting "2009"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2528** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2528," as follows:

"Substitute for HOUSE BILL No. 2528

By Committee on Judiciary

"AN ACT concerning crimes, criminal procedure and punishment; relating to appearance bonds; amending K.S.A. 22-2807 and repealing the existing section."; and the substitute bill be passed.

(Sub. HB 2528 was thereupon introduced and read by title.)

Committee on Taxation recommends HB 2463 be passed.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2672**, 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.

**HB 2673**, 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 Federal and State Affairs.

**HB 2674**, An act concerning the personal and family protection act; amending K.S.A. 2009 Supp. 75-7c10 and repealing the existing section, by Committee on Federal and State Affairs

**HB 2675**, An act concerning certain city annexation of fire district territory, by Committee on Federal and State Affairs.

**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, by Committee on Federal and State Affairs.

**HB 2677**, An act concerning school districts; relating to child care facilities; amending K.S.A. 72-8236 and repealing the existing section, by Committee on Appropriations.

HB 2678, An act designating part of United States highway 59 as the Vern Chesbro memorial highway, by Committee on Appropriations.

**HB 2679**, An act concerning cemeteries; amending K.S.A. 2009 Supp. 17-1367 and repealing the existing section, by Committee on Appropriations.

**HB 2680**, An act regulating traffic; concerning driving in the right lane; impeding traffic; amending K.S.A. 8-1561 and K.S.A. 2009 Supp. 8-1522 and repealing the existing sections, by Committee on Appropriations.

**HB 2681**, 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 Appropriations.

**HB 2682**, An act concerning insurance; relating to health insurance and taxation; amending K.S.A. 2009 Supp. 40-2240 and 79-32,117 and repealing the existing sections, by Committee on Taxation.

## HOUSE CONCURRENT RESOLUTION No. 5033—

By Committee on Aging and Long Term Care

A CONCURRENT RESOLUTION remembering Bryce Miller and recommending that a future state mental health program be named the Bryce Miller Mental Health Program.

WHEREAS, Bryce Miller, who passed away in March of 2009, was dedicated to the advancement of mental health care for all Kansans, and was instrumental in introducing

legislation that would begin to address the mental health treatment of seniors with depression and other diseases; and

WHEREAS, Mr. Miller served as a board member of Valeo Behavioral Health Care in Topeka for many years, and worked to promote mental health screenings and treatment for individuals in Topeka and the surrounding communities; and

WHEREAS, Mr. Miller was the driving force behind the completion of two monuments listing the names of 1,157 people who, largely because of the stigma associated with mental illness, were forgotten and buried in unmarked graves at the Topeka State Hospital cemetery; and

WHEREAS, Mr. Miller was instrumental in arranging the first ever Mental Health and Seniors presentation at the National Alliance on Mental Illness; and

WHEREAS, Mr. Miller was the primary force in bringing two major Mental Health and Aging Summits to the state of Kansas, and arranged for Kansas to be one of only three nationwide focus group sites for the Older Adult Consumer Alliance; and

WHEREAS, Mr. Miller's strength in living with his own mental illness and its manifestations in the public eye helped give normalcy to the condition, and challenged Kansans to understand that those struggling with mental health issues need the same access to treatment, medication, support and recovery as those dealing with physical illness: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we honor the memory of Bryce Miller, and commend his efforts and accomplishments in the advancement of mental health care for Kansans.

Be it further resolved: That if a statewide mental health program shall ever be established, it should be entitled the Bryce Miller Mental Health Program, in honor of his dedication and passionate advocacy.

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this concurrent resolution to Frances Miller, 2548 SW Belle, Topeka, Kansas, 66614.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, February  $10,\,2010.$ 

# Journal of the House

## TWENTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, February 10, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair. The roll was called with 122 members present.

Reps. Donohoe and Johnson were excused on verified illness. Rep. Palmer was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

#### Dear Lord:

We are in the midst of committee meetings, and many are coming to the hearings. No doubt, our heads we are beating, as people proclaim their feelings.

> Some voices are giving lashings, while others are voicing blessings. All of us want our likings, and so we express our yearnings.

Lord, please help us in our dealings, listen to your warnings; that which is in our hearts and minds thinking, will come out in our speaking.

So Your will and Your way keep showing, as we continue in our going.

Your will we are finding, and we promise — no whining!

In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Swanson.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2683**, An act concerning health insurance; relating to eligible employees; amending K.S.A. 2009 Supp. 40-2209d and repealing the existing section, by Committee on Appropriations.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Aging and Long Term Care: HB 2673 (separately).

Appropriations: **HB 2673** (separately). Calendar and Printing: **HCR 5033**. Commerce and Labor: **HB 2676**. Federal and State Affairs: **HB 2674**. Health and Human Services: **HB 2682**.

Local Government: HB 2675, HB 2679.

Taxation: HB 2672.

Transportation: HB 2678, HB 2680, HB 2681.

Education Budget: HB 2677.

#### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2288**, **HB 2642** from Committee on Health and Human Services and referral to Committee on Appropriations.

#### MESSAGE FROM THE SENATE

The Senate adopts conference committee report on S. Sub. for HB 2353.

#### CONSENT CALENDAR

No objection was made to **HB 2490** appearing on the Consent Calendar for the first day. No objection was made to **HB 2553** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Johnson, Palmer.

The bill passed.

**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 110; Nays 12; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, Kiegerl, King, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Brunk, Burgess, Huebert, Kelley, Kinzer, Knox, Olson, Patton, Rhoades, Siegfreid, Ward.

Present but not voting: None.

Absent or not voting: Donohoe, Johnson, Palmer.

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 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Johnson, Palmer.

The bill passed, as amended.

**HB 2437**, An act relating to license plates; concerning the Kansas arts license plate; relating to certain fees; amending K.S.A. 2009 Supp. 8-1,141 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 83; Nays 39; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Dillmore, Faber, Fund, Furtado, S. Gatewood, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Light, Loganbill, Long, Maloney, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Tafanelli, Tietze, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, T. Brown, Burroughs, Carlin, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Garcia, D. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Huebert, Kuether, Landwehr, Lane, Lukert, Mah, Mast, McCray-Miller, McLeland, Menghini, O'Brien, Pauls, Peterson, Phelps, Rardin, Ruiz, Swenson, Talia, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Donohoe, Johnson, Palmer.

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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis,

DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Johnson, Palmer.

The bill passed.

**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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Johnson, Palmer.

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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: D. Gatewood, S. Gatewood, Lane, Ward.

Present but not voting: None.

Absent or not voting: Donohoe, Johnson, Palmer.

The bill passed.

HB 2535, An act designating a part of K-61 highway as the John Neal memorial highway, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Landwehr.

Present but not voting: None.

Absent or not voting: Donohoe, Johnson, Palmer.

The bill passed.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. A. Brown in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. A. Brown, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2454**, **HB 2469** be passed.

Committee report to **S. Sub. for HB 2222** be adopted; also, on motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 1704 be suspended for the purpose of allowing designated members to speak more than twice on the bill.

On motion of Rep. Neufeld, **S. Sub. for HB 2222** be amended on page 3, by striking all in line 43:

On page 4, by striking all in lines 1 through 43;

On page 5, by striking all in lines 1 through 8;

On page 8, following line 26, by inserting the following:

"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, 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, the amount equal to 5% of the amount so determined is hereby lapsed.

(b) On the effective date of this act, notwith standing 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, 75-3120f, 75-3120f, 75-3120f, 75-3120f, 75-3120f, 75-3122, 75-3123, 75-3124, 75-3125, 75-3126, 75-3135, 75-3136, 75-3137, 75-3141, 75-3149, 75-3149, 75-3120, 75-3212, 75-3223, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5702, 75-7402 and 75-7427, and amendments thereto, or any other statute, the rate of compensation for each state officer is hereby reduced 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) 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 or employee in the executive branch, legislative branch or judicial branch of state government whose office or position is specified by statute or is otherwise determined to be a salaried state officer as that phrase is used in section 13 of article 3 of the Constitution of the State as that phrase is used in section 13 of article 3 of the State of Kansas; and

(3) "compensation" means any salary or wages, including per diem compensation, provided by law for a state officer.";

And by renumbering sections accordingly;

Also, on motion of Rep. Goico to amend S. Sub. for HB 2222, the motion did not prevail.

Also, on motion of Rep. Colloton, **S. Sub. for HB 2222** be amended **S. Sub. for HB 2222** on page 8, following line 26, by inserting the following material to read as follows: "Sec. 14.

#### DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) (1) During the fiscal year ending June 30, 2010, notwithstanding the provisions of K.S.A. 65-4413, and amendments thereto, any other provisions of the Kansas community mental retardation facilities assistance act, or any other statute, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated or reappropriated from the state general fund for fiscal year 2010 in the mental health and retardation services aid and assistance account for services provided to individuals utilizing the home and community based services waiver for individuals with developmental disabilities at the unreduced provider service payment rates for all such services provided during the period from January 1, 2010, through June 30, 2010: Provided, That all such expenditures from the mental health and retardation services aid and assistance account for fiscal year 2010 for the purpose of providing services to individuals utilizing the home and community based services waiver for individuals with developmental disabilities shall be expended from the amount budgeted in such account for state grants or aid payments pursuant to the Kansas community mental retardation facilities assistance act for fiscal year 2010: Provided further, That the aggregate amount of such expenditures from the amount budgeted in such account for state grants or aid payments pursuant to the Kansas community mental retardation facilities assistance act for fiscal year 2010 for the purpose of providing services to individuals utilizing the home and community based services waiver for individuals with developmental disabilities at the unreduced provider service payment rates during the period of January 1, 2010, through June 30, 2010, shall not exceed \$2,399,462: And provided further, That the above agency shall make any supplemental or additional payments as may be required to pay for services to individuals utilizing the home and community based services waiver for individuals with developmental disabilities at the full amount payable at the unreduced provider service payment rates for such services during the period of January 1, 2010, through June 30, 2010, for which payments were made prior to the effective date of this act.

(2) As used in this subsection, "unreduced provider service payment rates" means the medicaid service provider rates in effect prior to January 1, 2010, for services to individuals utilizing the home and community based services waiver for individuals with developmental disabilities.";

And by renumbering sections accordingly; and S. Sub. for HB 2222 be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2560** be amended on page 2, by striking all in lines 34 through 37, and by relettering the remaining subsections;

On page 8, in line 34, before "officer" by inserting "owner,";

On page 9, following line 1, by inserting:

"(c) If any person who is an owner, officer or member of an association, corporation, limited liability company, limited liability partnership or professional corporation performs any act described in subsection (f) of K.S.A. 58-3035, and amendments thereto, a primary office shall be established and a supervising broker shall be designated pursuant to K.S.A. 58-3060, and amendments thereto, to supervise the office and any employed or associated salespersons or associate brokers and the supervising broker shall obtain approval for the supervising broker's business name or trade name pursuant to K.S.A. 58-3079, and amendments thereto.";

Also on page 9, in line 27, after "revocation" by inserting "or suspension"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2410** be amended on page 1, in line 18, by striking "Upon" and inserting "Except as provided by subsection (b), upon"; after line 23, by inserting the following:

"(b) If a pupil becomes ineligible to receive free meals under the national school lunch act for failure to submit, in a timely manner, any documentation necessary for verification of eligibility as required by the national school lunch act, but subsequently submits such documentation, such pupil shall not be excluded from the calculation of the adjusted enrollment of the district if the district forwards a copy of such documentation to the state board no later than January 14 of the school year.";

Also on page 1, in line 24, by striking "(b)" and inserting "(c)"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2533** be amended on page 3, in line 39, by striking all after the colon; by striking all in lines 40 and 41; in line 42, by striking "(2)" and inserting "(1)";

On page 4, in line 4, by striking "(3)" and inserting "(2)";

On page 5, after line 17, by inserting:

"(d) Covered employers are not required to reasonably accommodate or reasonably modify policies, practices and procedures for any person who solely meets the definition of disability under K.S.A. 44-1002(j)(3)."; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2497** be amended on page 3, in line 38, by striking "individuals" and inserting "persons"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2515** be amended on page 1, in line 17, after "less" by inserting "or any manufactured home"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2548** be amended on page 1, in line 22, by striking "at" and inserting "prior to"; in line 23, by striking "directors in 2011" and inserting "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"; by striking all in lines 28 through 31; and the bill be passed as amended.

Committee on Transportation recommends HB 2484, HB 2510 be passed.

Committee on **Transportation** recommends **HB 2482** be amended on page 1, in line 43, preceding "on" by inserting "such person is";

On page 2, in line 1, by striking "any" and inserting "is the spouse or a"; in line 2, preceding "active" by inserting "person on"; also in line 2, by striking "personnel"; in line 5, by striking "reestablished"; also in line 5, preceding the comma, by inserting "is reesta-

blished"; in line 6, following the period, by inserting "If the driver's license of any person under this subsection expires while such person is outside the United States, the division shall provide for renewal by mail, as long as the division has a photograph or digital image of such person maintained in the division's records. A driver's license renewed under the provisions of this subsection shall be renewed by mail only once."; and the bill be passed as amended.

### INTRODUCTION OF GUESTS

Reps. Ballard and Rhoades introduced Larry Isaak who is president of the Midwestern Higher Education Compact (MHEC). Both addressed a few remarks to the members of the House.

# REPORT ON ENGROSSED BILLS

HB 2433, HB 2436, HB 2456 reported correctly engrossed February 9, 2010.

# REPORT ON ENROLLED RESOLUTIONS

HR 6013, HR 6015 reported correctly enrolled and properly signed on February 10, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, February  $11,\,2010.$ 

# Journal of the House

# TWENTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, February 11, 2010, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Donohoe and Johnson were excused on verified illness.

Rep. Slattery was excused on legislative business.

Reps. Garcia and Grant were excused on excused absence by the Speaker.

Prayer by guest chaplain, Evangelist Dave Bycroft, Tyro Christian Church, Tyro, guest of Rep. Peck:

Our heavenly Father-

I am grateful that you are willing to hear our prayers. We have no reason to expect this, except for your grace and mercy and love.

I know you care deeply about the decisions of this body of representatives because it affects all of your children here in Kansas. So give these men and women an extra portion of your wisdom, so their decisions will aid, help and encourage the citizens of Kansas and not become a burden, either now or for future generations.

May their hearts be led more by what is true and right, and less and less by a political persuasion. Help these representatives of Kansas people to bring about the common good and enable the residents of this state to reach their highest potential by aiding them in initiative and work ethic.

We desire that you be honored and glorified by all that is done throughout this entire legislative session.

In Jesus' Names we ask these things!

So let it be.

The Pledge of Allegiance was led by Rep. Mah.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

 ${\bf HB~2684}$ , An act enacting the rural risk bank loan guarantee program, by Committee on Federal and State Affairs.

**HB 2685**, An act concerning the personal and family protection act; amending K.S.A. 2009 Supp. 21-4218, 75-7c10 and 75-7c11 and repealing the existing sections, by Committee on Federal and State Affairs.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Health and Human Services: HB 2683.

## CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HCR 5033** from Committee on Calendar and Printing and referral to Committee on Aging and Long Term Care.

# COMMUNICATIONS FROM STATE OFFICERS

From Dr. Andrew Allison, Ph.D., Acting Executive Director, Kansas Health Policy Authority, as required by K.S.A. 75-7405, 2010 Annual Legislative Report. The report is also available online at http://www.khpa.ks.gov/news/publicatons.html.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

#### MESSAGE FROM THE SENATE

Announcing passage of SB 368, SB 376, SB 380, SB 410, SB 449, SB 451.

Announcing passage of HB 2125.

Announcing passage of **HB 2414**, as amended.

Announcing adoption of SCR 1625.

# INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills and concurrent resolution were the reupon introduced and read by title:

SB 368, SB 376, SB 380, SB 410, SB 449, SB 451; SCR 1625.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Prescott, **HR 6016**, by Reps. Prescott and Brookens, DeGraaf, D. Gatewood, George, Grange, Henderson, C. Holmes, M. Holmes, Lane, Maloney, McLeland, Merrick, O'Neal, Ruiz, Talia and Vickrey, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6016—

A RESOLUTION honoring the Boy Scouts of America's Contributions to Society and Vision for the Future.

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 House of Representatives 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 Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to Jeffrey R. Moe, Scout Executive, Jayhawk Area Council, 1020 S.E. Monroe Street, 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, 1513.5 Fulton Terrace, Garden City, KS 67846; Alan Franks, Scout Executive, Pony Express Council, 1704 Buckingham St., St. Joseph, MO; Dean Ertel, Scout Executive, Ozark Trails Council, 1616 S. Eastgate, Springfield. MO 65809.

The following remarks were made on Monday, February 8, 2010, and are reprinted here;

The Boy Scouts of America is one of the nation's largest and most prominent valuesbased youth development organizations. The Boy Scouts of America provides a program for young people that builds character, trains them in the responsibilities of participating citizenship and develops personal fitness.

For a century, the BSA has helped build the future leaders of this country by combining educational activities and lifelong values with fun. The Boy Scouts of America believes, and through a century of experience know, that helping youth is a key to building a more conscientious, responsible and productive society.

The mission of the Boy Scouts of America is to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law

The Boy Scouts were incorporated February 8, 1910, one hundred years ago today. They grew quickly adding the Cub Scouts in 1930, Webelos in 1941, Explorers in 1949, Tiger Cubs in 1982 and Venture Scouts in 1998. Adults stay involved as Scout mentors, where men and women volunteer thousands of hours annually.

For the past century, Scouting has been steadfast. Our 100th Anniversary provides a unique opportunity to celebrate this heritage and lay the foundation for the next 100 years.

# CONSENT CALENDAR

No objection was made to  ${\bf HB~2490}$  appearing on the Consent Calendar for the second day.

# FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**S. Sub. 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 incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 7; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grange, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Bethell, Goico, Kiegerl, Knox, Landwehr, Otto.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Grant, Johnson, Slattery.

The substitute bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote No on **S. Sub. for HB 2222**. First it does not balance the budget and relies on Santa or someone to bring in more money. Second it throws our most vulnerable citizens under the bus, and third it continues our practice of making someone else make the tough choices.—BILL OTTO

MR. SPEAKER: I cannot vote to have my constituents suffer the unintended consequence of legislative action. The 10 percent cut to Medicaid has resulted in severe underfunding of social services and payment cuts to Medicaid providers such as doctors, nursing homes, hospitals, home and community based services, community mental health centers and substance abuse clinics. A funding shift within the SRS budget to draw down federal funds and

help some programs for those with developmental disabilities is not enough. We have a responsibility to provide services to the disabled, the frail elderly and to nursing home patients. I vote no on **S. Sub. for HB 2222.**— MARIO GOICO, S. MIKE KIEGERL

**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, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Grant, Johnson, Slattery.

The bill passed.

**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 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Grant, Johnson, Slattery.

The bill passed.

# 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

On motion of Rep. King, the conference committee report on  ${\bf S.~Sub.}$  for  ${\bf HB~2353}$  was adopted.

On roll call, the vote was: Yeas 111; Nays 9; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder

Nays: Aurand, A. Brown, DeGraaf, Huebert, Kinzer, Olson, Patton, Rhoades, Siegfreid. Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Grant, Johnson, Slattery.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Gordon in the chair.

# COMMITTEE OF THE WHOLE

On motion of Rep. Gordon, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2434**, **HB 2492** be passed over and retain a place on the calendar.

Committee report to **HB 2554** be adopted; and the bill be passed as amended. Committee report to **HB 2491** be adopted; and the bill be passed as amended. Committee report to **HB 2445** be adopted; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2566** be passed. Committee on **Financial Institutions** recommends **HB 2608** be passed.

Committee on **Financial Institutions** 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.

Committee on **Financial Institutions** recommends **HB 2609** be amended on page 3, in line 42, by striking all after "a"; in line 43, by striking "tered"; also in line 43, after "bank" where it appears for the first time by inserting "organized under the laws of the United States, this state, or any other state,";

On page 5, in line 15, before "federal" by inserting "issued by the office of the comptroller of the currency, the board of governors of the federal reserve system, the federal deposit insurance corporation and the office of the thrift supervision on December 7, 2004; and set out in the respective agencies' issuances, including the"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2467** be passed.

Committee on **Judiciary** recommends **HB 2557** be amended on page 1, in lines 20 and 21, by striking "79-15,119" and inserting "79-15,125 and K.S.A. 79-15,127 through 79-15,145"; in line 31, by striking "2010" and inserting "2020"; and the bill be passed as amended.

Committee on Transportation recommends HB 2483 be passed.

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.

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2686**, An act concerning income taxation; relating to credits; certain expenses related to living donor organ donations, by Committee on Taxation.

**HB 2687**, An act concerning income taxation; relating to refunds; penalties; amending K.S.A. 2009 Supp. 79-3228 and repealing the existing section, by Committee on Taxation.

**HB 2688**, 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 Federal and State Affairs.

**HB 2689**, An act concerning sales taxation; relating to countywide retailers' sales tax; Kingman county; amending K.S.A. 12-197 and K.S.A. 2009 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

**HB 2690**, 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 Appropriations.

**HB 2691**, An act concerning budget estimates of state agencies; relating to biennial estimates for certain state agencies; Kansas home inspectors registration board; amending K.S.A. 2009 Supp. 75-3717 and repealing the existing section, by Committee on Appropriations.

**ÎHB** 2692, An act concerning the governmental ethics commission; fixing certain fees; amending K.S.A. 2009 Supp. 25-4119f, 25-4145 and 46-265 and repealing the existing sections, by Committee on Appropriations.

**HB 2693**, An act concerning the statehouse restoration capital improvement project; stopping work on such project and prohibiting certain expenditures therefor; prohibiting the issuance of bonds for such project and the use of public funds for a visitors center in the statehouse, by Committee on Appropriations.

**HB 2694**, An act concerning retirement and pensions; relating to the Kansas public employees retirement act of 2009; providing permanent annual cost-of-living adjustment for certain retirants; member contributions; amending K.S.A. 2009 Supp. 74-49,210 and repealing the existing section, by Committee on Appropriations.

On motion of Rep. Merrick, the House recessed until 3:30 p.m.

# AFTERNOON SESSION

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

#### MESSAGE FROM THE SENATE

The Senate nonconcurs in House amendments to **S. Sub. for HB 2222**, requests a conference and has appointed Senators Emler, McGinn and Kelly as conferees on the part of the Senate.

# INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **S. Sub. for HB 2222**.

Speaker O'Neal thereupon appointed Reps. Yoder, Merrick and Feuerborn as conferees on the part of the House.

# REPORT ON ENGROSSED BILLS

S. Sub. for HB 2222 reported correctly engrossed February 11, 2010.

On motion of Rep. Merrick, the House adjourned until  $10:00~\mathrm{a.m.}$ , Friday, February 12, 2010.

# Journal of the House

# TWENTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, February 12, 2010, 10:00 a.m.

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

The roll was called with 113 members present.

Reps. Bollier, Donohoe and Johnson were excused on verified illness.

Reps. Aurand, Burroughs, Garcia, Gordon, Grant, Hayzlett, Kiegerl, O'Neal and Powell were excused on excused absence by the Speaker.

Present later: Rep. Kiegerl.

Prayer by guest chaplain, the Rev. Robert E. Giffin, Fairlawn Church of the Nazarene, Topeka:

Heavenly Father, thank you for today. Thank you for giving us the breath of life for another day. Thank you for allowing us to put our feet on the floor one more day. In as much as you created the days, and you know all the days marked out for us, you're certainly aware that this is Friday. For many here this morning, it has been a long week. Many of your servants here this morning are flat out tired. Some haven't had a good night's rest in a long while. Most have been isolated from their loved ones and away from home for far too long. So father, I pray that you will, today, renew their strength. Encourage their hearts. Take each one of them and hold them up by your strong right hand. King David, a man after your own heart, when he was tired and weary, said: "I lift up my eyes to the hills—where does my help come from? My help comes for the LORD, the Maker of heaven and earth." (Psalm 121:1-2) Be our helper today, Father. Give our leaders all they need to accomplish what you've called them here to do today. And, when the day is done, give them some much needed rest. I pray this in the name of Jesus. Amen.

The Pledge of Allegiance was led by Rep. Feuerborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2695**, An act concerning property taxation; relating to delinquent taxes and special assessments; period of redemption; certain vacant land; amending K.S.A. 2009 Supp. 79-2401a and repealing the existing section, by Committee on Taxation.

**HB 2696**, An act regulating traffic; concerning suspension of driving privileges for failure to stop or report certain accidents; amending K.S.A. 8-254 and K.S.A. 2009 Supp. 8-1602, 8-1603, 8-1605 and 8-1606 and repealing the existing sections, by Committee on Taxation.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: SB 380.

Appropriations: HB 2693.

Federal and State Affairs: HB 2685, HB 2692.

Financial Institutions: HB 2684, HB 2688.

Health and Human Services: SB 449.

Judiciary: **SB 368, SB 376**. Local Government: **SB 451**.

Taxation: HB 2686, HB 2687, HB 2689.

General Government Budget: HB 2690, HB 2691; SB 410.

Transportation and Public Safety Budget: SCR 1625.

Select Committee on KPERS: HB 2694.

#### CHANGE OF REFERENCE

Speaker pro tem Siegfreid announced the withdrawal of **HB 2682** from Committee on Health and Human Services and referral to Committee on Taxation.

### COMMUNICATIONS FROM STATE OFFICERS

From Joan Wagnon, Secretary of Revenue, pursuant to K.S.A. 79-32,262(b)(3), Annual Report, Declared Disaster Capital Investment Tax Credit.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

### CONSENT CALENDAR

Objection was made to **HB 2490** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2473, HB 2485** appearing on the Consent Calendar for the first day.

# FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**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 98; Nays 15; Present but not voting: 0; Absent or not voting: 12.

Yeas: Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, King, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, O'Brien, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Faber, Huebert, Kelley, Kerschen, Kinzer, Knox, McLeland, Merrick, Neufeld, Olson, Peck, Rhoades, Schwab, Siegfreid.

Present but not voting: None.

Absent or not voting: Aurand, Bollier, Burroughs, Donohoe, Garcia, Gordon, Grant, Hayzlett, Johnson, Kiegerl, O'Neal, Powell.

The bill passed, as amended.

# EXPLANATION OF VOTE

Mr. Speaker: I vote yes on **HB 2445**. This bill had the collaboration of both the military installations and local community citizens and elected officials. It formalizes the current important and effective communication and collaboration process between our military installations and our local units of governments in the State of Kansas. In order to be clearer about the legislative intent of this bill, a phrase in the supplemental note for **HB 2445** should have the last sentence in bullet point three, page 2, changed to read: "The commander's approval of the change would be presumed upon no response being issued to the municipality."—Tom Hawk

**HB 2491**, An act concerning insurance; relating to health insurance and creditable coverage plans; amending K.S.A. 2009 Supp. 40-2118 and repealing the existing section,, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 5; Present but not voting: 0; Absent or not voting: 12.

Yeas: Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Faber, Kelley, Kinzer, Patton.

Present but not voting: None.

Absent or not voting: Aurand, Bollier, Burroughs, Donohoe, Garcia, Gordon, Grant, Hayzlett, Johnson, Kiegerl, O'Neal, Powell.

The 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, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 15; Present but not voting: 0; Absent or not voting: 12.

Yeas: Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, King, Kleeb, Knox, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Carlson, Faber, Hermanson, Kelley, Kinzer, Landwehr, Lane, Mast, McLeland, Merrick, O'Brien, Peck, Rhoades, Suellentrop.

Present but not voting: None.

Absent or not voting: Aurand, Bollier, Burroughs, Donohoe, Garcia, Gordon, Grant, Hayzlett, Johnson, Kiegerl, O'Neal, Powell.

The bill passed, as amended.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Proehl in the chair.

# COMMITTEE OF THE WHOLE

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

Recommended that HB 2551, HB 2468, HB 2435, HB 2484 be passed.

**HB 2548** be passed over and retain a place on the calendar.

Committee report to **HB 2226** be adopted; and the bill be passed as amended.

On motion of Rep. C. Holmes, **HB 2530** be referred to Committee on Appropriations. Committee report to **HB 2364** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2528** be adopted; also, on motion of Rep. Pauls be amended on page 1, in line 20, after the period by inserting "An appearance bond is revoked by the execution of a warrant for a defendant's arrest for a

violation of a bond condition."; in line 27, after "default" by inserting "by providing to the court a written statement, signed by the surety under penalty of perjury, setting forth details of such incarceration,"; and **Sub. HB 2528** be passed as amended.

Committee report to **HB 2482** be adopted; and the bill be passed as amended.

Committee report to **HB 2518** be adopted; also, on motion of Rep. Brookens be amended on page 73, in line 16, by striking "Subject to" and inserting "Notwithstanding".

Also, on motion to recommend **HB 2518** favorably for passage, the motion did not prevail.

#### REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2507** be amended on page 8, in line 23, by striking "(2)"; after line 27, by inserting:

"(2) to the extent practicable, may order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;

Also on page 8, in line 28, before "may" by inserting "(3)"; in line 32, by striking "(3)" and inserting "(4)"; in line 36, by striking "(4)" and inserting "(5)";

On page 9, in line 6, by striking "(5) the board" and inserting "(6)"; and the bill be passed as amended.

Committee on **Education Budget** recommends **HB 2415** 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 **Education Budget** recommends **HB 2446** be amended on page 3, in line 13, by striking "endowment"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 357** be passed.

Committee on **Taxation** recommends **HB 2521** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2521," as follows:

"Substitute for HOUSE BILL No. 2521

By Committee on Taxation

"AN ACT concerning taxation; relating to electronic filing of returns, reports or other documents; intangibles tax, filing procedure; amending K.S.A. 12-1,104 and K.S.A. 2009 Supp. 79-3298 and 79-3607 and repealing the existing sections."; and the substitute bill be passed.

(Sub. HB 2521 was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2538** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2538," as follows:

"Substitute for HOUSE BILL No. 2538

By Committee on Taxation

"AN ACT concerning the promoting employment across Kansas act; relating to qualifications for benefits under the act; amending K.S.A. 2009 Supp. 74-50,210, 74-50,211, 74-50,212 and 74-50,213 and repealing the existing sections."; and the substitute bill be passed.

(Sub. HB 2538 was thereupon introduced and read by title.)

## REPORT OF STANDING COMMITTEE

Your Committee on Calendar and Printing recommends on requests for resolutions and certificates that

**Request No. 25**, by Representative Jack, congratulating Ronald and Mildred Stevens on their 50th Wedding Anniversary;

**Request No. 26**, by Representative Mast, congratulating David Allegre on achieving the rank of Eagle Scout;

**Request No. 27**, by Representative Mast, congratulating Justyn Schroeder on achieving the rank of Eagle Scout;

**Request No. 28**, by Representative Wetta, honoring Ernie Barrett - "Mr. K-State", for over six decades of service and dedication as student-athlete, coach and administrator;

**Request No. 29**, by Representative O'Brien, congratulating Jimmy Bormolini on achieving the rank of Eagle Scout;

**Request No. 30**, by Representative O'Brien, congratulating Jacob J. Chapman on achieving the rank of Eagle Scout;

**Request No. 31**, by Representative T. Brown, congratulating Rebecca Jo Brown on her 50th birthday;

**Request No. 32**, by Representative Furtado, congratulating the League of Women Voters in recognition of their 90th anniversary celebration on "Making Democracy Work" Day in Kansas, February 17, 2010;

**Request No. 33**, by Representative Olson, congratulating Jim Loeffelbein in recognition for his leadership in startup business in Kansas;

Request No. 34, by Representative Proehl, congratulating Alvin Hostetler on his 90th birthday;

Request No. 35, by Representative Vickrey, congratulating Edith Elliott on her 80th birthday;

**Request No. 36**, by Representative Bowers, congratulating Colten Uhl on winning the 2010 "If I Were Mayor" Essay Contest;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

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

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2697**, 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.

**HB 2698**, An act authorizing the secretary of state to grant an easement to the city of Ogden in Riley county, Kansas, by Committee on Taxation.

**HB 2699**, An act concerning school districts; relating to teachers; amending K.S.A. 2009 Supp. 72-5445 and repealing the existing section, by Committee on Appropriations.

# MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. McLeland, the House concurred in Senate amendments to **HB 2414**, An act authorizing the state board of regents to convey certain real estate.

On roll call, the vote was: Yeas 101; Nays 0; Present but not voting: 0; Absent or not voting: 24.

Yeas: Ballard, Barnes, Benlon, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crow, Crum, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, Goico, Goyle, Grange, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Bethell, Bollier, Burroughs, Carlin, Davis, Donohoe, Garcia, George, Gordon, Grant, Hayzlett, Johnson, Kleeb, Landwehr, Light, Neufeld, O'Neal, Peterson, Powell, Whitham, B. Wolf, K. Wolf, Yoder.

# MESSAGE FROM THE SENATE

Announcing passage of SB 342, SB 387, SB 446, SB 452, SB 463, SB 479. Announcing adoption of SCR 1615.

# INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills and concurrent resolution were the reupon introduced and read by title:

SB 342, SB 387, SB 446, SB 452, SB 463, SB 479; SCR 1615.

# REPORT ON ENGROSSED BILLS

**HB 2353, HB 2445, HB 2491, HB 2554** reported correctly engrossed February 11, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, February 15, 2010.

# Journal of the House

# TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, ТОРЕКА, KS, Monday, February 15, 2010, 11:00 а.т.

The House met pursuant to recess with Speaker O'Neal in the chair. The roll was called with 119 members present.

Reps. Donohoe, Johnson and Rhoades were excused on verified illness.

Reps. Garcia, Hawk and Neufeld were excused on excused absence by the Speaker.

Our Heavenly Father, Today as we celebrate the birthdays of past leaders, let us reflect on their wise words and learn from them:

"It is impossible to rightly govern a nation without God and the Bible."

"Lenience will operate with greater force, in some instances than rigor. It is therefore my first wish to have all of my conduct distinguished by it." (George Washington)

"A house divided against itself cannot stand."

"Better to remain silent and be thought a fool than to speak out and remove all doubt."

"Character is like a tree and reputation like a shadow. The shadow is what we think of it; the tree is the real thing."

One more from President Lincoln to ponder "What kills a skunk is the publicity it gives itself." (Abraham Lincoln)

In Christ's Name, I pray, Amen.

The Pledge of Allegiance was led by Rep. O'Neal.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: SB 387, SB 446.

Prayer by Chaplain Brubaker:

Federal and State Affairs: HB 2697; SB 342, SB 452.

Judiciary: SCR 1615.

Local Government: HB 2698; SB 463.

Taxation: **HB 2695**; **SB 479**. Transportation: **HB 2696**. Education Budget: **HB 2699**.

### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2288**, **HB 2642** from Committee on Appropriations and rereferral to Committee on Health and Human Services.

Also, the withdrawal of **HB 2479** from Committee on Local Government and referral to Committee on Federal and State Affairs.

Also, the withdrawal of **HB 2615** from Committee on Transportation and referral to Committee on Federal and State Affairs.

### CONSENT CALENDAR

No objection was made to **HB 2415** appearing on the Consent Calendar for the first day. No objection was made to **HB 2473**, **HB 2485** appearing on the Consent Calendar for the second day.

# FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2226**, An act concerning criminal procedure; relating to grand juries; amending K.S.A. 22-3001 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 76; Nays 43; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Benlon, Bethell, Bollier, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Mah, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Roth, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Suellentrop, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Wetta, Whitham, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Bowers, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Long, Lukert, Maloney, McCray-Miller, Menghini, Palmer, Peterson, Phelps, Quigley, Rardin, Ruiz, Schroeder, Slattery, Spalding, D. Svaty, Swenson, Tietze, Ward, Williams.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The bill passed, as amended.

**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, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The bill passed, as amended.

**HB 2435**, An act concerning crimes, punishment and criminal procedure; relating to attempt, conspiracy and criminal solicitation to commit certain crimes; 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. 21-4642 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landewhr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades. 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, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The bill passed.

**HB 2482**, An act relating to drivers' licenses; concerning the expiration and renewal thereof; amending K.S.A. 2009 Supp. 8-247 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 5; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Crow, Crum, Davis, De-

Graaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Craft, Lane, Siegfreid, Ward, Wetta.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Speaker: I vote no on **HB 2482**. While our ability to control spending remains the only true determinant in solving the state's fiscal crisis, the savings we garner with this bill are so insignificant in comparison to the potential risk we expose all motorists to by eliminating the "testing" element in the current process that I cannot in good conscience vote yes. While for most this test is a routine exercise, it seems clear to me that if a citizen is unable to successfully navigate this simple process they are most certainly not prepared to successfully navigate Kansas roads. — Arlen Siegfreid

**HB 2484**, An act relating to commercial driver's licenses; concerning diversion agreements; amending K.S.A. 2009 Supp. 8-2,150 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The bill passed.

**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, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Mengh-

ini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The substitute bill passed, as amended.

**HB 2551**, An act concerning recovery zone bonds; granting authority to the department of commerce to recapture unissued bonds, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, O'Neal, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, DeGraaf, Huebert, Kelley, Kiegerl, Kinzer, Knox, Landwehr, Mast, Merrick, O'Brien, Olson, Peck, Schwab.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The bill passed.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Whitham in the chair.

## COMMITTEE OF THE WHOLE

On motion of Rep. Whitham, Committee of the Whole report, as follows, was adopted: Recommended that committee report to **HB 2548** be adopted; and the bill be passed as amended.

On motion of Rep. Worley, **HB 2434** be amended on page 1, in line 31, after "Spirit" by inserting "rail";

Also, on motion of Rep. Prescott to amend HB 2434, the motion did not prevail.

Also, on motion of Rep. Schwartz, **HB 2434** be amended on page 1, following line 12, by inserting:

"Section 1. The secretary of the department of wildlife and parks is hereby directed to reopen the Tuttle Creek state park river pond area west entrance. This entrance shall be operated in a substantially similar manner as it was operated in September 2007.";

And by renumbering the sections accordingly; and HB 2434 be passed as amended.

Roll call was demanded on motion of Rep. A. Brown to amend **HB 2492** on page 6, after line 27, by inserting:

"New Sec. 2. (a) Any person who, at the time of an automobile accident resulting in injuries to that person, is required but fails to maintain personal injury protection benefits coverage mandated by the Kansas automobile injury reparations act, article 31 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, shall have no cause of action for recovery of noneconomic loss sustained as a result of an accident while operating an uninsured automobile. The provisions of this subsection shall not apply to any person who at the time of an automobile accident has failed to maintain coverage for a period of 30 days or less and who had maintained continuous coverage for at least one year immediately prior to such failure to maintain coverage.

- (b) Any person who is convicted of, or pleads guilty to, a violation of K.S.A. 8-1014 or 8-1567, and amendments thereto, or a similar violation of law in another state or an ordinance of any city, or resolution of any county, in connection with an accident, shall have no cause of action for recovery of noneconomic loss sustained as a result of the accident.
- (c) The provisions of this section shall apply to a cause of action arising on and after the effective date of this act.";

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 35; Nays 78; Present but not voting: 0; Absent or not voting: 12.

Yeas: A. Brown, Brunk, Carlson, Crum, Faber, Fund, George, Hayzlett, C. Holmes, M. Holmes, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Lukert, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Peck, Powell, Schwab, Shultz, Siegfreid, Tafanelli, Vickrey, Worley, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, D. Gatewood, S. Gatewood, Gordon, Goyle, Grange, Grant, Henderson, Henry, Hermanson, Hill, Hineman, Horst, Huebert, Jack, King, Kleeb, Kuether, Lane, Loganbill, Long, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Patton, Pauls, Phelps, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Seiwert, Slattery, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Goico, Hawk, Johnson, Light, Neufeld, Peterson, Pottorff, Rhoades, Schwartz, Sloan.

The motion of Rep. A. Brown did not prevail, and HB 2492 be passed.

### REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2676** be amended on page 1, in line 31, after the period, by inserting "Except that, notwithstanding the federal law requiring the secretary of labor to annually recalculate the contribution rate, for calendar years 2010 and 2011, the secretary shall charge each contributing employer in rate groups 1 through 32 the contribution rate in the 2010 original tax rate computation table, with contributing employers in rate groups 33 through 51 being capped at a 5.4% contribution rate."; by striking all in lines 32 through 37;

On page 10, in line 42, by striking "file a wage report or" and inserting "pay such employer's"; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2652** be amended on page 1, in line 14, after "(a)" by inserting "For the purposes of this section, "wireless telecommunications carrier" shall include a reseller of wireless service.

(b)";

And by relettering subsections accordingly; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2663** be amended on page 1, in line 14, by striking "energy management district act" and inserting "property assessed renewable energy and energy efficiency (PARE) program act"; in line 17, by striking "or"; in line 18, by striking "commercial" and inserting ", commercial or industrial"; in line 22, by striking all after "(2)"; by striking all in lines 23 and 24; in line 25, by striking all before the semicolon and inserting "building envelope items, such as roofing, masonry, foundation, windows and doors"; in line 26, by striking "automatic" and inserting "automated or computerized"; in line 27, after "(4)" by inserting "geothermal heating/cooling pumps,"; in line 28, by striking "in buildings or central plants"; in line 32, by striking all before "unless"; in line 36, by striking "and"; after line 36, by inserting:

- "(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":

Also on page 1, in line 37, by striking "(9)" and inserting "(11)"; in line 43, by striking "or commercial" and inserting ", commercial or industrial";

On page 4, after line 19, by inserting:

"(d) Any city or county issuing bonds under the provisions of this act shall not use the bonds to generate revenue.";

And by relettering subsections accordingly;

Also on page 4, in line 30, after "all" by inserting "reasonable"; also in line 30, by striking "such" and inserting "the"; also in line 30, after "improvements" by inserting ", not to exceed 5% of such improvements,";

On page 5, after line 3, by inserting:

"Sec. 12. (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.";

And by renumbering the remaining section accordingly; and the bill be passed as

Committee on Transportation recommends HB 2555 be passed.

Committee on **Transportation** recommends **HB 2547** be amended on page 4, in line 13, before the semicolon, by inserting ". The provisions of this subsection shall not apply to manufacturers of recreational vehicles"; in line 32, before "through" by inserting "unless the parties have reached a voluntary agreement where separate and adequate consideration has been offered and accepted in exchange for altering or foregoing the following limitations,"; in line 39, after "including" by inserting ", but not limited to,"; in line 40, by striking "business plan" and inserting "and manufacturer's business plans";

"business plan" and inserting "and manufacturer's business plans";
On page 5, in line 2, after "including" by inserting ", but not limited to,"; in line 3, by striking "business plan" and inserting "and manufacturer's business plans"; in line 23, by striking "clear and convincing" and inserting "a preponderance of the";

On page 6, in line 5, before the semicolon, by inserting ", except that voluntary agreements where separate and adequate consideration has been offered and accepted are excluded"; in line 17, by striking "is"; by striking all in lines 18 through 21; in line 22, by striking all before the semicolon and inserting "does not meet the standards listed in subparagraph (A) may request a hearing before the director pursuant to K.S.A. 8-2411, and amendments thereto"; in line 24, by striking "clear and convincing" and inserting "a preponderance of the"; in line 26, by striking all after "this"; in line 27, by striking all before the semicolon and inserting "subsection";

On page 7, in line 19, by striking all after "parties"; by striking all in lines 20 through 30; in line 31, by striking all before the period and inserting "shall participate in the mediation of the dispute upon the request of any party to the matter. In the event mediation is requested, any time frame applicable for taking action under the dealers and manufacturers licensing act shall be deemed stayed or tolled, as the case may be until the mediation is completed. The mediation shall be nonbinding, unless the parties reach agreement resolving the dispute";

On page 8, in line 26, by striking "clear and convincing" and inserting "a preponderance of the"; in line 33, by striking all after "cause"; in line 34, by striking all before "and";

On page 10, in line 28, by striking all after "tools"; in line 29, by striking all before "and"; in line 31, by striking "or that"; by striking all in lines 32 and 33; in line 34, by striking "agreement"; after line 34, by inserting:

"(E) dealer cost for computers and data processing systems which are in usable condition and were leased or purchased within three years of the date of termination, cancellation or nonrenewal of the franchise agreement up to an amount equal to the cost of meeting the minimum standards and requirements for the dealer to participate in promotional or incentive programs or perform the franchise agreement;";

Also on page 10, in line 35, by striking "(E)" and inserting "(F)"; in line 38, by striking "or in"; in line 39, by striking all before the comma where it appears for the last time;

On page 11, after line 28, by inserting:

"(6) The provisions of this subsection shall not apply to voluntary termination by dealers of recreational vehicles or to where the new vehicle dealer has voluntarily terminated its franchise agreement in conjunction with the sale of the business.";

On page 12, in line 24, after the period, by inserting "If the claim is for warranty work, whether or not it includes parts, repairs or services, then the amount of compensation for the claims shall not be reduced or disallowed on the grounds the dealer failed to submit the claim fewer than 60 days after the dealer completed the work underlying the claim.";

On page 14, in line 19, by striking "clear and convincing" and inserting "a preponderance of the":

On page 16, in line 38, by striking "and material"; and the bill be passed as amended.

# INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6017-

# By Committee on Appropriations

A RESOLUTION recognizing the prevalence of excess weight and obesity within the African American, Hispanic/Latino American and Native American communities, its impact on diabetes and cardiovascular disease, urging advocacy for access to innovative and improved treatment options and improved provider reimbursement rates to address the issue.

WHEREAS, The prevalence of excess body weight and obesity poses a significant public health challenge and is a major contributor to preventable death in the United States. Sixty-three percent of adults in the United States are overweight or obese, with 26.7% considered obese. Obesity produces medical costs in the United States of an estimated 147 billion dollars annually, representing nearly 9.1% of annual medical spending; and

WHEREAS, The Body Mass Index (BMI), a standard method of measuring body weight, measures height and weight in kilograms per meter squared, with excess or overweight defined as a BMI of 25 to 29, and obese defined as a BMI greater than 30; and

WHEREAS, A significant health threat, obesity should be treated as a chronic condition. Overweight and obese individuals are at increased risk for many diseases and health conditions, including type 2 diabetes, hypertension, stroke, cardiovascular disease, high blood cholesterol, osteoarthritis, sleep apnea and other breathing problems, gallbladder disease and some forms of cancer. By treating individuals with excess weight and obesity, the long-term interests of the community as well as employers are served by reducing a major contributor to diseases, such as diabetes, which disproportionately impact the African American, Hispanic/Latino American and Native American communities; and

WHEREAS, Obesity is a major medical risk factor for diabetes in African Americans, Hispanic/Latino Americans and Native Americans. Studies have shown substantially higher rates of obesity in adult African, Hispanic/Latino and Native Americans who had diabetes, compared to those who did not have diabetes; and

WHEREAS, Promoting regular physical activity and healthy eating and creating environments that support these behaviors are essential to addressing the problem of excess weight across the population. Studies show that if a person is overweight or obese, reducing body weight by just 5 to 10% can improve one's health. African Americans, Hispanic/Latino Americans and Native Americans are more likely to be concentrated in areas with poor socio-environmental conditions that provide few physical activity and healthy eating options; and

WHEREAS, There is a need to improve physician and patient knowledge, attitudes and practices in the treatment of excess weight and obesity in the African American, Hispanic/Latino American and Native American communities, including working holistically to generate effective obesity interventions in these communities: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we do hereby recognize the importance of addressing excess weight and obesity as a means of supporting overall health within our community; and

Be it further resolved: That we urge our members to advocate for both public and private health insurers to provide access to innovative and improved treatment options, as well as improved health care provider reimbursement rates to address this critical issue within the African American, Hispanic/Latino American and Native American populations.

# REPORT ON ENGROSSED BILLS

**HB 2226, HB 2364, HB 2414, HB 2482; Sub. HB 2528** reported correctly engrossed February 12, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, February 16, 2010.

# Journal of the House

# TWENTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, February 16, 2010, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Donohoe and Johnson were excused on verified illness.

Reps. Garcia, C. Holmes and Neufeld were excused on excused absence by the Speaker. Present later: Rep. C. Holmes.

Prayer by Chaplain Brubaker:

Father, God,
You advise us with these words:
"If people can't see what God is doing, they stumble all over themselves; but when they attend to what God reveals, they are most blessed."
(Proverbs 29: 18, The Message)
My prayer is simple today... rather than stumbling around in our decision-making, we desire to be blessed.
So, help us to listen to You.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Grange.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was referred to committee as indicated:

Health and Human Services: HR 6017.

## COMMUNICATIONS FROM STATE OFFICERS

From Kevin Carr, Interim President & CEO, Kansas Technology Enterprise Corporation (KTEC), pursuant to K.S.A. 74-8136(c), Annual Report for the Angel Tax Credit program.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

# CONSENT CALENDAR

No objection was made to **HB 2415** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2473**, **HB 2485** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

# FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2473**, An act concerning the consumer credit code; relating to finance charges; prohibiting surcharges on credit and debit cards; amending K.S.A. 16a-2-403 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None. Present but not voting: None.

Absent or not voting: Donohoe, Garcia, C. Holmes, Johnson, Neufeld. 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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Johnson, Neufeld.

The bill passed.

**HB 2434**, An act concerning state parks; relating to the naming thereof; amending K.S.A. 2009 Supp. 32-837 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 42; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Burgess, Burroughs, Carlin, Carlson, Colloton, Crow, Crum, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, George, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, C. Holmes, M. Holmes, Horst, Jack, Kerschen, Kiegerl, King, Kleeb, Kuether, Light, Loganbill, Long, Mah, McCray-Miller, Morrison, Myers, O'Brien, O'Neal, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Roth, Ruiz, Schwab, Schwartz, Seiwert, Shultz, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Barnes, Brookens, A. Brown, T. Brown, Brunk, Craft, DeGraaf, Dillmore, Faber, D. Gatewood, S. Gatewood, Grange, Hermanson, Hineman, Huebert, Kelley, Kinzer, Knox, Landwehr, Lane, Lukert, Maloney, Mast, McLeland, Meier, Menghini, Merrick,

Moxley, Neighbor, Olson, Patton, Peck, Prescott, Quigley, Rhoades, Schroeder, Siegfreid, Slattery, Suellentrop, Talia, Ward.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Johnson, Neufeld.

The bill passed, as amended.

**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, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Johnson, Neufeld.

The bill passed.

**HB 2548**, An act concerning drainage district No. 2 of Finney county, Kansas; pertaining to the election of directors; amending K.S.A. 24-412 and K.S.A. 2009 Supp. 24-139a and 24-409 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Johnson, Neufeld.

The bill passed, as amended.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Feuerborn in the chair.

# COMMITTEE OF THE WHOLE

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

Recommended that Committee report to **HB 2442** be adopted; also, on motion of Rep. Knox to amend, the motion did not prevail. Also, on further motion of Rep. Knox to amend, the motion did not prevail, and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2403** be adopted; also, on motion of Rep. Mah to amend, Rep. Kleeb requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Mah to amend on page 1, in line 12, by striking "13" and inserting "19";

On page 2, in line 2, by striking "13" and inserting "19";

On page 8, in line 27, by striking "13" and inserting "19"; after line 31, by inserting the following:

- "Sec. 13. (a) All vendors shall verify the identity and employment eligibility of all persons hired by completing and retaining pursuant to this section a federal form I-9 for each employee. For purposes of this section, the term employee shall not include any person providing services for the vendor as an independent contractor.
  - (b) Vendors shall, to the extent not inconsistent with federal laws and regulations:
- (1) Ensure that each employee completes section 1 of the form I-9 when the employee starts work;
- (2) review documents establishing each employee's identity and eligibility to work to ensure that such documents reasonably appear:
  - (A) To be genuine; and
  - (B) to relate to the individual presenting the documents;
  - (3) complete section 2 of the form I-9:
  - (4) complete section 3 of the form I-9;
- (5) retain the form I-9 for three years after the date the person began work or one year after the person's employment is terminated, whichever is later; and
- (6) make the form 1-9 available for inspection by state or federal officials upon request with three days notice.
  - (c) The Kansas department of labor shall make the form I-9 available to all vendors.
- (d) No action shall be brought by any person, city, county or state official against any vendor who complies with the provisions of subsections (a) and (b) relating in any way to the employment of an illegal alien.
- (e) In the event that the form I-9 is amended or replaced after the enactment of this section, a vendor shall be considered in compliance with the provisions of subsections (a) and (b) if it completes and maintains the then current federal employment eligibility form consistent with all relevant federal laws and regulations.
- Sec. 14. (a) A person or entity is considered to have complied with a requirement of sections 13 through 16, and amendments thereto, notwithstanding a technical or procedural failure to meet such requirement, if there was a good faith attempt to comply with the federal requirements found in title 8 of the United States code, section 1324a.
- (b) A person or entity which establishes that it has complied in good faith with respect to the hiring, recruiting or referral for employment of an alien in the United States has established an affirmative defense under sections 13 through 16, and amendments thereto.
- Sec. 15. (a) No state agency shall, for a period of five years commencing on the date of judgment or final order, award a public works or purchase contract to a vendor, nor shall a vendor be eligible to bid for or receive a public works contract during such five-year period, when such vendor has, in the preceding five years:
- (1) Been convicted of violating a law of this state, including, but not limited to, K.S.A. 21-4409, and amendments thereto, or federal law respecting the employment of illegal aliens; or
- (2) been a party to a state agency proceeding in this state in which a penalty or sanction was ordered, either by hearing or final order, or through stipulation and agreement, for violation of a law of this state, including, but not limited to, K.S.A. 21-4409, and amendments thereto, or federal law respecting the employment of illegal aliens.
- (b) Any vendor found to be in violation of subsection (a) by attempting to bid on a contract or having been awarded a contract when ineligible shall, in addition to all available administrative penalties and sanctions, forfeit and be liable for an amount equal to the total value

of the state benefit such vendor has received or been the beneficiary of for the period of five years leading up to the date of the finding of guilt, not to exceed the federally prescribed civil penalty in title 8 of the United States code, section 1324a.

Sec. 16. As used in sections 13 through 16, and amendments thereto:

(a) "Illegal alien" means any person not a citizen of the United States who has entered the United States in violation of the federal immigration and naturalization act or regulations issued thereunder, who has legally entered but without the right to be employed in the country, or who has legally entered subject to a time limit but has remained illegally after the expiration of such time limit, except that the term "illegal alien" shall not mean any person who currently has the legal right to remain in the United States and to be employed in the United States even though such person originally entered the United States in violation of the federal immigration and naturalization act or regulations issued thereunder and is not a citizen of the United States.

(b) "Vendor" means any person, including any partnership, firm, subcontractor, corporation or association, or agent thereof, who engages or utilizes the personal services of one or more individuals for a salary or wage.

Sec. 17. The secretary of the department of administration shall be responsible for administering the provisions of sections 13 through 16, and amendments thereto.

Sec. 18. The provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto, shall govern all proceedings initiated under sections 13 through 16, and amendments thereto.";

And by renumbering sections accordingly;

Also on page 8, in line 32, by striking "13" and inserting "19"; in line 36, by striking "13" and inserting "19";

On page I, in the title, in line 9, after "ACT" by inserting "concerning state contracts;"; also in line 9, before the period, by inserting "; relating to awarding contracts";

Roll call was demanded.

On roll call, the vote was: Yeas 105; Nays 13; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, O'Brien, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, George, Kerschen, Light, McLeland, Merrick, O'Neal, Patton, Prescott, Rhoades, Schwab, Siegfreid, Whitham.

Present but not voting: None.

Absent or not voting: Donohoe, Fund, Garcia, Hineman, Huebert, Johnson, Neufeld.

The motion of Rep. Mah prevailed.

Also, on motion of Rep. Kleeb, **Sub. HB 2403** be amended on page 7, in line 40, by striking "or" where it appears the second time; in line 43, before the period by inserting "or to contracts for building construction"; following line 43, by inserting the following:

"(d) For purposes of this section, the term "building construction" means furnishing labor, equipment, material or supplies used or consumed for the design, construction, alteration, renovation, repair or maintenance of a building or structure, including multilevel parking structures and stand-alone parking lots.";

Also, on motion of Rep. Kleeb, **Sub. HB 2403** be rereferred to Committee on Appropriations.

# REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2638** be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 31 and inserting the following:

"New Section 1. (a) The governing board of the horsethief reservoir benefit district is authorized to appoint a law enforcement manager and law enforcement officers to serve under the command of the law enforcement manager.

- (b) Those employees of the horsethief reservoir benefit district that are appointed as law enforcement officers must meet the requirements of the Kansas law enforcement training act, K.S.A. 74-5601 through 74-5623, and amendments thereto.
- (c) A law enforcement officer appointed under this section shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in all counties where any horsethief reservoir benefit district property is located, as provided in section 5, and amendments thereto. A law enforcement officer may book an arrested person at the jail in the jurisdiction of the arrest. Such law enforcement officer shall complete any required reports, arrest affidavits and other documents associated with the arrest. These reports shall be kept on file with the office of the law enforcement manager, unless a memorandum of agreement with a local law enforcement agency specifies otherwise.
- (d) While on duty, law enforcement officers appointed under this section shall wear and publicly display a badge of office and a uniform. No such badge shall be required to be worn by any plain clothes investigator or department administrator, but any such officer shall present proper credentials and identification when required in the performance of such officer's duties.";

On page 6, by striking all in lines 2 through 4 and inserting the following:

- "Sec. 5. K.S.A. 22-2401a is hereby amended to read as follows: 22-2401a. (1) Law enforcement officers employed by consolidated county law enforcement agencies or departments and sheriffs and their deputies may exercise their powers as law enforcement officers:
  - (a) Anywhere within their county; and
- (b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.
- (2) Law enforcement officers employed by any city may exercise their powers as law enforcement officers:
- (a) Anywhere within the city limits of the city employing them and outside of such city when on property owned or under the control of such city; and
- (b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.
- (3) (a) Law enforcement officers employed by a Native American Indian Tribe may exercise powers of law enforcement officers anywhere within the exterior limits of the reservation of the tribe employing such tribal law enforcement officer, subject to the following:
- (i) The provisions of subsection (3)(a) shall be applicable only as long as such Native American Indian Tribe maintains in force a valid and binding agreement with an insurance carrier to provide liability insurance coverage for damages arising from the acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section and waives its tribal immunity, as provided in paragraph (b) of subsection (3), for any liability for damages arising from the acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section. Such insurance policy shall: (A) (1) Be in an amount not less than \$500,000 for any one person and \$2,000,000 for any one occurrence for personal injury and \$1,000,000 for any one occurrence for property damage; (2) be in an amount not less than \$2,000,000 aggregate loss limit; and (3) carry an endorsement to provide coverage for mutual aid assistance; and (B) include an endorsement providing that the insurer may not invoke tribal sovereign immunity up to the limits of the policy set forth herein. Any insurance carrier providing to a tribe the liability insurance coverage described in this subsection shall certify to the attorney general that the tribe has in effect coverage which complies with the requirements of this subsection. Such carrier shall notify the attorney general immediately by first class mail if for any reason such coverage terminates or no longer complies with the requirements of this subsection.

- (ii) The provisions of subsection (3)(a) shall be applicable only if such Native American Indian Tribe has filed with the county clerk a map clearly showing the boundaries of the Tribe's reservation as defined in this section.
- (b) If a claim is brought against any tribal law enforcement agency or officer for acts committed by such agency or officer while acting pursuant to this section, such claim shall be subject to disposition as if the tribe was the state pursuant to the Kansas tort claims act, provided that such act shall not govern the tribe's purchase of insurance. The tribe shall waive its sovereign immunity solely to the extent necessary to permit recovery under the liability insurance, but not to exceed the policy limits.
- (c) Nothing in this subsection (3) shall be construed to prohibit any agreement between any state, county or city law enforcement agency and any Native American Indian Tribe.
- (d) Nothing in this subsection (3) shall be construed to affect the provision of law enforcement services outside the exterior boundaries of reservations so as to affect in any way the criteria by which the United States department of the interior makes a determination regarding placement of land into trust.
- (e) Neither the state nor any political subdivision of the state shall be liable for any act or failure to act by any tribal law enforcement officer.
- (4) University police officers employed by the chief executive officer of any state educational institution or municipal university may exercise their powers as university police officers anywhere:
- (a) On property owned or operated by the state educational institution or municipal university, by a board of trustees of the state educational institution, an endowment association, an athletic association, a fraternity, sorority or other student group associated with the state educational institution or municipal university;
- (b) on the streets, property and highways immediately adjacent to the campus of the state educational institution or municipal university;
- (c) within the city where such property as described in this subsection is located, as necessary to protect the health, safety and welfare of students and faculty of the state educational institution or municipal university, with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the chief executive officer of the state educational institution or municipal university involved before such agreement may take effect; and
- (d) additionally, when there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in subsection (4)(a) or (b), such officers with appropriate notification of, and coordination with, local law enforcement agencies or departments, may investigate and arrest persons for such a violation anywhere within the city where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person. University police officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located. University police officers at the university of Kansas medical center may provide emergency transportation of medical supplies and transplant organs.
- (5) In addition to the areas where law enforcement officers may exercise their powers pursuant to subsection (2), law enforcement officers of any jurisdiction within Johnson or Sedgwick county may exercise their powers as law enforcement officers in any area within the respective county when executing a valid arrest warrant or search warrant, to the extent necessary to execute such warrants.
- (6) In addition to the areas where university police officers may exercise their powers pursuant to subsection (4), university police officers may exercise the powers of law enforcement officers in any area outside their normal jurisdiction when a request for assistance has been made by law enforcement officers from the area for which assistance is requested.
- (7) In addition to the areas where law enforcement officers may exercise their powers pursuant to subsection (2), law enforcement officers of any jurisdiction within Johnson

county may exercise their powers as law enforcement officers in any adjoining city within Johnson county when any crime, including a traffic infraction, has been or is being committed by a person in view of the law enforcement officer. A law enforcement officer shall be considered to be exercising such officer's powers pursuant to subsection (2), when such officer is responding to the scene of a crime, even if such officer exits the city limits of the city employing the officer and further reenters the city limits of the city employing the officer to respond to such scene.

- (8) Campus police officers employed by a community college or school district may exercise the power and authority of law enforcement officers anywhere:
- (a) On property owned, occupied or operated by the school district or community college or at the site of a function sponsored by the school district or community college;
- (b) on the streets, property and highways immediately adjacent to and coterminous with property described in subsection (8)(a);
- (c) within the city or county where property described in subsection (8)(a) is located, as necessary to protect the health, safety and welfare of students and faculty of the school district or community college, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the board of education or board of trustees involved;
- (d) with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in subsection (8)(a) or (8)(b) is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation;
  - (e) when in fresh pursuit of a person; and
- (f) when transporting persons in custody to an appropriate facility, wherever it may be located.
- (9) TAG law enforcement officers employed by the adjutant general may exercise their powers as police officers anywhere:
- (a) On property owned or under the control of the Kansas national guard or any component under the command of the adjutant general;
- (b) on the streets, property and highways immediately adjacent to property owned or under the control of the Kansas national guard; within the city or county where such property as described in subsection (9)(a) or (b) is located, as necessary to protect such property; or to protect the health, safety and welfare of members of the national guard, reserve or employees of the United States department of defense, the United States department of homeland security or any branch of the United States military with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the adjutant general before such agreement may take effect. In addition, when there is reason to believe that a violation of a state law, a county resolution or a city ordinance has occurred on property described in subsection (9)(a) or (b), after providing appropriate notification to, and coordination with, local law enforcement agencies or departments, such officers may investigate and arrest persons for such a violation anywhere within the city or county where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person. TAG law enforcement officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located.
- (10) Horsethief reservoir benefit district law enforcement officers may exercise the power and authority of law enforcement officers anywhere:

- (a) On property owned, occupied or operated by the benefit district or at the site of a function sponsored by the benefit district;
- (b) on the streets, property and highways immediately adjacent to and coterminous with property described in subsection (10)(a);
- (c) within the city or county where property described in subsection (10)(a) is located, as necessary to protect the health, safety and welfare of benefit district employees, board members, volunteers and visitors, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the governing board of the horsethief reservoir benefit district;
- (d) with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in subsection (10)(a) or (10)(b) is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation;
  - (e) when in fresh pursuit of a person; and
- (f) when transporting persons in custody to an appropriate facility, wherever it may be located.

(10) (11) As used in this section:

- (a) "Law enforcement officer" means: (1) Any law enforcement officer as defined in K.S.A. 22-2202, and amendments thereto; or (2) any tribal law enforcement officer who is employed by a Native American Indian Tribe and has completed successfully the initial and any subsequent law enforcement training required under the Kansas law enforcement training act.
- (b) "University police officer" means a police officer employed by the chief executive officer of: (1) Any state educational institution under the control and supervision of the state board of regents; or (2) a municipal university.
- (c) "Campus police officer" means a school security officer designated as a campus police officer pursuant to K.S.A. 72-8222, and amendments thereto.
- (d) "Fresh pursuit" means pursuit, without unnecessary delay, of a person who has committed a crime, or who is reasonably suspected of having committed a crime.
- (e) "Native American Indian Tribe" means the Prairie Band Potawatomi Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of Missouri and the Iowa Tribe of Kansas and Nebraska.
  - (f) "Reservation" means:
- (i) With respect to the Iowa Tribe of Kansas and Nebraska, the reservation established by treaties with the United States concluded May 17, 1854, and March 6, 1861;
- (ii) with respect to the Kickapoo Nation, the reservation established by treaty with the United States concluded June 28, 1862;
- (iii) with respect to the Prairie Band Potawatomi Nation in Kansas, the reservation established by treaties with the United States concluded June 5, 1846, November 15, 1861, and February 27, 1867; and
- (iv) with respect to the Sac and Fox Nation of Missouri in Kansas and Nebraska: (A) the reservation established by treaties with the United States concluded May 18, 1854, and March 6, 1861, and by acts of Congress of June 10, 1872 (17 Stat. 391), and August 15, 1876 (19 Stat. 208), and (B) the premises of the gaming facility established pursuant to the gaming compact entered into between such nation and the state of Kansas, and the surrounding parcel of land held in trust which lies adjacent to and east of U.S. Highway 75 and adjacent to and north of Kansas Highway 20, as identified in such compact.
- (g) "TAG law enforcement officer" means a police officer employed by the adjutant general pursuant to K.S.A. 48-204 and amendments thereto.
- (h) "Horsethief reservoir benefit district law enforcement officer" means a police officer employed by the horsethief reservoir benefit district pursuant to section 1 and amendments thereto.";

And by renumbering the remaining sections accordingly;

Also on page 6, in line 5, after "K.S.A." by inserting "22-2401a and K.S.A.";

In the title, in line 10, after "K.S.A." by inserting "22-2401a and K.S.A."; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **SB 316** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 316," as follows:

"HOUSE Substitute for SENATE BILL No. 316

By Committee on Agriculture and Natural Resources

"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."; and the substitute bill be passed.

(**H. Sub. for SB 316** was thereupon introduced and read by title.)

Committee on Corrections and Juvenile Justice recommends HB 2582, HB 2661 be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2517** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2517," as follows:

"Substitute for HOUSE BILL No. 2517

By Committee on Corrections and Juvenile Justice

"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, 21-4603d, 22-2909 and 75-712 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2517** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2604** be amended on page 2, in line 30, after "(11)" by inserting "if the defendant is convicted of a misdemeanor or a felony provision of subsection (i) of K.S.A. 21-4704, and amendments thereto,"; also in line 30, before "provided" by inserting "other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto,"; and the bill be passed as amended.

Committee on **Education** recommends **ĤB 2595** be amended on page 1, in line 27, by striking "a sending school district" and inserting "the district in which the pupil resides";

On page 2, by striking all in lines 7 through 18 and inserting the following:

"(b) The board of education of any school district may allow any pupil who is not a resident of the district to enroll in and attend school in such district. The board of education of such district may furnish or provide transportation to any non-resident pupil who is enrolled in and attending school in the district pursuant to this section. If the district agrees to furnish or provide transportation to a non-resident pupil, such transportation shall be furnished or provided until the end of the school year. Prior to providing or furnishing transportation to a non-resident pupil, the district shall notify the board of education of the district in which the pupil resides that transportation will be furnished or provided.

(c) Pupils attending school in a school district in which the pupil does not reside pursuant to this section shall be counted as regularly enrolled in and attending school in the district where the pupil is enrolled for the purpose of computations, except computation of transportation weighting, under the school district finance and quality performance act and for the purposes of the statutory provisions contained in article 83 of chapter 72 of the Kansas Statutes Annotated. Such non-resident pupil shall not be charged for the costs of attendance at school."; and the bill be passed as amended.

Committee on **Education** recommends **HB 2601** be amended on page 1, by striking all in lines 14 through 43;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 28;

On page 6, by striking all in lines 7 through 26 and inserting the following:

"Section 1. 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: (1) (A) An enrollment of at least 50% at-risk pupils; or (2) (B) an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile.

- $\frac{\text{(b)}}{2}$  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: (1) (A) The high density at-risk pupil weighting in the current school year; (2) (B) the high density at-risk pupil weighting in the prior school year; or (3) (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) 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.
- Sec. 2. 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.";

Also on page 6, in line 27, by striking "72-6407,";

In the title, in line 10, by striking "72-6407 and"; also in line 10, after "72-6455" by inserting "and 72-6459"; in line 11, by striking "; also repealing K.S.A. 2009 Supp. 72-6459"; and the bill be passed as amended.

**Education Budget Committee** recommends **HB 2280** be amended on page 1, by striking all in lines 14 through 43;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 32 and inserting the following:

"Section 1. K.S.A. 2009 Supp. 72-8814 is hereby amended to read as follows: 72-8814.
(a) There is hereby established in the state treasury the school district capital outlay state aid fund. Such fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

- (b) In each school year, each school district which levies a tax pursuant to K.S.A. 72-8801 et seq., and amendments thereto, shall be entitled to receive payment from the school district capital outlay state aid fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:
- (1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;
  - (2) determine the median AVPP of all school districts;
- (3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;
- (4) (A) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2009 Supp. 72-8814b, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;
- (B) (i) For levies imposed by a school district pursuant to a resolution adopted and published under this section prior to July 1, 2010, and such resolution either was not protested or that it was protested and an election has been held prior to July 1, 2010, the state aid computation percentage is 25%.
- (ii) For levies imposed by a school district pursuant to a resolution adopted and published under this section prior to July 1, 2010, and the protest period had not expired prior to July 1, 2010, or such resolution was protested and the election was not held prior to July 1, 2010, the state aid computation percentage is 15%.
- (iii) For levies imposed by a school district pursuant to a resolution adopted on or after July 1, 2010, the state aid computation percentage is 15%;
- (5) determine the amount levied by each school district pursuant to K.S.A. 72-8801 et seq., and amendments thereto;
- (6) multiply the amount computed under (5), but not to exceed 8 mills, by the applicable state aid percentage factor. The product is the amount of payment the school district is entitled to receive from the school district capital outlay state aid fund in the school year.
- (c) The state board shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital outlay state aid fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.
- (d) Payments from the school district capital outlay state aid fund shall be distributed to school districts at times determined by the state board of education. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the capital outlay fund of the school district to be used for the purposes of such fund.
- (e) Amounts transferred to the capital outlay fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when

determining the amount of state aid to which a district is entitled to receive under this section.

- Sec. 2. K.S.A. 2009 Supp. 75-2319 is hereby amended to read as follows: 75-2319. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).
- (b) Subject to the provisions of subsection (f), in each school year, each school district which is obligated to make payments from its capital improvements fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:
- (1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;
  - (2) determine the median AVPP of all school districts;
- (3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;
- (4) (A) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2009 Supp. 75-2319c, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 5% for contractual bond obligations incurred by a school district prior to the effective date of this act, and 25% for contractual bond obligations incurred by a school district on or after the effective date of this act,
- (B) (i) For contractual bond obligations incurred by a school district prior to July 1, 1992, the state aid computation percentage is 5%.
- (ii) For contractual bond obligations incurred by a school district on or after July 1, 1992, if the issuance of such bonds has been approved by the electors of the school district at an election held prior to July 1, 2010, the state aid computation percentage is 25%.
- (iii) For contractual bond obligations incurred by a school district the issuance of which was approved by the electors of the district at an election held on or after July 1, 2010, the state aid computation percentage is 15%;
- (5) determine the amount of payments in the aggregate that a school district is obligated to make from its bond and interest fund and, of such amount, compute the amount attributable to contractual bond obligations incurred by the school district prior to the effective date of this act and the amount attributable to contractual bond obligations incurred by the school district on or after the effective date of this act under paragraphs (4)(B)(i), (4)(B)(ii) and (4)(B)(iii) of this subsection (b):
- (6) multiply each of the amounts computed under (5) by the applicable state aid percentage factor; and
- (7) add the products obtained under (6). The amount of the sum is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.
- (c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the

school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund except that all such transfers during the fiscal year ending June 30, 2007, shall be considered to be revenue transfers from the state general fund

- (d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.
- (e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.
- (f) Amounts transferred to the capital improvements fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is entitled to receive under this section.

New Sec. 3. (a) As used in this section:

- (1) "School district" or "district" means a school district having less than 200 square miles in area and an enrollment of less than 400.
  - (2) "Joint committee" means the joint committee on state building construction.
- (b) The board of education of any school district shall not authorize the issuance of any bonds for the construction of a new building without having first advised and consulted with the joint committee. Prior to the date of the hearing of the joint committee at which the board is scheduled to appear, the board shall submit any information requested by the joint committee. Following such hearing, the committee shall make a recommendation on the advisability of the proposed issuance of bonds. A copy of the committee's recommendation shall be provided to the school district and to the state board of education within 15 days of the date of the hearing.
- (c) If the joint committee recommends against the issuance of any bonds for the construction of a new building and the district issues bonds for such construction, the district shall not be entitled to, and shall not receive, state aid for such bonds under K.S.A. 75-2319, and amendments thereto.
- (d) The provisions of this section shall not apply to any district which is not entitled to state aid under K.S.A. 75-2319, and amendments thereto.

Sec. 4. K.S.A. 2009 Supp 72-8814 and 75-2319 are hereby repealed.";

And by renumbering the remaining section accordingly;

Also on page 4, in line 34, by striking "Kansas register" and inserting "statute book";

In the title, in line 10, by striking "2008 Supp. 72-8814"; in line 11, by striking "and 75-2319" and inserting "2009 Supp. 72-8814 and 75-2319"; and the bill be passed as amended.

Committee on Government Efficiency and Fiscal Oversight recommends HB 2408, HB 2572 be passed.

Committee on Health and Human Services recommends HB 2584, HB 2588 be passed.

Committee on **Health and Human Services** recommends **HB 2577** be amended on page 1, in line 21, by striking all after "the"; by striking all in line 22; in line 23, by striking all before the period and inserting "utilization of special skills to assist persons with addictions, and to assist such persons' families and friends to achieve resolution of addiction through the exploration of the disease and its ramifications, the examination of attitudes and feelings, the consideration of alternative solutions and decision making, as these relate specifically to addiction. Evaluation and assessment, treatment including treatment plan development, case management, crisis intervention, referral, record keeping and clinical con-

sultation specifically related to addiction are within the scope of addiction counseling. At the clinical level of licensure addiction counseling includes independent practice limited to the diagnosis and treatment of substance use disorders"; in line 25, by striking all after "to"; in line 26, by striking "of"; in line 29, by striking all after "program"; by striking all in line 30; in line 31, by striking all before the period; in line 38, by striking "No" and inserting "On and after August 1, 2011, no"; in line 43, by striking "the effective date of this act" and inserting "August 1, 2011";

On page 3, in line 28, by striking "a" and inserting "an"; in line 35, by striking all after "to" where it appears for the last time; by striking all in lines 36 through 40; in line 41, by striking "disorders" and inserting "perform the duties of an addiction counselor";

On page 4, by striking all in lines 19 through 21 and inserting "engage in the practice of addiction counseling only"; in line 23, by striking all after "gram"; by striking all in lines 24 through 32; in line 33, by striking all before the period; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2589** be amended on page 2, in line 19, by striking "(1)"; in line 22, by striking "(2)" and inserting "(b)"; by striking all in lines 25 through 28; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 62** be amended on page 1, in line 35, by striking "2008" and inserting "2009";

On page 2, in line  $3\overline{3}$ , by striking all after "(f)"; by striking all in lines 34 through 38 and inserting: "All costs associated with the evaluation requirements of the prevention and control plan shall be the responsibility of the student."; in line 43, by striking "2008" and inserting "2009";

In the title, in line 13, by striking "2008" and inserting "2009"; and the bill be passed as amended.

Committee on Judiciary recommends HB 2585, HB 2668 be passed.

Committee on **Judiciary** recommends **HB 2432** be amended on page 1, after line 14, by inserting the following:

- "New Section 1. (a) As used in article 32 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto:
- (1) "Use of force" means any actual or constructive force, including, but not limited to, threats, displays or presentations of force directed toward another person or the actual application of force upon another person.
- (2) "Use of deadly force" means any actual or constructive force described in paragraph (1) which is likely to cause imminent death or great bodily harm.
  - (b) The provisions of this section shall be construed and applied retroactively.
- New Sec. 2. (a) For the purposes of K.S.A. 21-3211 and 21-3212, and amendments thereto, a person is presumed to have a reasonable belief that deadly force is necessary to prevent imminent death or great bodily harm to such person or another person if:
  - (1) The person against whom the force was used was:
- (i) In the process of unlawfully or forcefully entering, or had unlawfully or forcefully entered, the dwelling, place of work or occupied vehicle of the person using force; or
- (ii) had removed or was attempting to remove another person against such other person's will from the dwelling, place of work or occupied vehicle of the person using force; and
- (2) the person using force had reason to believe that one of the conditions set forth in paragraph (1) was occurring or had occurred.
  - (b) The presumption set forth in subsection (a) does not apply if:
- (1) The person against whom the force is used has a right to be in, or is a lawful resident of, the dwelling, place of work or occupied vehicle of the person using force, and there is not an injunction for protection from domestic violence or a written order of no contact against such person;
- (2) the person sought to be removed is a child, grandchild or is otherwise in the lawful custody or under the lawful guardianship of the person against whom the force is used;
- (3) the person using force is engaged in or attempting to escape from apprehension by law enforcement officers, or is using the dwelling, place of work or occupied vehicle to further a crime or escape from apprehension by law enforcement officers; or
- (4) the person against whom the force is used is a law enforcement officer who enters or attempts to enter a dwelling, place of work or occupied vehicle in the lawful performance

of such officer's lawful duties, and the person using force knew or reasonably should have known that the person entering or attempting to enter was a law enforcement officer.";

And by renumbering sections accordingly;

Also on page 1, in line 16, by striking "threat or"; also in line 16, by striking "against another" and inserting "upon or toward another person"; in line 18, by striking "threat or use of"; in line 21, by striking "threat or"; also in line 21, after "force" by inserting "upon or toward another person"; in line 23, by striking "threat or"; also in line 23, after "force" by inserting "upon or toward another person"; in line 26, by striking "threatening or"; also in line 29, by striking "upon or toward another person"; in line 29, by striking "threat or"; also in line 29, by striking "against another" and inserting "upon or toward another person"; in line 31, by striking "threat or"; also in line 31, after "force" by inserting "upon or toward another person"; in line 33, after "dwelling" by inserting "upon or toward another person"; in line 35, after "dwelling" by inserting "upon or toward another person"; in line 37, after "force" by inserting "upon or toward another person"; in line 37, after "force" by inserting "upon or toward another person"; in line 37, after "force" by inserting "upon or toward another person"; also in line 40, after "force" by inserting "upon or toward another person"; also in line 40, after "force" by inserting ", place of work"; after line 41, by inserting the following:

"Sec. 4. K.S.A. 21-3213 is hereby amended to read as follows: 21-3213. A person who is lawfully in possession of property other than a dwelling, *place of work or occupied vehicle* is justified in the threat or use of force against another for the purpose of preventing or terminating an unlawful interference with such property. Only such degree of force or threat thereof as a reasonable man would deem necessary to prevent or terminate the interference may intentionally be used.";

And by renumbering sections accordingly;

On page 2, in line 4, by striking "against"; also in line 4, before "such" by inserting "upon or toward"; in line 7, by striking "against"; in line 8, before "such" by inserting "upon or toward"; in line 12, by striking "threat or"; also in line 12, after "force" by inserting "upon or toward another person"; in line 16, by striking "threat or"; also in line 16, after "force" by inserting "upon or toward another person"; in line 22 and 23, by striking "threat or"; also in line 23, after "force" by inserting "upon or toward another person"; in line 24, by striking "threat or"; also in line 24, after "force" by inserting "upon or toward another person"; in line 27, by striking "threatening or"; also in line 27, after "force" by inserting "upon or toward another person"; in line 29, after "force" by inserting "upon or toward another person"; in line 31, after "force" by inserting "upon or toward another person"; in line 39, by striking "threat or"; also in line 30, after "force" by inserting "upon or toward another person"; in line 39, by striking "threat or"; also in line 30, after "force" by inserting "upon or toward another person"; in line 40, by striking "threatening or";

On page 3, in line 1, by striking "threat or"; also in line 1, after "force" by inserting "upon or toward another person"; in line 2, by striking "threatening or"; in line 4, by striking "threat or"; in line 5, after "harm" by inserting "upon or toward another person"; in line 6, by striking "threat or"; in line 10, by striking "threat or"; also in line 10, after "force" by inserting "upon or toward another person"; in line 11, by striking "threatening or"; in line 13, by striking "threaten or"; also in line 13, after "force" by inserting "upon or toward another person"; in line 22, by striking "threat or"; also in line 22, after "force" by inserting "upon or toward another person"; in line 26, by striking "threatens or"; also in line 26, after "force" by inserting "upon or toward another person"; in line 29, by striking "threat or"; in line 30, after "force" by inserting "upon or toward another person"; also in line 30, by striking "threatened"; in line 31, by striking "or"; in line 33, by striking "threatening or"; in line 34, after "force" by inserting "upon or toward another person"; in line 39, by striking "threat or"; also in line 39, after "force" by inserting "upon or toward another person"; in line 40, by striking "threatening or"; also in line 40, after "force" by inserting "upon or toward another person"; in line 40, after "force" by inserting "upon or toward another person";

On page 4, in line 1, after "21-3212," by inserting "21-3213,"; in line 4, by striking "statute book" and inserting "Kansas register";

In the title, in line 11, after "3212," by inserting "21-3213,"; and the bill be passed as amended.

Committee on Judiciary recommends HB 2583 be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2583," as follows:

"Substitute for HOUSE BILL No. 2583

By Committee on Judiciary

"AN ACT concerning open records; relating to an individual's contact information; amending K.S.A. 2009 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 2009 Supp. 45-221i."; and the substitute bill be passed.

(**Sub. HB 2583** was thereupon introduced and read by title.)

Committee on Judiciary recommends HB 2667 be amended on page 5, in line 35, after

"residency" by inserting ", or both,";
On page 11, in line 17, after "prior" by inserting "child support"; after line 38, by inserting the following:

"New Sec. 37. Sections 1 through 41, and amendments thereto, shall be known as the Kansas domestic relations code.

New Sec. 38. The provisions of the Kansas domestic relations code shall be construed to secure the just, speedy, inexpensive and equitable determination of issues in all domestic relations matters.

New Sec. 39. Procedure under the Kansas domestic relations code shall be governed by the code of civil procedure, except as the Kansas domestic relations code may otherwise specifically provide.

New Sec. 40. Evidence under the Kansas domestic relations code shall be governed by the rules of evidence, except as the Kansas domestic relations code may otherwise specifically provide.

New Sec. 41. A decree in an action under article 16 of chapter 60 of the Kansas Statutes Annotated and sections 4 through 11, and amendments thereto, may include orders on the following matters:

- (a) Changing or terminating the parties' marital status by dissolution, annulment or separate maintenance:
- (b) making an equitable division of the parties' property as authorized by sections 12 and 13, and amendments thereto;
- (c) regarding spousal support as authorized by K.S.A. 60-1618 and sections 14 through 17, and amendments thereto;
- (d) changing one or both parties' names as authorized by section 10, and amendments thereto;
- (e) allocating parental decision-making and entering a parenting plan as authorized by K.S.A. 60-1614, 60-1615, 60-1620, 60-1623, 60-1624, 60-1625, 60-1626, 60-1628, 60-1629, 60-1630, sections 18 through 25, and amendments thereto;
  - (f) child support as authorized by sections 30 through 35, and amendments thereto; and (g) awarding costs and attorneys fees to either party under section 9, and amendments

thereto.":

And by renumbering the remaining sections accordingly;

On page 13, in line 21, by striking "9, 10, 13,"; in line 22, by striking "18, 19, 20, 21, 22, 23,"; also in line 22, by striking "26,";

On page 14, in line 38, by striking "7, 9, 10, 13, 14, 15, 16, 17, 18, 19,"; in line 39, by striking "20, 21, 22, 23, 24, 26,";

On page 15, in line 3, by striking "9, 10,"; in line 4, by striking "13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23,"; also in line 4, by striking "26,";

On page 16, in line 11, by striking "2007" and inserting "2009"; in line 12, by striking "9, 10, 13,"; also in line 12, by striking "18, 19, 20, 21, 22, 23,"; also in line 12, by striking "26,"; On page 17, in line 3, by striking "2007" and inserting "2009";

On page 18, in line 23, by striking "7, 9, 10, 13,"; by striking all in line 24 and inserting

On page 19, in line 13, by striking "1 and 2," and inserting "13 through 24, section 26, and sections 30 through 35"; in line 17, by striking "9, 10, 13,"; in line 18, by striking "18, 19, 20, 21, 22, 23,"; also in line 18, by striking "26,"; in line 34, by striking "9, 10, 13, 14, 15, 16, 17,"; in line 35, by striking "30, 31, 32, 33, 34 and 35," and inserting "27 and 28,";

On page 20, in line 11, by striking "9, 10, 13, 14, 15,"; in line 12, by striking "16, 17,"; also in line 12, by striking "30, 31, 32, 33, 34 and 35," and inserting "27 and 28,"; in line 15, by striking "9, 10, 13, 14, 15, 16, 17,"; also in line 15, by striking "30, 31, 32, 33,"; in line 16, by striking "34 and 35," and inserting "27 and 28,"; in line 18, by striking "9, 10, 13, 14, 15, 16, 17,"; in line 19, by striking "30, 31, 32, 33, 34 and 35," and inserting "27 and 28,"; in line 26, by striking "9, 10, 13,"; in line 27, by striking "14, 15, 16, 17,"; also in line 27, by striking "24, 26, 30, 31, 32, 33, 34 and 35," and inserting "24 and 26,";

On page 22, in line 20, by striking "38-1101" and inserting "38-1110"; in line 21, by striking "38-"; in line 22, by striking "1101" and inserting "38-1110"; in line 24, by striking "9, 10, 13,"; in line 29, by striking "sections 7, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20,"; in line 30, by striking "21, 22, 23, 24, 26, 30, 31, 32, 33, 34 and 35," and inserting "60-1601 et seq.,"; also in line 30, by striking "38-1101" and inserting "38-1110"; and the bill be passed as amended.

Committee on Transportation recommends HB 2650 be passed.

Committee on **Transportation** recommends **HB 2561** be amended on page 1, in line 22, by striking "15" and inserting "10"; in line 23, by striking "existing" and inserting "exiting"; following line 24, by inserting the following:

"(d) The secretary of transportation shall adopt such rules and regulations necessary to implement the provisions of this section, including any requirements for highway signage."; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2623** be amended on page 1, in line 16, by striking "any material, including"; and the bill be passed as amended.

#### REPORT ON ENGROSSED BILLS

HB 2434, HB 2548 reported correctly engrossed February 15, 2010.

#### REPORT ON ENROLLED BILLS

HB 2125; S. Sub. for HB 2353 reported correctly enrolled, properly signed and presented to the governor on February 16, 2010.

#### REPORT ON ENROLLED RESOLUTIONS

HR 6016 reported correctly enrolled and properly signed on February 15, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, February  $17,\,2010.$ 

# Journal of the House

#### TWENTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, February 17, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair. The roll was called with 122 members present.

Reps. Donohoe and Johnson were excused on verified illness.

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

Prayer by Chaplain Brubaker:

Dear Holy God, On this Ash Wednesday as we reflect upon You and the love You have for us, we understand that you desire truth from the inside out. You want to teach us wisdom and conceive in us a new life. So today we give You permission to make a fresh new start in us, and renew a steadfast spirit within us. We understand that You are not concerned about our works, words and motions. Instead, all You ask and desire of us is a broken and contrite heart. Search our hearts, oh God, and lead us in the way everlasting. In Jesus' Name I pray, amen.

The Pledge of Allegiance was led by Rep. Trimmer.

### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Furtado are spread upon the journal:

I am here to honor the 90th Anniversary of the League of Women Voters.

Will members of the House who are members of the League of Women Voters please join us here in the well? I also want to welcome members of the League from throughout the state who have joined us and are present in the House gallery.

This week the League of Women Voters-US is celebrating its 90th anniversary. Women from Kansas were among those who participated in that first meeting. These women had worked together in the movement that preceded the ratification of the 19th Amendment to the U.S. Constitution — granting women the right to vote. In St. Louis in February, 1920, they agreed on a goal: to create a national, non-partisan, political organization dedicated to improving our system of government through citizen education and advocacy. They believed that hands-on work to safeguard democracy would result in civic improvement. These founding values have persisted for 90 years.

In Kansas there are eight local Leagues: Salina, Manhattan, Topeka, Lawrence, Johnson County, Emporia, Wichita and Great Bend plus the State League with an office in Topeka.

The League of Women Voters of Kansas expects members throughout the state to promote representative government and individual liberties as established in the U.S. Constitution.

The League of Women voters of Kansas encourages local leagues to serve their communities through education of the public on local, state and national issues. Civic participation is what makes Democracy work.

For 90 years the League has held public trust by respectfully bringing elected leaders and the public together. Many in this Chamber have participated in Candidate Forums — non-partisan, thoughtful interactions that help voters learn about candidates for office. The state of Kansas has benefitted tremendously from countless hours donated by League members to enhance our democracy. Informed voters make informed choices.

Today at 1:30, Governor Parkinson will sign a Proclamation honoring the League of Women Voters on its 90th Anniversary. He will declare today as "League of Women Voters Making Democracy Work Day."

And now, it is my honor to present this certificate of congratulations from the Kansas House of Representatives to Ernestine Krehbiel, President of the League of Women Voters of Kansas and a resident of Wichita.

It is also my honor to present a certificate of congratulations from the Kansas House of Representatives to Janis McMillen, a member of the Board of Directors of the League of Women Voters of the United States and a resident of Overland Park.

Thank you both for the work you are doing to Make Democracy Work locally and nationally.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2700**, An act concerning schools; relating to education programs to raise awareness of sexual exploitation by electronic means, by Committee on Federal and State Affairs.

**HB 2701**, An act concerning municipalities; establishing the organized solid waste collection service act, by Committee on Federal and State Affairs.

#### MESSAGE FROM THE GOVERNOR

February 8, 2010

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

Enclosed herewith is Executive Directive No. 10-405 for your information.

EXECUTIVE DIRECTIVE No. 10-405

Authorizing Expenditure of Federal Funds

Mark Parkinson Governor

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

#### MESSAGES FROM THE SENATE

Announcing passage of SB 222, SB 234, SB 305; Sub. SB 353; SB 363, SB 367, SB 377, SB 395, SB 398, SB 408, SB 424, SB 437, SB 438, SB 439, SB 440, SB 441, SB 453, SB 464, SB 489, SB 490, SB 491.

The Senate adopts conference committee report on **HB 2195**.

Also, announcing passage of SB 354, SB 362, SB 396; Sub. SB 416; SB 417, SB 420, SB 430, SB 483, SB 497, SB 518.

Announcing adoption of SCR 1622.

Announcing adoption of HCR 5027 as amended.

## INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 222, SB 234, SB 305; Sub. SB 353; SB 354, SB 362, SB 363, SB 367, SB 377, SB 395, SB 396, SB 398, SB 408; Sub. SB 416; SB 417, SB 420, SB 424, SB 430, SB 437, SB 438, SB 439, SB 440, SB 441, SB 453, SB 464, SB 483, SB 489, SB 490, SB 491, SB 497, SB 518; SCR 1622.

#### CONSENT CALENDAR

No objection was made to **HB 2415** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**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 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Ward.

Present but not voting: None.

Absent or not voting: Donohoe, Huebert, Johnson.

The bill passed.

**HB 2442**, An act establishing the Kansas streamlining government commission; providing for an independent review of state agencies of the executive branch of state government; prescribing powers, duties and functions for the commission and certain other state agencies; amending K.S.A. 2009 Supp. 75-2973 and 75-4319 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 90; Nays 32; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Bethell, Bollier, Bowers, Brookens, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Fund, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tafanelli, Talia, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Barnes, Benlon, A. Brown, T. Brown, Carlin, Crow, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Hawk, Henderson, Kuether, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Neighbor, Otto, Peterson, Rardin, Ruiz, Schwab, D. Svaty, Swenson, Tietze, Trimmer.

Present but not voting: None.

Absent or not voting: Donohoe, Huebert, Johnson.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Speaker: I vote No on **HB 2442**. We need to cut not create another commission to spend more money. — BILL OTTO

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. King in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. King, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2506**, **HB 2608**, **HB 2510**, **HB 2566**, **HB 2555** be passed. **HB 2676**, **HB 2515** (see further action, p. 956), **HB 2410** be passed over and retain a place on the calendar.

Committee report to **HB 2609** be adopted; and the bill be passed as amended.

Committee report to **HB 2508** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2509** be adopted; and the substitute bill be passed.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2596** be amended on page 2, in line 15, by striking "5851" and inserting "4851"; in line 20, by striking all after "safety"; by striking all in lines 21 through 23; in line 24, by striking "secretary"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2430** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2430," as follows: "Substitute for HOUSE BILL No. 2430

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, criminal procedure and punishment; relating to sentencing of veterans suffering from posttraumatic stress disorder; amending K.S.A. 2009 Supp. 73-1209 and repealing the existing section."; and the substitute bill be passed.

(Sub. HB 2430 was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2453** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2453," as follows:

#### "Substitute for HOUSE BILL No. 2453

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes and punishment; relating to controlled substances; presence of a minor; amending K.S.A. 2009 Supp. 21-36a01, 21-36a05, 21-36a10 and 21-36a13 and repealing the existing sections."; and the substitute bill be passed.

(Sub. HB 2453 was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2505** be amended on page 10, in line 16, by striking "Notwithstanding the provision of" and inserting "Except as provided in"; and the bill be passed as amended.

Committee on Corrections and Juvenile Justice recommends HB 2581 be amended on page 1, after line 13, by inserting the following:

"Section 1. K.S.A. 2009 Supp. 20-367 is hereby amended to read as follows: 20-367. (a) On and after July 1, 2009 through June 30, 2013, of the remittance of the balance of docket fees received by the state treasurer from clerks of the district court pursuant to subsection (g) of K.S.A. 20-362, and amendments thereto, the state treasurer shall deposit and credit:

- (1) 3.00% 3.05% to the judicial performance fund;
- (2) 4.17% 4.24% to the access to justice fund;
- (3) 2.31% 2.35% to the juvenile detention facilities fund;
- (4) 1.78% 1.81% to the judicial branch education fund;
- .47% .48% to the crime victims assistance fund;
- (6) 2.27% 2.31% to the protection from abuse fund;
- (7) 3.60% 3.66% to the judiciary technology fund;
- (8) .29% to the dispute resolution fund;
- (9) 1.05% 1.07% to the Kansas juvenile delinquency prevention trust fund;

- (10) .18% to the permanent families account in the family and children investment fund;
- (11) 1.25% 1.27% to the trauma fund;
- (12) .94% .96% to the judicial council fund;
- (13) .57% .58% to the child exchange and visitation centers fund;
- (14) 15.29% 15.54% to the judicial branch nonjudicial salary adjustment fund;
- (15) 15.12% 15.37% to the judicial branch nonjudicial salary initiative fund; and
- (16) the balance to the state general fund.
- (b) On and after July 1, 2013, of the remittance of the balance of docket fees received by the state treasurer from clerks of the district court pursuant to subsection (g) of K.S.A. 20-362, and amendments thereto, the state treasurer shall deposit and credit:
  - (1) 4.30% 4.37% to the access to justice fund;
  - (2) 2.38% 2.42% to the juvenile detention facilities fund;
  - (3) 1.83% 1.87% to the judicial branch education fund;
  - (4) .48% .50% to the crime victims assistance fund;
  - (5) 2.34% 2.38% to the protection from abuse fund;
  - (6) 3.71% 3.78% to the judiciary technology fund;
  - (7) .30% to the dispute resolution fund;
  - (8) 1.08% 1.10% to the Kansas juvenile delinquency prevention trust fund;
  - (9) .19% to the permanent families account in the family and children investment fund;
  - (10) <del>1.29%</del> 1.31% to the trauma fund;
  - (11) .97% .99% to the judicial council fund;
  - (12) .59% .60% to the child exchange and visitation centers fund;
  - (13) 15.75% 16.03% to the judicial branch nonjudicial salary adjustment fund;
  - (14) 15.57% 15.85% to the judicial branch nonjudicial salary incentive fund; and
  - (15) the balance to the state general fund.";
  - 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 17, by striking "is" and inserting "and K.S.A. 2009 Supp. 20-367 are"; In the title, in line 10, after "21-4610a" by inserting "and K.S.A. 2009 Supp. 20-367"; in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2605** be amended on page 2, in line 16, after "felony" by inserting "contained in chapters 21, 41 or 65 of the Kansas Statutes Annotated, and amendments thereto, or a violation of K.S.A. 8-1567, and amendments thereto,"; in line 18, by striking all after "are"; in line 19, by striking all before "in" and inserting "provided"; in line 25, by striking all after "services" and inserting "provided"; in line 34, by striking all after "(e)" and inserting "Such fees shall be deposited into the designated fund of the laboratory or forensic science or computer center that provided such services. Fees for services provided by:"; in line 36, by striking "laboratory analysis" and inserting "forensic laboratory and materials"; in line 40, by striking "general" and inserting "sheriff's laboratory analysis fee":

On page 3, in line 2, by striking all after "be" and inserting "retained by the Sedgwick county sheriff. All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's office."; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2637** be amended on page 1, in line 22, by striking "for every individual offense"; in line 26, before the period, by inserting ", unless the defendant can prove to the court that the defendant has paid such fees in connection with a previous conviction or adjudication"; and the bill be passed as amended.

Committee on Corrections and Juvenile Justice recommends HB 2640 be amended on page 2, in line 9, by striking "sex offender, violent offender or" and inserting "person who is convicted of kidnapping as defined in K.S.A. 21-3420, and amendments thereto, aggravated kidnapping as defined in K.S.A. 21-3421, and amendments thereto, criminal restraint as defined in K.S.A. 21-3424, and amendments thereto, or aggravated trafficking as defined in K.S.A. 21-3447, and amendments thereto, any sex offender or any"; and the bill be passed as amended.

Committee on **Government Efficiency and Fiscal Oversight** recommends **HB 2657** 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 **Government Efficiency and Fiscal Oversight** recommends **HB 2540** be amended on page 1, in line 37, by striking "or" and inserting a comma; also in line 37, after "(6)" by inserting "or (7)"; and the bill be passed as amended.

Committee on **Government Efficiency and Fiscal Oversight** recommends **HB 2631** be amended on page 1, in line 13, by striking all after "(a)"; in line 14, by striking all before "acquired" and inserting "Any state agency, except for the department of transportation, that owns, operates, holds or has"; in line 15, by striking "shall" and inserting a comma; also in line 15, before "make" by inserting "shall"; in line 24, by striking ", "real estate" and inserting ": (1) "Real estate"; in line 26, after "state" by inserting "; and

(2) "state agency" means the same as such term is defined in K.S.A. 74-5039, and amendments thereto";

Also on page 1, after line 26, by inserting the following:

"Sec. 2. The department of transportation, annually, on or before January 30, shall provide the secretary of the senate and the chief clerk of the house of representatives a list of potential excess property that the department owns, operates, holds or has acquired in the name of the state of Kansas.";

And by renumbering sections accordingly;

On page 1, in the title, in line 10, by striking "state departments and agencies" and inserting "a state agency; the department of transportation, reporting requirements"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2448** be amended on page 1, in line 18, by striking "12" and inserting "18"; in line 31, by striking "elec-"; in line 32, by striking "tronic facsimile or"; also in line 32, after "mail" by inserting ", electronic facsimile, e-mail or other electronic means"; following line 40, by inserting the following:

"(d) As used in this section, "pharmacist" means a pharmacist as defined in K.S.A. 65-1626, and amendments thereto, who has successfully completed a course of study and training, approved by the accreditation council for pharmacy or the board, in vaccination storage, protocols, injection technique, emergency procedures and record keeping and has taken a course in cardiopulmonary resuscitation (CPR) and has a current CPR certificate.";

Also on page 1, in line 41, by striking "(d)" and inserting "(e)"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2619** be amended on page 1, in line 16, after "post-anesthesia" by inserting "and pre- and post-analgesia"; in line 22, by striking ", order"; in line 23, by striking ", tests"; also in line 23, by striking "necessary for the anesthesia plan of care" and inserting "during the peri-anesthetic or peri-analgesic period"; following line 23, by inserting:

"(5) order necessary medications and tests in the peri-anesthetic or peri-analgesic period;";

And by renumbering paragraphs accordingly;

Also on page 1, in line 25, by striking "peri-operative" and inserting "peri-anesthetic or peri-analgesic"; in line 27, by striking "anesthesia or analgesia peri-operative" and inserting "peri-anesthetic or peri-analgesic"; in line 29, before the semicolon by inserting "or analgesia"; and the bill be passed as amended.

Committee on Judiciary recommends HB 2429, HB 2656 be passed.

Committee on **Judiciary** recommends **HB 2529** be amended on page 3, in line 30, by striking "38-1664,";

On page 4, in line 8, before "79-3234," by inserting "79-1437f,"; by striking all in lines 25 through 43;

By striking all on pages 5 and 6;

On page 7, by striking all in lines 1 through 32 and inserting the following:

"Sec. 2. K.S.A. 2009 Supp. 38-2309 is hereby amended to read as follows: 38-2309. (a) Official file. The official file of proceedings pursuant to this code shall consist of the complaint, process, service of process, orders, writs and journal entries reflecting hearings held,

judgments and decrees entered by the court. The official file shall be kept separate from other records of the court.

- (b) The official file shall be open for public inspection, unless the judge determines that opening the official file for public inspection is not in the best interests of a juvenile who is less than 14 years of age. Information identifying victims and alleged victims of sex offenses, as defined in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, shall not be disclosed or open to public inspection under any circumstances. Nothing in this section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing such victim's identity. An official file closed pursuant to this section and information identifying the victim or alleged victim of any sex offense shall be disclosed only to the following:
- (1) A judge of the district court and members of the staff of the court designated by the judge;
  - (2) parties to the proceedings and their attorneys;
- (3) any individual or any public or private agency or institution: (A) Having custody of the juvenile under court order; or (B) providing educational, medical or mental health services to the juvenile;
  - (4) the juvenile's court appointed special advocate;
- (5) any placement provider or potential placement provider as determined by the commissioner or court services officer;
- (6) law enforcement officers or county or district attorneys, or their staff, when necessary for the discharge of their official duties;
- (7) the Kansas racing commission, upon written request of the commission chairperson, for the purpose provided by K.S.A. 74-8804, and amendments thereto, except that information identifying the victim or alleged victim of any sex offense shall not be disclosed pursuant to this subsection;
  - (8) juvenile intake and assessment workers;
  - (9) the commissioner;
- $\left(10\right)$  any other person when authorized by a court order, subject to any conditions imposed by the order; and
- (11) the commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.
- (c) Social file. Reports and information received by the court, other than the official file, shall be privileged and open to inspection only by attorneys for the parties, juvenile intake and assessment workers, court appointed special advocates and, juvenile community corrections officers, the juvenile's guardian ad litem, if any, or upon order of a judge of the district court or appellate court. The reports shall not be further disclosed without approval of the court or by being presented as admissible evidence.
- (d) Preservation of records. The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas juvenile justice code or the revised Kansas juvenile justice code whenever such records otherwise would be destroyed. The Kansas state historical society shall make available for public inspection any unexpunged docket entry or official file in its custody concerning any juvenile 14 or more years of age at the time an offense is alleged to have been committed by the juvenile. No other such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 70 years after creation of the records, except as provided in subsections (b) and (c). A judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas juvenile justice code or the revised Kansas juvenile justice code.
- (e) Relevant information, reports and records, shall be made available to the department of corrections upon request, and a showing that the former juvenile has been convicted of a crime and placed in the custody of the secretary of corrections.";
- On page 9, in line 10, by striking "38-1664," and inserting "38-2309 and"; in line 11, by striking "and 79-1437f";

In the title, in line 10, by striking "38-1664" and inserting "38-2309"; in line 11, by striking "and" where it appears the second time; in line 12, by striking "K.S.A. 2009 Supp. 79-1437f"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HCR 5026** be amended on page 1, in line 21, by striking "; (2) administrative supervision"; by striking all in lines 22 and 23; in line 24, by striking "and (6)" and inserting ", including judicial districts; (2) workload of judicial and nonjudicial personnel; (3) court record retention; (4) centralized court data network; (5) use of video conferencing and other methods for court hearings; (6) jurisdiction, qualifications and compensation of district magistrate judges; and (7)"; and the concurrent resolution be adopted as amended.

Committee on Local Government recommends HB 2478 be passed.

Committee on **Local Government** recommends **HB 2471** be amended on page 1, in line 34, by striking all after the period; by striking all in line 35; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2472** be amended on page 4, by striking all in line 43;

On page 5, by striking all in lines 1 through 14;

On page 6, in line 25, by striking "25%" and inserting "10%"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2552** be passed.

Committee on **Transportation** recommends **HB 2439** be amended on page 1, in line 20, following the period, by inserting "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."; in line 29, by striking all following "(1)" and inserting "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;"; in line 40, by striking "eminent" and inserting "imminent"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2660** be amended on page 8, by striking all in lines 10 through 43;

By striking all on pages 9, 10, 11 and 12;

On page 13, by striking all in lines 1 through 5;

And by renumbering remaining sections accordingly;

On page 20, in line 24, by striking "8-198,";

In the title, in line 10, by striking "8-198,"; and the bill be passed as amended.

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

#### AFTERNOON SESSION

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

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Schwartz in the chair.

#### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2650**, **HB 2585**, **HB 2572**, **HB 2408**; **SB 357** be passed. Committee report to **HB 2515** be adopted; also, on motion of Rep. Otto to amend, the

Committee report to **HB 2515** be adopted; also, on motion of Rep. Otto to amend, the motion did not prevail. Also, on motion to recommend the bill favorably for passage, the motion did not prevail (see further action, HJ, p. 982).

Committee report to **HB 2547** be adopted; and the bill be passed as amended.

Committee report to **HB 2652** be adopted; also, on motion of Rep. Kuether be amended on page 1, in line 15, by striking all after "(a)"; by striking all in lines 16 and 17; in line 18, by striking "(b)"; in line 24, by striking "(c)" and inserting "(b)"; in line 28, by striking "(d)" and inserting "(d)"; in line 35, after "thereof"

by inserting "and all resellers of wireless telecommunications services"; and the bill be passed as amended.

Committee report to **HB 2638** be adopted; also, on motion of Rep. Whitham be amended on page 12, after line 38, by inserting the following:

- "Sec. 6. K.S.A. 74-5609a is hereby amended to read as follows: 74-5609a. (a) The law enforcement training center is authorized to charge tuition for each railroad policeman, each employee of a tribal law enforcement agency, each horsethief reservoir benefit district law enforcement officer and each school law enforcement officer enrolled in a course at the training center. Such tuition shall not exceed the training center's average operating cost per trainee. Tuition charges authorized by this section shall cover the cost of room, board and all necessary instructional supplies and material for any railroad policeman or school law enforcement officer attending the law enforcement training center.
- (b) Any city, county or state agency which commences employment of a police officer or law enforcement officer within one year of the time such police officer or law enforcement officer has completed a course of instruction at a state or local law enforcement training school shall reimburse the city, county or state agency which paid the tuition for training such officer. This reimbursement shall include the amount of the tuition paid, the officer's salary and travel expenses and any other expenses incurred which were incidental to training such officer.";

And by renumbering the remaining sections accordingly;

Also on page 12, in line 39, after "22-2401a" by inserting "and 74-5609a";

In the title, in line 11, after "22-2401a" by inserting "and 74-5609a"; and **HB 2638** be passed as amended.

On motion of Rep. DeGraaf to amend **HB 2490**, Rep. Swenson requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. DeGraaf to amend on page 3, following line 9, by inserting the following:

"New Sec. 2. (a) Any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital service corporation contract, fraternal benefit society or health maintenance organization, municipal groupfunded pool and the state employee health care benefits plan which is delivered, issued for delivery, amended or renewed on and after July 1, 2010, shall exclude coverage for elective abortions, unless the procedure is necessary to preserve the life of the mother. Coverage may be obtained through an optional rider for which an additional premium is paid.

(b) "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.

Sec. 3. 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, 40-2,165 through 40-2,170, inclusive, 40-2250, K.S.A. 2009 Supp. 40-2,105a and, 40-2,105b and section 2, 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. 4. 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, 40-2,117, 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 2, 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 sections accordingly;

Also on page 3, in line 10, by striking "is" and inserting "and K.S.A. 2009 Supp. 40-2,103 and 40-19c09 are";

In the title, in line 9, by striking "life insurance companies" and inserting "the regulation thereof"; in line 10, preceding "and", by inserting "and K.S.A. 2009 Supp. 40-2,103 and 40-19c09"; also in line 10, by striking "section" and inserting "sections";

Roll call was demanded.

On roll call, the vote was: Yeas 73; Nays 45; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Faber, Feuerborn, Fund, D. Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, D. Svaty, Swanson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Goyle, Hawk, Henderson, Hill, Kuether, Lane, Light, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Pottorff, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, Swenson, Talia, Tietze, Trimmer, Ward, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Gordon, Huebert, Johnson, Landwehr, Peterson. The motion of Rep. DeGraaf prevailed.

Also, rose and reported progress.

### REPORTS OF STANDING COMMITTEES

Agriculture and Natural Resources Budget Committee recommends HB 2666 be amended on page 3, in line 12, after "Each" by inserting "cattle"; after line 30, by inserting the following:

"(f) For the purposes of this subsection, "animal unit" means the number of swine weighing more than 55 pounds multiplied by 0.4; plus the number of swine weighing 55 pounds or less multiplied by 0.1; plus the number of sheep or lambs multiplied by 0.1; plus the number of goats multiplied by 0.1. Each swine, sheep and goat feedlot operator, who shall be granted a license, shall pay a fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner for such license and for annual renewal thereof, in accordance with and subject to the following schedule of maximum fees:

Feedlot capacity	Maximum fee
300 to 999 Animal units	\$75
1,000 to 2,999 Animal units	\$350
3,000 to 5,999 Animal units	\$650
6,000 to 9,999 Animal units	\$750
10,000 to 17,999 Animal units	\$1,100
18,000 to 29,999 Animal units	\$1,500
30,000 to 49,999 Animal units	\$1,650
50,000 to 99,999 Animal units	\$1,800
100,000 Animal units and over	\$2,000";

And by relettering the remaining subsections accordingly; and the bill be passed as amended.

Committee on **Appropriations** recommends **SCR 1614** be amended on page 1, in line 28, following the comma, by inserting "when the actual state revenues for the current year constitute an increase of more than three percent over the actual state revenues for the preceding year,"; in line 30, following "transferred", by inserting "from a fund or funds designated by law"; in line 31, by striking "or appropriate";

On page 2, in line 1, by striking "Whenever" and inserting "Except as otherwise provided by this section, whenever"; following line 7, by inserting the following:

"(3) The aggregate amount transferred from the budget stabilization fund during any year shall not exceed 50 percent of the moneys in the budget stabilization fund."; Also on page 2, in line 22, preceding the period, by inserting "when state revenues increase by more than three percent"; in line 30, preceding the period, by inserting "up to a maximum of 50 percent of the amount in the budget stabilization fund"; and the concurrent resolution be adopted as amended.

Committee on **Commerce and Labor** recommends **HB 2238** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2238," as follows: "Substitute for HOUSE BILL No. 2238

By Committee on Commerce and Labor

"AN ACT concerning construction contracts; relating to retention in public and private construction contracts; amending K.S.A. 16-1802, 16-1804, 16-1902 and 16-1904 and repealing the existing sections."; and the substitute bill be passed.

(Sub. HB 2238 was thereupon introduced and read by title.)

Education Budget Committee recommends HB 2239 be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 15 and inserting the following:

- "Section 1. K.S.A. 2009 Supp. 72-7536 is hereby amended to read as follows: 72-7536. (a) The purpose of this section is to allow any person desiring to obtain, analyze and compare financial and performance data of school districts the ability to do so.
- (b) On or before December 31, 2005, The state board of education shall design and implement a uniform system of reporting of such data by school districts. Such system shall be an internet-based data reporting system which is freely available and accessible. Such system shall allow a person to search and manipulate the data and allow for the comparison of data on a district by district basis. Such system may be designed so that school districts may input directly the district's financial and performance data in lieu of reporting data to the state board.
- (c) On or before December 31, 2011, the state board shall modify the system so that it includes detailed records of revenue and expenditure transactions of school districts that conform to the uniform chart of accounts prescribed by the state board under K.S.A. 2009 Supp. 72-8254, and amendments thereto. The state board shall require school districts to submit detailed revenue and expenditure records to the state board in an electronic format that is prescribed by the state board.
- Sec. 2. K.S.A. 2009 Supp. 72-8253 is hereby amended to read as follows: 72-8253. (a) Each school district shall compile and report expenditures of the district in providing programs required by law and the number of pupils enrolled in such programs. Such information shall be compiled and reported in the manner required by the department reported in accordance with the uniform chart of accounts prescribed by the state board under K.S.A. 2009 Supp. 72-8254, and amendments thereto.
- (b) The department state board shall verify, on an on-going basis, expenditures of school districts in providing programs required by law and the number of pupils enrolled in such programs. Such verification may be conducted on a sample-basis of school districts.
- Sec. 3. K.S.A. 2009 Supp. 72-8254 is hereby amended to read as follows: 72-8254. (a) The state board of education shall adopt a uniform chart of accounts for the reporting of receipts and expenditures of school districts.
- (b) In order to achieve uniform reporting of receipts and expenditures by school districts in school district budgets, districts shall report expenditures in the manner required and in reports submitted to the state board of education, districts shall report receipts and expend-

itures of the district in accordance with the uniform chart of accounts adopted by the state board.

- (c) If the state board determines that a school district has failed to report the receipts and expenditures of the school district in accordance with the uniform chart of accounts as required by this section, the state board shall calculate the total amount of receipts or expenditures that were incorrectly reported. The state board shall deduct an amount equal to 10% of such total from the general state aid payable to the district during the next school year.
- Sec. 4. K.S.A. 75-1124 is hereby amended to read as follows: 75-1124. (a) A copy of each audit report with recommendations, if any, rendered by any licensed municipal public accountant or certified public accountant upon the completion of any audits provided for by K.S.A. 10-1208, 12-866, 13-1243, 13-14d12 or 75-1122, and any amendments to such statutes, shall be filed with the director of accounts and reports within one year after the end of the audit period of the audit unless an extension of time is granted by the director of accounts and reports. Final payment to any accountant performing a municipal audit shall not be made until a copy of such report has been so filed as shown by a statement of the director of accounts and reports.
- (b) The audit report prepared for a school district shall include a statement of assurance that the school district has reported the receipts and expenditures of the district in accordance with the uniform chart of accounts prescribed by the state board under K.S.A. 2009 Supp. 72-8254, and amendments thereto. A copy of such audit report also shall be filed with the state board of education.
- Sec. 5. K.S.A. 75-1124 and K.S.A. 2009 Supp. 72-7536, 72-8253 and 72-8254 are hereby repealed.";

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking "enacting the Kansas uniform finan-"; by striking all in line 10; in line 11, by striking all before the period and inserting "relating to reports submitted to the state board of education; amending K.S.A. 75-1124 and K.S.A. 2009 Supp. 72-7536, 72-8253 and 72-8254 and repealing the existing sections"; and the bill be passed as amended.

**Education Budget Committee** recommends **HB 2647** be amended on page 1, in line 20, by striking "state financial aid" and inserting "local activities budget computation factor"; in line 21, after "year" by inserting "as determined under section 2, and amendments thereto"; in line 30, by striking "state financial aid" and inserting "local activities budget computation factor";

On page 2, in line 14, by striking "state financial aid" and inserting "local activities budget computation factor";

On page 3, after line 4, by inserting the following:

- "Sec. 2. Each school year, the state board of education shall determine the local activities budget computation factor of each school district as follows:
  - (a) Determine the full-time equivalent enrollment of the district; and
- (b) multiply the number determined under (a) by the amount of base state aid per pupil. The product is the budget computation factor of the district.";

And by renumbering the remaining sections accordingly;

Also on page 3, in line 13, by striking all after "(b)"; by striking all in lines 14 through 22; in line 23, by striking "(c)"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2575** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2575," as follows:

# "Substitute for HOUSE BILL No. 2575

By Committee on Health and Human Services

"AN ACT concerning naturopathic doctors; licensure; 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."; and the substitute bill be passed.

(Sub. HB 2575 was thereupon introduced and read by title.)

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2702**, An act concerning crimes, criminal procedure and punishment; relating to transmission of sexually explicit or nude images of minors; amending K.S.A. 21-3516 and repealing the existing section, by Committee on Federal and State Affairs.

On motion of Rep. Merrick, the House recessed until 4:30 p.m.

# LATE AFTERNOON SESSION

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

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Schwartz in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Schwartz, Committee of the Whole report, as follows, was adopted: Recommended that discussion resume on **HB 2490**; also, roll call was demanded on motion of Rep. Bollier to amend on page 3, after line 9, by inserting the following:

"New Sec. 2. 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 is delivered, issued for delivery, amended or renewed on and after July 1, 2010, shall exclude coverage for illnesses and medical conditions caused substantially and directly by the use of tobacco products. Coverage for such illnesses and medical conditions caused by the use of tobacco products may be obtained through an optional rider for which an additional premium is paid.";

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 70; Nays 46; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Kelley, Kiegerl, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Yoder.

Nays: A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Dillmore, Faber, Fund, George, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Jack, Kerschen, King, Kinzer, Knox, McLeland, Meier, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Colloton, Donohoe, Goico, Huebert, Johnson, Landwehr, Peterson, Swanson.

The motion of Rep. Bollier prevailed.

Also, on motion of Rep. Carlin to amend **HB 2490**, the motion did not prevail.

Also, on motion of Rep. Mah, **HB 2490** be amended on page 3, after line 9, by inserting the following:

"New Sec. 2. 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 is delivered, issued for delivery,

amended or renewed on and after July 1, 2010, shall exclude coverage for erectile dysfunction. Coverage for erectile dysfunction may be obtained through an optional rider for which an additional premium is paid.";

And by renumbering sections accordingly;

Also, on motion of Rep. Dillmore, **HB 2490** be rereferred to Committee on Insurance. Committee report to **HB 2604** be adopted; and the bill be passed as amended.

#### REPORT ON ENGROSSED BILLS

HB 2442 reported correctly engrossed February 16, 2010.

Also, HB 2508, HB 2609 reported correctly engrossed February 17, 2010.

## REPORT ON ENROLLED BILLS

 ${
m HB~2414}$  reported correctly enrolled, properly signed and presented to the governor on February 16, 2010.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Thursday, February 18, 2010.

# Journal of the House

#### TWENTY-EIGHTH DAY

Hall of the House of Representatives, Topeka, KS, Thursday, February 18, 2010, 9:00~a.m.

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

The roll was called with 122 members present.

Reps. Donohoe and Johnson were excused on verified illness.

Rep. Bethell was excused on legislative business.

Prayer by guest chaplain, Chaplain John Potter, Joint Support Chaplain with the Kansas Army National Guard, Topeka:

As we enter a season of sacrifice, help us to understand sacrifice as You intended

Let us see past these forty days of eating different foods. Let us see farther than our finances at home. Let us see beyond the service of the soldier, the airman, the sailor, and the marine.

Instead, let us see sacrifice as living an obedient life. One where we fall on our faces, repent of our wrongs, and commit our lives anew.

Enable us to be people of true sacrifice O God. Sacrifice understood by the work and atoning death of Jesus Christ, our Lord and Savior.

And now may the Lord bless you and keep you, may the Lord make His face to shine upon you, and be gracious to you; may the Lord lift up His countenance upon you, and give you peace. Amen.

The Pledge of Allegiance was led by Rep. Gordon.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: SB 395, SB 396, SB 497.

Calendar and Printing: HB 2700, HB 2702.

Commerce and Labor: SB 377.

Corrections and Juvenile Justice: Sub. SB 353.

Elections: Sub. SB 416, SB 417, SB 420.

Federal and State Affairs: SB 453; SCR 1622.

Financial Institutions: SB 424.

Health and Human Services: SB 489, SB 490, SB 491.

Judiciary: SB 222, SB 234, SB 305, SB 363, SB 398, SB 437, SB 438, SB 439, SB 440, SB 441.

Local Government: HB 2701, SB 464.

Taxation: SB 430.

Transportation: SB 367, SB 408, SB 483, SB 518.

Education Budget: SB 354, SB 362.

#### CONSENT CALENDAR

No objection was made to **HB 2657** appearing on the Consent Calendar for the first day.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2408**, An act concerning information technology; requiring state agencies to perform periodic reviews of network security, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Kinzer, Landwehr, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

**HB 2506**, An act concerning crimes, criminal procedure and punishment; relating to the Kansas parole board; considerations of the parole board when determining eligibility; amending K.S.A. 2009 Supp. 22-3717 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 23; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hineman, M. Holmes, Horst, Kerschen, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Brunk, Crum, Goyle, Hermanson, C. Holmes, Huebert, Jack, Kelley, Kiegerl, Kinzer, Kleeb, Landwehr, Mast, O'Brien, Otto, Patton, Rhoades, Schwartz, Suellentrop, Talia, Ward, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

**HB 2508**, An act concerning crimes, criminal procedure and punishment; relating to the Kansas parole board; deferral of parole board hearings; amending K.S.A. 2009 Supp. 22-3717 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 83; Nays 39; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Grange, Grant, Hawk, Henderson, Henry, Hill, Hineman, M. Holmes, Horst, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, O'Neal, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swen-

son, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Faber, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Mast, McLeland, Merrick, Neufeld, O'Brien, Olson, Otto, Patton, Peck, Powell, Rhoades, Schwartz, Seiwert, Siegfreid, Suellentrop, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**Sub. HB 2509**, An act concerning work release; relating to the release of sexually violent predators; amending K.S.A. 75-5267 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The substitute bill passed.

**HB 2510**, An act amending the vehicle dealers and manufacturers licensing act; relating to temporary vehicle registration; amending K.S.A. 8-2409 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

**HB 2547**, An act amending the vehicle dealers and manufacturers licensing act; amending K.S.A. 8-2410, 8-2413, 8-2414, 8-2415, 8-2416, 8-2417 and 8-2419 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 15; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Light, Loganbill, Lukert, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Palmer, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Frownfelter, Henderson, Kinzer, Landwehr, Lane, Long, Mah, O'Brien, Otto, Patton, Peterson, Ruiz, Whitham, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

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 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

**HB 2566**, An act concerning the food, drug and cosmetic act, relating to the secretary of agriculture; authorizing the secretary of agriculture to perform certain duties; amending K.S.A. 65-626, 65-635, 65-641, 65-653, 65-655, 65-656, 65-658, 65-665, 65-676, 65-679a, 65-684, 65-685 and 65-686 and K.S.A. 2009 Supp. 65-657 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane,

Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

**HB 2572**, An act concerning state government; relating to the consolidation of information technology, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

**HB 2585**, An act concerning marriage license fees; relating to poverty; amending K.S.A. 2009 Supp. 23-108a and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Finney, Fund, Furtado, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, C. Holmes, M. Holmes, Horst, Jack, Kelley, King, Kinzer, Kleeb, Knox, Mast, McCray-Miller, Meier, Merrick, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Spalding, Suellentrop, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Benlon, Burroughs, Carlin, Dillmore, Faber, Feuerborn, Flaharty, Frownfelter, Garcia, D. Gatewood, Gordon, Hawk, Henderson, Hill, Hineman, Huebert, Kerschen, Kiegerl, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McLeland, Menghini, Morrison, Neighbor, Otto, Peterson, Phelps, Pottorff, Ruiz, Schwartz, Sloan, Swanson, Tafanelli, Vickrey, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quig-

ley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The 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 106; Nays 16; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Faber, Finney, Flaharty, Fund, Furtado, Garcia, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Benlon, Burroughs, Dillmore, Feuerborn, Frownfelter, D. Gatewood, Grant, Long, Mah, McCray-Miller, Menghini, Neighbor, Phelps, Ruiz, Ward, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**HB 2650**, An act designating part of United States highway 75 as the James Lane Freedom Trail memorial highway; amending K.S.A. 68-1051 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

**HB 2652**, An act concerning the Kelsey Smith act; amending K.S.A. 2009 Supp. 22-4615 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

#### 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.Á. 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 "59-2967,"; 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 "59-2967,"; 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

On motion of Rep. Morrison, the conference committee report on **HB 2195** was adopted. On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett,

Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted: Recommended that committee report to **HB 2676** be adopted; and the bill be passed as

amended that committee report to **HB 2676** be adopted; and the bill be passed as amended.

Committee report to **HB 2410** be adopted; also, on motion of Rep. Winn to amend, the motion did not prevail. Also, on motion of Rep. Trimmer to amend **HB 2410**, the motion did not prevail; and the bill be passed as amended.

#### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Craft are spread upon the journal: Ft. Riley is the home of the 1st Infantry Division, The Big Red One. By 2013, Ft. Riley expects over 18,000 soldiers to be assigned here, which is quite an increase over the 10,000 soldiers on base in 2005.

Currently over 8,000 soldiers are deployed in support of the War on Terrorism. In March and April an additional 3,150 soldiers will deploy.

Along with Ft. Riley other military establishments in Kansas are Ft. Leavenworth, McConnell Air Force Base and Forbes. Total economic impact of the military in Kansas is \$7.7 billion, representing almost 170,000 jobs.

The following members of the military are here with us today: Col. John Dvoracek, Deputy Garrison Commander for Transformation; Col. David Imhoff, Deputy Chief of Staff for Strategic Effects, who just returned in October with the 2nd Brigade from Iraq; Capt. Josh Mantz, Gen. Petersen's aide de camp, a recent returnee from Iraq; and Col. Michael Foster, Commander of the 184th Intelligence Wing, Kansas Air National Guard, Wichita.

Please join me in recognizing the thousands of military representatives who live and work in Kansas. Please join me in honoring them for their service.

#### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Fund are spread upon the journal:

The Governor signed a Proclamation that today, February 18, is Kansas Phi Theta Kappa All-State Academic Team Day. And today I am proud to introduce to you the Phi Theta Kappa All State Academic Team.

Phi Theta Kappa is an International Honor Society for two year colleges that symbolizes excellence in higher education and a commitment to students. Students with a GPA of 3.5 or higher are invited to join Phi Theta Kappa whose mission is two-fold: to recognize and encourage the academic achievement of two-year college students, and to provide opportunities for individual growth and development through participation in honors, leadership, service and fellowship programming.

Forty nine students have been named to the All Kansas Academic Team and they represent all Nineteen Kansas community colleges from across Kansas and were named to this team based upon their academic achievement, leadership and community service. Nineteen

representatives of this group of scholars are on the floor with me today and the remaining scholars are in the gallery today.

Because of their academic achievement, service and leadership they have been awarded scholarship and stipends to complete their education and I wanted to be sure you were aware of this impressive group of young scholars from the Kansas Community Colleges.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted: Recommended that committee report to **HB 2667** be adopted; also, roll call was demanded on motion of Rep. A. Brown to amend on page 24, following line 18, by inserting:

"New Sec. 52. (a) A covenant marriage is a marriage entered into by one male and one female who understand and agree that the marriage between them is a lifelong relationship. Parties to a covenant marriage have received counseling emphasizing the nature and purposes of marriage and the responsibilities thereto. Only when there has been a complete and total breach of the marital covenant commitment may the nonbreaching party seek a declaration that the marriage is no longer legally recognized.

- (b) A man and woman may contract a covenant marriage by declaring their intent to do so on their application for a marriage license as provided in K.S.A. 23-106, and amendments thereto, and executing a declaration of intent to contract a covenant marriage, as provided in subsection (c). The application for a marriage license and the declaration of intent shall be filed with the district court which issues the marriage license.
  - (c) A declaration of intent to contract a covenant marriage shall contain all of the following:
  - (1) A recitation by the parties to the following effect:

#### "A COVENANT MARRIAGE

We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We have chosen each other carefully and disclosed to one another everything which could adversely affect the decision to enter into this marriage. We have received premarital counseling on the nature, purposes and responsibilities of marriage. We have read the covenant marriage act, and we understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling.

With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Kansas law on covenant marriages and we promise to love, honor and care for one another as husband and wife for the rest of our lives."

- (2) (A) An affidavit by the parties that they have received premarital counseling from a priest, minister, rabbi, clergy person or organized ministry of any religious denomination or sect, including a Christian Science practitioner, or a licensed marriage and family therapist, which counseling shall include a discussion of the seriousness of covenant marriage, communication of the fact that a covenant marriage is a commitment for life, a discussion of the obligation to seek marital counseling in times of marital difficulties, and a discussion of the exclusive grounds for legally terminating a covenant marriage by divorce or by divorce after separate maintenance.
- (B) A notarized attestation, signed by the counselor and attached to or included in the parties' affidavit, confirming that the parties were counseled as to the nature and purpose of the marriage and the grounds for termination thereof and an acknowledging that the counselor provided to the parties the informational pamphlet developed and promulgated by the office of the attorney general, pursuant to section 4, and amendments thereto, which pamphlet entitled the covenant marriage act provides a full explanation of the terms and conditions of a covenant marriage.
  - (3) (A) The signature of both parties witnessed by a notary.
- (B) If one or both of the parties are minors, the written consent or authorization of those persons required by law to consent to or authorize the marriage of minors.

- (d) The declaration shall contain two separate documents, the recitation and the affidavit, the latter of which shall include the attestation either included therein or attached thereto. The recitation shall be prepared in duplicate originals, one of which shall be retained by the parties and the other, together with the affidavit and attestation, shall be registered and recorded as provided in article 1 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto.
- (e) In addition to any fee for a marriage license, the supreme court shall establish by rule a covenant marriage fee not to exceed \$25.

New Sec. 53. (a) A covenant marriage shall be governed by all of the provisions of article 1 of chapter 23 of the Kansas Statutes Annotated and article 16 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(b) As used in this act, "counselor" includes but is not limited to, a priest, minister, rabbi, clergy person or organized ministry of any religious denomination or sect, including Christian Science practitioner, or a licensed marriage and family therapist.

New Sec. 54. (a) On or after July 1, 1998, married couples may execute a declaration of intent to designate their marriage as a covenant marriage to be governed by the laws relative thereto.

- (b) (1) This declaration of intent in the form and containing the contents required by subsection (c) shall be presented to the district court who issued the couple's marriage license and the secretary of health and environment with whom the couple's marriage license is filed. If the couple were married outside of this state, a copy of the foreign marriage certificate, with the declaration of intent attached thereto, shall be filed with the district court who issues marriage licenses in the county in which the couple is domiciled. The court shall make a notation on the marriage certificate of the declaration of intent of a covenant marriage and attach a copy of the declaration to the certificate.
- (2) On or before the fifteenth day of each calendar month, the court shall forward to the secretary of health and environment each declaration of intent of a covenant marriage filed with the court during the preceding calendar month pursuant to this section.
- (c) (1) A declaration of intent to designate a marriage as a covenant marriage shall contain all of the following:
  - (A) A recitation by the parties to the following effect:

#### "A COVENANT MARRIAGE

We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We understand the nature, purpose and responsibilities of marriage. We have read the covenant marriage act, and we understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling.

With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Kansas law on covenant marriage, and we renew our promise to love, honor and care for one another as husband and wife for the rest of our lives."

- (B) (i) An affidavit by the parties that they have discussed their intent to designate their marriage as a covenant marriage with a priest, minister, rabbi, clergy person or organized ministry of any religious denomination or sect, including a Christian Science practitioner, or a licensed marriage and family therapist, which included a discussion of the obligation to seek marital counseling in times of marital difficulties and the exclusive grounds for legally terminating a covenant marriage by divorce or by divorce after separate maintenance.
- (ii) A notarized attestation, signed by the counselor and attached to the parties' affidavit, acknowledging that the counselor provided to the parties the information pamphlet developed and promulgated by the office of the attorney general, pursuant to section 4, and amendments thereto, which pamphlet entitled the covenant marriage act provides a full explanation of the terms and conditions of a covenant marriage.
  - (iii) The signature of both parties witnessed by a notary.
- (2) The declaration shall contain two separate documents, the recitation and the affidavit, the latter of which shall include the attestation either included therein or attached thereto. The recitation shall be prepared in duplicate originals, one of which shall be retained by

the parties and the other, together with the affidavit and attestation, shall be filed as provided in subsection (b).

(d) The court shall collect a declaration of intent of a covenant marriage fee as established by the supreme court by rule in an amount not to exceed \$50.

New Sec. 55. On or before July 1, 1998, the office of the attorney general shall develop and promulgate an informational pamphlet entitled "covenant marriage act". Such pamphlet shall outline in sufficient detail the consequences of entering into a covenant marriage. Such pamphlet shall be made available to any counselor who provides marriage counseling as provided for by this act.

Sec. 56. K.S.A. 23-105 is hereby amended to read as follows: 23-105. All marriages, including covenant marriages, occurring within the state shall be registered under the supervision of the secretary of health and environment as provided in K.S.A. 65-102, and amendments thereto.

Sec. 57. K.S.A. 23-106 is hereby amended to read as follows: 23-106. (a) The clerks of the district courts or judges thereof, when applied to for a marriage license by any person who is one of the parties to the proposed marriage and who is legally entitled to a marriage license, shall issue a marriage license in substance as follows:

## MARRIAGE LICENSE

(Name of place where office located, month,

day and year.)

TO ANY PERSON authorized by law to perform the marriage ceremony,
Greeting:
You are hereby authorized to join in marriage A B of

You are hereby authorized to join	n in marriage A B of	, date of birth
, and C D of	, date of birth	, (and name of parent
or guardian consenting), and of this	license, duly endorsed, yo	ou will make due return to this
office immediately after performing	g the ceremony.	

E F, (title of person issuing the license).

(b) If such parties intend the marriage to be a covenant marriage, a declaration of intent to contract a covenant marriage, as established in section 1, and amendments thereto, shall be attached to the marriage license and the license shall also include the following:

"We,(name of intended wife) and(name of intended husband), do hereby declare our intent to contract a covenant marriage and, accordingly, have executed a declaration of intent attached hereto."

- $\frac{\langle b \rangle}{(c)}$  No clerk or judge of the district court shall issue a marriage license before the third calendar day (Sunday and holidays included) following the date of the filing of the application therefor in such clerk's or judge's office except that in cases of emergency or extraordinary circumstances, a judge of the district court may upon proper showing being made, permit by order of the court the issuance of such marriage license without waiting three days. Each district court shall keep a record of all marriages resulting from licenses issued by the court, which record shall show the names of the persons who were married and the date of the marriage.
  - (c) (d) No clerk or judge shall issue a license authorizing the marriage of any person:
- (1) Under the age of 16 years, except that a judge of the district court may, after due investigation, give consent and issue the license authorizing the marriage of a person 15 years of age when the marriage is in the best interest of the person 15 years of age; or
- (2) who is 16 or 17 years of age without the express consent of such person's father, mother or legal guardian and the consent of the judge unless consent of both the mother and father and any legal guardian or all then living parents and any legal guardian is given in which case the consent of the judge shall not be required. If not given in person at the time of the application, the consent shall be evidenced by a written certificate subscribed thereto and duly attested. Where the applicants or either of them are 16 or 17 years of age and their parents are dead and there is no legal guardian then a judge of the district court may after due investigation give consent and issue the license authorizing the marriage.
- $\frac{\text{(d)}}{\text{(e)}}$  The judge or clerk may issue a license upon the affidavit of the party personally appearing and applying therefor, to the effect that the parties to whom such license is to be issued are of lawful age, as required by this section, and the judge or clerk is hereby authorized to administer oaths for that purpose.

- $\stackrel{\text{(e)}}{\text{(f)}}$  Every person swearing falsely in such affidavit shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500. A clerk or judge of the district court shall state in every license the birth dates of the parties applying for the same, and if either or both are 16 or 17 years of age, the name of the father, mother, or guardian consenting to such marriage.
- (f) (g) Every marriage license shall expire at the end of six months from the date of issuance if the marriage for which the license was issued does not take place within the six-month period of time.
- Sec. 58. K.S.A. 23-109 is hereby amended to read as follows: 23-109. (a) Every person who performs a marriage ceremony under the provisions of this act shall endorse the person's certificate of the marriage on the license, give the duplicate copy of the license to the parties to the marriage and return the license, along with a copy of the declaration of intent to contract a covenant marriage if applicable, within 10 days after the marriage, to the judge or clerk of the district court who issued it. The judge or clerk shall record the marriage on the marriage record in the office of the judge or clerk and shall forward, not later than the third day of the following month, to the secretary of health and environment the license and certificate of marriage, along with a copy of the declaration of intent to contract a covenant marriage if applicable, together with a statement of the names of the parties and the name and address of the person who performed the marriage ceremony.
- (b) If no marriage license has been issued by the judge or clerk of the district court during a month, the judge or clerk shall promptly notify the secretary of health and environment to that effect on a form provided for that purpose.
- Sec. 59. K.S.A. 60-1601 is hereby amended to read as follows: 60-1601. (a) (1) Except in the case of a covenant marriage, the district court shall grant a decree of divorce or separate maintenance for any of the following grounds: (1) (A) Incompatibility; (2) (B) failure to perform a material marital duty or obligation; or (3) (C) incompatibility by reason of mental illness or mental incapacity of one or both spouses.
- (b) (2) The ground of incompatibility by reason of mental illness or mental incapacity of one or both spouses shall require a finding of either:  $\frac{1}{12}$  (A) Confinement of the spouse in an institution by reason of mental illness for a period of two years, which confinement need not be continuous; or  $\frac{2}{12}$  (B) an adjudication of mental illness or mental incapacity of the spouse by a court of competent jurisdiction while the spouse is confined in an institution by reason of mental illness. In either case, there must be a finding by at least two of three physicians, appointed by the court before which the action is pending, that the mentally ill or mentally incapacitated spouse has a poor prognosis for recovery from the mental illness or mental incapacity, based upon general knowledge available at the time. A decree granted on the ground of incompatibility by reason of mental illness or mental incapacity of one or both spouses shall not relieve a party from contributing to the support and maintenance of the mentally ill or mentally incapacitated spouse. If both spouses are confined to institutions because of mental illness or mental incapacity, the guardian of either spouse may file a petition for divorce and the court may grant the divorce on the ground of incompatibility by reason of mental illness or mental incapacity.
- (b) Notwithstanding any other law to the contrary and subsequent to the parties obtaining counseling, the district court shall grant a decree of divorce to a spouse of a covenant marriage only upon proof of any of the following grounds:
  - (1) The other spouse has committed adultery.
- (2) The other spouse has been convicted of capital murder, as provided in, K.S.A. 21-3439, and amendments thereto, murder in the first degree, as provided in, K.S.A. 21-3401, and amendments thereto, murder in the second degree, as provided in, K.S.A. 21-3402, and amendments thereto, voluntary manslaughter, as provided in, K.S.A. 21-3403, and amendments thereto, involuntary manslaughter, as provided in, K.S.A. 21-3404 or 21-3442, and amendments thereto, rape, as provided in, K.S.A. 21-3502, and amendments thereto, indecent liberties with a child, as provided in, K.S.A. 21-3503, and amendments thereto, aggravated indecent liberties with a child, as provided in, K.S.A. 21-3504, and amendments thereto, criminal sodomy subsection (a)(2) and (a)(3) of K.S.A. 21-3505, and amendments thereto, aggravated criminal sodomy, as provided in, K.S.A. 21-3506, and amendments thereto, indecent solicitation of a child, as provided in, K.S.A. 21-3510, and amendments

thereto, aggravated indecent solicitation of a child, as provided in, K.S.A. 21-3511, and amendments thereto, sexual exploitation of a child, as provided in, K.S.A. 21-3516, and amendments thereto, aggravated sexual battery, as provided in, K.S.A. 21-3518, and amendments thereto or any conviction for a felony offense that is comparable to a crime listed above, or any federal or other state conviction for a felony offense that under the laws of this state would be an offense as listed above.

(3) The other spouse has abandoned the matrimonial domicile for a period of one year and constantly refuses to return.

(4) The other spouse has physically or sexually abused the spouse seeking the divorce or a child of one of the spouses.

(5) The spouses have been living separate and apart continuously without reconciliation for a period of two years.

(6) (A) The spouses have been living separate and apart continuously without reconciliation for a period of one year from the date the judgment of separate maintenance was signed.

(B) If there is a minor child or children of the marriage, the spouses have been living separate and apart continuously without reconciliation for a period of one year and six months from the date the judgment of separate maintenance was signed. However, if abuse of a child of the marriage or a child of one of the spouses is the basis for which the judgment of separate maintenance was obtained, then a judgment of divorce may be obtained if the spouses have been living separate and apart continuously without reconciliation for a period of one year from the date the judgment of separate maintenance was signed.

(C) Notwithstanding any other law to the contrary and subsequent to the parties obtaining counseling, the district court shall grant a decree of separate maintenance to a spouse of a covenant marriage upon proof of any of the following grounds:

(1) The other spouse has committed adultery.

- (2) The other spouse has been convicted of capital murder K.S.A. 21-3439 and amendments thereto, murder in the first degree, as provided in, K.S.A. 21-3401, and amendments thereto, murder in the second degree, as provided in, K.S.A. 21-3402, and amendments thereto, voluntary manslaughter, as provided in, K.S.A. 21-3403, and amendments thereto, involuntary manslaughter, as provided in, K.S.A. 21-3404 or 21-3442, and amendments thereto, rape, as provided in K.S.A. 21-3502, and amendments thereto, indecent liberties with a child, as provided in, K.S.A. 21-3503, and amendments thereto, aggravated indecent liberties with a child, as provided in, K.S.A. 21-3504, and amendments thereto, criminal sodomy subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto, aggravated criminal sodomy, as provided in, K.S.A. 21-3506, and amendments thereto, indecent solicitation of a child, as provided in, K.S.A. 21-3510, and amendments thereto, aggravated indecent solicitation of a child, as provided in, K.S.A. 21-3511, and amendments thereto, sexual exploitation of a child, as provided in, K.S.A. 21-3516, and amendments thereto, aggravated sexual battery, as provided in, K.S.A. 21-3518, and amendments thereto or any conviction for a felony offense that is comparable to a crime listed above, or any federal or other state conviction for a felony offense that under the laws of this state would be an offense as listed above.
- (3) The other spouse has abandoned the matrimonial domicile for a period of one year and constantly refuses to return.
- (4) The other spouse has physically or sexually abused the spouse seeking the divorce or a child of one of the spouses.
- (5) The spouses have been living separate and apart continuously without reconciliation for a period of two years.
- (6) On account of habitual intemperance of the other spouse, or excesses, cruel treatment, or outrages of the other spouse, if habitual intemperance, or such ill-treatment is of such a nature as to render their living together insupportable.";

And by renumbering remaining sections accordingly;

Also on page 24, in line 19, after "23-101," by inserting "23-105, 23-106, 23-109,"; in line

20, after "4,118," by inserting "60-1601,"; In the title, in line 12, after "302b," by inserting "23-105, 23-106, 23-109,"; also in line 12, after "23-4,118," by inserting "60-1601,";

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

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Faber, Fund, S. Gatewood, George, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Mast, McLeland, Meier, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Seiwert, Shultz, Siegfreid, Slattery, Suellentrop, Swanson, Talia, Vickrey, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Furtado, Garcia, D. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Hineman, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Neighbor, Peterson, Phelps, Quigley, Rardin, Roth, Ruiz, Schwab, Schwartz, Sloan, Spalding, D. Svaty, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Colloton, Donohoe, Frownfelter, Grange, Johnson.

The motion of Rep. A. Brown prevailed; and HB 2667 be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on Taxation recommends HB 2520 be passed.

Committee on **Taxation** recommends **HB 2621** be amended on page 2, by striking all in lines 17 through 43;

By striking all on pages 3 through 7;

On page 8, by striking all in lines 1 through 38;

And by renumbering sections accordingly;

On page 9, in line 4, after the period by inserting "The credit shall be claimed on a return filed electronically.":

On page 10, in line 5, after the stricken material by inserting "Any investor who has not owed any Kansas income tax under the provisions of article 32, chapter 79 of the Kansas Statutes Annotated for the immediate past three taxable years, who does not reasonably believe that it will owe any such tax for the current taxable year and who makes a cash investment in a qualified security of a qualified Kansas business shall be deemed to acquire an interest in the nature of a transferable credit limited to an amount equal to 50% of this cash investment. This interest may only be transferred when approved by KTEC to any natural person of net worth, as defined in 17 C.F.R. 230.501(a) as in effect on the effective date of this act whether or not such person is then an investor and be claimed by the transferee as a credit against the transferee's Kansas income tax liability beginning in the year provided in subsection (a). No person shall be entitled to a refund for the interest created under this section. Only the full credit for any one investment may be transferred and this interest may only be transferred one time. A credit acquired by transfer shall be subject to the limitations prescribed in this section. Documentation of any credit acquired by transfer shall be provided by the investor in the manner required by the director of taxation."; in line 6, after the stricken material by inserting "(f)"; by striking all in lines 12 through 43:

By striking all on pages 11 and 12;

On page 13, by striking all in lines 20 through 28;

And by renumbering sections accordingly;

Also on page 13, in line 30, by striking all after "Supp."; in line 31, by striking "79-32,197a, 79-32,199a, 79-32,199b,"; also in line 31, after "79-32,207" by striking the comma and inserting "and"; in line 32, by striking "and 79-32,261";

On page 1, in line 9, by striking all following the semicolon; in line 10, by striking "iting future transferability thereof;"; also in line 10, before "amending" by inserting "angel investor tax credit, procedure;"; in line 11, by striking all after "Supp."; in line 12, by striking all before "74-8133"; also in line 12, by striking all after "74-8133"; in line 13, by striking "32,199b and 79-32,261"; in line 14, by striking "74-50,208,"; in line 15, by striking "79-32,197a,"; and the bill be passed as amended.

On motion of Rep. Merrick, the House recessed until 1:30 p.m.

# AFTERNOON SESSION

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2703**, An act concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; retirement benefits, maximum; employee contributions, increase; amending K.S.A. 74-4958, 74-4958a and 74-4965 and repealing the existing sections, by Committee on Appropriations.

#### MESSAGES FROM THE GOVERNOR

HB 2125; S. Sub. for HB 2353; HB 2414 approved on February 18, 2010.

#### MESSAGE FROM THE SENATE

Announcing passage of SB 345, SB 369, SB 370, SB 381, SB 386, SB 389, SB 390, SB 409, SB 423, SB 427, SB 461, SB 471, SB 482, SB 512.

Announcing passage of HB 2476, as amended by S. Sub. for HB 2476.

The Senate adopts conference committee report on S. Sub. for HB 2222.

# INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 345, SB 369, SB 370, SB 381, SB 386, SB 389, SB 390, SB 409, SB 423, SB 427, SB 461, SB 471, SB 482, SB 512.

### 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 YODER Ray Merrick Bill Feuerborn

Conferees on part of House

On motion of Rep. Yoder, the conference committee report on S. Sub. for HB 2222 was adopted.

On roll call, the vote was: Yeas 114; Nays 5; Present but not voting: 0; Absent or not voting: 6.

Yeas: Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Goico, Knox, Landwehr, Otto.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Donohoe, Garcia, Johnson, Peterson.

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

# COMMITTEE OF THE WHOLE

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

Recommended that, having voted on the prevailing side, pursuant to House Rule 2303, Rep. Schwab moved that the adverse action in not recommending **HB 2515** favorably for passage (see HJ, p. 956) be reconsidered. The motion prevailed.

The question then reverted back to the motion to recommend **HB 2515** favorably for passage. Roll call was demanded.

On roll call, the vote was: Yeas 64; Nays 55; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, A. Brown, Brunk, Burgess, Burroughs, Carlson, Craft, Crum, DeGraaf, Faber, Frownfelter, Fund, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Rardin, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Suellentrop, Swanson, Tafanelli, Vickrey, Ward, Whitham, K. Wolf, Yoder.

Nays: Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Furtado, D. Gatewood, S. Gatewood, Hawk, Henderson, Henry, Hill, Kelley, Kiegerl, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Proehl, Quigley, Roth, Ruiz, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Wetta, Williams, Winn, B. Wolf, Worley.

Present but not voting: None. Absent or not voting: Ballard, Bethell, Donohoe, Garcia, Johnson, Peterson.

The motion prevailed and **HB 2515** be passed as amended.

**HB 2584**, **HB 2588**, **HB 2661**, **HB 2552** be passed.

HB 2640, HB 2505 be passed over and retain a place on the calendar.

Committee report to **HB 2432** be adopted; and the bill be passed as amended.

Committee report to **HB 2577** be adopted; and the bill be passed as amended.

Committee report to **HB 2589** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2517** be adopted; and the substitute bill be passed.

Committee report to **HB 2280** be adopted; also, on motion of Rep. Otto be amended on page 9, after line 25, by inserting the following:

"Sec. 4. 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.";

And by renumbering the remaining sections accordingly;

Also on page 9, in line 26, after "Sec. 4." by inserting "K.S.A. 72-8804 and"; in line 29, by striking "statute book" and inserting "Kansas register"

In the title, in line 11, after "amending" by inserting "K.S.A. 72-8804 and";

Also, on motion of Rep. Talia to amend HB 2280, Rep. Knox requested the question be divided.

The question was divided. On Part A, **HB 2280** be amended on page 4, by striking all in lines 35 through 43;

On page 5, by striking all in lines 1 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 9, by striking all in lines 1 through 27;

Roll call was demanded on motion to amend HB 2280 on Part B, by inserting:

- "Section 1. (a) When a board of education issues a request for proposal or a request for quotation for the construction of any new school building, all bidders responding to the request shall provide construction cost estimates for the school building along with alternates as specified by the bid documents.
  - (b) The board shall retain the option to select any, or none, of the alternates.
- (c) The provisions of this section shall not apply to the construction of any new school building if the bidding for the construction has closed prior to the effective date of this act.
  - (d) As used in this section:
- (1) "Alternate" means a bid, apart from the base cost estimates concerning the construction of the new school building, itemizing all the energy efficiency measures that fit the school's size, function and location.
- (2) "Bid document" means the construction drawings, specification documents and any other construction documents related to the base cost estimate, the request for proposal or the request for quotation.
  - (3) "Board of education" means the board of education of any school district.
- (4) "Energy efficiency measures" mean the use of features or equipment designed to provide energy, utility and operational cost savings and may include, but are not limited to, the following:
- (A) Insulation in walls, roofs, floors and foundations and in heating and cooling distribution systems:
  - (B) building envelope items, such as roofing, masonry, foundation, windows and doors;
  - (C) automated or computerized energy control systems;
- (D) geothermal heating or cooling pumps, heating, ventilating or air conditioning and distribution system modifications or replacements;
  - (E) caulking and weather-stripping;
- (F) 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;
  - (G) energy recovery systems;
  - (H) daylighting systems;
- (I) cogeneration systems that produce steam or forms of energy such as heat, as well as electricity;
- (J) tankless hot water systems, solar hot water systems and low-flow bathroom fixtures and toilets; and
- (K) any other modification, installation or remodeling approved as an energy, utility or operational cost savings measure by the board of education.
- (5) "School building" means any building or structure operated or used for any purpose by, or located upon the land of, any school district. "School building" does not mean any building or structure operated or used for any purpose by, or located upon the land of, a private school or any owner-occupied, single-family dwelling in which instruction is provided by a home school.
- Sec. 2. (a) When a postsecondary educational institution issues a request for proposal or a request for quotation for the construction of any new building, all bidders responding to the request shall provide construction cost estimates for the building along with alternates as specified by the bid documents.
- (b) The postsecondary educational institution shall retain the option to select any, or none, of the alternates
- (c) The provisions of this section shall not apply to the construction of any new building if the bidding for the construction has closed prior to the effective date of this act.

- (d) As used in this section: (1) "Alternate" means a bid, apart from the base cost estimates concerning the construction of the new school building, itemizing all the energy efficiency measures that fit the school's size, function and location.
- (2) "Bid document" means the construction drawings, specification documents and any other construction documents related to the base cost estimate, the request for proposal or the request for quotation.
- (3) "Building" means any building or structure operated or used for any purpose by, or located upon the land of, any postsecondary educational institution or private postsecondary educational institution.
- (4) "Postsecondary educational institution" has the meaning ascribed thereto in K.S.A. 74-3201b, and amendments thereto.
- (5) "Energy efficiency measures" mean the use of features or equipment designed to provide energy, utility and operational cost savings and may include, but are not limited to, the following:
- (A) Insulation in walls, roofs, floors and foundations and in heating and cooling distribution systems;
  - (B) building envelope items, such as roofing, masonry, foundation, windows and doors;
  - (C) automated or computerized energy control systems;
- (D) geothermal heating or cooling pumps, heating, ventilating or air conditioning and distribution system modifications or replacements;
  - (E) caulking and weather-stripping;
- (F) 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;
  - (G) energy recovery systems;
  - (H) daylighting systems;
- (I) cogeneration systems that produce steam or forms of energy such as heat, as well as electricity;
- (J) tankless hot water systems, solar hot water systems and low-flow bathroom fixtures and toilets; and
- (K) any other modification, installation or remodeling approved as an energy, utility or operational cost savings measure by the board of education.
- (e) The provisions of this section shall not apply to any postsecondary educational institution that does not receive or expend any state moneys to pay for energy, utility or operational costs.";

And by renumbering remaining section accordingly;

Also on page 9, in line 29, 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; in line 13, by striking all before the period and inserting "construction of new buildings; relating to schools, colleges and universities; relating to energy efficiency";

On roll call, the vote was: Yeas 56; Nays 64; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, T. Brown, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, C. Holmes, Horst, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Quigley, Rardin, Ruiz, Slattery, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, Worley.

Nays: Aurand, Bollier, Bowers, Brookens, A. Brown, Brunk, Carlson, Colloton, Craft, Crum, DeGraaf, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hineman, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Light, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Spalding, Suellentrop, Swanson, Tafanelli, Vickrey, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Garcia, Johnson, Peterson.

Part B of the motion of Rep. Talia did not prevail.

On motion of Rep. Faber to rerefer **HB 2280** to Committee on Education Budget, Rep. Colloton, having voted on the prevailing side, offered a substitute motion to reconsider the action in adoption of Part A of Rep. Talia's amendment. The motion prevailed.

The question then reverted back to Part A of the Talia motion to amend, which did not prevail.

On motion of Rep. Feuerborn, **HB 2280** be amended on page 7, after line 40, by inserting the following:

"(iv) For contractual bond obligations incurred by a school district on or after July 1, 1992, if 10 years has lapsed since the time the qualified electors of a school district last approved the issuance of bonds pursuant to K.S.A. 72-6761, and amendments thereto, the state aid computation percentage is 25%;";

On page 8, in line 4, by striking "and (4)(B)(iii) and inserting ", (4)(B)(iii) and (4)(B)(iv)"; and **HB 2280** be passed as amended.

Committee report to **HB 2595** be adopted; and the bill be passed as amended.

Committee report to **HB 2601** be adopted; also, on motion of Rep. Aurand be amended on page 5, by striking all in line 33; in line 34, by striking "follows: 72-6455.";

On page 7, in line 15, by striking "If" and inserting "Except as provided by paragraph (C), if"; after line 25, by inserting the following:

"(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."; and **HB 2601** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2453** be adopted; also, on motion of Rep. Peck to amend, the motion did not prevail, and the substitute bill be passed.

On motion of Rep. Brookens, **HB 2429** be rereferred to Committee on Judiciary.

Committee report to HCR 5026 be adopted; and the resolution be adopted as amended.

Committee report to **HB 2471** be adopted; and the bill be passed as amended.

Committee report to **HB 2581** be adopted; and the bill be passed as amended.

Committee report to **HB 2540** be adopted; and the bill be passed as amended.

Committee report to **HB 2631** be adopted; and the bill be passed as amended.

Committee report to **HB 2605** be adopted; and the bill be passed as amended.

Committee report to HB 2637 be adopted; and the bill be passed as amended.

Committee report to **HB 2448** be adopted; and the bill be passed as amended.

Committee report to **HB 2619** be adopted; and the bill be passed as amended.

On motion of Rep. Dillmore to amend **HB 2478**, the motion was withdrawn; and the bill be passed.

Committee report to **HB 2472** be adopted; also, on motion of Rep. M. Holmes to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2561** be adopted; and the bill be passed as amended.

On motion of Rep. Brunk, **HB 2596** be referred to Committee on Federal and State Affairs.

On motion of Rep. Whitham, **HB 2656** be amended on page 95, in line 22, after "date" by inserting "and the time";

On page 118, in line 13, by striking the comma;

On page 122, in line 7, by striking "(B), (C) and (D)" and inserting "(A)(ii) through (vii)";

On page 126, after line 25, by inserting the following:

"(e) Nominee. In an action in which any relief sought would determine title or affect a security interest in real property, a person who is subject to service of process must be joined as a party if the person is a nominee of record on behalf of a beneficial owner of a claimed interest in the property that is the subject of the action. The nominee need not be a party required to be joined under subsection (a)(1).";

On page 185, in line 36, by striking "60-236" and inserting "60-230";

On page 194, in line 40, by striking all after "K.S.A." and inserting "75-4351 through 75-";

On page 225, in line 22, by striking the comma where it appears for the last time;

On page 243, in line 9, after "Kansas" by inserting ", by a person licensed as a private detective pursuant to K.S.A. 75-7b01 et seq., and amendments thereto,"; in line 15, by

striking "or" and inserting a comma; also in line 15, after "attorney" by inserting "or a licensed private detective";

On page 251, in line 35, by striking "copy"; in line 36, by striking "service" and inserting "services";

On page 324, in line 32, by striking all after "If"; in line 33, by striking "stance"; also in line 33, by striking "closed for business" and inserting "inaccessible"; and **HB 2656** be passed as amended.

Committee report to **HB 2660** be adopted; also, on motion of Rep. DeGraaf be amended on page 1, following line 27, by inserting the following:

- "New Sec. 3. (a) On and after January 1, 2011, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one Boy Scouts of America license plate for each such passenger vehicle or truck. In addition to the license plate, a person issued such a license plate may request a decal for the order of the arrow, wood badge, God and county award and eagle scout for each license plate. 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) A Boy Scouts of America council may authorize the use of their logo to be affixed on license plates or any decal as provided by this section. Any royalty payment received pursuant to this section shall be paid to the Boy Scouts of America and shall be used to support the Boy Scouts of America. Any motor vehicle owner or lessee annually may apply to the Boy Scouts of America for the use of such logo. Upon annual application and payment to the Boy Scouts of America in an amount of not less than \$25 nor more than \$100 as a logo use royalty payment for each license plate and decal to be issued, the Boy Scouts of America 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 or truck 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 Boy Scouts of America councils shall:
  - (1) Pay the initial cost of silk-screening for license plates authorized by this section; and
- (2) provide to all county treasurers a toll-free telephone number where applicants can call the Boy Scouts of America councils for information concerning the application process or the status of their license plate application.
- (g) The Boy Scouts of America councils, with the approval of the director of vehicles and subject to the availability of materials and equipment, shall design a plate and decals to be issued under the provisions of this section.
- (h) A fee of \$2 shall be paid for each decal issued under this section. Such decals shall be affixed to the license plate in the location required by the director.";

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 10, following "concerning" by inserting "the registration thereof; regulating"; in line 11, preceding the semicolon, by inserting "; providing for a Boy Scouts of America license plate"; and **HB 2660** be passed as amended.

Committee report to  $\mathbf{H}\hat{\mathbf{B}}$  2239 be adopted; also, on motion of Rep. Aurand be amended on page 3, in line 25, after "year" by inserting "or \$10,000, whichever is less";

Also, on motion of Rep. Lane, **HB 2239** be amended on page 3, after line 43, by inserting the following:

"New Sec. 5. The legislature shall appropriate sufficient funds to pay the costs incurred by the state board of education and school districts which are attributable to the implementation of, and compliance with, the provisions of this act.";

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Aurand, **HB 2239** be amended on page 3, in line 19, by striking all in lines 19 through 25; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2238** be adopted; and the substitute bill be passed.

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

# INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2704**, An act concerning school districts; relating to school finance; relating to consolidation; amending K.S.A. 2009 Supp. 72-6412 and 72-8701 and repealing the existing sections, by Committee on Appropriations.

#### REPORT ON ENGROSSED BILLS

**HB 2515, HB 2547, HB 2638, HB 2652** reported correctly engrossed February 17, 2010.

Also, **HB 2410**, **HB 2604**, **HB 2667**, **HB 2676** reported correctly engrossed February 18, 2010.

Also, HB 2195 reported correctly re-engrossed on February 18, 2010.

On motion of Rep. Merrick, the House adjourned until  $9:00~\mathrm{a.m.}$ , Friday, February 19, 2010.

# Journal of the House

# TWENTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, February 19, 2010, 9:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair. The roll was called with 122 members present.

Reps. Donohoe and Johnson were excused on verified illness.

Rep. Bethell was excused on legislative business.

Prayer by Chaplain Brubaker:

Our Heavenly Father, We read in the Gospels how you multiplied the five loaves of bread and two fish to feed the five thousand men, plus the women and children. It was a miracle indeed. Today as our representatives work to meet the needs of what must seem to be 5,000+ agencies and departmentseach with legitimate needs it seems as though they are trying to fulfill the needs with five loaves and two fish. We either need a miracle . . . or Your wisdom to guide us. As we enter into a long weekend, we ask that You give us clear minds and a clear direction of how to resolve these needs and issues . . or nicer weather so we can go fishing! In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Maloney.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2705**, 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 Appropriations

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **SB 345**, **SB 386**. Economic Development and Tourism: **SB 482**.

Elections: SB 423.

Insurance: SB 389, SB 390.

Judiciary: SB 369, SB 370, SB 381, SB 471.

Taxation: SB 427. Transportation: SB 409. Education Budget: SB 512.

General Government Budget: SB 461. Select Committee on KPERS: HB 2703.

#### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of HB 2428 from Committee on Vision 2020 and referral to Committee on Federal and State Affairs.

#### MESSAGE FROM THE SENATE

Announcing passage of Sub. SB 67; SB 346, SB 372, SB 373, SB 382, SB 406, SB 411, SB 415, SB 419, SB 429, SB 434, SB 458, SB 459; Sub. SB 462; Sub. SB 475; SB 484, SB 485, SB 500; Sub. SB 514; SB 519, SB 537.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 67; SB 346, SB 372, SB 373, SB 382, SB 406, SB 411, SB 415, SB 419, SB 429, SB 434, SB 458, SB 459; Sub. SB 462; Sub. SB 475; SB 484, SB 485, SB 500; Sub. SB 514; SB 519, SB 537.

#### CONSENT CALENDAR

No objection was made to **HB 2657** appearing on the Consent Calendar for the second day.

# FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Kinzer in the chair.

# COMMITTEE OF THE WHOLE

On motion of Rep. Kinzer, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2582** be passed.

On motion of Rep. Patton, HB 2668 be amended on page 27, in line 27, by striking "(a)(2)(B)" and inserting "(b)(2)(B)";

On page 45, in line 9, by striking "under";

On page 51, in line 30, by striking "may"; in line 31, by striking "be" and inserting "is"; On page 53, in line 1, by striking "(a)(1)" and inserting "(a)(5)"; in line 2, by striking "(a)(2)" and inserting "(a)(4)"; in line 3, by striking "subsections" and inserting "subsection (a)(1), (a)(2),"; also in line 3, by striking ", (a)(4), (a)(5)";

On page 76, in line 15, by striking "(i)";

On page 90, in line 25, by striking "prescribed" and inserting "in"; in line 27, by striking "prescribed";

On page 91, in line 43, by striking "which is" and inserting "as"; also in line 43, by striking "subsection (e) of section 1 of 2009 House Bill":

On page 92, in line 1, by striking "No. 2236" and inserting "K.S.A. 2009 Supp. 21-36a01"; in line 11, by striking "fo" and inserting "of"; in line 27, after "as" by inserting "in";

On page 99, in line 33, by striking "Subsections (a)(1) through" and inserting "Subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6) or"; in line 39, by striking "subsections" and inserting "subsection"; also in line 39, by striking "and" and inserting "or"; On page 107, in line 10, by striking "K.S.A. 21-3910" and inserting "section 169";

On page 124, in line 21, after "K.S.A." by inserting "2009 Supp."; On page 125, in line 15, after "K.S.A." by inserting "2009 Supp.";

On page 129, in line 17, after "K.S.A." by inserting "2009 Supp.";

On page 141, in line 42, by striking "act" and inserting "section";

On page 147, in line 15, after the semicolon by inserting "and"; in line 33, by striking "and" and inserting "or";

On page 148, in line 1, by striking "subsections" and inserting "subsection"; also in line 1, by striking "and" and inserting "or"; in line 5, by striking "described" and inserting "defined"; also in line 5, by striking "subsections" and inserting "subsection"; also in line 5, by striking "and" and inserting "or";

On page 160, in line 23, by striking "K.S.A. 21-4603" and inserting "section 274";

On page 166, in line 1, by striking "K.S.A. 21-4705" and inserting "section 289";

On page 192, in line 38, by striking "K.S.A. 21-3516" and inserting "section 74";

On page 194, in line 8, after "the" where it appears the second time, by inserting "revised Kansas"; in line 9, by striking "K.S.A. 21-4701 et seq." and inserting "sections 285 through

On page 223, in line 15, by striking "1966" and inserting "1996";

On page 225, in line 38, by striking "K.S.A. 21-4729" and inserting "section 308"; On page 239, in line 27, after "the" where it appears the second time, by inserting "revised"; and **HB 2668** be passed as amended.

Committee report recommending a substitute bill to Sub. HB 2575 be adopted; and the substitute bill be passed.

Committee report to HB 2446 be adopted; also, on motion of Rep. Siegfreid, be referred to Committee on Appropriations.

Committee report to **HB 2557** be adopted; and the bill be passed as amended.

**HB 2560** be referred to Committee on Federal and State Affairs.

#### INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick pursuant to House Rule 2311, HB 2668; Sub. HB 2575; HB 2582, HB 2557 were advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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- $3444,\ 21\text{-}3445,\ 21\text{-}3446,\ 21\text{-}3447,\ 21\text{-}3448,\ 21\text{-}3449,\ 21\text{-}3450,\ 21\text{-}3451,\ 21\text{-}3452,\ 21\text{-}3501,$ 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, 21-4009, 21-4010, 21-4011, 21-4012, 21-4013, 21-4014, 21-4016, 21-4017, 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 - 4212, 21 - 4212, 21 - 4213, 21 - 4216, 21 - 4212, 21 - 4212, 21 - 4213, 21 - 4214, 221-4219, 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, 221-4601, 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,  $21-4201,\ 21-4203,\ 21-4204,\ 21-4205,\ 21-4217,\ 21-4218,\ 21-4226,\ 21-4310,\ 21-4315,\ 21-4217,\ 21-4218,\ 21-4221,\ 21-4218,\ 21-4219,\ 21-4$ 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 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson, Neufeld.

The bill passed, as amended.

**Sub. HB 2575**, An act concerning naturopathic doctors; licensure; 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 100; Nays 22; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, S. Gatewood, George, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Palmer, Pauls, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brookens, Carlson, Faber, D. Gatewood, Goico, Hayzlett, Huebert, Jack, Kinzer, Light, Meier, Olson, Otto, Patton, Peck, Peterson, Powell, Schroeder, Schwab, Siegfreid, Tafanelli, Wetta.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The substitute bill passed.

**HB 2582**, An act concerning crimes, criminal procedure and punishment; relating to property crimes; amending K.S.A. 2009 Supp. 21-4704 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

# FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**Sub. HB 2238**, An act concerning construction contracts; relating to retention in public and private construction contracts; amending K.S.A. 16-1802, 16-1804, 16-1902 and 16-1904 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Bowers, Brookens, A. Brown, Burgess, Carlson, Craft, Crum, Dillmore, Faber, Feuerborn, Frownfelter, Fund, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Long, Lukert, Maloney, Mast, McLeland, Merrick, Myers, Neufeld, O'Neal, Olson, Palmer, Pauls, Peck, Phelps, Powell, Prescott, Rhoades, Roth, Ruiz, Schwartz, Seiwert, Siegfreid, Sloan, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Brunk, Burroughs, Carlin, Colloton, Crow, Davis, DeGraaf, Finney, Flaharty, Furtado, Garcia, Henry, Kerschen, Lane, Light, Loganbill, Mah, McCray-Miller, Meier, Menghini, Morrison, Moxley, Neighbor, O'Brien, Otto, Patton, Peterson, Pottorff, Proehl, Quigley, Rardin, Schroeder, Schwab, Shultz, Slattery, Spalding, K. Wolf.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The substitute bill passed.

**HB 2239**, An act concerning school districts; relating to reports submitted to the state board of education; amending K.S.A. 75-1124 and K.S.A. 2009 Supp. 72-7536, 72-8253 and 72-8254 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 64; Nays 58; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Suellentrop, Swanson, Tafanelli, Whitham, B. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

### EXPLANATIONS OF VOTE

MR. SPEAKER: In all good conscience, I can't vote for a bill that is a mandate on schools when we continue to cut funding, aid to schools is continually mailed out late, and we have a \$350 to \$400 million dollar budget shortfall. Amendments were continually being drawn at the well to get votes without knowing what the financial impact will be to either the districts or the budget. I vote NO on **HB 2239.**—CINDY NEIGHBOR

MR. SPEAKER: On **HB 2239**, no one can tell us how many questions are to be asked, how many categories of questions they have or even what categories are to be included. What we have is not a law but merely a concept. Concept as law equals chaos. I vote no.— SHERYL SPALDING, PAT COLLOTON

MR. SPEAKER: I was against this but we took the penalties out, and it will not burden schools to make them account for money so that everyone can understand where they spend it. Mr. Speaker, I vote yes on **HB 2239**.—BILL OTTO

MR. SPEAKER: I vote yes on **HB 2239**. Kansas taxpayers, businesses and families are continuing to make tremendous sacrifices in order to fund our schools, which constitute the dominant portion of our state budget. This is a basic step to ensure this investment is being spent efficiently. It's constructed in a fashion that provides a minimal impact to our schools, and represents a measured remedy to the stunning reality that we currently have no consistent accounting of a three billion dollar investment.—ARLEN SIEGFREID, VIRGIL PECK, IR., TOM J. MOXLEY

MR. SPEAKER: **HB 2239** establishes uniform reporting and accounting standards for the largest portion of our State budget. Using a uniform chart of accounts, K-12 expenditure data becomes comparable across the state. By consistently identifying where the districts are directing money, and which districts are doing so efficiently, we will enable them to focus on the best way to impact our students. By voting in favor of this bill we are demanding government accountability and transparency on behalf of our constituents. For this reason, I vote YES on **HB 2239**.—PEGGY MAST, PHIL HERMANSON, MARVIN G. KLEEB, AARON JACK, CONNIE O'BRIEN, DAN KERSCHEN, WILLIAM R. PRESCOTT, MITCH HOLMES, JOE SEIWERT, GENE SUELLENTROP, STEVE HUEBERT

**HB 2280**, An act concerning school districts; relating to state aid for capital improvements and capital outlay; amending K.S.A. 72-8804 and K.S.A. 2009 Supp. 72-8814 and 75-2319 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 65; Nays 57; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Benlon, Bollier, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Crum, DeGraaf, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Shultz, Siegfreid, Sloan, Spalding, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hineman, Kerschen, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Rardin, Ruiz, Seiwert, Slattery, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

# EXPLANATION OF VOTE

Mr. Speaker: A particularly onerous portion of this bill would force districts of less than 400 students and 200 square miles to seek and receive permission to receive *any* assistance for stand aid toward building projects. This treats these rural school boards differently than all other districts in the state.

Having always strongly believed in local control, this is absolutely taking that away from many of our smallest districts. Local taxpayers have trusted their decisions to locally elected officials who will now have to go hat-in-hand to state authorities.

Based on principles of fairness and local control, I vote no on HB 2280.—STEVE LUKERT

#### PROTEST

Mr. Speaker: Pursuant to Article 2, Section 10, of the constitution of the State of Kansas, we protest the passage of **HB 2280**.

The Legislature has begun to make cumulative changes to the school financing formula which the Legislature had enacted when the Montoy case was dismissed, moving further and further away from making suitable provision for finance of public schools. HB 2280 is another step away from constitutionality. As the Kansas Supreme Court has stated, The ultimate State purpose in offering a system of public schools is to provide an environment where quality education can be afforded to all. Provance v. Shawnee Mission U.S. D. No. 512, 231 Kan. 636, 643 (1982). When the provision of school facilities is more costly for the taxpayers of one district than for those of another, there is inequity in funding. HB 2280 recreates just that disparity. The general theory of our educational system is that every child in the state, without regard to race, creed, or wealth shall have the facilities for a free education. (Emphasis added.) State v. Smith, 155 Kan. 588, 595 (1942). Constitutionality is lacking when there are concentrations of resources in property-rich school districts that are taxing low while property-poor districts that are taxing high cannot generate sufficient revenues to meet even minimum standards. This bill moves back toward the time when school districts were required to raise capital outlay expenses locally allowing wealthier districts ever greater access to capital outlay expenditures than poorer districts and thus increasing funding. — Marti Crow, Delia Garcia, Valdenia Winn, Don Svaty, Jerry Williams, Annie Kuether, Tom Hawk, Judith Loganbill, Julie Menghini, Ann Mah, Annie TIETZE, DOLORES FURTADO, LOUIS E. RUIZ, GERALDINE FLAHARTY, BILL FEUERBORN, GAIL FINNEY, HAROLD LANE, MELANY BARNES, NILE DILLMORE, STAN FROWNFELTER, MICHAEL PETERSON, JERRY HENRY, BARBARA BALLARD, BRODERICK HENDERSON, MELODY McCray-Miller, Shirley Palmer, Paul Davis, Vince Wetta, Ed Trimmer, BOB GRANT, TONY BROWN, EBER PHELPS

**HB 2410**, An act concerning school districts; relating to school finance; relating to atrisk pupils, was considered on final action.

On roll call, the vote was: Yeas 74; Nays 48; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Benlon, Bollier, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mah, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Spalding, Suellentrop, Swanson, Tafanelli, Talia, Vickrey, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Kuether, Lane, Light, Loganbill, Long, Lukert, McCray-Miller, Meier, Menghini, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Rardin, Ruiz, Slattery, D. Svaty, Swenson, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**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, 21-3213, 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 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quig-

ley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The 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, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: Hill.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**Sub. HB 2453**, An act concerning crimes and punishment; relating to controlled substances; presence of a minor; amending K.S.A. 2009 Supp. 21-36a01, 21-36a05, 21-36a10 and 21-36a13 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crow, McCray-Miller.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The substitute bill passed.

**HB 2471**, An act concerning cities; relating to annexation of territory; amending K.S.A. 2009 Supp. 12-520 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Carlin, Crow, Kuether.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**HB 2472**, 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, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ward.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**HB 2478**, An act concerning cities; relating to annexation, was considered on final action. On roll call, the vote was: Yeas 94; Nays 28; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlson, Craft, Crum, DeGraaf, Feuerborn, Finney, Flaharty, Frownfelter, Fund, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rardin, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Suellentrop, D. Svaty, Tafanelli, Talia, Trimmer, Vickrey, Wetta, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bollier, Carlin, Colloton, Crow, Davis, Dillmore, Faber, Furtado, Garcia, Kleeb, Kuether, Light, Loganbill, Menghini, Neighbor, Quigley, Roth, Ruiz, Slattery, Spalding, Swanson, Swenson, Tietze, Ward, Whitham, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

**HB 2515**, An act concerning cities and counties; relating to residential fire protection sprinkler systems, was considered on final action.

On roll call, the vote was: Yeas 60; Nays 62; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Crum, DeGraaf, Frownfelter, Fund, George, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, McLeland, Merrick, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Rardin, Rhoades, Schwab, Schwartz, Seiwert, Siegfreid, Slattery, Suellentrop, Swanson, Tafanelli, Talia, Vickrey, Ward, Whitham, B. Wolf, K. Wolf, Yoder

Nays: Ballard, Barnes, Benlon, Bollier, Bowers, T. Brown, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Kelley, Kiegerl, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Proehl, Quigley, Roth, Ruiz, Schroeder, Shultz, Sloan, Spalding, D. Svaty, Swenson, Tietze, Trimmer, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill did not pass.

#### EXPLANATION OF VOTE

MR. Speaker: I vote yes on **HB 2515**. I am in favor of local governments being able to require fire protection sprinkler systems in public buildings such as schools and even apartment buildings, but when there's the potential of such a requirement being extended to family residences, I must question that local control should trump individual control. Opponents and proponents couldn't agree on the cost of such a system, another reason why the decision should be made by individual homeowners rather than a governmental entity. Education regarding the importance of sprinklers seems to be a better approach for firefighters and governmental officials to take instead of code requirements.—Deena Horst

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, 21-4603d, 22-2909 and 75-712 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The substitute bill passed.

**HB 2540**, An act concerning municipal bonds; amending K.S.A. 10-131 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 12; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder

Nays: A. Brown, Crum, Fund, Kelley, Kinzer, Mast, Olson, Peck, Proehl, Siegfreid, Tafanelli, Whitham.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

 $HB\ 2552$ , An act enacting the midwest interstate passenger rail compact, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 10; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Carlson, Faber, Kinzer, Olson, Peck, Powell, Schwab, Siegfreid. Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

**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, was considered on final action.

On roll call, the vote was: Yeas 87; Nays 35; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Crow, Crum, Davis, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, George, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, Jack, Kerschen, King, Kleeb, Knox, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, O'Neal, Palmer, Patton, Pauls, Peterson, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Shultz, Slattery, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Carlson, Craft, DeGraaf, Dillmore, S. Gatewood, Grange, Henderson, M. Holmes, Horst, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Lane, Mast, McLeland, Merrick, Neufeld, O'Brien, Olson, Otto, Peck, Phelps, Powell, Schwab, Seiwert, Siegfreid, Sloan, Suellentrop, Tafanelli, Whitham, Winn, Yoder.

Present but not voting: None. Absent or not voting: Bethell, Donohoe, Johnson. 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, was considered on final action. On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 0; Absent or not voting: 2

Yeas: Ballard, Barnes, Benlon, Bollier, Bowers, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Brookens, A. Brown, Carlson, DeGraaf, Hayzlett, King, Morrison, Otto, Patton, Powell, Schwab, Tafanelli.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**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 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert,

Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

**HB 2588**, An act concerning prepaid funerals; increasing the limitation on irrevocable funds; amending K.S.A. 16-303 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

**HB 2589**, An act concerning prearranged funeral agreements; requiring certain disclosures, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**HB 2595**, An act concerning school districts; relating to the provision of transportation; amending K.S.A. 2009 Supp. 72-1046b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 22; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Crum, DeGraaf, Faber, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Henderson, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Light, Loganbill, Long, Mah, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swenson, Tafanelli, Talia, Vickrey, Whitham, Winn, K. Wolf, Worley, Yoder.

Nays: Craft, Crow, Davis, Dillmore, Feuerborn, D. Gatewood, Grant, Henry, Kelley, Landwehr, Lane, Lukert, Meier, Menghini, Palmer, Swanson, Tietze, Trimmer, Ward, Wetta, Williams, B. Wolf.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**HB 2601**, An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6455 and 72-6459 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Bowers, Henry.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

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; amending K.S.A. 2009 Supp. 28-176 and repealing the existing section, was considered on final action. On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not

voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quig-

ley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

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, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: Bollier.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**HB 2631**, An act concerning the state of Kansas; regarding real estate owned or operated by a state agency; the department of transportation, reporting requirements, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**HB 2637**, An act concerning court fees; relating to fees for the Kansas bureau of investigations DNA database; amending K.S.A. 2009 Supp. 75-724 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Henderson, Kuether, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

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, 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, 61-3504, 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 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze,

Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**HB 2660**, An act relating to motor vehicles; concerning the registration thereof; regulating recreational off-highway vehicles; providing for a Boy Scouts of America license plate; amending K.S.A. 2009 Supp. 8-126, 8-128, 8-197, 8-1486, 8-1493, 8-1494 and 8-2118 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Swanson.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

**HB 2667**, An act concerning domestic relations; relating to recodification of certain domestic relations matters; amending K.S.A. 20-164, 20-165, 20-302b, 23-105, 23-106, 23-109, 23-4,118, 60-1601, 60-1606, 60-1613, 60-1620, 60-1629 and 60-3107 and K.S.A. 2009

Supp. 12-5005 and repealing the existing sections; also repealing K.S.A. 23-101, 23-201, 60-1608, 60-1611, 60-1612 and 60-1616 and K.S.A. 2009 Supp. 60-1610, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 38; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, DeGraaf, Faber, Fund, D. Gatewood, S. Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Maloney, Mast, McCray-Miller, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Suellentrop, D. Svaty, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, Gordon, Goyle, Hawk, Henderson, Kuether, Lane, Loganbill, Long, Mah, Menghini, Neighbor, Peterson, Phelps, Quigley, Rardin, Roth, Ruiz, Spalding, Swenson, Tietze, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

**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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

HCR 5026, 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, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 9; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley,

Myers, Neighbor, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Faber, Kerschen, Kiegerl, Neufeld, Olson, Peck, Siegfreid, Vickrey.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The resolution was adopted, as amended.

### REPORT OF STANDING COMMITTEE

Your Committee on Calendar and Printing recommends on requests for resolutions and certificates that

**Request No. 37**, by Representative Mast, congratulating Daniel Tye on achieving the rank of Eagle Scout;

**Request No. 38**, by Representative Winn, congratulating Wallace Rachford for being named to the Phi Theta Kappa All-Kansas 2010 Academic Team;

Request No. 39, by Representative Winn, congratulating Breanne Somolik for being named to the Phi Theta Kappa All-Kansas 2010 Academic Team;

**Request No. 40**, by Representative Winn, congratulating Dr. R.L. Baynham and Congregation of Metropolitan Baptist Church on its 120th year Anniversary;

**Request No. 41**, by Representative Hill, congratulating Daniel Tye on achieving the rank of Eagle Scout;

**Request No. 42**, by Representative Lukert, congratulating Lela Brooks on her 100th birthday;

**Request No. 43**, by Representative Kiegerl, congratulating Fred and Martha Lindsey on their 50th Wedding Anniversary;

**Request No. 44**, by Representative Olson, commending Dr. Rick Brown in recognition of his contribution as the K.C. Metro President for the K.C.A.;

**Request No. 45**, by Representative Landwehr, congratulating William and LaVerne (Baur) Purcell on their 50th wedding anniversary;

**Request No. 46**, by Representatives Garcia and Ballard, congratulating Janet Murgua for her outstanding public service leadership as President/CEO of the National Council of La Raza, our own Wise Latina from Kansas;

**Request No. 47**, by Representatives Garcia and Ballard, congratulating Mary Murgua for her outstanding public service leadership as U. S. District Court Judge in Arizona, our own Wise Latina from Kansas;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2706, 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 Appropriations.

**HB 2707**, An act concerning political subdivision budget expenditures from revenues produced by property tax levies; providing limitations thereon; repealing K.S.A. 2009 Supp. 79-2925b, by Committee on Taxation.

Speaker O'Neal announced the withdrawal of **Sub. HB 2430** from the calendar, under the heading General Orders, and referral to Committee on Federal and State Affairs.

# CORRECTION OF REFERENCE

Speaker O'Neal announced **HB 2704** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Education Budget, should be corrected to be referred to Committee on Education.

# REPORT ON ENGROSSED BILLS

HB 2432, HB 2577, HB 2589 reported correctly engrossed February 18, 2010.

On motion of Rep. Merrick, the House adjourned pro form a until 3:00 p.m., Tuesday, February 23, 2010.

# Journal of the House

# THIRTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, February 23, 2010, 3:00 p.m.

The House met session pro forma pursuant to recess with Speaker pro tem Siegfreid in the chair.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2708**, An act concerning property taxation; relating to appraisal of certain real property; amending K.S.A. 2009 Supp. 79-1476 and repealing the existing section, by Committee on Taxation.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: HB 2705, HB 2706.

Corrections and Juvenile Justice: Sub. SB 67; SB 346, SB 411, SB 434, SB 458, SB 459.

Education: **SB 485**. Elections: **SB 419**.

Federal and State Affairs: **Sub. SB 514**. Financial Institutions: **SB 382, SB 415**.

Health and Human Services: Sub. SB 475; SB 500.

Judiciary: SB 372, SB 373, SB 519, SB 537. Taxation: HB 2707; SB 406, SB 429.

Transportation: **Sub. SB 462**; **SB 484**.

#### MESSAGE FROM THE SENATE

Announcing passage of SB 351, SB 414, SB 425, SB 455, SB 508, SB 531, SB 533.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 351, SB 414, SB 425, SB 455, SB 508, SB 531, SB 533.

# REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2544** be amended on page 3, following line 14, by inserting the following:

"(n) On July 1, 2014, or on the date that all of the rights and title to all real and personal property acquired by the trust have been conveyed, assigned or otherwise transferred in the name of the trust pursuant to K.S.A. 2009 Supp. 49-511 through 49-517, and amendments thereto, and the instruments of conveyance, assignment or other transfer have been finally executed, whichever date occurs first, the trust is hereby abolished and the office of each member of the trust is hereby abolished.";

On page 1, in the title, in line 10, preceding "amending", by inserting "providing for abolition of the trust;"; and the bill be passed as amended.

# BILLS STRICKEN FROM THE CALENDAR

In accordance with House Rule 1507, the following bills, appearing on the calendar under the heading General Orders on February 19, are stricken from the calendar:

Sub. HB 2413; HB 2439, HB 2467, HB 2483, HB 2497, HB 2505, HB 2507, HB 2518, HB 2529; Sub. HB 2583; HB 2623, HB 2640, HB 2647, HB 2663.

#### REPORT ON ENGROSSED BILLS

HB 2239, HB 2280, HB 2448, HB 2471, HB 2601, HB 2605, HB 2619, HB 2631, HB 2637, HB 2660 reported correctly engrossed February 23, 2010.

# REPORT ON ENGROSSED RESOLUTIONS

HCR 5026 reported correctly engrossed February 23, 2010.

On motion of Rep. Mast, the House adjourned until 11:00 a.m., Wednesday, February  $24,\,2010.$ 

# Journal of the House

# THIRTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, February 24, 2010, 11:00 a.m.

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

The roll was called with 120 members present.

Rep. Johnson was excused on verified illness.

Rep. O'Neal was excused on legislative business.

Reps. Benlon, Colloton and Peterson were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Dr. Max Clayton, pastor, First United Methodist Church, Topeka, and guest of Rep. Tietze:

Almighty God, we bless and praise you that we have wakened to the light of another earthly day; and now we will think of what a day should be.

You create our days therefore; let them be spent for you. Our days are few; let them be spent with care. We pray God to shine on this day — the day, which we may call our own.

Lord, we continue to try to complete our daily work; help us to see that our work is important to the state of Kansas. Show us clearly what our responsibilities are to its citizens; help us to be faithful in doing it. Let all we do be well done, fit for your eye to see. Give us strength to do, patience to bear; let our courage never fail.

When our work becomes hard and the joy of our work is difficult to experience, let us think of this important work as your task; and by our love and commitment to you, make unlovely things shine in the light of your great love. Amen.

The Pledge of Allegiance was led by Rep. Seiwert.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2709**, An act concerning income taxation; relating to determination of Kansas adjusted gross income; certain excess employer social security taxes paid; amending K.S.A. 2009 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills appearing in the calendar as "To be referred," were referred to committees as indicated:

Appropriations: SB 414.

Commerce and Labor: SB 425, SB 531.

Health and Human Services: SB 508.

Judiciary: SB 455, SB 533.

Taxation: **HB 2708**.

Transportation: **SB 351**.

# INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

# HOUSE RESOLUTION No. 6018-

By Committee on Agriculture and Natural Resources

A RESOLUTION supporting a review, investigation and enforcement of the antitrust laws in relation to the marketing opportunities available to independent livestock producers.

WHEREAS, United States beef directly competes with pork and poultry; and

WHEREAS, Beef prices are influenced by pork and poultry; and

WHEREAS, Demand for beef is influenced by supply and price of pork and poultry; and WHEREAS, Cattle prices continually decrease while retail prices remain the highest ever; and

WHEREAS, 88% of beef is controlled by four major companies, Tyson Foods, Cargill, IBS and National Beef Packing Company; and

WHEREAS, 66% of pork is controlled by four major packers, Tyson Foods, Cargill, JBS and Smithfield Foods; and

WHEREAS, 52% of poultry broilers are controlled by two companies, Tyson Foods and JBS; and

WHEREAS, 55% of the turkey industry is controlled by four companies, Butterball LLC, Hormel Foods, Cargill and Sara Lee; and

WHEREAS, Companies controlling beef, poultry and pork have a protein monopsony: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Legislature of the State of Kansas appeals to the Kansas Congressional Delegation, Department of Justice, the Congress of the United States of America and the President of the United States of America, to review, investigate and enforce the antitrust laws and Packers and Stockyards Act in relation to the inhibited marketing opportunities available to independent livestock producers as it relates to the monopsony of the protein industry; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to the Department of Justice and the Kansas Congressional Delegation.

# CONSENT CALENDAR

No objection was made to **HB 2657** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

# FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Speaker pro tem Siegfried announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over today.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Fund in the chair.

# COMMITTEE OF THE WHOLE

On motion of Rep. Fund, Committee of the Whole report, as follows, was adopted: Recommended that committee report to  ${\bf SB~62}$  be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 316** be adopted; and the substitute bill be passed.

#### COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Siegfreid announced the reappointment of Rep. Donohoe to Committee on Appropriations to replace Rep. Shultz, and reappointment as Vice-Chair of the Committee on Economic Development and Tourism.

#### REPORT ON ENGROSSED BILLS

S. Sub. for HB 2222 reported correctly re-engrossed February 19, 2010.

Also, **HB 2472**, **HB 2540**, **HB 2557**, **HB 2561**, **HB 2581**, **HB 2595** reported correctly engrossed February 23, 2010.

Also, HB 2656, HB 2668 reported correctly engrossed February 24, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, February 25, 2010.

# Journal of the House

# THIRTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, February 25, 2010, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Johnson was excused on verified illness.

Reps. Ruiz and Yoder were excused on excused absence by the Speaker.

Present later: Rep. Ruiz.

Prayer by guest chaplain, the Rev. Dr. Tim Mace, pastor, Koerner Heights Church, Newton, and guest of Rep. Schroeder:

Great God, and Lord and Savior, Jesus Christ. Thank you for these representatives who give their time, energy, expertise, blood, sweat and tears to lead our great state.

Give these men and women in the Kansas House wisdom. I pray that neither the hubris of success nor the defensiveness of pride will keep them from making the best decisions. Help them remember that it's not ultimately about money or influence; it's about helping us live together and work together in truth and love.

Lord, you have given these representatives a hard job, with almost three million critics and advisors. Help them lead with confidence in ways that will enable us to live peaceful, productive and godly lives.

I pray that each representative will know the deep joy of personal integrity and purity. Strengthen their marriages and families. Give them the grace and humility to ask for help in their personal and public lives.

And God, give them hope.

Thank you for sending your Son, the Lord Jesus, to die for our sins. We bring these requests in His name. Amen.

The Pledge of Allegiance was led by Rep. Lukert.

# INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2710**, An act concerning lotteries; amending K.S.A. 21-4302, 74-8704, 74-8706, 74-8709 and 74-8802 and K.S.A. 2009 Supp. 12-4516, 12-4516a, 21-4619, 74-8703, 74-8734, 74-8735, 74-8736, 74-8741, 74-8742, 74-8745, 74-8746, 74-8750, 74-8751, 74-8752, 74-8758, 74-8759, 74-8760, 74-8762, 74-8764, 74-8769, 74-8772, 74-8805, 74-8814, 74-8832, 75-37,121, 79-4701, 79-4704, 79-4708 and 79-4717 and repealing the existing sections; also repealing K.S.A. 74-8803, by Committee on Federal and State Affairs.

**HB 2711**, An act concerning the Kansas act against discrimination; relating to sexual orientation; gender identity; amending K.S.A. 44-1001, 44-1002, 44-1004, 44-1006, 44-1009, 44-1015, 44-1016, 44-1017, 44-1027 and 44-1030 and K.S.A. 2009 Supp. 44-1005 and repealing the existing sections, by Committee on Federal and State Affairs.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were referred to committees as indicated:

Agriculture and Natural Resources: HR 6018.

Taxation: HB 2709.

#### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2474**, **HB 2546** from Committee on Insurance and referral to Committee on Federal and State Affairs.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6019-

By Representative Rhoades

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 House of Representatives 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 Chief Clerk of the House of Representatives be directed to provide five enrolled copies of this resolution to Representative Marc Rhoades.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2657**, An act concerning information technology; establishing the Kansas partnership for accessible technology, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson, Kelley, Ruiz, Yoder.

The bill passed.

SB 62, An act concerning the department of health and environment; relating to tuberculosis evaluation requirements and prevention and control plan for postsecondary educational institutions; rules and regulations; amending K.S.A. 2009 Supp. 65-129e and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson, Ruiz, Yoder.

The bill passed, as amended.

**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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson, Ruiz, Yoder.

The substitute bill passed.

## MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Kinzer, the House nonconcurred in Senate amendments to **S. Sub.** for **HB 2476** and asked for a conference.

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

On motion of Rep. Roth, to concur in Senate amendments to **HB 2221**, Rep. Schroeder moved to lay the bill on the table. The motion did not prevail.

The question then reverted back to the motion of Rep. Roth and the House concurred in Senate amendment to **HB 2221**, An act concerning crimes and punishments; relating to smoking and cigarette sales; amending K.S.A. 21-3105, 21-4009, 21-4010, 21-4011, 21-4012 and 65-530 and K.S.A. 2008 Supp. 79-3301 and 79-3321 and repealing the existing sections; also repealing K.S.A. 21-4016 and 21-4017.

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

Call of the House was demanded.

On roll call, the vote was: Yeas 68; Nays 54; Present but not voting: 1; Absent or not voting: 2.

Yeas: Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, George, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Hineman, Kiegerl, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Fund, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peck, Peterson, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Suellentrop, Swenson, Tafanelli, Vickrey.

Present but not voting: D. Gatewood. Absent or not voting: Johnson, Yoder.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I can't support HB 2221 due to the casino exemption because:

- 1. I don't know how we can ask our private businesses to ban smoking in their establishments while exempting our state owned and operated casinos.
- 2. If we feel that second hand smoke is harmful to those who work for private business will it not also be harmful to those who work in our casinos.

If we truly feel that the smoking ban in public places is the right thing to do for the citizens of our state we should not exempt casinos.

I would support this bill if we remove the casino exemption.—J. DAVID CRUM

MR. Speaker: Although I completely support clean air and a smoking ban in public buildings, I cannot support **HB 2221** for this reason. It is allowed in state owned casinos and not in private businesses and private owned bars. What message does this send out? I believe in the constitutional right of our personal freedoms in this country, and this bill takes away one more of our person freedoms.

If this is such a serious issue, we should ban the sale of tobacco products in the state of Kansas and not use it as an OK tax revenue generator. This is a double standard.—JOE SEIVERT

MR. Speaker: We are telling private business they must ban smoking yet we are exempting the state casinos because it will cost us revenue. This double standard cannot be permitted. **HB 2221** will preempt the bans already in place by the local governments, in many cases weakening them. This bill has never been debated on the House floor and I cannot support flawed legislation that will not give Kansans the policy they expect. I vote NO on **HB 2221.**—Peggy Mast, Phil Hermanson, Marc Rhoades, Steve Huebert, Connie O'Brien, Bill Otto, Steven R. Brunk, Gene Suellentrop, Lana Gordon, Joe McLeland, Mario Goico, Virgil Peck Jr., Rocky Fund, Dan Kerschen, Don Myers, Richard Carlson, Lance Kinzer, Gary Hayzlett, Aaron Jack, Forrest J. Knox, Rob Olson, Pete DeGraaf

Mr. Speaker: I vote no on **HB 2221**. This proposal stripping carefully crafted local compromises from the books only to replace them with a one size fits all mandate represents a disappointing failure to protect not only our unique local interests, but also the discretion of our local leaders. There are many difficult decisions we're forced to make in this body.

This is not one of them. We've made a unilateral choice to inhibit private business while providing liberty to state owned casinos. Until we are prepared to ban this product we so violently detest, I refuse to endorse such a hypocritical and improper use of power.—ARLEN SIEGFREID

Mr. Speaker: I vote no on **HB 2221**. Voting to concur should signal agreement with the contents of the bill. I am a non-smoker and support the concept of a true Clean Air Act. Unfortunately, this bill allows smoking in state-owned casinos which are really a large bar with a choice of lottery games and denial of smoking in local bars which also offer some lottery games. We are giving up on finding a compromise between two houses and abdicating to the imperfect work of one house. The people of Kansas deserve cleaner air than this bill offers.—Deena Horst

Mr. Speaker: While I support the clean-air act as do most of the constituents I have heard from on this issue, it is important to note that casinos, homes for the elderly and others are exempt. Those exemptions did cause concerns. Also, we must at all times be cautious about treading on the rights of others and lessening the concept of local control. I vote yes on **HB 2221.**—Marvin Kleeb

MR. SPEAKER: I have had many phone calls asking me to support **HB 2221** and support a state-wide ban on smoking. I have always supported a State wide smoking ban if brought to the vote of the people. This should be a choice of the people, not a state mandate. This is NOT a provision of **HB 2221**. I vote no on **HB 2221**.—SHARON SCHWARTZ

Mr. Speaker: Regardless of how one feels about a smoking ban, I have trouble with the double standard presented in this bill. If and when a trailer bill comes forth that cleans up the glaring problems in this bill, I will gladly support such a trailer bill. Until then, I must oppose this bill as seriously flawed. I vote NO on concurring with **HB 2221** without the ability to amend.—MITCH HOLMES

### 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.

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2712**, An act relating to cemetery corporations; concerning cemetery merchandise contracts; relating to the permanent maintenance fund; amending K.S.A. 16-320, 16-321, 16-322, 16-323, 16-325, 16-329, 16-331, 16-332, 16-333, 16-334, 17-1311, 17-1311a, 17-1312, 17-1312d, 17-1312d, 17-1312e, 17-1312g and 17-1366 and repealing the existing sections; also repealing K.S.A. 16-324, by Committee on Federal and State Affairs.

**HB 2713**, 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, by Committee on Federal and State Affairs.

**HB 2714**, An act relating to the department of transportation; restricting certain appeals from awards under eminent domain procedure; amending K.S.A. 2009 Supp. 26-507 and 26-508 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2715**, An act concerning insurance; relating to the regulation thereof; amending K.S.A. 2009 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Taxation.

On motion of Rep. Merrick, the House adjourned until 8:00 a.m., Friday, February 26, 2010.

# Journal of the House

# THIRTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, February 26, 2010, 8:00 a.m.

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

The roll was called with 117 members present.

Rep. Johnson was excused on verified illness.

Reps. Aurand, Brunk, Davis, George, Peterson, Schwab and Yoder were excused on excused absence by the Speaker.

Present later: Rep. Davis.

Reps. Grange, Huebert and D. Svaty were excused later in the day on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Don Bird, pastor, Overland Park Antioch Church of the Nazarene:

Father in heaven, it is with grateful hearts that we pause, if only for a few, short moments, to humbly bow our hearts before you. You have blessed us once again with a new day to live and honor you in our work. Lord, You are good! And You are the source of all good things.

In our weakness, You lend us your strength. In our pain, You surround us with your comfort. In our sadness, You bring us joy. In our distress, You give us peace. In our despair, You bring us hope.

You show mercy and compassion when we don't deserve it. You extend forgiveness when we need it. Just as rain refreshes the earth, You shower us with your steadfast love. You bless us with the gift of life itself.

On this day, may You give to these men and women, our public servants, strength of body to meet the challenges of the day, wisdom of mind to make thoughtful decisions, and generosity of heart to share with others what they have freely been given.

For it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life. (From the prayer of St. Francis of Assisi)

Yours, Oh Lord, is the kingdom, and the power, and the glory, forever.

The Pledge of Allegiance was led by Rep. Myers.

# INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5034-

By Committee on Aging and Long Term Care

A CONCURRENT RESOLUTION remembering Bryce Miller.

WHEREAS, Bryce Miller, who passed away in March of 2009, was dedicated to the advancement of mental health care for all Kansans, and was instrumental in introducing

legislation that would begin to address the mental health treatment of seniors with depression and other diseases; and

WHEREAS, Mr. Miller served as a board member of Valeo Behavioral Health Care in Topeka for many years, and worked to promote mental health screenings and treatment for individuals in Topeka and the surrounding communities; and

WHEREAS, Mr. Miller was the driving force behind the completion of two monuments listing the names of 1,157 people who, largely because of the stigma associated with mental illness, were forgotten and buried in unmarked graves at the Topeka State Hospital cemetery; and

WHEREAS, Mr. Miller was instrumental in arranging the first ever Mental Health and Seniors presentation at the National Alliance on Mental Illness; and

WHEREAS, Mr. Miller was the primary force in bringing two major Mental Health and Aging Summits to the state of Kansas, and arranged for Kansas to be one of only three nationwide focus group sites for the Older Adult Consumer Alliance; and

WHEREAS, Mr. Miller's strength in living with his own mental illness and its manifestations in the public eye helped give normalcy to the condition, and challenged Kansans to understand that those struggling with mental health issues need the same access to treatment, medication, support and recovery as those dealing with physical illness: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we honor the memory of Bryce Miller, and commend his efforts and accomplishments in the advancement of mental health care for Kansans.

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this concurrent resolution to Frances Miller, 2548 SW Belle, Topeka, Kansas, 66614.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: HB 2710, HB 2711.

Insurance: HB 2715.

Judiciary: HB 2712, HB 2713, HB 2714.

# COMMUNICATIONS FROM STATE OFFICERS

From Helen Pedigo, Executive Director, Kansas Sentencing Commission, pursuant to K.S.A. 74-9101, 2010 Report to the Legislature.

From Catherine Domsch, Chairman, Kansas Commission on Rural Policy, pursuant to K.S.A. 74-99e01, Annual Report to the Legislature.

From Howard Schwartz, Judicial Administrator, Supreme Court of Kansas, pursuant to K.S.A. 8-1008, 2009 Annual Report of the Statement of Alcohol Drug Safety Action Program.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

# MESSAGE FROM THE SENATE

Announcing passage of SB 460; Sub. SB 513; SB 532. Announcing passage of HB 2411.

# INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 460; Sub. SB 513; SB 532.

### CONSENT CALENDAR

No objection was made to **HB 2649** appearing on the Consent Calendar for the first day.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Peck in the chair.

# COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **Sub. HB 2538** be adopted; also, on motion of Rep. Kleeb be amended on page 3, in line 2, by striking all after "employees"; in lines 3, by striking "dards established" and inserting "the county median wage as confirmed"; in line 40, by striking "a" and inserting "an unrelated";

On page 4, in lines 20, 22, 24 and 28, by striking "average" and inserting "median";

On page 5, in lines 2, 4, 6 and 8, by striking "average" and inserting "median";

On page 6, by striking all in lines 34 through 36; in line 37, by striking "(h)" and inserting "(g)";

Also, on motion of Rep. Menghini, **Sub. HB 2538** be amended on page 6, following line 38, by inserting the following:

"New Sec. 5. 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.";

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Frownfelter to amend **Sub. HB 2538**, the motion was withdrawn. Also, roll call was demanded on motion of Rep. Furtado to amend **HB 2538** on page 4, in lines 21, 23 and 25, by striking "median" and inserting "average";

On page 5, in lines 3, 5, 7 and 9, by striking "median" and inserting "average";

On roll call, the vote was: Yeas 47; Nays 69; Present but not voting: 0; Absent or not voting: 9.

Yeas: Ballard, Barnes, Benlon, T. Brown, Burroughs, Carlin, Crow, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Otto, Palmer, Pauls, Phelps, Rardin, Ruiz, Slattery, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Bethell, Bollier, Bowers, Brookens, A. Brown, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Spalding, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Davis, George, Johnson, Peterson, Schwab, D. Svaty, Yoder.

The motion of Rep. Furtado did not prevail; also rose and reported progress.

On motion of Rep. Merrick, the House recessed until 11:30 a.m.

# LATE MORNING SESSION

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

## PERSONAL PRIVILEGE

There being no objection, the following remarks of Reps. McCray-Miller and Winn are spread upon the journal:

Rep. McCray-Miller: The Kansas African American Caucus would like to recognize Black History Month by sharing just a little history with the body. We would like to have the body sing with us the Negro National Anthem, "Lift Every Voice and Sing;" recognizing that "our" history is just that, "our" history. Representative, Dr./Prof. Winn will now share some additional history regarding the song.

Rep. Winn: As we acknowledge Black History month our contribution is also to share with you the lyrics and the history of the song "Lift Every Voice and Sing."

"Lift Every Voice and Sing" was publicly performed first as a poem as part of a celebration of President Lincoln's birthday on February 12, 1900 by 500 school children at the segregated Stanton School in Jacksonville, Florida. Its principal, James Weldon Johnson, wrote the words to introduce the honored guest Booker T. Washington.

The poem was later set to music by Mr. Johnson's brother, John, in 1905. Singing this song quickly became a way for African Americans to demonstrate their patriotism and hope for the future. In calling for earth and heaven to "ring with the harmonies of Liberty," they could speak out subtly against racism and Jim Crow laws—and especially the huge number of lynchings accompanying the rise of the Ku Klux Klan at the turn of the century. In 1919, the NAACP adopted the song as "The Negro National Anthem." By the 1920s, copies of "Lift Every Voice and Sing" could be found in black churches across the country, often pasted into the hymnals.

During and after the American Civil Rights Movement, the song experienced a rebirth, and by the 1970s was often sung immediately after "The Star Spangled Banner" at public events and performances across the United States where the event had a significant African-American population.

In 1990 singer Melba Moore released a modern rendition of the song. Partly because of the success of this recording, "Lift Every Voice and Sing" was entered into the *Congressional Record* by Delegate Walter Fauntroy (D-DC) as the official African American National Hymn.

Needless to say, when the Johnson brothers, James Weldon and Rosamond, wrote the song, "Lift Every Voice and Sing" in 1900 to honor President Lincoln's birthday, they certainly had no idea how important their creation would be to future generations of African Americans and to all Americans as well.

Rep. Ballard led the House in the singing of the first verse of "Lift Every Voice and Sing," which follows:

Lift every voice and sing, till earth and Heaven ring,
Ring with the harmonies of liberty;
Let our rejoicing rise, high as the listening skies,
Let it resound loud as the rolling sea.
Sing a song full of the faith that the dark past has taught us,
Sing a song full of the hope that the present has brought us;
Facing the rising sun of our new day begun,
Let us march on till victory is won.

#### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2474**, **HB 2546** from Committee on Federal and State Affairs and rereferral to Committee on Insurance.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Peck in the chair.

# COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **Sub. HB 2538**; also, on motion of Rep. Hawk to amend, the motion did not prevail. Also, on motion of Rep. Frownfelter to amend, the motion did not prevail. Also, on motion of Rep. Menghini to amend, the motion did not prevail. Also, on motion of Rep. Rardin to amend, the motion did not prevail.

Also, on motion of Rep. Frownfelter, **Sub. HB 2538** be amended on page 6, following line 38, by inserting the following:

"New Sec. 5. 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.";

And by renumbering the remaining sections accordingly;

Also, roll call was demanded on motion of Rep. Tietze to amend **Sub. HB 2538** on page 5, after line 23, by inserting:

"(f) A qualified employer or contractor of a qualified employer when hiring persons to work on public works projects and any project financed by state funds, tax increment financing or state tax and revenue bonds shall employ available Kansas resident workers before hiring non-Kansas workers.";

On roll call, the vote was: Yeas 53; Nays 59; Present but not voting: 0; Absent or not voting: 13.

Yeas: Ballard, Barnes, Benlon, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Palmer, Patton, Pauls, Peck, Phelps, Quigley, Rardin, Ruiz, Slattery, Spalding, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Bethell, Bollier, Bowers, Brookens, A. Brown, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, Gordon, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Suellentrop, Vickrey, Whitham, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, George, Goico, Grange, Huebert, Johnson, Peterson, Roth, Schwab, D. Svaty, Tafanelli, Yoder.

The motion of Rep. Tietze did not prevail.

Also, roll call was demanded on motion to recommend Sub. HB 2538 for passage.

On roll call, the vote was: Yeas 84; Nays 27; Present but not voting: 0; Absent or not voting: 14.

Yeas: Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Fund, Furtado, D. Gatewood, Gordon, Goyle, Grant, Hawk, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Talia, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: Ballard, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Finney, Flaharty, Frownfelter, Garcia, S. Gatewood, Henderson, Kuether, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Phelps, Ruiz, Swenson, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, George, Goico, Grange, Hill, Huebert, Johnson, Peterson, Roth, Schwab, D. Svaty, Tafanelli, Yoder.

The motion prevailed and Sub. HB 2538 be passed as amended.

# REPORTS OF STANDING COMMITTEES

Committee on **Insurance** recommends **HB 2345** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2345," as follows:

"Substitute for HOUSE BILL No. 2345

By Committee on Insurance

"AN ACT concerning insurance; relating to life insurance companies; amending K.S.A. 40-401 and repealing the existing section."; and the substitute bill be passed.

(**Sub. HB 2345** was thereupon introduced and read by title.)

Committee on **Insurance** recommends **HB 2390** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2390," as follows:

# "Substitute for HOUSE BILL No. 2390

By Committee on Insurance

"AN ACT concerning insurance; relating to the use of credit information; amending K.S.A. 2009 Supp. 40-5103 and 40-5104 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2390** was thereupon introduced and read by title.)

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 **Local Government** recommends **HB 2698** be amended on page 1, in line 29, by striking the period and inserting a comma; in line 30, by striking "Such" and inserting "such"; and the bill be passed as amended.

### REPORT OF STANDING COMMITTEE

Your Committee on Calendar and Printing recommends on requests for resolutions and certificates that

**Request No. 48**, by Representative Peck, congratulating Loretta Swafford on her 70th birthday:

**Request No. 49**, by Representative Pottorff, congratulating Fruhauf Uniforms, Inc. on their 100th Anniversary;

Request No. 50, by Representatives Fund and Gatewood, congratulating Jon Michael Cloud for winning the 10-11 age category, Kansas Elks Hoops Contest, February 13, 2010; Request No. 51, by Representative Trimmer, congratulating Mary Elizabeth Sweeney

on her 100th birthday;

Request No. 52, by Representative Olson, congratulating John Loeffelbein for his Entrepreneur Leadership in Startup Businesses;

**Request No. 53**, by Representative Olson, congratulating J & J Operating Company for their continuing advancements in new oil development in Douglas County;

**Request No. 54**, by Representative Trimmer, honoring and in memory of Leon B. Cranford for service as an Atomic Veteran;

**Request No. 55**, by Representative Trimmer, honoring Major Stuart H. Haag congratulating him for his service as an Atomic Veteran;

**Request No. 56**, by Representative Bowers, honoring Clifton-Clyde High School for being named 2010 Kansas Green School of the Year;

**Request No. 57**, by Representative Bowers, congratulating Dalton Snyder for winning the 2010 Cloud County Spelling Bee;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

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

# INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2716**, An act concerning the Kansas public employees retirement system; relating to computation of benefits for certain state officers and employees placed on furlough; amending K.S.A. 74-49,115 and repealing the existing section, by Select Committee on KPERS.

### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2428** from Committee on Federal and State Affairs and rereferral to Committee on Vision 2020.

Also, the withdrawal of **Sub. HB 2430** from Committee on Federal and State Affairs and rereferral to Committee on Corrections and Juvenile Justice..

# REPORT ON ENROLLED BILLS

HB 2195; S. Sub. for HB 2222 reported correctly enrolled, properly signed and presented to the governor on February 26, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, March 1, 2010.

# Journal of the House

# THIRTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, March 1, 2010, 11:00 a.m.

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

The roll was called with 118 members present.

Reps. Goico and Johnson were excused on verified illness.

Reps. Ballard, Hawk, Jack, Pottorff and Schwab were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Dr. Ira DeSpain, University Minister, Baker University, Baldwin City, and guest of Rep. T. Brown:

Almighty and Gracious God,

From St. Francis to Galena, from White Cloud to Elkhart, elected officials in this room are called to a ministry of Stewardship to the citizens of the land we call Kansas, the land that you call Yours.

With great humility, they assume legislative responsibility for a land and a people of great diversity, great skills, and great needs.

Help these, our legislators, today. Give them a sense of common purpose, common interest, common good will. Help them be good stewards of your people and your land today.

When this day has ended, may they reflect on jobs well done, decisions well made, problems well solved, divisions well healed, and time well spent.

On that day when they transfer the care of your land to others, may they hear those words, "well done, good and faithful servants."

We have that hope, that hope for this day that gave us the energy to get out of bed and come here. May that hope sustain us in all our deliberations. In your Worthy and Mighty name we pray, Amen.

The Pledge of Allegiance was led by Rep. Williams.

# PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Hineman are spread upon the journal:

This morning I would like you to meet the doctor of the day, Dr. Libby Hineman from Scott City. Libby is my daughter-in-law and obviously I am very proud of her. But family pride is not the reason I have brought her before you today. From the time Libby was a young teenager growing up in Iola, her dream was to become a family practice physician. That dream became a reality through the Kansas Medical Student loan program. This program provides partial forgiveness of student loans for medical students willing to practice in underserved areas of the state. In addition, Libby spent two years of her medical training at the Wichita Graduate Medical Education facility, also known as WGME. These two programs were critically important in turning dreams into reality for Libby and many other young physicians like her. Libby thanks you, her family thanks you, and the community of Scott City thanks you.

With Libby today are her husband (my son) Andy and their children, Kalo and Maggie. Kalo is named after his great grandfather, who served in this body from 1974 to 1981.

# INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2717**, An act concerning the department of corrections; relating to the prison-made goods act; limiting prices for goods and services; amending K.S.A. 75-5280 and repealing the existing section, by Committee on Appropriations.

**HB 2718**, An act concerning the office of legislative counsel; relating to the powers and duties thereof; amending K.S.A. 2009 Supp. 46-1222a and 72-64b02 and repealing the existing sections, by Committee on Appropriations.

**HB 2719**, An act concerning school districts; relating to school finance; authorizing a levy for the budget equity fund, by Committee on Appropriations.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce and Labor: **Sub. SB 513**. Federal and State Affairs: **SB 532**.

Judiciary: SB 460.

Select Committee on KPERS: HB 2716.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6020-

By Representative Bethell

A RESOLUTION commemorating March as professional social work month and honoring the hundreds of students who are currently studying to become social workers and will join the more than six thousand 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 the state and the country; and

WHEREAS, Social workers stand up 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, government, private practice and educational institutions to provide resources and guidance all of which support social functioning; and

WHEREAS, Social workers are on the front lines of 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 all of the nine recognized and accredited university social work programs in this state; and

WHEREAS, Social workers are licensed professionals at the Baccalaureate, Masters and Clinical levels of practice; and

WHEREAS, Social workers 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 work 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 House of Representatives of the State of Kansas: That March is professional social work month and student social workers are commended and appreciated for their dedication and commitment to better the lives of others; and the Legislature recognizes the skills, knowledge, ethics and supervision necessary to be an outstanding social worker; and the Legislature supports the long and successful careers of social work students.

# CONSENT CALENDAR

Objection was made to **HB 2649** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to SB 463 appearing on the Consent Calendar for the first day.

# FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**Sub. HB 2538**, An act concerning the promoting employment across Kansas act; relating to qualifications for benefits under the act; amending K.S.A. 2009 Supp. 74-50,210, 74-50,211, 74-50,212 and 74-50,213 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 34; Present but not voting: 0; Absent or not voting: 7.

Yeas: Barnes, Benlon, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Faber, Finney, Fund, Furtado, D. Gatewood, George, Gordon, Goyle, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Tafanelli, Talia, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Bethell, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Donohoe, Feuerborn, Flaharty, Frownfelter, Garcia, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Peterson, Phelps, Ruiz, Swenson, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Ballard, Goico, Hawk, Jack, Johnson, Pottorff, Schwab.

The substitute bill passed, as amended.

# EXPLANATIONS OF VOTE

MR. SPEAKER: **Sub. HB 2538** is *fiscally irresponsible*. The state is \$400 million dollars in debt; we can't afford to spend another \$95 million dollars in tax breaks.

**Sub. HB 2538** spends money on a *poverty economy* of part-time and low wage jobs, no benefits, no accountability and no assurance Kansans will be hired.

**Sub. HB 2538** promotes the *wrong values*. We have closed four prisons, laid off hundreds of teachers, denied health care to sick children and left thousands of disabled Kansans waiting for basic services, yet we find \$95 million dollars for more tax breaks. Not me, I vote no on **Sub. HB 2538**.—**JIM WARD**, EBER PHELPS

MR. SPEAKER: I vote no on **Sub. HB 2538**. Like the federal stimulus package, this bill could allow large business owners and CEO's to pay themselves a large salary and 95% of the taxes we should be collecting will go back in this business. Also, this could be a tool for corporate raiders to buy out Kansas companies and get a tax benefit for doing so. I vote no.—Dale Swenson

Mr. Speaker: Current economic incentive plans have attracted thousands of new, good paying jobs to Kansas in the past year. **Sub. HB 2538** lowers wages and benefits for Kansas workers. The bill does not even guarantee that Kansas tax dollars will benefit Kansas workers. The bill does not provide the "win-win" package we need so that both employers and employees prosper in our state. I vote no.—Ann Mah, Valdenia Winn

MR. Speaker: When the legislative session began, I knew we would be faced with tough choices. Should we cut more in education or services to the frail and elderly? Will we be able to maintain funding for the disabled and health care for poor children? Where will we get the \$400 million we are in the hole?

Nowhere in the equation did it occur to me that we would cut 10% to Medicaid, cut bedbug inspections and then give businesses a \$95 million tax cut!

Mr. Speaker, I vote no to fiscal irresponsibility and a "let them eat cake" value system. I vote no on **Sub. HB 2538**.—NILE DILLMORE, SYDNEY CARLIN

Mr. Speaker: I vote no on **Sub. HB 2538**. An employees' income tax withholding belongs to them and the government should have no right to give it to their employer and call it economic development.—Marti Crow

Mr. Speaker: Friday I voted to pass **Sub. HB 2538** to final action. Over the weekend I thought long and hard about that vote.

I came to the conclusion that yes, this does help businesses in hard economic times but it does it on the backs of good Kansas workers.

It is our job to pass legislation that is fair and equitable to Kansas businesses and Kansas workers. This bill does not do that. Therefore, I must vote No on **Sub. HB 2538**.—BOB GRANT

MR. SPEAKER: I vote no on **Sub. HB 2538**. With our growing revenue shortfall, \$70 million more than previously expected, it is irresponsible to pass this legislation at this time.

In addition, we have already discovered the first unintended consequence of this legislation before we even completed final action. Every insurance industry job domiciled in Kansas receives a 15% credit on that job's salary in perpetuity. If we are fortunate enough to get the 2700 more jobs in the insurance industry that we expect this year, they will also, on top of the 15%, get 95% of the employees withholding tax.—Julie Menghini

MR. SPEAKER: I vote yes on **Sub. HB 2538** because unemployed Kansas families are hurting. With 100,000 of our citizens unemployed, PEAK will help cultivate a wide range of jobs in every corner of the state. We create new jobs that would not have located in Kansas, and help retain jobs that would have left. Any assertion of income tax loss is more than compensated for by increased state and local sales, gasoline and property taxes through the economic impact of these new jobs—in fact, \$35 million more. This is common sense legislation at a time we need it most.—MARVIN KLEEB

Mr. Speaker: I vote yes on **Sub. HB 2538**. PEAK represents a unique opportunity to cultivate new jobs—and sustain those we have with virtually no waste. We rarely craft self-funding legislation, but this bill ultimately does that. Because no money is spent unless jobs are created or saved, we benefit not only from jobs that would otherwise not have chosen Kansas; but also their families who relocate with them. In an increasingly complex budget year, we must continue to foster the growth of our only organic revenue generators—businesses. This bill accomplishes that, and represents our single best tool for economic development in Kansas.—Arlen Siegfreid, Virgil Peck

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

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2720**, An act concerning school districts; enacting the temporary education economic recovery act, by Committee on Appropriations.

HB 2721, An act concerning workers compensation; relating to caps on benefits, by Committee on Appropriations.

**HB 2722**, An act providing for consolidation of certain administrative operations of the Kansas board of barbering and the Kansas state board of cosmetology; amending K.S.A. 65-1809, 65-1826, 65-1907, 74-1805a, 74-1805b, 74-1806, 74-1807, 74-2701, 74-2702 and 74-2704 and K.S.A. 2009 Supp. 65-1908 and repealing the existing sections, by Committee on Appropriations.

**HB 2723**, 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 Appropriations.

**HB 2724**, An act concerning financial institutions; relating to the creation of the department of banks and credit unions, by Committee on Appropriations.

# REPORT ON ENGROSSED BILLS

**HB 2221** reported correctly re-engrossed February 26, 2010. Also, **Sub. HB 2538** reported correctly engrossed March 1, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, March 2, 2010.

# Journal of the House

# THIRTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, March 2, 2010, 11:00 a.m.

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

The roll was called with 118 members present.

Reps. Goico and Johnson were excused on verified illness.

Reps. Neufeld and Tafanelli were excused on legislative business.

Reps. Ballard, Hawk and Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear God,

"... a great and powerful wind
tore the mountains apart
and shattered the rocks before the Lord,
but the Lord was not in the wind.
After the wind there was an earthquake,
but the Lord was not in the earthquake.
After the earthquake came a fire,
but the Lord was not in the fire.
And after the fire came a gentle whisper."

(1 Kings 19:11-12)
Today we recognize our weakness and limitations,
so we seek You and Your help.

In all the noise that surrounds us,
we now pause . . .
To be still . . . and silent . . .
to hear that gentle whisper of Your voice.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Peck.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2725**, An act concerning sales taxation; relating to countywide retailers' sales tax; Pottawatomic county; amending K.S.A. 2009 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2723**.

Commerce and Labor: **HB 2721**. Financial Institutions: **HB 2724**.

Education Budget: HB 2718, HB 2719, HB 2720.

General Government Budget: HB 2722.

Transportation and Public Safety Budget: HB 2717.

# MESSAGES FROM THE GOVERNOR

HB 2195 approved on March 1, 2010.

### CONSENT CALENDAR

No objection was made to  ${\bf SB}$   ${\bf 463}$  appearing on the Consent Calendar for the second day.

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 387** be amended on page 1, by striking line 32, and inserting "Berntsen, Bernita";

On page 2, by striking line 4, and inserting "Cedarbrook Golf Course LLC"; by striking line 16, and inserting "Claassen, R Dwight"; by striking line 35, and inserting "2305 Fair Rd";

On page 3, in line 12, by striking "Perry, KS 66075" and inserting "Perry, KS 66073";

On page 4, by striking line 13, and inserting "Triple R Farms Incorporated"; by striking line 17, and inserting "120 West 3rd St"; by striking line 29, and inserting "323 West 12th St";

On page 7, following line 18, by inserting the following:

"Sec. 5. The department of administration is hereby authorized and directed to pay the following amount from the canceled warrants payment fund as reimbursement for an expired warrant, to the following claimant:

Chris Carter

3722 SW Moundview Ct

And by renumbering the remaining sections accordingly; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends that **HB 2430** be amended by substituting a new bill as recommended by the House Committee on Corrections and Juvenile Justice as reported in the Journal of the House on February 17, 2010, and the substitute bill be amended:

On page 1, in line 33, after the second comma, by inserting "including any facility that provides services for veterans,"; in line 36, after "to" where it appears the first time, by inserting "order any other sanction pursuant to K.S.A. 21-4502 or 21-4603d, and amendments thereto,"; and the substitute bill be passed as amended.

# COMMITTEE ASSIGNMENT CHANGE

Speaker O'Neal announced Rep. Barnes will replace Rep. Hawk temporarily on Committee on Taxation.

## INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Merrick are spread upon the journal:

I am proud to introduce Mr. Norris Pettis, Consul General of Canada. Mr. Pettis leads the effort to represent Canada's interest in a region that includes Arkansas, Louisiana, Oklahoma, Texas and Kansas.

Mr. Pettis holds a Master's degree in Business and has served numerous roles in Canada's Royal Canadian Regiment, eventually being promoted to commanding officer of the 1st Battalion. Mr. Pettis also taught at the Canadian Army Staff College where he was appointed Dean.

Mr. Pettis' international experience includes an exchange tour with the British Army of the Rhine in Germany and two operational tours of duty in Cyprus. He also completed a year-long tour during the Balkan war as chief of staff for the Croatian theatre of operations and as deputy commander of the Canadian contingent deployed to the region. Additionally, Mr. Pettis spent five years as Canada's defense attach covering seven countries in the Arabian Gulf region.

Canada is the State of Kansas' #1 trading partner.

Mr. Pettis comes from one of the most beautiful areas of the world, British Columbia was the site of the 2010 Winter Olympics.

Please join me in a warm Kansas welcome for Mr. Pettis.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, March

# Journal of the House

# THIRTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, March 3, 2010, 11:00 a.m.

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

The roll was called with 114 members present.

Reps. Goico and Johnson was excused on verified illness.

Reps. C. Holmes, O'Brien and Powell were excused on legislative business.

Reps. Ballard, Jack, Meier, Peterson, Proehl and Schwab were excused on excused absence by the Speaker.

Present later: Rep. Meier.

Prayer by Chaplain Brubaker:

Father, God
Today as we discuss and debate bills and resolutions before us, help us to play well . . . but fair.

Help us to avoid foul play . . . and always be ready to assist.

Although we desire to drive a point home, may we never charge into another's view.

Help us to be responsible handlers . . . in carrying the task set before us.

May we not be selfish . . .

and be willing to pass off when someone else has a better idea.

Help us to be open and honest . . .

with no veiled screens set up.

Allow us to see that the other side can make us strong, but not hostile.

Help us not to be selfish . . . but to work as a team.

If the decision goes our way, help us be happy but not boastful. If the decision goes against our preference, keep us from being vengeful.

Remind us often that the decisions we make are temporal,

but our actions and words could be eternal.

And as for the big game tonight . . .

as Kansans across the state gather and watch . . .

I pray this same prayer for those playing and coaching . . .

and for everyone of the fans! In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Rardin.

# INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2726**, 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 Federal and State Affairs.

**HB 2727**, An act concerning the department of revenue; relating to certain drivers' licenses and identification cards; protection of privacy rights, by Committee on Federal and State Affairs.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Taxation: HB 2725.

## CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2560** from Committee on Federal and State and rereferral to Committee on Commerce and Labor.

Also, the withdrawal of **HB 2616** from Committee on Federal and State Affairs and referral to Committee on Economic Development and Tourism.

Also, the withdrawal of **HB 2697** from Committee on Federal and State Affairs and referral to Committee on Commerce and Labor.

Also, the withdrawal of  ${\bf SB~146}$  from Committee on Appropriations and referral to Select Committee on KPERS.

Also, the withdrawal of  ${\bf SB~326}$  from Committee on Appropriations and referral to Committee on General Government Budget.

### MESSAGE FROM THE SENATE

The Senate nonconcurs in House amendments to **SB 62**, requests a conference and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 316**, requests a conference and has appointed Senators Taddiken, Ostmeyer and Francisco as conferees on the part of the Senate.

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

## INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB~62}$ .

Speaker O'Neal thereupon appointed Reps. Landwehr, Crum and Flaharty as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf H.~Sub.~for~SB~316}$ .

Speaker O'Neal thereupon appointed Reps. Powell, Fund and Lukert as conferees on the part of the House.

### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Bethell, **HR 6020**, A resolution commemorating March as professional social work month and honoring the hundreds of students who are currently studying to become social workers and will join the more than six thousand social workers practicing in Kansas, was adopted.

There being no objection, the following remarks of Rep. Bethell are spread upon the journal:

It is truly a pleasure for me to bring to the attention of this body the tremendous work done for our society by those who we so mildly call "Social Workers."

Our society in so many ways seems to be self serving and self interested yet there are those who willingly serve to benefit those who are less fortunate. Among those are the people that we recognize today. The social workers of our state and society, while, a small group in comparison to the whole of society, take to themselves a massive task.

I would like to introduce those who are with us today: from Kansas State University, Karen Cypressi; and from Fort Hays State University, Professor Tim Davis and students from the School of Social Work, Lori L. Dennis, Jamie N. Fulls, Beau B. Hopkins, Brittany

A. Kroeger, Felisa M. Lopez-Guzman, Carmen S. Morales, Pilar L. Quinones, and Cynthia L. Riedel.

Please join me in thanking them and the other members of their class and all the social workers in our state for the work they do for each of us.

### CONSENT CALENDAR

Objection was made to **SB 463** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Grange in the chair.

# COMMITTEE OF THE WHOLE

On motion of Rep. Grange, Committee of the Whole report, as follows, was adopted: Recommended that on motion of Rep. Knox to amend **HB 2649**, the motion did not prevail. Also, on motion of Rep. Faber to amend, the motion did not prevail; and the bill be passed

Committee report to **HB 2544** be adopted; and the bill be passed as amended. Committee report to **HB 2698** be adopted; and the bill be passed as amended.

# REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 345** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 345," as follows:

"HOUSE Substitute for SENATE BILL No. 345

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, punishment and criminal procedure; amending K.S.A. 9-2012, 16-305, 17-12a508, 17-1311a, 19-3519, 21-3437, 21-3701, 21-3704, 21-3707, 21-3720, 21-3729, 21-3734, 21-3761, 21-3763, 21-3846, 21-3902, 21-3904, 21-3905, 21-3910, 21-4018, 21-4111, 39-720 and K.S.A. 2009 Supp. 39-717, 40-247, 40-2,118, 40-5013, 44-5,125, 44-719, 47-1827, 65-4167, 74-9101 and 75-5291 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 345 was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **HCR 5032** be adopted.

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

# INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2728**, An act concerning school districts; relating to the reorganization thereof; amending K.S.A. 75-1124 and K.S.A. 2009 Supp. 72-7536, 72-8253 and 72-8254 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 72-6441, 72-6445a, 72-6451 and 72-6452, by Committee on Appropriations.

#### REPORT ON ENROLLED BILLS

HB 2221, HB 2411 reported correctly enrolled, properly signed and presented to the governor on March 2, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, March 4, 2010.

# Journal of the House

# THIRTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, ТОРЕКА, KS, Thursday, March 4, 2010, 11:00 а.т.

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

The roll was called with 115 members present.

Reps. Goico and Johnson were excused on verified illness.

Reps. C. Holmes, Merrick and Powell were excused on legislative business.

Reps. Bollier, George, Hawk, Hineman and Moxley were excused on excused absence by the Speaker.

Present later: Rep. Moxley.

Prayer by guest chaplain, the Rev. Kent L. Otott, Executive Director, North Central Kansas Teens For Christ, Concordia, and guest of Rep. Bowers:

Heavenly Father,

Today, I lift up the men and women assembled here to conduct business on behalf of the people of the State of Kansas. Give them wisdom and insight to do the difficult job that must be done.

Your Word tells us that we will face difficulties and those difficulties can be met with faith in You as James wrote:

"Consider it all joy, my brethren, when you encounter various trials, knowing that the testing of your faith produces endurance. And let endurance have its perfect result, that you may be perfect and complete, lacking in nothing. But if any of you lacks wisdom, let him ask of God, who gives to all men generously and without reproach, and it will be given to him." (James 1:2-5 NASB)

The difficulties faced by this body of officials are many. Give them the wisdom only You can provide as You did for Solomon. Give them the sureness in their decisions they will need to weather the storms they will face in the gales of public opinion. Give them the strength they will need to stand up against the whims of special interest groups.

Give them the compassion needed to protect the Kansans who cannot defend themselves whether they are waiting to draw their first breath or are near the end of their final breath. Give them the determination to "bear the sword" of Romans 13 when called upon to protect the innocent and punish the guilty.

As this day of business begins, let them debate and let them reason in such a way that brings honor upon our republic. Let them lay aside the trials they face as individuals and let their focus be on their duties. Be with those who are facing problems known by all and be with those who have not let their needs be publicly known.

I ask for your blessing upon this body. I ask for your blessing upon the people they represent. I ask for your blessing upon the great State of Kansas. All of these things I ask in the name of Your Risen Son, Jesus Christ! Amen!!

The Pledge of Allegiance was led by Rep. Kiegerl.

# INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2729**, An act concerning cities and counties; creating energy management districts, by Committee on Appropriations.

**HB 2730**, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; retirement of certain state officers and employees; health care benefit payments; reduction in F.T.E. position for certain state agencies, by Select Committee on KPERS.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2726**. Transportation: **HB 2727**. Education Budget: **HB 2728**.

# CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2446** from Committee on Appropriations and rereferral to Committee on Education Budget..

### COMMUNICATIONS FROM STATE OFFICERS

From Robert E. Davis, Chief Justice, Kansas Supreme Court, pursuant to K.S.A. 20-320, Annual Report, State of the Judiciary, 2010.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

### MESSAGES FROM THE SENATE

Announcing passage of Sub. SB 501; SB 544.

Also, announcing passage of SB 494, SB 541.

Announcing passage of HB 2436.

Announcing passage of **HB 2323**, as amended; **HB 2500**, as amended; **HB 2501**, as amended.

The Senate adopts conference committee report on HB 2283.

# INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 494; Sub. SB 501; SB 541, SB 544.

# INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6021-

By Representative Finney

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

 $\hat{\mathbf{W}}\mathbf{HEREAS},$  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 Mennonite 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 House of Representatives 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 Chief Clerk of the House of Representatives be directed to send an enrolled copy of this resolution to Booker Gilbert, 2629 N. Erie, Wichita, Kansas 67219.

# MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Rhoades, **HR 6019**, A resolution proclaiming March 11, 2010, as World Kidney Day and March as Kidney Awareness Month in Kansas, was adopted.

# FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**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, was considered on final action. On roll call, the vote was: Yeas 106; Nays 7; Present but not voting: 0; Absent or not voting: 12.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, M. Holmes, Horst, Jack, Kerschen, Kiegerl, King, Kinzer, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Morrison, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz,

Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crum, Huebert, Kelley, Landwehr, Mast, O'Brien, Suellentrop.

Present but not voting: None.

Absent or not voting: Bollier, George, Goico, Hawk, Hill, Hineman, C. Holmes, Johnson, Kleeb, Merrick, Moxley, Powell.

The bill passed, as amended.

**HB 2649**, An act designating little bluestem (schizachyrium scoparium) as the state grass of Kansas, was considered on final action.

On roll call, the vote was: Yeas 87; Nays 25; Present but not voting: 2; Absent or not voting: 11.

Yeas: Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, Goyle, Grange, Grant, Henry, Hermanson, Hill, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Myers, Neighbor, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Slattery, Spalding, Suellentrop, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Burgess, Crum, DeGraaf, Donohoe, Faber, S. Gatewood, Gordon, Hayzlett, Henderson, King, Kinzer, Knox, Landwehr, Light, McLeland, Morrison, O'Brien, Peck, Rhoades, Schwab, Shultz, Siegfreid, D. Svaty, Whitham.

Present but not voting: Neufeld, Sloan.

Absent or not voting: Bollier, George, Goico, Hawk, Hineman, C. Holmes, Johnson, Kleeb, Merrick, Moxley, Powell.

The bill passed.

# EXPLANATION OF VOTE

MR. Speaker: Really...... I mean really? I vote no on **HB 2649**.— Scott Schwab

**HB 2698**, An act authorizing the secretary of state to grant an easement to the city of Ogden in Riley county, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 0; Present but not voting: 0; Absent or not voting: 11.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Morrison, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Bollier, George, Goico, Hawk, Hineman, C. Holmes, Johnson, Kleeb, Merrick, Moxley, Powell.

The bill passed, as amended.

# REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2560** be amended by adoption of the amendments recommended by Committee on Commerce and Labor on February 10, 2010, as reported on page 907 of the Journal of the House and the bill, as printed with amendments by House Committee, be further amended on page 21, by striking all in lines 2 through 43;

On page 22, by striking all in lines 1 through 23;

And by renumbering sections accordingly;

On page 29, in line 36, by striking ", 58-3063";

In the title, in line 13, by striking all after "58-3062"; in line 14, by striking "3063"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 489** 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 Judiciary recommends SB 398 be passed.

Committee on **Taxation** recommends **HB 2549** be amended on page 13, in line 42, before the semicolon, by inserting the following: ", but such tax shall not be levied and collected upon the gross receipts received from fees and charges 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";

On page 14, in line 9, before the semicolon, by inserting the following: ", 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";

On page 15, in line 11, before "or" where it appears for the first time, by inserting ", repair";

On page 16, in line 7, by striking "and for such services per-"; by striking all in lines 8 through 39; in line 40, by striking all before the semicolon;

On page 17, by striking all in lines 19 through 43;

By striking all of pages 18 through 49;

On page 50, by striking all in lines 1 through 27 and inserting the following:

"Sec. 4. 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 worksite 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;  $(\frac{1}{2})$  For agricultural use and also, for such use, all sales of propane gas;  $(\frac{3}{2})$  (2) for use in the severing of oil; and  $(\frac{4}{2})$  (3) 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)  $\frac{1}{2}$  and  $\frac{1}{2}$  (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;
- $\frac{\langle \mathbf{z} \rangle}{\langle \mathbf{y} \rangle}$  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;
- $\frac{\mathrm{(aa)}}{\mathrm{(z)}}$  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 trans-

mission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) (aa) 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;

(ce) (bb) 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;

 $\frac{\text{(dd)}}{\text{(cc)}}$  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;

 $\frac{\text{(ff)}}{\text{(}dd)}$  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) (ee) 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) (ff) 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) (gg) 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;

 $(\overline{jj})(hh)$  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) (ii) (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 tan-

gible 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;

( $\frac{(H)}{(jj)}$ ) 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;

 $\frac{\text{(mm)}}{kk}$  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;

 $\frac{\text{(nn)}}{l}$  (ll) 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;

(coc) (mm) 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:

- $\frac{(pp)}{(nn)}$  all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;
- (qq) (oo) 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;
- $\frac{\langle nr \rangle}{(pp)}$  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;
- $\frac{\langle ss \rangle}{(qq)}$  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;
- $\frac{\text{(tt)}}{\text{(rr)}}$  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) (ss) 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;
- (wv) (tt) 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;

 $\frac{\text{(ww)}}{\text{(}uu\text{)}}$  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;

 $\overline{\langle xx \rangle}$  (vv) 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) (ww) all sales of tangible personal property and services purchased by a parentteacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization:

(zz) (xx) 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 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) (yy) 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) (zz) 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) (aaa) 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) (bbb) 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) (ccc) 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) (ddd) 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) (eee) 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) (fff) 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) (ggg) 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;

(III) (hhh) 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) (iii) 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;

(nnn) (jjj) 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) (III) 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 serving the general public and supported in whole or in part with tax money;

(ppp) (mmm) 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) (nnn) 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) (ooo) 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) (ppp) 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:

(qqq) 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;

(ww) (rrr) 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) (sss) 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 ed-

ucation support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) (ttt) 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) (uuu) 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) (vvv) 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) (www) 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) (xxx) 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;

(cecc) (yyy) 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;

 $\frac{\text{(dddd)}}{(z\bar{z}z)}$  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;

(eece) (aaaa) 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) (bbbb) 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 by renumbering sections accordingly;

In the title, in line 10, by striking "fund-raising sales;"; and the bill be reported without recommendation.

#### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2530** from Committee on Appropriations and referral to Committee on Federal and State Affairs.

#### REPORT ON ENGROSSED BILLS

HB 2544, HB 2698 reported correctly engrossed March 3, 2010.

On motion of Rep. Mast, the House adjourned until 8:00 a.m., Friday, March 5, 2010.

# Journal of the House

### THIRTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, March 5, 2010, 8:00 a.m.

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

The roll was called with 97 members present.

Reps. Goico, Gordon, Johnson, Lane and Rhoades were excused on verified illness. Reps. C. Holmes, Kleeb, Merrick and Powell were excused on legislative business.

Reps. Bollier, Brunk, Donohoe, S. Gatewood, George, M. Holmes, Jack, Kelley, Kiegerl, McLeland, Peterson, Roth, Ruiz, Schwab, Schwartz, Seiwert, Shultz, Sloan and Yoder were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, I am just going to be honest and lay it out here. I cannot figure out how anyone can make wise and intelligent decisions at this early hour. But, here we are . . . early on our way . . . of tackling the hard choices and decisions of the day. We are, however, encouraged by Your Words, "... this we call to mind, and therefore we have hope: because of the Lord's great love we are not consumed. For his compassions never fail, they are new every morning; Great is your faithfulness.' (Lamentations 3:21-23) In Christ's Name I claim these new mercies and Your faithfulness today. Amen.

The Pledge of Allegiance was led by Rep. Ward.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Energy and Utilities: HB 2729.

Health and Human Services: Sub. SB 501.

Judiciary: **SB 494**.

Transportation: SB 544.

General Government Budget: **SB 541**. Select Committee on KPERS: **HB 2730**.

#### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 200** from Committee on Health and Human Services and referral to Committee on Social Services Budget.

#### CONSENT CALENDAR

No objection was made to SB 489 appearing on the Consent Calendar for the first day.

### REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2704** be amended on page 1, in line 15, by striking all after "(a)"; in line 16, by striking all before "shall" and inserting "Except as provided in subsection (b), the low enrollment weighting of districts"; in line 37, by striking "The" and inserting "From and after July 1, 2012, the"; in line 42, by striking "400" and inserting "200";

On page 2, in line 1, by striking "400" and inserting "200"; in line 3, by striking "399" and inserting "199"; in line 24, by striking "July"; in line 25, by striking all before the period and inserting "its publication in the Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 438** be passed.

Committee on **Taxation** recommends **HB 2689** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2689," as follows:

"Substitute for HOUSE BILL No. 2689

By Committee on Taxation

"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."; and the substitute bill be passed.

(Sub. HB 2689 was thereupon introduced and read by title.)

Committee on Transportation recommends HB 2678; SB 409 be passed.

# REPORT OF STANDING COMMITTEE

Your Committee on Calendar and Printing recommends on requests for resolutions and certificates that

**Request No. 58**, by Representative Bowers, congratulating Donnie Thrun for receiving the 2010 Emergency Volunteer of the Year in Lincoln County;

**Request No. 59**, by Representative Bethel, congratulating Alma Lois Fair for a lifetime of community service;

**Request No. 60**, by Representative T. Brown, congratulating Dr. Wendi Born for earning tenure at Baker University and being promoted to Associate Professor of Psychology;

**Request No. 61**, by Representative T. Brown, congratulating Dr. Erin Joyce for being promoted to Professor of French and Assistant Dean of Liberal Studies at Baker University;

**Request No. 62**, by Representative T. Brown, congratulating Rick Weaver for 25 years of outstanding coaching at Baker University;

**Request No. 63**, by Representative Palmer, congratulating Scott Nuzum on receiving the 2010 Oscar Stauffer Sportswriter of the Year Award;

**Request No. 64**, by Representative Trimmer, congratulating George Gabler for his service as an Atomic Veteran, Special Weapons Project, Sandia Base, New Mexico;

**Request No. 65**, by Representative Richard Carlson, congratulating Carley Hewitt for being named Queen of Courts, St. Marys High School Winter Royalty for 2010;

**Request No. 66**, by Representative Crum, commending Garrett Bythe for his service as State Ambassador for the Muscular Dystrophy Association;

**Request No. 67**, by Representative Finney, in memory of Ruby Gilbert for her service as a State Representative from the 89th District from 1992-2004;

**Request No. 68**, by Representative Mallory, congratulating Cannonball, LLC and owners Terry and Debbie Schrag for receiving the KSBCD's 2009 Existing Business of the Year Award;

**Request No. 69**, by Representative Carlson, congratulating Laurina Hannan for receiving the Girl Scout Gold Award;

**Request No. 70**, by Representative Swanson, congratulating Clay Center Community High School for winning the 4-A State Championship;

**Request No. 71**, by Representative Craft, congratulating Florence Gilchrist on her 100th birthday:

**Request No. 72**, by Representative Bowers, congratulating Samantha Ritchie on winning the 2010 Ottawa County Spelling Bee;

**Request No. 73**, by Representative Bowers, congratulating Breanna Meier on winning the 2010 Lincoln County Spelling Bee;

**Request No. 74**, by Representative Bowers, congratulating Fred Prindavill, PhD for receiving the 2010 Kansas Health Solutions Outstanding Customer Service Award;

Request No. 75, by Representative O'Neal, Speaker of the House, congratulating Dylan Fehl of Buhler High School for being a part of the 4A State Champion Debate Team, January 2010;

Request No. 76, by Representative O'Neal, Speaker of the House, congratulating Evan Habluetzel of Buhler High School for being a part of the 4A State Champion Debate Team, January 2010;

**Request No. 77**, by Representative Jack, commending Vicky Roper in recognition of her service for protecting Kansas Children from child abuse;

**Request No. 78**, by Representative Olson, congratulating Andrew L. Warner on achieving the rank of Eagle Scout;

**Request No. 79**, by Representative O'Neal, congratulating Jeriah Forbes, Buhler High School Debate and Forensics Team, for coaching Dylan Fehl and Evan Habluetzel to the 2010 4A State Debate Championship;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Mast, the committee report was adopted.

On motion of Rep. Mast, the House adjourned until 11:00 a.m., Monday, March 8, 2010.

# Journal of the House

### THIRTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, March 8, 2010, 11:00 a.m.

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

The roll was called with 117 members present.

Rep. Johnson was excused on verified illness.

Rep. O'Neal was excused on legislative business.

Reps. Brookens, Hawk, Olson, Peterson, Trimmer and K. Wolf were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, The Prophet Isaiah, gives us Your words to help us begin this week. "Learn to do right . . . seek justice, encourage the oppressed. Defend the cause of the fatherless, plead the case of the widow. Come now, let us reason together, says the Lord." (Isaiah 1:17 - 18) Decisions made this week will affect all these mentioned and so many others. Remind us daily how imperative it is that we consider Your insight and reason in all that we resolve. In the Name of Jesus I pray, Amen.

The Pledge of Allegiance was led by Rep. Hayzlett.

# INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2731**, An act concerning utilities; using natural gas as the preferential fuel; establishing a natural gas energy credits trading program, by Committee on Taxation.

# CHANGE OF REFERENCE

Speaker pro tem Siegfreid announced the withdrawal of **HB 2712**, **HB 2713** from Committee on Judiciary and referral to Committee on Local Government.

#### MESSAGES FROM THE GOVERNOR

**S. Sub. for HB 2222** approved on March 5, 2010.

### MESSAGE FROM THE SENATE

Announcing passage of HB 2676, as amended.

The President announced the appointment of Senator Lynn as a member of the conference committee on **HB 2476** to replace Senator D. Schmidt.

#### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Ballard,  ${\bf HR~6021}$ , A resolution honoring Representative Ruby Gilbert, was adopted.

Reps. Ballard, Pauls, Grant, Flaharty and Pottorff expressed a few remarks to the members of the House in honor of Ruby Gilbert.

### CONSENT CALENDAR

No objection was made to  ${\bf SB}$   ${\bf 489}$  appearing on the Consent Calendar for the second day.

### REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **SB 425** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 425," as follows: "HOUSE Substitute for SENATE BILL No. 425

By Committee on Commerce and Labor

"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."; and the substitute bill be passed.

(H. Sub. for SB 425 was thereupon introduced and read by title.)

Committee on **General Government Budget** recommends **HB 2691** 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 **Judiciary** recommends **SCR 1615** be amended on page 1, in line 32, by striking "are" and inserting "may be";

On page 2, by striking all in lines 15 through 18 and inserting the following:

"Be it further resolved: That all federal legislation which violates the Tenth Amendment by threatening civil or criminal penalties or sanctions or requiring states to pass legislation or lose federal funding be prohibited; and";

Also on page 2, in line 19, after "That" by inserting "the Secretary of State be directed to provide"; in line 21, before "the" where it appears for the last time, by inserting "the Minority Leader of the United States Senate,"; in line 22, by striking all after "Representatives"; by striking all in lines 23; in line 24, by striking all before "and" and inserting ", the Minority Leader of the United States House of Representatives"; and the concurrent resolution be adopted as amended.

Committee on **Local Government** recommends **SB 451** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6022—

By Representative Hayzlett

A RESOLUTION congratulating and commending Heartland Heroes Hunt.

WHEREAS, Heartland Heroes Hunt provides an opportunity for combat-wounded soldiers and their families to enjoy a weekend of hunting and other family activities in Southwest Kansas; and

WHEREAS, Heartland Heroes Hunt allows the people of Southwest Kansas to show their appreciation to the wounded soldiers and families for their many sacrifices; and

WHEREAS, The 2nd Heartland Heroes Hunt was held January 28-31, 2010, hosting combat-wounded soldiers and their families from Ft. Carson, Colorado; and

WHEREAS, Heartland Heroes Hunt provides the wounded soldiers and their families with lodging, meals and gifts. They also provide the wounded soldiers with all the necessary hunting supplies, including a shotgun, which is the soldier's to keep; and

WHEREAS, Heartland Heroes Hunt was started by MacKenzie Nix as a senior project at Garden City High School; and

WHEREAS, With the help and support of MacKenzie's parents, Tim and Donna Telinde, Brian Beavers' family and the communities of Garden City and Pierceville, Heartland Heroes Hunt has become a weekend of celebration and of healing: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Heartland Heroes Hunt, MacKenzie Nix, Tim and Donna Telinde, Brian Beavers' family and the communities of Garden City and Pierceville on providing a positive impact on the lives of the combat-wounded soldiers and their families, who participate in the Heartland Heroes Hunt weekend; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Representative Gary Hayzlett; 3 enrolled copies to Tim Telinde, 710 Sarah St., Garden City, KS 67846 and 4 enrolled copies to Brian Beavers, 01806 East U.S. Highway 50, Pierceville, KS 67868.

#### HOUSE RESOLUTION No. 6023—

By Representatives Hill, Carlson, Davis, Gordon, Maloney, Prescott, Proehl, Rardin, Swanson, Tafanelli, Vickrey, Whitham and B. Wolf

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 House of Representatives 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 Chief Clerk of the House of Representatives be directed to send 15 enrolled copies of this resolution to Representative Hill, three copies to Representative Proehl, three copies to Representative Tafanelli, two copies to Representative Vickrey, two copies to Representative Rardin, two copies to Representative Prescott, two copies to Representative Whitham, one copy to Representative Maloney, one copy to Representative Gordon and one copy to Representative Swanson.

### REPORT ON ENROLLED RESOLUTIONS

HR 6019, HR 6020 reported correctly enrolled and properly signed on March 8, 2010.

On motion of Rep. Merrick, the House adjourned until  $11:00\ a.m.$ , Tuesday, March 9, 2010.

# Journal of the House

### FORTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, March 9, 2010, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Johnson was excused on verified illness.

Reps. Davis and O'Neal were excused on legislative business.

Prayer by Chaplain Brubaker:

"God, be in our head... and in our understanding.
God, be in our eyes... and in our looking.
God, be in our mouth... and in our speaking.
God, be in our heart... and in our thinking.
(Book of Hours)

And for our military represented here today—
we are so thankful for their commitment
and service to our country.
Bless them and let them know of you
and Your love for them.
I pray this in Your Son's Name, Amen.

The Pledge of Allegiance was led by Rep. Slattery.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Energy and Utilities: HB 2731.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Jack, **HR 6024**, by Rep. Jack, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6024-

A RESOLUTION expressing our appreciation to brave soldiers who were injured in service to our country.

WHEREAS, The State of Kansas has a long and proud history of military service in time of peace and in time of war, having proudly given its sons and daughters into the service of the nation; and

WHEREAS, The State of Kansas is currently sending numerous guardsmen, reservists and active duty military personnel to support American operations overseas; and

WHEREAS, The activities of individuals and units based in the State of Kansas have brought national and international recognition to Kansas; and

WHEREAS, The Kansas Legislature is extremely appreciative and eternally grateful to the brave men and women in uniform who have sacrificed so much for our freedoms: Now, therefore

Be it resolved by the House of Representatives of the State of Kansas: That we are grateful for the brave service and extreme sacrifice that the following soldiers have made: Staff

Sergeant Oliver Thomason, Sergeant Christopher Mazander, Private First Class Marie Griffin, Specialist Aaron Rayner, Sergeant First Class Joseph Vigil, Sergeant Brandon Daggs, Staff Sergeant Nathan Baker, First Sergeant T.J. Inslee, Staff Sergeant Christopher Viera, Captain Randal Scott and Sergeant Joel Yates.

There being no objection, the following remarks of Rep. Jack are spread upon the journal: It is my distinct honor to introduce several genuine American heroes, some from Kansas and some drove all the way from Ft. Carson, Colorado.

Representatives, this is a resolution expressing our appreciation to brave soldiers who were injured in service to our country. The State of Kansas has a long and proud history of military service in time of peace and in time of war, having proudly given its sons and daughters into the service of the nation and is currently sending numerous guardsmen, reservists and active duty military personnel to support American operations overseas. The activities of individuals and units based in the State of Kansas have brought national and international recognition to Kansas.

The Kansas Legislature is extremely appreciative and eternally grateful to the brave men and women in uniform who have sacrificed so much for our freedoms, and we are grateful for the brave service and extreme sacrifice that the following soldiers have made: Staff Sergeant Oliver Thomason, Sergeant Christopher Mazander, Private First Class Marie Grifin, Specialist Aaron Rayner, Sergeant First Class Joseph Vigil, Sergeant Brandon Daggs, Staff Sergeant Nathan Baker, First Sergeant T.J. Inslee, Staff Sergeant Christopher Viera, Captain Randal Scott and Sergeant Joel Yates.

### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Hayzlett, **HR 6022**, A resolution congratulating and commending Heartland Heroes Hunt, was adopted.

There being no objection, the following remarks of Rep. Hayzlett are spread upon the journal:

Thank you for allowing me a few minutes to bring before you a Resolution and recognize a very special group of Kansans.

There are two groups of Heroes here to be honored this morning but my Resolution deals with the local citizens.

MacKinzie Nix started the Heartland Heroes Hunt as a senior project at Garden City High School. With the help and support of MacKinzie's parents, Tim and Donna Telinde, the Brian Beavers family and the Communities of Garden City and Pierceville, Heartland Heroes Hunt has become a weekend of celebration and healing.

I was honored to be invited to help with the first hunt in 2008. I was what I thought a waterboy. I got to drive the four-wheeler around to shuttle passengers, deliver water and pick up harvested game — and it was one of the better days of my life.

More than 100 businesses donated to the Heartland Heroes Hunt and the event will grow in size in the future. The goal is to provide tuition scholarships for the wounded servicemens' children.

Participant's lodging was donated by the Comfort Inn. Meals were donated by multiple groups and individuals. Enough funds were donated to give each soldier a new shotgun to take home and keep as a token of appreciation. The families were also treated to a craft workshop by Home Depot, cookie decorating by the American Legion and spouses were treated to free massages, manicures and shopping with donated gift cards.

Please join me in welcoming all those we honor today.

### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Hill, **HR 6023**, A resolution recognizing the Kansas Small Business Development Center's 2009 Businesses of the year, was adopted.

There being no objection, the following remarks of Rep. Hill are spread upon the journal: Today we have the opportunity to recognize Kansas Small Business Development Center's

emerging and existing 2009 businesses of the year. These fifteen businesses represent economic vitality and human vibrancy in the communities they serve. These businesses have

achieved major accomplishments: established growing businesses, demonstrated vision, problem solving and exemplary corporate citizenship. Entrepreneurship is one of the most powerful drivers of growth and prosperity in our Kansas economy. It is the primary source of job creation and economic competitiveness. Challenging economic times have proven to be good times to launch a new business. In 2009 there were 2,400 businesses in Kansas that received KSBDC services including our honorees today. It is the priority of KSBDC to reach as many potential entrepreneurs as possible and provide tools and services for Kansans in all parts of the state. The entrepreneurial spirit and energy represented by those we recognize today and provide a source of encouragement and optimism as we face these difficult and uncertain economic times.

#### CHANGE OF CONFEREES

Speaker pro tem Siegfreid announced the appointment of Rep. Merrick as a member of the conference committee on **SB 30** to replace former Rep. Watkins.

#### CONSENT CALENDAR

No objection was made to  $HB\ 2691; SB\ 451$  appearing on the Consent Calendar for the first day.

No objection was made to **SB 489** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Speaker pro tem Siegfried announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over until tomorrow.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. M. Holmes in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. M. Holmes, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2678**; **SB 398** be passed.

**H. Sub. for SB 345** be passed over and retain a place on the calendar.

Committee report to  $\overline{HB}$  2704 be adopted; also, on motion of Rep. Otto to amend, the motion did not prevail.

Also, on motion of Rep. Light, **HB 2704** be amended on page 1, by striking all in lines 15 through 43;

On page 2, by striking all in lines 1 through 14;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 25, by striking "72-6412 and 72-8701 are" and inserting "72-8701 is":

In the title, in line 10, by striking "relating to school finance;"; in line 11, by striking "72-6412 and"; in line 12, by striking "sections" and inserting "section"; and **HB 2704** be passed as amended.

Committee report to **HB 2560** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2345** be adopted; also, on motion of Rep. Peck be amended on page 1, in line 13, after "K.S.A." by inserting "2009 Supp.";

On page 3, in line 10, after "K.S.A." by inserting "2009 Supp.";

In the title, in line 10, after "K.S.A." by inserting "2009 Supp."; and **Sub. HB 2345** be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 396** 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 **Agriculture and Natural Resources** recommends **SB 497** be amended on page 1, in line 23, by striking "a" and inserting "an ordinary"; in line 33, by striking "or

other folding"; also in line 33, by striking "pocket knife"; in line 34, by striking "specifically exempted under subsection (a) (1),"; and the bill be passed as amended.

Committee on **Economic Development and Tourism** recommends **SB 54** be amended by adoption of the amendments recommended by Committee on Federal and State Affairs on March 19, 2009, as reported on page 342 of the Journal of the House and the bill, as printed with amendments by House Committee, be further amended on page 1, after line 31, by inserting the following:

"(3) the executive director of the Kansas arts commission;";

And by redesignating paragraphs accordingly;

Also on page 1, in line 32, by striking "for two-year terms"; in line 34, by striking "three" and inserting "two"; also in line 34, by striking "for two-year terms"; in line 35, after "senate" by inserting "and one member appointed by the minority leader of the senate"; in line 36, by striking "three" and inserting "two"; also in line 36, by striking "for two-year terms"; in line 37, after "representatives" by inserting "and one member appointed by the minority leader of the house of representatives"; in line 40, after "chairperson" by inserting ", but no more than four meetings shall be called in any year"; after line 40, by inserting the following:

"(b) Of the members first appointed to the committee, the following term lengths shall apply:

(1) Two members appointed by the governor shall serve two-year terms, and one member appointed by the governor shall serve a one-year term;

(2) the members appointed by the minority leaders of the senate and the house of representatives shall each serve two-year terms; and

(3) the members appointed by the president of the senate and the speaker of the house of representatives shall each serve one-year terms.

Successors to such members shall serve two-year terms.";

And by redesignating subsections accordingly;

Also on page 1, in line 42, by striking "Approve" and inserting "On or after January 1, 2013, approve": also in line 42, by striking "or reconstruction":

2013, approve"; also in line 42, by striking "or reconstruction"; On page 2, in line 5, by striking "and" where it appears for the last time; in line 7, by striking the period and inserting: "; and

(5) oversee the reconfiguration or redecoration of committee rooms within the statehouse. Implementation of the recommendations of the committee shall be the responsibility of the division of legislative administrative services.";

Also on page 2, by striking all in lines 12 through 43;

On page 3, by striking all in lines 1 through 8 and inserting the following:

"(e) The capitol preservation committee shall annually submit to the governor and the legislature a report of its activities and recommendations.

- (f) Members of the committee attending meetings of the committee, or attending a subcommittee meeting thereof authorized by the committee, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto, however full-time state employees serving on the committee shall not receive such compensation.
- (g) The staff of the legislative research department, the office of the revisor of statutes and the division of legislative administrative services shall provide such assistance as may be requested by the committee and to the extent authorized by the legislative coordinating council.
- (h) Committee members may engage in or encourage fund raising activities for the limited purpose of funding committee responsibilities as described in subsection (c).
- (i) No member of the committee shall hold a fiduciary interest, either directly or indirectly, in any contract relating to the committee responsibilities as described in subsection (c)
- Sec. 3. K.S.A. 75-2266 and K.S.A. 2009 Supp. 75-36,105 and 75-36,106 are hereby repealed.";

And by renumbering the remaining section accordingly;

In the title, in line 11, before the period, by inserting "; creating the capitol preservation committee; repealing K.S.A. 75-2266 and K.S.A. 2009 Supp. 75-36,105 and 75-36,106"; and the bill be passed as amended.

General Government Budget Committee recommends SB 326 be amended on page 1, in line 14, by striking "2008" and inserting "2009"; in line 15, by striking "2009" and inserting "2010"; in line 20, by striking "2008" and inserting "2009";

Also on page 1, in the title, in line 11, by striking "2008" and inserting "2009"; and the bill be passed as amended.

General Government Budget Committee recommends SB 461 be amended on page 1, in line 41, by striking all after the comma; in line 42, by striking all before "for"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 376**, **SB 440** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

**Social Services Budget Committee** recommends **SB 200** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 200," as follows: "HOUSE Substitute for SENATE BILL No. 200

By Social Services Budget Committee

"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."; and the substitute bill be passed.

(H. Sub. for SB 200 was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2578** be amended on page 4, in line 19, preceding "pays" by inserting "appeals to the court of tax appeals pursuant to the provisions of K.S.A. 79-1609, and amendments thereto, or"; in line 22, following "protest" by inserting "or a refund made pursuant to the provisions of K.S.A. 79-1609, and amendments thereto"; in line 26, by striking "paid under protest"; in line 29, by striking "Such"; in line 30, by striking all preceding the period and inserting "Each loan shall bear interest at a rate equal to the net earnings rate of the pooled money investment portfolio at the time of the making of such loan. The total aggregate amount of loans under this program shall not exceed \$50,000,000 of unencumbered funds pursuant to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto"; in line 39, by striking "five" and inserting "four"; in line 40, by striking "five" and inserting "four";

On page 5, by striking all in line 13 and inserting the following:

- "Sec. 2. K.S.A. 2009 Supp. 75-4209 is hereby amended to read as follows: 75-4209. (a) The director of investments may invest and reinvest state moneys eligible for investment which are not invested in accordance with K.S.A. 75-4237, and amendments thereto, in the following investments:
- (1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of the United States sponsored enterprises which under federal law may be accepted as security for public funds, on and after the effective date of this act moneys available for investment under this subsection shall not be invested in mortgage-backed securities of such enterprises and of the government national mortgage association, except that any such mortgage-backed securities held prior to the effective date of this act may be held to maturity;
- (2) repurchase agreements with a bank or a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government sponsored enterprises which under federal law may be accepted as security for public funds;
- (3) commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm; and
- (4) corporate bonds which have received one of the two highest ratings by a nationally recognized investment rating firm.

- (b) When moneys are available for deposit or investments, the director of investments may invest in SKILL act projects and bonds pursuant to K.S.A. 74-8920, and amendments thereto, and in state agency bonds and bond projects.
- (c) When moneys are available for deposits or investments, the director of investments may invest in preferred stock of Kansas venture capital, inc., under terms and conditions prescribed by K.S.A. 74-8203, and amendments thereto, but such investments shall not in the aggregate exceed a total amount of \$10,000,000.
- (d) When moneys are available for deposits or investments, the director of investments may invest in loans pursuant to legislative mandates, except that not more than the lesser greater of 10% or \$140,000,000 of the state moneys shall be invested.
- (e) Interest on investment accounts in banks is to be paid at maturity, but not less than annually.
- (f) Investments made by the director of investments under the provisions of this section shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.
- (g) Investments under subsection (a) or (b) or under K.S.A. 75-4237, and amendments thereto, shall be for a period not to exceed four years, except that linked deposits authorized under the provisions of K.S.A. 2-3703 through 2-3707, and amendments thereto, shall not exceed a period of 10 years; agricultural production loan deposits authorized under the provisions of K.S.A. 2009 Supp. 75-4268 through 75-4274, and amendments thereto, shall not exceed a period of eight years and housing loan deposits authorized under K.S.A. 2009 Supp. 75-4276 through 75-4282, and amendments thereto, shall not exceed a period of five years.
- (h) Investments in securities under paragraph (1) of subsection (a) shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.
- (i) The director of investments shall not invest state moneys eligible for investment under subsection (a), in the municipal investment pool fund, created under K.S.A. 12-1677a, and amendments thereto.
- (j) The director of investments shall not invest moneys in the pooled money investment portfolio in derivatives. As used in this subsection, "derivatives" means a financial contract whose value depends on the value of an underlying asset or index of asset values.
- (k) Moneys and investments in the pooled money investment portfolio shall be invested and reinvested by the director of investments in accordance with investment policies developed, approved, published and updated on an annual basis by the board. Such investment policies shall include at a minimum guidelines which identify credit standards, eligible instruments, allowable maturity ranges, methods for valuing the portfolio, calculating earnings and yields and limits on portfolio concentration for each type of investment. Any changes in such investment policies shall be approved by the pooled money investment board. Such investment policies may specify the contents of reports, methods of crediting funds and accounts and other operating procedures.
- (l) The board shall adopt rules and regulations to establish an overall percentage limitation on the investment of moneys in investments authorized under paragraph (3) of subsection (a), and within such authorized investment, the board shall establish a percentage limitation on the investment in any single business entity.

Sec. 3. K.S.A. 2009 Supp. 75-4209 and 79-2005 are hereby repealed.";

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 9, by striking "paid"; in line 10, by striking "under protest"; in line 11, following "terms" by inserting "and limitations"; also in line 11, following "Supp." by inserting "75-4209 and"; in line 12, by striking "section" and inserting "sections"; and the bill be passed as amended.

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

# INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2732**, An act concerning the Kansas sentencing commission; relating to personnel and accounting services; amending K.S.A. 74-9105 and repealing the existing section, by Committee on Appropriations.

**HB 2733**, An act concerning campaign finance; relating to electioneering communication; establishing certain reporting requirements, by Committee on Federal and State Affairs.

HB 2734, An act concerning taxation; relating to tax clearance program, procedure; requirements of secretary of revenue, by Committee on Taxation.

### HOUSE CONCURRENT RESOLUTION No. 5035-

By Committee on Federal and State Affairs

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 Únited 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 House of Representatives of the State of Kansas, the Senate 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 President and members of the United States Senate, the Speaker and members 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.

On motion of Rep. Merrick, the House adjourned until  $11:00~\mathrm{a.m.}$ , Wednesday, March  $10,\,2010.$ 

# Journal of the House

### FORTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, March 10, 2010, 11:00 a.m.

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

The roll was called with 123 members present.

Rep. Johnson was excused on verified illness.

Rep. Spalding was excused on legislative business.

Rep. Aurand was excused later in the day on legislative business.

Prayer by Chaplain Brubaker:

Our Heavenly Father, Today as hundreds gather to watch and cheer the twelve teams in the Big 12 Tournament, we have the privilege of dissecting and discussing the Big 12 items such as: transportation, taxation & education; agriculture, health care & insurance; budgets, finance, & commerce; local government, general government & judiciary. It doesn't seem quite as exciting and fun as basketball . . . in fact, it is enough to make us want to bawl. Guide us in solutions so we won't stonewall, so we can go watch our teams enthralled. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Goico.

#### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Craft are spread upon the journal: Boys & Girls Clubs of America's Youth of the Year program, sponsored by the Reader's Digest Foundation since 1947, recognizes teens for outstanding contributions to a member's family, school, community and Boys & Girls Club, as well as personal challenges and obstacles overcome.

Participants are chosen on local, state and regional levels, with the five regional winners meeting each September in Washington, D.C., to compete for the National Youth of the Year title.

Youth of the Year candidates are evaluated through a rigorous set of criteria and compete through submission of a detailed application, a personal interview and a prepared speech.

The Youth of the Year program develops club members who are articulate, well-groomed and knowledgeable spokespersons for their club and community. The qualities of character, service and leadership that make a Youth of the Year are promoted in our clubs everyday. Whether a club member actually becomes Youth of the Year, the time and effort invested by staff helps these young people become all they are capable of being. Thus, the program is an effective year-round development tool for all members. I would like to introduce Tyler

Lisbon, who is accompanied by his parents and is a sophomore at Junction City High School. Tyler represents the Fort Riley Boys & Girls Club and now will head to San Antonio for the regional competition.

#### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. S. Gatewood are spread upon the journal:

One of the newest members of the 57th District is my baby daughter and I would like to introduce her to you today. Her name is Kennedy.

#### INTRODUCTION OF GUESTS

There being no objection, the following remarks by Rep. O'Brien are spread upon the journal:

On behalf of Reps. Meier, Crow and Donohoe, I would like to recognize two groups from our area. They are the leaders of today and tomorrow. Please welcome Leadership Leavenworth/Lansing and Southern Leavenworth County Leadership Development, Class 2009-2010.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Federal and State Affairs: HB 2733; HCR 5035.

Taxation: HB 2734.

Transportation and Public Safety Budget: HB 2732.

#### CONSENT CALENDAR

No objection was made to  $SB\ 376, SB\ 396, SB\ 440$  appearing on the Consent Calendar for the first day.

No objection was made to  $HB\ 2691;SB\ 451$  appearing on the Consent Calendar for the second day.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**Sub. HB 2345**, An act concerning insurance; relating to life insurance companies; amending K.S.A. 2009 Supp. 40-401 and repealing the existing section, was considered on final action.

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

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Aurand, Johnson, Spalding.

The substitute bill passed, as amended.

**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, 58-3040

3043, 58-3062 and 58-3068 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 11; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Kelley, Kinzer, Landwehr, Merrick, O'Brien, Pauls, Peterson, Rhoades, Schroeder, Ward.

Present but not voting: None.

Absent or not voting: Aurand, Johnson, Spalding.

The bill passed, as amended.

**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 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Gordon, Landwehr, McLeland.

Present but not voting: None.

Absent or not voting: Aurand, Johnson, Spalding.

The bill passed.

**HB 2704**, An act concerning school districts; relating to consolidation; amending K.S.A. 2009 Supp. 72-8701 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore.

Present but not voting: None.

Absent or not voting: Aurand, Johnson, Spalding.

The bill passed, as amended.

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 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Shultz, Siegfreid, Slattery, Sloan, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Aurand, Johnson, Spalding.

The bill passed.

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 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Johnson, Spalding.

The bill passed.

## MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Brunk, the House concurred in Senate amendments to **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 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf,

Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Johnson, Spalding.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Crum in the chair.

#### COMMITTEE OF THE WHOLE

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

Recommended that SB 438, SB 409 be passed.

Committee report recommending a substitute bill to  ${\bf Sub.~HB~2390}$  be adopted; and the substitute bill be passed.

### REPORTS OF STANDING COMMITTEES

Committee on **Aging and Long Term Care** recommends **SB 43** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 43," as follows:

"HOUSE Substitute for SENATE BILL No. 43

By Committee on Aging and Long Term Care

"AN ACT concerning social workers; relating to continuing education requirements; amending K.S.A. 2009 Supp. 65-6313 and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for SB 43 was thereupon introduced and read by title.)

Committee on **Agriculture and Natural Resources** recommends **SB 394** 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 **Agriculture and Natural Resources** recommends **SB 395** be amended on page 6, in line 42, by striking all after "(k)"; by striking all in line 43;

On page 7, by striking all in lines 1 through 9 and inserting "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.";

On page 8, in line 19, by striking "\$100" and inserting "\$50";

On page 9, in line 3, by striking all after "(l)"; by striking all in lines 4 through 13 and inserting "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 the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 26** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 26," as follows:

"HOUSE Substitute for SENATE BILL No. 26

By Committee on Corrections and Juvenile Justice

"AN ACT concerning district court fines, penalties and forfeitures; relating to traffic fines; relating to funding of the alcohol and drug abuse treatment fund; amending K.S.A. 2009 Supp. 8-2118 and 74-7336 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 26 was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **SB 386** be amended on page 1, in line 31, after "(b)" by inserting:

"(1)";

Also on page 1, in line 36, after the period by inserting:

"(2)"

Also on page 1, in line 41, after the period by inserting: "(3)".

On page 2, in line 1, after the period by inserting:

"(4)"

Also on page 2, in line 6, after the period by inserting:

"(5)";

Also on page 2, in line 8, by striking "the prosecuting attorney shall request and the court shall enter"; in line 9, by striking "a protective order prohibiting the transmission of" and inserting "the defendant's counsel shall not further disclose"; in line 11, by striking "further"; also after line 11, by inserting the following:

- "(6) If the prosecuting attorney provides books, papers or documents to the defendant's counsel with vehicle identification numbers or personal identifiers redacted by the prosecuting attorney, the prosecuting attorney shall provide notice to the defendant's counsel that such books, papers or documents had such numbers or identifiers redacted by the prosecuting attorney.
- (7) Any redaction of vehicle identification numbers or personal identifiers by the prosecuting attorney shall be by alteration or truncation of such numbers or identifiers and shall not be by removal.";

On page 3, after line 17, by inserting the following:

- "Sec. 2. K.S.A. 2009 Supp. 22-3437 is hereby amended to read as follows: 22-3437. (a) (1) In any hearing or trial, a report concerning forensic examinations and certificate of forensic examination executed pursuant to this section shall be admissible in evidence if the report and certificate are prepared and attested by a criminalist or other employee of the Kansas bureau of investigation, Kansas highway patrol or any laboratory of the federal bureau of investigation, federal postal inspection service, federal bureau of alcohol, tobacco and firearms or federal drug enforcement administration. If the examination involves a breath test for alcohol content, the report must also be admissible pursuant to K.S.A. 8-1001, and amendments thereto, and be conducted by a law enforcement officer or other person who is certified by the department of health and environment as a breath test operator as provided by K.S.A. 65-1,107 et seq., and amendments thereto.
- (2) Upon the request of any law enforcement agency, such person as provided in subsection paragraph (1) performing the analysis shall prepare a certificate. Such person shall sign the certificate under oath and shall include in the certificate an attestation as to the result of the analysis. The presentation of this certificate to a court by any party to a proceeding shall be evidence that all of the requirements and provisions of this section have been complied with. This certificate shall be supported by a written declaration pursuant to K.S.A. 53-601, and amendments thereto, or shall be sworn to before a notary public or other person empowered by law to take oaths and shall contain a statement establishing the following: The type of analysis performed; the result achieved; any conclusions reached based upon that result; that the subscriber is the person who performed the analysis and made the conclusions; the subscriber's training or experience to perform the analysis; the nature and condition of the equipment used; and the certification and foundation requirements for

admissibility of breath test results, when appropriate. When properly executed, the certificate shall, subject to the provisions of subsection (3) paragraph (3) and notwithstanding any other provision of law, be admissible evidence of the results of the forensic examination of the samples or evidence submitted for analysis and the court shall take judicial notice of the signature of the person performing the analysis and of the fact that such person is that person who performed the analysis.

- (3) Whenever a party intends to proffer in a criminal or civil proceeding, a certificate executed pursuant to this section, notice of an intent to proffer that certificate and the reports relating to the analysis in question, including a copy of the certificate, shall be conveyed to the opposing party or parties at least 20 days before the beginning of a hearing where the proffer will be used. An opposing party who intends to object to the admission into evidence of a certificate shall give notice of objection and the grounds for the objection within 10 days upon receiving the adversary's notice of intent to proffer the certificate. Whenever a notice of objection is filed, admissibility of the certificate shall be determined not later than two days before the beginning of the trial. A proffered certificate shall be admitted in evidence unless it appears from the notice of objection and grounds for that objection that the conclusions of the certificate, including the composition, quality or quantity of the substance submitted to the laboratory for analysis or the alcohol content of a blood or breath sample will be contested at trial. A failure to comply with the time limitations regarding the notice of objection required by this section shall constitute a waiver of any objections to the admission of the certificate. The time limitations set forth in this section may be extended upon a showing of good cause.
- (b) (1) In any hearing or trial where there is a report concerning forensic examinations from a person as provided in paragraph (1) of subsection (a), district and municipal courts may, upon request of either party, use two-way interactive video technology, including internet-based videoconferencing, to take testimony from that person if the testimony is in relation to the report.
- (2) The use of any two-way interactive video technology must be in accordance with any requirements and guidelines established by the office of judicial administration, and all proceedings at which such technology is used in a district court must be recorded verbatim by the court.";

And by renumbering the remaining sections accordingly;

Also on page 3, in line 18, after "22-3433" by inserting "and K.S.A. 2009 Supp. 22-3437"; In the title, in line 11, after the semicolon where it appears the first time, by inserting "admissibility and certification of forensic examinations; allowing interactive video testimony in limited instances," also in line 11, after "32, 3213" by inserting "and K.S.A. 2000 Supp.

admissionly and estimated in Interest cannot be seen that the seen in limited instances;"; also in line 11, after "22-3212" by inserting "and K.S.A. 2009 Supp. 22-3437"; also in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Education** recommends **SB 485** be amended on page 1, in line 25, before "or" where it appears the second time, by inserting "specialist";

On page 7, in line 24, after "Professional" by inserting ", specialist"; in line 33, after "Professional" by inserting ", specialist";

On page 8, in line 19, after "Professional" by inserting ", specialist"; in line 28, after "Professional" by inserting ", specialist"; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2729** be amended on page 4, in line 34, by striking "reasonable"; also in line 34, by striking "the" where it appears for the last time and inserting "such"; in line 35, by striking ", not to exceed 5% of such improvements,"; in line 36, after the period, by inserting "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."; and the bill be passed as amended.

Committee on Federal and State Affairs recommends SCR 1622 be adopted.

Committee on **Judiciary** recommends **SB 437**, **SB 441** be passed.

Committee on **Judiciary** recommends **SB 369** be amended on page 1, by striking all in line 12 and inserting the following:

- "Section 1. On and after July 1, 2010, K.S.A. 2009 Supp. 45-221 is hereby amended to read as follows: 45-221. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:
- (1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2009 Supp. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2009 Supp. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.
- (2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.
- (3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.
- (4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.
- (5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.
- (6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.
- (7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.
- (8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.
- (9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.
- (10) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:
  - (A) Is in the public interest;
- (B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;
  - (C) would not reveal the identity of any confidential source or undercover agent;
- (D) would not reveal confidential investigative techniques or procedures not known to the general public;
  - (E) would not endanger the life or physical safety of any person; and
- (F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.
- If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.
- (11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.
- (12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is

used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

- (13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.
- (14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.
- (15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto
- (16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:
  - (A) The information which the agency maintains on computer facilities; and
- (B) the form in which the information can be made available using existing computer programs.
- (17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.
- (18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.
- (19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.
- (20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.
- (21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:
- (A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or
- (B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.
- (22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:
- (A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or
- (B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.
- (23) Library patron and circulation records which pertain to identifiable individuals.
- (24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.
  - (25) Records which represent and constitute the work product of an attorney.
- (26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.

- (27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.
  - (28) Sealed bids and related documents, until a bid is accepted or all bids rejected.
  - (29) Correctional records pertaining to an identifiable inmate or release, except that:
- (A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another immate or releasee, except that the disclosure of the location of an immate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections:
- (B) the ombudsman of corrections, the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;
- (C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq. and amendments thereto, shall not be disclosed; and
- (D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.
- (30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.
- (31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.
- (32) Engineering and architectural estimates made by or for any public agency relative to public improvements.
- (33) Financial information submitted by contractors in qualification statements to any public agency.
- (34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.
- (35) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.
  - (36) Information which would reveal the precise location of an archeological site.
- (37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.
- (38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20, and amendments thereto.
- (39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to subsection (b) of K.S.A. 40-409, and amendments thereto.
- (40) Disclosure reports filed with the commissioner of insurance under subsection (a) of K.S.A. 40-2,156, and amendments thereto.
- (41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

- (42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.
- (43) Market research, market plans, business plans and the terms and conditions of managed care or other third party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.
- (44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.
- (45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.
- (46) Any information or material received by the register of deeds of a county from military discharge papers (DD Form 214). Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.
- (47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.
- (48) Policy information provided by an insurance carrier in accordance with subsection (h)(1) of K.S.A. 44-532, and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.
- (49) An individual's e-mail address, cell phone number and other contact information which has been given to the public agency for the purpose of public agency notifications or communications which are widely distributed to the public.
- (b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.
- (c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.
- (d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this

- act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.
- (e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.
- (f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.
- (g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.
- Sec. 2. On and after July 1, 2010, K.S.A. 2009 Supp. 45-229 is hereby amended to read as follows: 45-229. (a) It is the intent of the legislature that exceptions to disclosure under the open records act shall be created or maintained only if:
  - (1) The public record is of a sensitive or personal nature concerning individuals;
- (2) the public record is necessary for the effective and efficient administration of a governmental program; or
  - (3) the public record affects confidential information.

The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds that the public has a right to have access to public records unless the criteria in this section for restricting such access to a public record are met and the criteria are considered during legislative review in connection with the particular exception to disclosure to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the legislature shall consider the criteria in this section before enacting an exception to disclosure.

- (b) Subject to the provisions of subsection (h), all exceptions to disclosure in existence on July 1, 2000, shall expire on July 1, 2005, and any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment of the new exception or substantial amendment, unless the legislature acts to continue the exception. A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires at the end of five years and that the exception shall be reviewed by the legislature before the scheduled date.
- (c) For purposes of this section, an exception is substantially amended if the amendment expands the scope of the exception to include more records or information. An exception is not substantially amended if the amendment narrows the scope of the exception.
- (d) This section is not intended to repeal an exception that has been amended following legislative review before the scheduled repeal of the exception if the exception is not substantially amended as a result of the review.
- (e) In the year before the expiration of an exception, the revisor of statutes shall certify to the president of the senate and the speaker of the house of representatives, by July 15, the language and statutory citation of each exception which will expire in the following year which meets the criteria of an exception as defined in this section. Any exception that is not identified and certified to the president of the senate and the speaker of the house of representatives is not subject to legislative review and shall not expire. If the revisor of statutes fails to certify an exception that the revisor subsequently determines should have been certified, the revisor shall include the exception in the following year's certification after that determination.
- (f) "Exception" means any provision of law which creates an exception to disclosure or limits disclosure under the open records act pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any other provision of law.

- (g) A provision of law which creates or amends an exception to disclosure under the open records law shall not be subject to review and expiration under this act if such provision:
  - (1) Is required by federal law;
  - (2) applies solely to the legislature or to the state court system.
- (h) (1) The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:
  - (A) What specific records are affected by the exception;
  - (B) whom does the exception uniquely affect, as opposed to the general public;
  - (C) what is the identifiable public purpose or goal of the exception;
- (D) whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;
- (2) An exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exception and if the exception:
- (A) Allows the effective and efficient administration of a governmental program, which administration would be significantly impaired without the exception;
- (B) protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. Only information that would identify the individuals may be excepted under this paragraph; or
- (C) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.
- (3) Records made before the date of the expiration of an exception shall be subject to disclosure as otherwise provided by law. In deciding whether the records shall be made public, the legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exception of the type specified in paragraph (2)(B) or (2)(C) of this subsection (h) would occur if the records were made public.
- (i) Exceptions contained in the following statutes as continued in existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas and exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) of this section on June 1, 2004, during 2009 are hereby continued in existence until July 1, 2010 2015, at which time such exceptions shall expire: 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 11-306, 12-189, 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-1312e, 17-2036, 17-2227, 17-5832, <del>17-7503, 17-7505,</del> 17-7511, 17-7514, 17-76,139, 19-4321, 21-2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312, 25-4161, 25-4165, 31-405, 34-251, <del>38-1508, 38-1520, 38-1565, 38-1609, 38-1610, 38-1618,</del> 38-1664, 38-2212, 39-709b, 39-719e, 39-934, 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21, 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b, 40-3421, 40-3613,40-3805, 40-4205, 40-5301, 44-510j, 44-550b, 44-594, 44-635, 44-714, 44-817, 44-1005, 44-1019, subsections (a)(1) through (43), (a)(45) and (a)(46) of 45-221, 46-256, 46-259, 46- $2201,\ 47-839,\ 47-844,\ 47-849,\ 47-1709,\ 48-1614,\ 49-406,\ 49-427,\ 55-1,102,\ {\color{red} 56-1a606,\ 56-1a6$ <del>1a607, 56a-1201, 56a-1202,</del> 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-3336, 60-3351, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-1,113, 445, 65-507, 65-525, 65-531, 65-657, 65-1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a, 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, <del>65-</del> <del>4608</del>, 65-4922, 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1, 190, 66-1, 203, 66-1220a, 66-2010, 72-972a, 72-996, 72-4311, 72-4452, 72-5214, 72-53,106, 72-5427, 72-8903, 73-1228, 74-2424, 74-2433f, 74-4905, 74-4909, 74-50,131, 74-5515, 74-7308, 74-7338, <del>74-7405a,</del> 74-8104, 74-8307, 74-8705, 74-8804, 74-9805, 74-99d05, 75-104, 75-712, 75-7b15, 75-1267, 75-2943,

- $75\text{-}4332,\ 75\text{-}4362,\ 75\text{-}5133,\ 75\text{-}5266,\ 75\text{-}53,105,\ 75\text{-}5665,\ 75\text{-}5666,\ 75\text{-}7310,\ 76\text{-}355,\ 76\text{-}359,\ 76\text{-}493,\ 76\text{-}12b11,\ 76\text{-}3305,\ 79\text{-}1119,\ \textcolor{red}{79\text{-}1437f},\ \textcolor{red}{79\text{-}15,118},\ 79\text{-}3234,\ 79\text{-}3395,\ 79\text{-}3420,\ 79\text{-}3499,\ 79\text{-}34,113,\ 79\text{-}3614,\ 79\text{-}3657,\ 79\text{-}4301\ and\ 79\text{-}5206.}$
- (j) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) of this section on June 1, 2005, are hereby continued in existence until July 1, 2011, at which time such exceptions shall expire: 1-501, 9-1303, 12-4516a, 38-1692, 39-970, 40-4913, 65-525, 65-5117, 65-6016, 65-6017 and 74-7508.
- (k) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2006, 2007 and 2008 are hereby continued in existence until July 1, 2014, at which time such exceptions shall expire: 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-17,150, 12-2001, 12-5332, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-2905, 41-2906, 44-706, 44-1518, subsections (a)(44), (45), (46) and (47) of 45-221, 56-1a610, 56a-1204, 65-1,243, 65-3239, 66-1233, 74-50,184, 74-8134, 74-99b06 and 82a-2210.
- Sec. 3. On and after July 1, 2010, K.S.A. 2009 Supp. 38-2309 is hereby amended to read as follows: 38-2309. (a) Official file. The official file of proceedings pursuant to this code shall consist of the complaint, process, service of process, orders, writs and journal entries reflecting hearings held, judgments and decrees entered by the court. The official file shall be kept separate from other records of the court.
- (b) The official file shall be open for public inspection, unless the judge determines that opening the official file for public inspection is not in the best interests of a juvenile who is less than 14 years of age. Information identifying victims and alleged victims of sex offenses, as defined in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, shall not be disclosed or open to public inspection under any circumstances. Nothing in this section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing such victim's identity. An official file closed pursuant to this section and information identifying the victim or alleged victim of any sex offense shall be disclosed only to the following:
- (1) A judge of the district court and members of the staff of the court designated by the judge:
  - (2) parties to the proceedings and their attorneys;
- (3) any individual or any public or private agency or institution: (A) Having custody of the juvenile under court order; or (B) providing educational, medical or mental health services to the juvenile;
  - (4) the juvenile's court appointed special advocate;
- (5) any placement provider or potential placement provider as determined by the commissioner or court services officer;
- (6) law enforcement officers or county or district attorneys, or their staff, when necessary for the discharge of their official duties;
- (7) the Kansas racing commission, upon written request of the commission chairperson, for the purpose provided by K.S.A. 74-8804, and amendments thereto, except that information identifying the victim or alleged victim of any sex offense shall not be disclosed pursuant to this subsection;
  - (8) juvenile intake and assessment workers;
  - (9) the commissioner;
- $\left(10\right)$  any other person when authorized by a court order, subject to any conditions imposed by the order; and
- (11) the commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.
- (c) Social file. Reports and information received by the court, other than the official file, shall be privileged and open to inspection only by attorneys for the parties, juvenile intake and assessment workers, court appointed special advocates and, juvenile community corrections officers, the juvenile's guardian ad litem, if any, or upon order of a judge of the district court or appellate court. The reports shall not be further disclosed without approval of the court or by being presented as admissible evidence.

- (d) Preservation of records. The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas juvenile justice code or the revised Kansas juvenile justice code whenever such records otherwise would be destroyed. The Kansas state historical society shall make available for public inspection any unexpunged docket entry or official file in its custody concerning any juvenile 14 or more years of age at the time an offense is alleged to have been committed by the juvenile. No other such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 70 years after creation of the records, except as provided in subsections (b) and (c). A judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas juvenile justice code or the revised Kansas juvenile justice code.
- (e) Relevant information, reports and records, shall be made available to the department of corrections upon request, and a showing that the former juvenile has been convicted of a crime and placed in the custody of the secretary of corrections.
- Sec. 4. On and after July 1, 2010, K.S.A. 60-3351 is hereby amended to read as follows: 60-3351. (a) Except as provided in K.S.A. 60-3352 and 60-3353, and amendments thereto, an insurance compliance self-evaluative audit document is privileged information and is not discoverable, or admissible as evidence in any legal action in any civil, criminal or administrative proceeding. The privilege created herein is a matter of substantive law of this state and is not merely a procedural matter governing civil or criminal procedures in the courts of this state.
- (b) If any insurance company, person, or entity performs or directs the performance of an insurance compliance audit, an officer, employee or agent involved with the insurance compliance audit, or any consultant who is hired for the purpose of performing the insurance compliance audit, may not be examined in any civil, criminal or administrative proceeding as to the insurance compliance audit or any insurance compliance self-evaluative audit document, as defined in this section. This subsection (b) shall not apply if the privilege set forth in subsection (a) of this section is determined under K.S.A. 60-3352 and 60-3353, and amendments thereto, not to apply.
- (c) Any insurance company may voluntarily submit, in connection with any examination conducted under chapter 40 of the Kansas Statutes Annotated, and amendments thereto, an insurance compliance self-evaluative audit document to the commissioner as a confidential document in the same manner as provided in chapter 40 of the Kansas Statutes Annotated, and amendments thereto, for documents required to be provided to the commissioner in the course of an examination by the commissioner without waiving the privilege set forth in this section to which the insurance company would otherwise be entitled. Any provision in chapter 40 of the Kansas Statutes Annotated, and amendments thereto, permitting the commissioner to make confidential documents public or to grant the national association of insurance commissioners access to confidential documents shall not apply to the insurance compliance self-evaluative audit document voluntarily submitted by an insurance company. To the extent that the commissioner has the authority to compel the disclosure of an insurance compliance self-evaluative audit document under other provisions of applicable law, any such report furnished to the commissioner shall not be provided to any other persons or entities and shall be accorded the same confidentiality and other protections as provided above for voluntarily submitted documents. Any use of an insurance compliance self-evaluative audit document furnished as a result of a request of the commissioner under a claim of authority to compel disclosure shall be limited to determining whether or not any disclosed defects in an insurers' policies and procedures or inappropriate treatment of customers has been remedied or that an appropriate plan for their remedy is in place.
- (1) Any insurance company's insurance compliance self-evaluative audit document submitted to the commissioner shall remain subject to all applicable statutory or common law privileges including, but not limited to, the work product doctrine, attorney-client privilege, or the subsequent remedial measures exclusion.
- (2) Any compliance self-evaluative audit document so submitted and in the possession of the commissioner shall remain the property of the insurance company and shall not be subject to any disclosure or production under the Kansas open records act. The provision

of this paragraph shall expire on July 1,  $\frac{2010}{2015}$ , unless the legislature reenacts such provision. The provision of this paragraph shall be reviewed by the legislature prior to July 1,  $\frac{2010}{2015}$ .

(d) Disclosure of an insurance compliance self-evaluative audit document to a governmental agency, whether voluntary or pursuant to compulsion of law, shall not constitute a waiver of the privilege set forth in subsection (a) with respect to any other persons or any other governmental agencies. Nothing in this act shall prohibit the division of post audit from having access to all insurance compliance self-evaluative audit documents in the custody of the commissioner.

Sec. 5. On and after July 1, 2010, K.S.A. 60-3351 and 74-7405a and K.S.A. 2009 Supp. 38-2309, 45-221 and 45-229 are hereby repealed.

Sec. 6. K.S.A. 2009 Supp. 45-221i is hereby repealed.";

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking "repealing K.S.A. 2009 Supp. 45-221i;"; also in line 9, before the period by inserting "; amending K.S.A. 60-3351 and K.S.A. 2009 Supp. 38-2309, 45-221 and 45-229 and repealing the existing sections; also repealing K.S.A. 74-7405a and K.S.A. 2009 Supp. 45-221i"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 439** be amended on page 1, in line 28, after the comma, by inserting "and amendments thereto,"; in line 31, by striking "(5)";

On page 2, after line 3, by inserting the following:

"(5) the full text of all administrative rules and regulations which have been adopted and filed in accordance with the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto, except that the secretary of state may publish a summary of any rule and regulation together with the address of the state agency from which a copy of the full text of the proposed rules and regulations may be received, if such rule and regulation is lengthy and expensive to publish and otherwise available in published form and a summary will, in the opinion of the secretary, properly notify the public of the contents of such rule and regulation;

(6)";

Also on page 2, in line 6, before the semicolon, by inserting ", and amendments thereto"; in line 7, by striking "(6)" and inserting "(7)"; in line 12, by striking "(7)" and inserting "(8)"; in line 14, by striking "(8)" and inserting "(9)"; in line 16, by striking "(9)" and inserting "(10)"; in line 19, by striking "(10)" and inserting "(11)"; in line 25, by striking "this act" and inserting "K.S.A. 75-430 through 75-434, and amendments thereto,";

On page 3, in line 22, before the period, by inserting ", and amendments thereto"; 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 **Transportation** recommends **Substitute for SB 462** be amended on page 1, in line 15, following "liable" by inserting ", subject to the provisions of K.S.A. 60-258a, and amendments thereto,"; in line 17, preceding "result" by inserting "proximate"; in line 18, by striking the comma where it appears the second time; by striking all in line 21; in line 22, by striking all preceding the period; also in line 22, by striking "may include, but not" and inserting "shall"; and the substitute bill be passed as amended.

## REPORT ON ENGROSSED BILLS

Sub. HB 2345; HB 2560, HB 2704 reported correctly engrossed March 9, 2010.

On motion of Rep. Merrick, the House adjourned until 8:00 a.m., Thursday, March 11, 2010.

# Journal of the House

## FORTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, March 11, 2010, 8:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair. The roll was called with 120 members present. Rep. Johnson was excused on verified illness. Reps. Aurand, Pottorff and Winn were excused on legislative business. Rep. George was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, As the intensity of the session heightens, help us to live as you have instructed. "... what happens when we live God's way? He brings gifts into our lives, much the same way that fruit appears in an orchardthings like affection for others, exuberance about life, serenity. We develop a willingness to stick with things, a sense of compassion in the heart, and a conviction that a basic holiness permeates things and people. We find ourselves involved in loyal commitments, not needing to force our way in life, able to marshal and direct our energies wisely." (Galatians 5:22-23 The Message) This I pray in Jesus' Name,

The Pledge of Allegiance was led by Rep. Talia.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2735**, An act concerning alcoholic beverages; amending K.S.A. 41-2621 and K.S.A. 2009 Supp. 8-1599 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2736**, An act concerning delinquent taxes; providing for the sale of receivables, by Committee on Taxation.

## MESSAGES FROM THE GOVERNOR

**HB 2411** approved on March 10, 2010.

#### COMMUNICATIONS FROM STATE OFFICERS

From Kevin M. Carr, Interim CEO, KTEC (Kansas Technology Enterprise Corporation), 2009 Annual Report.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

#### MESSAGE FROM THE SENATE

Announcing passage of SB 454, SB 559.

Announcing passage of **HB 2364**, **HB 2433**, **HB 2445**, **HB 2492**, **HB 2555**, **HB 2609**. Announcing passage of **HB 2415**, as amended; **HB 2418**, as amended.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 454, SB 559.

#### CONSENT CALENDAR

No objection was made to  ${\bf SB~394,\,SB~464}$  appearing on the Consent Calendar for the first dav.

No objection was made to **SB 376, SB 396, SB 440** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2691; SB 451** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2691, An act concerning budget estimates of state agencies; relating to biennial estimates for certain state agencies; Kansas home inspectors registration board; amending K.S.A. 2009 Supp. 75-3717 and repealing the existing section, was considered on final action. Call of the House was demanded.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, George, Johnson, Pottorff, Winn.

The bill passed.

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 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rar-

din, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, George, Johnson, Pottorff, Winn.

The bill passed.

**Sub. HB 2390**, An act concerning insurance; relating to the use of credit information; amending K.S.A. 2009 Supp. 40-5103 and 40-5104 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 11; Present but not voting: 1; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Donohoe, Hermanson, Huebert, Kelley, Kiegerl, Kinzer, Merrick, Rhoades, Siegfreid, Whitham.

Present but not voting: Landwehr.

Absent or not voting: Aurand, George, Johnson, Pottorff, Winn.

The substitute bill passed.

**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 115; Nays 5; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Carlson, Donohoe, Faber, Kinzer.

Present but not voting: None.

Absent or not voting: Aurand, George, Johnson, Pottorff, Winn.

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, was considered on final action.

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

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Barnes, Dillmore, Lane.

Present but not voting: None.

Absent or not voting: Aurand, George, Johnson, Pottorff, Winn.

The bill passed.

#### 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 "82a-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

On motion of Rep. Fund, the conference committee report on **HB 2283** was adopted. On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ward.

Present but not voting: None.

Absent or not voting: Aurand, George, Johnson, Pottorff, Winn.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Fund, the House concurred in Senate amendments to **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. On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, George, Johnson, Pottorff, Winn.

On motion of Rep. Shultz, the House nonconcurred in Senate amendments to **HB 2500** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Shultz, Peck and Swenson as conferees on the part of the House.

On motion of Rep. Shultz, the House nonconcurred in Senate amendments to **HB 2501** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Shultz, Peck and Swenson as conferees on the part of the House.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Hubert in the chair.

### COMMITTEE OF THE WHOLE

On motion of Rep. Hubert, Committee of the Whole report, as follows, was adopted: Recommended that committee report to **SB 497** be adopted; and the bill be passed as mended

Committee report recommending a substitute bill to  ${\bf H.~Sub.~for~SB~200}$  be adopted; and the substitute bill be passed.

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 458** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 458," as follows:

"HOUSE Substitute for SENATE BILL No. 458

By Committee on Corrections and Juvenile Justice

"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.";

and the substitute bill be passed.

(H. Sub. for SB 458 was thereupon introduced and read by title.)

Committee on Judiciary recommends SB 371 be passed.

Committee on **Taxation** recommends **HB 2519** be amended on page 1, after line 13, by inserting the following:

"Section 1. K.S.A. 2009 Supp. 12-191 is hereby amended to read as follows: 12-191. All retail transactions consummated within a county or city having a retail sales tax, which transactions are subject to the Kansas retailers' sales tax, shall also be subject to such county or city retail sales tax. Except as hereinafter provided, the retailer may choose that all retail sales, for the purpose of this act, shall be considered to have been consummated at the place of business of the retailer and sourced to such location, or at the location determined by the sourcing rules as provided in K.S.A. 2009 Supp. 79-3670, and amendments thereto. The retail sales or transfer of watercraft, modular homes, manufactured homes or mobile homes, shall be considered consummated at the place of business of the retailer and sourced to such location. The retail sale, excluding the lease or rental, of motor vehicles, trailers, semitrailers or aircraft that do not qualify as transportation equipment, as defined in subsection (d) of K.S.A. 2009 Supp. 79-3670, and amendments thereto, shall be considered consummated at the place of business of the retailer and sourced to such location. The isolated or occasional sale of any motor vehicle or trailer shall be considered consummated at the taxing jurisdiction where the sale is made. If the sale negotiations occurred in different cities or counties, the situs of the sale for local sales tax purposes shall be the place where the motor vehicle or trailer was kept at the time negotiations were first entered into. In the event the place of business of a retailer is doubtful the place or places at which the retail sales are consummated for the purposes of this act shall be determined under rules and regulations adopted by the secretary of revenue which rules and regulations shall be considered with state and federal law insofar as applicable. The director of taxation is hereby authorized to request and receive from any retailer or from any city or county levying the tax such information as may be reasonably necessary to determine the liability of retailers for any county or city sales tax. The collection of any sales tax of a county or city approved at any election shall commence on the first day of the calendar quarter next following the 90th day after the date that the city or county has provided written notice to the director of taxation of the election authorizing the levy of such tax. The collection of any such sales tax applicable to printed catalog purchases wherein the purchaser computed the tax based upon local tax rates published in the catalog, shall not commence until the first day of the calendar quarter next following the 150th day after the date that the city or county has provided written notice to the director of taxation of the election authorizing the levy of such tax. The director of taxation shall provide notice to sellers of such taxes within 30 days after receiving such notice from the city or county.

A city retailers' sales tax shall not become effective within any area annexed by a city levying such tax until the first day of the calendar quarter next following the 90th day after the date that the governing body of such city provided the state department of revenue with a certified copy of the annexation ordinance and a map of the city detailing the annexed area. The director of taxation shall provide notice to sellers of such tax within 30 days after receiving such notice from the city or county.

Whenever any sales tax, imposed by any city or county under the provisions of this act, shall become effective, at any time prior to the time that revenue derived therefrom may be budgeted for expenditure in such year, such revenue shall be credited to the funds of

the taxing subdivision or subdivisions and shall be carried forward to the credit of such funds for the ensuing budget year in the manner provided for carrying forward balances remaining in such funds at the end of a budget year.";

And by renumbering sections accordingly;

On page 9, in line 10, after "Supp." by inserting "12-191,";

On page 1, in the title, in line 9, after "to" by inserting "situs of taxable transactions;"; in line 10, by striking "conformity"; also in line 10, after "Supp." by inserting "12-191,"; and the bill be passed as amended.

Committee on **Taxation** recommends **SB 430** be amended on page 5, after line 5, by inserting the following:

- "Sec. 2. K.S.A. 2009 Supp. 74-8133 is hereby amended to read as follows: 74-8133. (a) A credit against the tax imposed by article 32 of chapter 79 of the Kansas Statutes Annotated on the Kansas taxable income of an angel investor and against the tax imposed by K.S.A. 40-252, and amendments thereto, shall be allowed for a cash investment in the qualified securities of a qualified Kansas business. The credit shall be in a total amount equal to 50% of such investors' cash investment in any qualified Kansas business, subject to the limitations set forth in subsection (b). This tax credit may be used in its entirety in the taxable year in which the cash investment is made except that no tax credit shall be allowed in a year prior to January 1, 2005. If the amount by which that portion of the credit allowed by this section exceeds the investors' liability in any one taxable year, beginning in the year 2005, the remaining portion of the credit may be carried forward until the total amount of the credit is used. If the investor is a permitted entity investor, the credit provided by this section shall be claimed by the owners of the permitted entity investor in proportion to their ownership share of the permitted entity investor.
- (b) The secretary of revenue shall not allow tax credits of more than \$50,000 for a single Kansas business or a total of \$250,000 in tax credits for a single year per investor who is a natural person or owner of a permitted entity investor. No tax credits authorized by this act shall be allowed for any cash investments in qualified securities for any year after the year 2016. The total amount of tax credits which may be allowed under this section shall not exceed \$4,000,000 during the tax year 2007 and \$6,000,000 for tax year 2008 and each tax year thereafter, except that for tax year 2011, the total amount of tax credits which may be allowed under this section shall not exceed \$5,000,000. The balance of unissued tax credits may be carried over for issuance in future years until 2016.
- (c) A cash investment in a qualified security shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the internal revenue code.
- $(\dot{d})$  No investor shall claim a credit under this section for cash investments in Kansas venture capital, inc. No Kansas venture capital company shall qualify for the tax credit for an investment in a fund created by articles 81, 82, 83 or 84 of chapter 74 of the Kansas Statutes Annotated.
- (e) Any investor who has not owed any Kansas income tax under the provisions of article 32, chapter 79 of the Kansas Statutes Annotated for the immediate past three taxable years, who does not reasonably believe that it will owe any such tax for the current taxable year and who makes a cash investment in a qualified security of a qualified Kansas business shall be deemed to acquire an interest in the nature of a transferable credit limited to an amount equal to 50% of this cash investment. This interest may be transferred to any natural person of net worth, as defined in 17 C.F.R. 230.501(a) as in effect on the effective date of this act whether or not such person is then an investor and be claimed by the transferee as a credit against the transferee's Kansas income tax liability beginning in the year provided in subsection (a). No person shall be entitled to a refund for the interest created under this section. Only the full credit for any one investment may be transferred and this interest may only be transferred one time. A credit acquired by transfer shall be subject to the limitations prescribed in this section. Documentation of any credit acquired by transfer shall be provided by the investor in the manner required by the director of taxation.
- (f) The reasonable costs of the administration of this act, the review of applications for certification as qualified Kansas businesses and the issuance of tax credits authorized by this act shall be reimbursed through fees paid by the qualified Kansas businesses and the in-

vestors or the transferees of investors, according to a reasonable fee schedule adopted by the corporation.

- Sec. 3. K.S.A. 2009 Supp. 74-99c09 is hereby amended to read as follows: 74-99c09. (a) Any money received by the center from any source shall be maintained in interest-bearing accounts in Kansas banks or Kansas savings and loan associations. Any accounts so maintained shall be administered by the center for entrepreneurship under guidelines developed and implemented by the center and approved by the secretary of commerce.
- (b) The Kansas center for entrepreneurship shall be subject to audit by the legislative division of post audit in accordance with the provisions of the legislative post audit act.
- (c) A credit against the tax imposed by the Article 32, Chapter 79 of the Kansas Statutes Annotated on the Kansas taxable income of a contributor and against the tax imposed by K.S.A. 40-252, and amendments thereto, shall be allowed for a contribution to the Kansas center for entrepreneurship. The credit shall be a total maximum amount equal to 75% of a contributor's donation to the Kansas center for entrepreneurship, subject to the limitation set forth. This tax credit may be used in its entirety in the taxable year in which the contribution is made. The provisions of this section shall be applicable to all taxable years beginning after December 31, 2004. If the amount by which that portion of the credit allowed by this section exceeds the contributor's liability in any one taxable year, the remaining portion of the credit may be carried forward until the total amount of the credit is used. If the contributor is a corporation having an election in effect under subchapter S of the federal internal revenue code or a partnership, the credit provided by this section shall be claimed by the shareholders of these corporations or the partners of a partnership in the same manner as these shareholders or partners account for their proportionate shares of the income or loss of these corporations or partnerships.
- (d) The secretary of revenue shall not allow tax credits of more than \$50,000 that are attributable to an individual contributor in the Kansas center for entrepreneurship each year. In no event shall the total amount of tax credits allowed under this section exceed \$2,000,000 for any one fiscal year, except that for fiscal year 2011, the total amount of credits allowed under this section shall not exceed \$1,800,000.
- (e) The Kansas center for entrepreneurship, along with the department, shall develop a system for application for registration of an authorization of tax credits authorized pursuant to this act and shall control distribution of all tax credits to contributors pursuant to this act. The Kansas center for entrepreneurship, along with the department, shall also develop rules for the administration of and disbursements from its accounts.
- (f) The Kansas center for entrepreneurship shall distribute funds to regional or local community seed capital funds or economic development agencies based on the following criteria: (1) The organization can provide a 40% match; (2) the organization provides a plan that assures funds will be used as seed capital for qualified entrepreneurs; (3) the funds will be used in a distressed or rural community; or (4) other criteria as deemed necessary by the Kansas center for entrepreneurship.";

And by renumbering the remaining sections accordingly;

Also on page 5, in line 27, after the stricken material, by inserting "In no event shall the total amount of credits allowed under this section exceed \$3,750,000 for fiscal year 2010.";

On page 7, in line 22, by striking "74-99c09,"; in line 24, by striking "79-32,211,"; in line 28, after the second comma, by inserting "and for tax year 2009, for the tax credit provided under K.S.A. 2009 Supp. 74-99c09, and amendments thereto,";

On page 8, after line 32, by inserting the following:

"(e) For any tax credit or credits earned pursuant to K.S.A. 74-8133, and amendments thereto, any reduction in the amount of credit or credits that may be carried forward to any succeeding tax year determined pursuant to subsection (a) from tax years 2009 or 2010, may be carried forward to any tax year after 2010, pursuant to the applicable carry-forward period provided in K.S.A. 74-8133, and amendments thereto.";

Also on page 8, in line 34, after "74-50,154," by inserting "74-8133, 74-99c09,";

On page 1, in the title, in line 11, after "74-50,154," by inserting "74-8133, 74-99c09,"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 544** be passed.

Committee on **Transportation** recommends **SB 518** be amended on page 1, in line 29, by striking "A" and inserting "Except as provided under subsection (g), a"; in line 30, by striking all following "charge"; in line 31, by striking all preceding "per" and inserting "of \$20":

On page 2, in line 7, by striking "A" and inserting "Except as provided under subsection (g), a"; in line 26, by striking "\$2" and inserting "10%";

On page 3, following line 13, by inserting the following:

"(g) After July 1, 2010, the fees charged under subsections (a) and (b) may be established by the superintendent of the Kansas highway patrol by rules and regulations in an amount not to exceed \$25."; and the bill be passed as amended.

Transportation and Public Safety Budget Committee recommends HB 2387 be amended on page 1, in line 15, by striking "2008" and inserting "2009";

On page 2, in line 5, by striking "2008" and inserting "2009";

On page 1, in the title, in line 11, by striking "2008" and inserting "2009"; and the bill be passed as amended.

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was thereupon introduced and read by title:

#### HOUSE CONCURRENT RESOLUTION No. 5036-

By Committee on Judiciary

A PROPOSITION to amend article 2 of the constitution of the state of Kansas by adding a new section thereto, affirming the legislature's authority to limit the amount of recovery for noneconomic damages in any claim for personal injury.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate 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 2 of the constitution of the state of Kansas is amended by adding a new section thereto to read as follows:

- "§ 31. Limitation on noneconomic damages. (a) The legislature may enact laws limiting the amount of noneconomic damages awarded for any claim for personal injury. No provision of this constitution shall limit the powers of the legislature herein conferred, including the power of the legislature to specify circumstances in which such limitations would not apply.
- (b) Noneconomic damages, including damages for pain and suffering, are losses for which there is no unit value, mathematical formula or rule of calculation and include, but shall not be limited to, mental anguish, disability, disfigurement, inconvenience, humiliation, loss of capacity to enjoy life, bereavement, loss of society, loss of companionship, loss of reputation and all other losses which are intangible in nature."

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

"Explanatory statement. This amendment would allow the legislature to limit awards for pain and suffering, or noneconomic damages, that a person could recover in a personal injury action. The amendment also allows the legislature to specify circumstances in which the limitations would not apply, for example when the conduct of the party causing the injury was due to criminal acts, or negligence due to substance abuse or impairment. Nothing in this amendment would affect awards or recovery of actual economic losses, such as lost wages, past or future medical bills, rehabilitation and long term care costs, nor would this amendment affect awards for punitive damages in any way.

- ""Noneconomic damages" are commonly referred to as pain and suffering, but also can include mental anguish, disability, disfigurement, inconvenience, humiliation, loss of capacity to enjoy life, bereavement, loss of society, loss of companionship, loss of reputation, loss of consortium, and other losses for which there is no unit value, mathematical formula or known rule for calculation. A "personal injury" includes all actionable injuries to an individual as distinguished from injuries to the individual's property, and includes bodily and emotional injuries as well as injuries to reputation and character.
- "A vote for this amendment would affirm the authority of the legislature to limit the amount of noneconomic damages a person could recover in any claim for personal injury.
- "A vote against this amendment would leave the legislature without the express authority to adopt limits on awards for noneconomic damages in personal injury claims."
- Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate 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.

## REPORT ON ENGROSSED BILLS

HB 2676 reported correctly re-engrossed March 10, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Friday, March 12, 2010.

# Journal of the House

## FORTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, March 12, 2010, 11:00 a.m.

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

The roll was called with 114 members present.

Rep. Johnson was excused on verified illness.

Reps. Aurand, Colloton, Horst, Maloney, Pottorff and Winn were excused on legislative business.

Reps. George, Goico, Hineman and Shultz were excused on excused absence by the Speaker.

Rep. Garcia was excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

## O Lord,

As we come to the close of the week,
help us in all things to rely upon Your holy will.
Reveal Your will to us for each hour of the day.
Honor our transactions with those who surround us.
Teach us to treat all that comes to us throughout the day with peace,
and with the firm conviction that Your will governs all.
In all our deeds and words, guide our thoughts and feelings.
In unforeseen events, let us not forget that all are sent by You.
Teach us to act firmly yet gently, wisely yet humbly,
without embittering and embarrassing others.
Give us strength to bear the fatigue of all this day will bring.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Bowers.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Federal and State Affairs: HB 2735; SB 454.

Judiciary: HCR 5036.

Taxation: HB 2736; SB 559.

### MESSAGES FROM THE GOVERNOR

HB 2221 approved on March 12, 2010.

#### MESSAGES FROM THE SENATE

Announcing passage of SB 480, SB 523.

Announcing passage of HB 2584.

Announcing passage of HB 2437, as amended by S. Sub. for HB 2437; HB 2652, as amended

Also, announcing passage of SB 359, SB 435.

Announcing passage of HB 2456, HB 2552, HB 2619.

Announcing passage of HB 2435, as amended; HB 2468, as amended; HB 2540, as amended; HB 2547, as amended; HB 2608, as amended.

The Senate accedes to the request of the House for a conference on **HB 2500** and has appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2501** and has appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 359, SB 435, SB 480, SB 523.

#### CONSENT CALENDAR

No objection was made to  ${\bf SB~394,\,SB~464}$  appearing on the Consent Calendar for the second day.

No objection was made to  $SB\ 376, SB\ 396, SB\ 440$  appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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, 65-634a, 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-74707, 82a-74302, 82a-724, 82a-737, 82a-1038, 82a-1216, 82a-1901, 82a-2005, 83-501 and 83-502 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 0; Present but not voting: 0; Absent or not voting: 12.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz,

Seiwert, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Colloton, Garcia, George, Goico, Hineman, Horst, Johnson, Maloney, Pottorff, Shultz, Winn.

The bill passed.

SB 396, An act concerning the laboratory fee fund; amending K.S.A. 2009 Supp. 74-554 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 1; Present but not voting: 0; Absent or not voting: 12

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Landwehr.

Present but not voting: None.

Absent or not voting: Aurand, Colloton, Garcia, George, Goico, Hineman, Horst, Johnson, Maloney, Pottorff, Shultz, Winn.

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, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 0; Present but not voting: 0; Absent or not voting: 12.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Colloton, Garcia, George, Goico, Hineman, Horst, Johnson, Maloney, Pottorff, Shultz, Winn.

The bill passed.

**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, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 13; Present but not voting: 1; Absent or not voting: 12.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McLeland, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Palmer, Pauls, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Seiwert, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Brunk, Carlson, DeGraaf, Hayzlett, Huebert, Kinzer, Merrick, Otto, Patton, Peck, Schwab, Schwartz.

Present but not voting: Landwehr.

Absent or not voting: Aurand, Colloton, Garcia, George, Goico, Hineman, Horst, Johnson, Maloney, Pottorff, Shultz, Winn.

The substitute 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, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 1; Present but not voting: 0; Absent or not voting: 12.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Fund, Furtado, D. Gatewood, S. Gatewood, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Frownfelter.

Present but not voting: None.

Absent or not voting: Aurand, Colloton, Garcia, George, Goico, Hineman, Horst, Johnson, Maloney, Pottorff, Shultz, Winn.

The bill passed, as amended.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. A. Brown in the chair.

## COMMITTEE OF THE WHOLE

On motion of Rep. A. Brown, Committee of the Whole report, as follows, was adopted: Recommended that **SB 387** be passed over and retain a place on the calendar.

Committee report to **SB 326** be adopted; and the bill be passed as amended.

Committee report to **SB 461** be adopted; and the bill be passed as amended.

Committee report to **HB 2578** be adopted; and the bill be passed as amended.

Committee report to **SCR 1615** be adopted; also on motion of Rep. Patton be amended on page 2, in line 26, by striking "be distributed";

Also, on motion of Rep. Talia, **SCR 1615** be amended on page 2, in line 21, by striking all after the colon; by striking all in lines 22 through 24 and inserting the following: "That all federal legislation which violates the Tenth Amendment by threatening civil or criminal penalties or sanctions beyond the scope of these constitutionally delegated powers be prohibited: and

Be it further resolved: That all federal legislation which violates the Tenth Amendment by exceeding the powers of Congress in requiring states to pass legislation or lose federal funding be prohibited; and";

Also on page 2, in line 26, by striking "be distributed"; and SCR 1615 be adopted as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on Commerce and Labor recommends Sub. SB 513 be passed.

Committee on **Federal and State Affairs** recommends **SB 452** be passed.

Committee on **Federal and State Affairs** recommends **SB 213** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 213," as follows:

## "HOUSE Substitute for SENATE BILL No. 213

By Committee on Federal and State Affairs

"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, 77-429, 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."; and the substitute bill be passed.

(**H. Sub. for SB 213** was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **SB 508** 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 **Health and Human Services** recommends **HR 6017** be amended on page 2, in line 18, by striking all after "options"; in line 19, by striking all before "within"; and the resolution be adopted as amended.

Committee on **Health and Human Services** recommends **SB 25** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 25," as follows:

## "HOUSE Substitute for SENATE BILL No. 25

By Committee on Health and Human Services

"AN ACT concerning social workers; social worker safety awareness training; amending K.S.A. 2008 Supp. 65-6313 and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for SB 25 was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **SB 262** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 262," as follows:

"HOUSE Substitute for SENATE BILL No. 262 By Committee on Health and Human Services

"AN ACT concerning emergency medical services; scope of practice of certain attendants; titles of certain attendants; amending K.S.A. 19-4608, 21-2511, 44-1204, 65-6121, 65-6129c, 65-6135, 65-6144, 65-6145 and 66-1810 and K.S.A. 2009 Supp. 8-1001, 65-6001, 65-6111, 65-6112, 65-6119, 65-6120, 65-6124, 65-6129, 75-4364 and 80-2518 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 262 was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **Substitute for SB 475** be amended on page 2, in line 27, after the period, by inserting "Any person who is exempt from the apprenticeship requirements under this subsection shall have a grace period of 120 days following the effective date of the act to comply with the requirements for licensure as a funeral director."; and the substitute bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 490** be amended on page 3, in line 25, after "employee" by inserting "or unpaid volunteer"; following line 28, by inserting:

"(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.";

On page 4, in line 11, by striking "health care provider" and inserting "physical therapist"; in line 12, by striking "K.S.A. 40-3402 or"; following line 13, by inserting:

- "Sec. 2. 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
Exempt license renewal fee, not more than	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
Written verification of license	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 remaining sections accordingly;

Also on page 4, in line 14, by striking "is" and inserting "and 65-2911 are";

In the title, in line 11, after "65-2910" by inserting "and 65-2911"; also in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 491** be amended on page 1, in line 31, by striking "90" and inserting "30"; in line 40, by striking "Such temporary licensure" and inserting "Temporary licenses issued prior to July 1, 2010,"; in line 42, before "No" by inserting "Temporary licenses issued on or after July 1, 2010, shall expire six months from the date of issue or on the date that the board approves the application for licensure, whichever occurs first."; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 500** be amended on page 1, in line 30, by striking "this act" and inserting "the Kansas healing arts act"; in line 37, after the period, by inserting "The provisions of this subsection shall apply to any proceeding pending before the board that has not reached a final order or disposition by the board prior

to the effective date of this act and to any proceeding commenced before the board on or after the effective date of this act."; and the bill be passed as amended.

Committee on Judiciary recommends SB 373 be passed.

Committee on **Taxation** recommends **HB 2682** be amended on page 8, in line 19, by striking "individual" and inserting "individually underwritten, privately purchased health"; and the bill be passed as amended.

#### REPORT OF STANDING COMMITTEE

Your Committee on  ${\bf Calendar}$  and  ${\bf Printing}$  recommends on requests for resolutions and certificates that

**Request No. 80**, by Representative O'Brien, congratulating Caroline M. Camp on her 90th birthday;

**Request No. 81**, by Representative Hermanson, commending the Y's Men's Clubs of Wichita for supporting the goals, objectives and philosophies of the YMCA, providing facility equipment and youth program scholarships;

**Request No. 82**, by Representative Bollier, congratulating Shawnee Mission East Boys' Swimming and Diving teams for winning the 6A Championship;

**Request No. 83**, by Representative Kleeb, congratulating Michael Dunlap on being honored as a Master Teacher for 2010;

**Request No. 84**, by Representative Fund, congratulating Kelsey Harris for receiving 1st Place at the KACD State Speech Contest;

**Request No. 85**, by Representative Fund, congratulating Ralph and Phyllis Phillips for winning the 2009 Outstanding Conservationist Award;

**Request No. 86**, by Representative Fund, congratulating Tim, Michelle, Blake and Cameron Mulroy for winning the 2009 Filter Strip Award;

**Request No. 87**, by Representative Fund, congratulating Paul, Janet and Charles Kennedy for winning the 2009 Grassland Award;

Request No. 88, by Representative Bowers, congratulating Brian and Shonda Meitler on receiving the 2010 Lincoln Chamber of Commerce Community Leader Award;

**Request No. 89**, by Representative Bowers, congratulating Steve McReynolds, Lincoln, Kansas Community Bank on receiving the 2010 Lincoln Chamber of Commerce Leader of the Year;

**Request No. 90**, by Representative Olson, congratulating Haas Petroleum for Oil Production in Kansas:

**Request No. 91**, by Representative Olson, congratulating Guardian 8 Corporation for the Revolutionary Security Device for Personal safety;

**Request No. 92**, by Representative Olson, congratulating DuraSeal Pipe Coating Company for New Technological Innovations;

**Request No. 93**, by Representative Olson, congratulating randy and Marnie Zimmerman for winning the 2009 Late Model Points Championship;

**Request No. 94**, by Representative Worley, congratulating Meagan Wilderson on attaining the Girl Scout Gold Award, the highest award in Girl Scouting;

**Request No. 95**, by Representative Hermanson, congratulating Ashley Alexis Graber from Belle Plaine High School on her achievements as an outstanding student, athlete and volunteer:

**Request No. 96**, by Representative Grange, congratulating Ralph and Margaret Carlisle on their 65th Wedding Anniversary on March 20, 2010;

Request No. 97, by Representative Schwab, congratulating Kavya Shavishankar recognizing her for winning the 2009 National Spelling Bee;

**Request No. 98**, by Representative Maloney, congratulating the Haas Family Swinging L Ranch for receiving the Bankers Conservation Award;

**Request No. 99**, by Representative Maloney, congratulating Clarence Burroughs on his 80th birthday;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2737**, An act concerning alcoholic beverages; amending K.S.A. 41-2605 and repealing the existing section, by Committee on Appropriations.

**HB 2738**, An act concerning the secretary of wildlife and parks; amending K.S.A. 2009 Supp. 32-801 and repealing the existing section, by Committee on Appropriations.

**HB 2739**, An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6410, 72-6415b, 72-6431, 72-6433, 72-6435, 72-6449 and 72-6451 and repealing the existing sections, by Committee on Appropriations.

#### REPORT ON ENGROSSED BILLS

**HB 2283** reported correctly engrossed March 11, 2010.

HB 2323 reported correctly re-engrossed March 11, 2010.

#### REPORT ON ENROLLED BILLS

**HB 2436** reported correctly enrolled, properly signed and presented to the governor on March 12, 2010.

#### REPORT ON ENROLLED RESOLUTIONS

HR 6021 reported correctly enrolled and properly signed on March 11, 2010.

Also, **HR 6022**, **HR 6023**, **HR 6024** reported correctly enrolled and properly signed on March 12, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, March 15, 2010.

# Journal of the House

## FORTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, March 15, 2010, 11:00 a.m.

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

The roll was called with 120 members present.

Rep. Johnson was excused on verified illness.

Reps. Aurand, Horst and Winn were excused on legislative business.

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

Prayer by Deacon Evertt Schultz, First Mennonite Church, Pretty Prairie, guest of Rep. Siewert:

Our Father.

I thank You for this great state of Kansas that You have allowed us to call home. I thank You for all the people who have sacrificed to give us this state. And now I come before You seeking Your face and Your guidance for this session. The issues before this body are staggering, and solutions are not easily discerned. I ask for Your presence to be with these people this day and during these next few weeks and months as they ponder the difficult dilemmas facing our state.

Father, there people face a very difficult task ahead in 2010. To provide for our state with reduced revenues and the pressure to continue to spend at the current level will be difficult to achieve. Give these people understanding and wisdom to know how to meet the issues which face them. Help them to stand, for the rights things, for the right reasons, and for the right issues and not because of party affiliation or special interest groups. Bless their work here Father, and encourage them.

Quoting from our first president, George Washington, in which he said, "It is impossible to rightly govern a nation without God and the Bible," help these people to use the faith that the founders of our nation relied upon, that of prayer and a knowledge and reliance upon God. Only by the faith and continued reliance upon God, did our founding fathers endure the pressures and dangers of establishing our new land. I pray that these people might understand the wisdom and power that these great founding men possessed at the beginning of our nation.

And now, I pray that if there is anyone within the sound of my voice that does not know Your love and care for them, I pray that You will touch them and cause them to consider Your Gift that has been extended to them. For those who desire to know You, I pray that You will work in their heart. May they come to know You.

I ask these things in thy name O Lord, Amen.

The Pledge of Allegiance was led by Rep. Seiwert.

#### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Crum are spread upon the journal:

It's a great pleasure to introduce Garrett Buthe this morning. In February, Garrett was named the state Ambassador for the Muscular Dystrophy Association. As the goodwill ambassador, Garrett will represent MDA at various functions and public events.

Garrett has been profiled on the annual Jerry Lewis MDA Telethon by KAKE TV of Wichita. MDA is a non-profit health agency dedicated to curing muscular dystrophy, ALS and related diseases by funding world wide research. MDA also provides comprehensive health care and support services, advocacy and education.

The MDA clinic serving Wichita and 69 Kansas counties is on the campus of Via Christi St. Frances Medical Center in Wichita. The community of Augusta is proud of Garrett and the very positive impact that he is having on the lives of his peers.

Garrett has always lived life to the fullest and I know that he is really excited about the upcoming NCAA basketball tournament because he is a HUGE Jayhawks fan.

Garrett is accompanied today by his mother, Lana, and his grandmother, Gloria.

Rep. Crum presented Garrett with a House certificate.

## INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Hermanson are spread upon the journal:

As an organization founded by volunteers in 1885, the Greater Wichita YMCA has grown from 37 charter members to serving more than 235,000 people through more than 100 program sites. In addition, the YMCA serves nearly two out of three kids in Sedgwick and Butler Counties.

In fact, the YMCA serves more than 20,000 people each day through urban outreach programs, youth sports, child care, swim lessons, camp and wellness activities. Thanks to the generosity and support of thousands of people, the Y has remained a relevant and vital charitable organization in the communities it serves.

The Greater Wichita YMCA was founded by volunteers 125 years ago when Wichita was little more than a cow town. In 2010, it is anticipated that 4,500 volunteers will donate more than 73.000 hours of time. These volunteers help the YMCA make its programs and services available to everyone in the community, regardless of ability to pay. Because of their volunteer efforts and the generosity of thousands of donors, more than 65,000 youth and adults will receive free and assisted YMCA services in 2010.

Being a member myself, I'd like to commend some of those volunteers for their outstanding service to the Greater Wichita YMCA and the communities it serves: Larry Way, Brandon Knowles, Joel Foltz, Rich Hutfles, Rick Laurino, John Weber, Don Baxter and Daniel De Longe. The Wichita YMCA Men's Clubs were founded in 1955, and its volunteer members continue to help raise dollars for the YMCA's Strong Kids Fundraising Campaign.

Rep. Hermanson presented the volunteers with a framed House certificate.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2740**, An act concerning taxation; relating to amnesty from assessment or payment of penalties and interest with respect to certain taxes; requirements and procedures, by Committee on Taxation.

**HB 2741**, An act concerning crimes and punishments; relating to smoking and cigarette sales; amending K.S.A. 2009 Supp. 79-3301 and 79-3321 and repealing the existing sections; 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 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, 65-530, as amended by section 7 of 2010 House Bill No. 2221, and section 8 of 2010 House Bill No. 2221, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2738**. Corrections and Juvenile Justice: **SB 435**. Federal and State Affairs: **HB 2737**. Judiciary: **SB 523**.

Transportation: **SB 480**. Education Budget: **HB 2739**.

#### CORRECTION OF REFERENCE

Speaker O'Neal announced **SB 359** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Education Budget, should be corrected to be referred to Committee on Education.

#### COMMUNICATIONS FROM STATE OFFICERS

From Mark S. Beck, Director, Division of Property Valuation, Kansas Department of Revenue, pursuant to K.S.A. 79-1490, 2009 Preliminary Ratio Study.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

#### CONSENT CALENDAR

Objection was made to **SB 394** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 508** appearing on the Consent Calendar for the first day. No objection was made to **SB 464** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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, was considered on final action. On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Aurand, Hawk, Horst, Johnson, Winn.

The bill passed.

**HB 2578**, 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, was considered on final action

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett,

Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Hawk, Horst, Johnson, Winn.

The bill passed, as amended.

**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, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Hawk, Horst, Johnson, Winn.

The bill passed, as amended.

**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 86; Nays 34; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Crow, Crum, Faber, Finney, Frownfelter, Fund, Furtado, Garcia, S. Gatewood, George, Gordon, Grange, Hayzlett, Henderson, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Jack, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Palmer, Patton, Peterson, Powell, Prescott, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Brunk, Carlson, Craft, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Flaharty, D. Gatewood, Goico, Goyle, Grant, Henry, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mah, Mast, McLeland, Merrick, O'Brien, Otto, Pauls, Peck, Phelps, Pottorff, Schwartz, D. Svaty, Swenson, Ward.

Present but not voting: None.

Absent or not voting: Aurand, Hawk, Horst, Johnson, Winn.

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, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 11; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Mah, Maloney, Mast, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder. Nays: Carlin, Crow, Davis, Flaharty, Garcia, Kuether, Lane, Loganbill, McCray-Miller, Ruiz, Tietze.

Present but not voting: None.

Absent or not voting: Aurand, Hawk, Horst, Johnson, Winn.

The resolution was adopted, as amended.

## MOTIONS TO CONCUR AND NONCONCUR

Speaker O'Neal announced that in accordance with House Rule 2107, the Senate amendments to **S. Sub. for HB 2437** do materially change its subject and **S. Sub. for HB 2437** therefor is not subject to Motions to Concur and Nonconcur.

S. Sub. for HB 2437 was thereupon introduced and read by title.

Speaker O'Neal thereupon referred **S. Sub. for HB 2437** to Committee on Transportation.

### REPORTS OF STANDING COMMITTEES

Committee on Appropriations recommends SB 414 be passed.

Committee on Corrections and Juvenile Justice recommends Substitute for SB 67 be amended on page 2, in line 8, by striking "(5)" and inserting "5"; after line 8, by inserting the following:

"(2) Mistreatment of a dependent adult as defined in subsection (a)(2) is a severity level 2, person felony if the aggregate amount of the value of the resources is \$1,000,000 or more.

(3) Mistreatment of a dependent adult as defined in subsection (a)(2) is a severity level 3, person felony if the aggregate amount of the value of the resources is at least \$250,000 but less than \$1,000,000.";

Also on page 2, in line 9, by striking "(2)" and inserting "(4)"; in line 10, by striking "(5), person felony if the aggregate amount of the value"; in line 11, by striking "of the resources if \$100,000 or more" and inserting "4, person felony if the aggregate amount of the value of the resources is at least \$100,000 but less than \$250,000"; in line 12, by striking "(3)" and inserting "(5)"; in line 13, by striking "7" and inserting "5"; in line 15, by striking "(4)" and inserting "(6)"; in line 16, by striking "9" and inserting "7"; in line 18, by striking "(5)" and inserting "(7)"; in line 21, by striking "(6)" and inserting "(8)"; in line 23, by striking "(7)" and inserting "(9)"; in line 24, by striking "9" and inserting "7"; after line 27, by inserting the following:

"Sec. 2. K.S.A. 21-4018 is hereby amended to read as follows: 21-4018. (a) Identity theft is knowingly and with intent to defraud for any benefit, obtaining, possessing, transferring, using or attempting to obtain, possess, transfer or use, one or more identification documents or personal identification number of another person other than that issued lawfully for the use of the possessor:

— (b) "Identification documents" has the meaning provided in K.S.A. 21-3830, and amendments thereto.

- (c) Except as provided further, identity theft is a severity level 8, nonperson felony. If the monetary loss to the victim or victims is more than \$100,000, identity theft is a severity level 5, nonperson felony.
- (d) Identity fraud is:
- (1) Willfully and knowingly supplying false information intending that the information be used to obtain an identification document;
- (2) making, counterfeiting, altering, amending or mutilating any identification document:
- (A) Without lawful authority; and
- (B) with the intent to deceive, or
- (3) willfully and knowingly obtaining, possessing, using, selling or furnishing or attempting to obtain, possess or furnish to another for any purpose of deception an identification document.
- —(e) Identity fraud is a severity level 8, nonperson felony. (a) Identity theft is obtaining, possessing, transferring, using, selling or purchasing any personal identifying information, or document containing the same, belonging to or issued to another person, with the intent to defraud that person, or any one else, in order to receive any benefit.
  - (b) Identity fraud is:
- (1) Using or supplying information the person knows to be false in order to obtain a document containing any personal identifying information; or
- (2) altering, amending, counterfeiting, making, manufacturing or otherwise replicating any document containing personal identifying information with the intent to deceive;
  - (c) (1) identity theft is a:
- (A) Severity level 8, nonperson felony, except as provided in subsection (c)(1)(B); and
- (B) severity level 5, nonperson felony if the monetary loss to the victim or victims is more than \$100,000.
  - (2) Identity fraud is a severity level 8, nonperson felony.
- (d) It is not a defense that the person did not know that such personal identifying information belongs to another person, or that the person to whom such personal identifying information belongs or was issued is deceased.
- (e) As used in this section "personal identifying information" includes, but is not limited to, the following:
  - (1) Name:
  - (2) birth date;
  - (3) address;
  - (4) telephone number:
  - (5) drivers license number or card or non-drivers identification number or card;
  - (6) social security number or card;
  - (7) place of employment;
  - (8) employee identification numbers or other personal identification numbers or cards;
  - (9) mother's maiden name:
  - (10) birth, death or marriage certificates;
  - (11) electronic identification numbers;
  - (12) electronic signatures; and
- (13) any financial number, or password that can be used to access a person's financial resources, including, but not limited to, checking or savings accounts, credit or debit card information, demand deposit or medical information.
  - (f) This section shall be part of and supplemental to the Kansas criminal code.
- Sec. 3. K.S.A. 2009 Supp. 21-4204 is hereby amended to read as follows: 21-4204. (a) Criminal possession of a firearm is:
- (1) Possession of any firearm by a person who is both addicted to and an unlawful user of a controlled substance;
- (2) possession of any firearm by a person who has been convicted of a person felony or a violation of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as such felony or violation, or was adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a person felony or a violation

- of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto, and was found to have been in possession of a firearm at the time of the commission of the offense;
- (3) possession of any firearm by a person who, within the preceding five years has been convicted of a felony, other than those specified in subsection (a)(4)(A), under the laws of Kansas or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for a felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a felony, and was found not to have been in possession of a firearm at the time of the commission of the offense;
- (4) possession of any firearm by a person who, within the preceding 10 years, has been convicted of: (A) A felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-3502, 21-3506, 21-3518, 21-3716, K.S.A. 2009 Supp. 21-36a03, 21-36a05 or, 21-36a06, 21-36a07 or 21-36a09, and amendments thereto; K.S.A. 65-4127a, 65-4127b, 65-4159, 65-4160, 65-4161, 65-4162, 65-4163, 65-4164 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; or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for such felony, or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of such felony, was found not to have been in possession of a firearm at the time of the commission of the offense, and has not had the conviction of such crime expunged or been pardoned for such crime; or (B) a nonperson felony under the laws of Kansas or a crime under the laws of another jurisdiction which is substantially the same as such nonperson felony, has been released from imprisonment for such nonperson felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a nonperson felony, and was found to have been in possession of a firearm at the time of the commission of the offense:
- (5) possession of any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or 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 1 through 12 or at any regularly scheduled school sponsored activity or event;
- (6) refusal to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer; or
- (7) possession of any firearm by a person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto.
  - (b) Subsection (a)(5) shall not apply to:
- (1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;
- (2) any possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;
- (3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student; or
- (4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day.
- (c) Subsection (a)(7) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. 2009 Supp. 75-7c26, and amendments thereto.

(d) Violation of subsection (a)(1) or (a)(5) is a class B nonperson select misdemeanor; violation of subsection (a)(2), (a)(3), (a)(4) or (a)(7) is a severity level 8, nonperson felony; violation of subsection (a)(6) is a class A nonperson misdemeanor.";

And by renumbering the remaining sections accordingly;

Also on page 2, in line 28, by striking "is" and inserting "and 21-4018 and K.S.A. 2009 Supp. 21-4204 are";

In the title, in line 10, after the semicolon by inserting "identity theft and identity fraud; criminal possession of a firearm;"; also in line 10, after "21-3437" by inserting "and 21-4018 and K.S.A. 2009 Supp. 21-4204"; in line 11, by striking "section" and inserting "sections"; and the substitute bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 346** be amended on page 1, by striking all in lines 18 through 43;

On page 2, by striking all in lines 1 through 17;

On page 4, in line 26, after "the" where it appears the first time, by inserting "actual physical"; in line 28, by striking "19-4444 and";

In the title, in line 14, by striking "19-4444 and"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2671** be amended on page 1, in line 14, by striking "full-"; in line 15, by striking "time"; in line 16, by striking "paid"; also in line 16, after "certified" by inserting "as a fire investigator"; and the bill be passed as amended.

**Select Committee on KPERS** recommends **HB 2107** be passed.

#### APPOINTMENT OF SELECT COMMITTEE

Rep. Siegfreid, pursuant to Article 49 of the House Rules and in accordance with K.S.A. Chapter 46, Article 10, appointed the following members to serve on a Select Investigative Committee in response to the complaint filed with House Clerk Susan Kannarr on March 12, 2010.

Rep. Shultz, Chair; Rep. C. Holmes, Vice Chair; Rep. King, Rep. Dillmore, Rep. Grant, and Rep. Henry.

March 12, 2010

Ms. Susan Kannarr Chief Clerk Kansas House of Representatives 300 SW 10th Avenue Topeka, KS 66612

#### Dear Ms. Kannarr:

House Speaker Michael R. O'Neal is engaged in a private lawsuit against the state on behalf of special interest groups who have ongoing business before the public body that he both serves in and leads. Pursuant to Article 49, Rule 4901, his behavior and actions are grounds for a formal complaint of misconduct. This letter serves as said complaint and as a formal request for further investigation. Troubling actions leading to this point are detailed on the following pages and verified by attached documents.

This is the only public forum available to facilitate a genuine discussion and investigation into the Speaker's behavior and actions. The Speaker of the House commands unyielding power in all matters before the Kansas House of Representatives. He is the last word on administrative issues. He determines standing committees and has the authority to both appoint and replace members and chairs. He has enormous influence over committee agendas. Bills passed out of committee are only debated and voted on by the full House if the Speaker allows it. An attempt to question his conduct through a process that he controls would be unfair and futile.

Special interest groups spend thousands of dollars every session to advocate for public policy that helps their cause and to fight policies that hurt them. Every legislator interacts with lobbyists, but there are certain, necessary boundaries on those relationships, both in and out of the Capitol. All legislators- especially the Speaker of the House- have an inherent responsibility to avoid the appearance of undue influence and impropriety. This is clearly

ignored when the leader of the House collects a private paycheck from special interest groups to reverse a legislative appropriation. Ignoring this conduct condones it, and this is not the way we should be doing business in Kansas government.

Article 49 provides that a member may be reprimanded, censured or expelled for any "misconduct." Misconduct is not defined in House Rules, but the American Heritage Dictionary defines it as "behavior not conforming to prevailing standards or laws; impropriety; immorality. Dishonest or bad management, especially by persons entrusted or engaged to act on another's behalf. Malfeasance, especially by public officials." We strongly believe that Speaker O'Neal's behavior and actions fit this definition. We all have professional obligations in addition to our part-time legislative duties, but we give up some opportunities in our professions when we take an oath of public office. We must sometimes abstain from business opportunities due to their impact on our roles as public servants. If we don't, we risk poisoning the legislative process with cronyism, corruption, and backroom deals.

One incident in recent history sets an applicable precedent for this public discussion. In 2006, then Rep. O'Neal chaired the investigation of Senate President Stephen Morris after he engaged in a private conversation with a Supreme Court justice amid the school finance lawsuit. Although Senator Morris violated no statute, Rep. O'Neal asserted that the investigation was necessary "to determine whether the integrity of the legislative process was compromised in any way." Rep. O'Neal went on to argue that "those who have to vote on school finance have to get a comfort level about the integrity of the system beforehand." He stated that the investigation did not target a specific person but that it was to determine how that person's actions shaped events.

Members of Speaker O'Neal's chamber deserve the same assurance. The integrity of the budget process must be guaranteed before the House is forced to vote on a budget during the worst financial crisis since the Great Depression. The basis of this complaint is not the ability of special interests to sue the State of Kansas. The concern is the propriety of the Speaker's involvement in that case, how that involvement affects his public duties, and if this standard of conduct is acceptable.

This is a request for an honest, open discussion about appropriate behavior and misconduct in the Kansas House of Representatives, and whether further action needs to be taken against Speaker O'Neal to protect the integrity of the body. We believe that further action is justified. If Speaker O'Neal continues on his current course, he sets a dangerous precedent for all future House Speakers and all future members of the Kansas Legislature.

## Sincerely,

Paul DavisJim WardEber PhelpsDemocratic LeaderAssistant LeaderDemocratic WhipBarbara BallardMarti CrowCindy NeighborCaucus ChairAgenda ChairPolicy Chair

cc: Speaker of the House Mike O'Neal, Speaker Pro Tem Arlen Siegfreid

## REPORT ON ENGROSSED BILLS

HB 2578 reported correctly engrossed March 12, 2010.

On motion of Rep. Merrick, the House adjourned until 10:30 a.m., Tuesday, March 16, 2010.

## Journal of the House

## FORTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, March 16, 2010, 10:30 a.m.

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

The roll was called with 121 members present.

Rep. Johnson was excused on verified illness.

Rep. Winn was excused on legislative business.

Reps. Hawk and Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, The madness of March has hitthe weather is turbulent and unpredictable cold an rainy one day, warm and breezy the next. The 64 teams have been named and it appears there will be a Kansan invasion of Oklahoma within the next few days. And here in the State House, the pressure is mountingtime is running short money as always is an issueand our patience and longsuffering with one another might be diminishing. Remind us once again why we are here, and for whom we are here. Help us avoid becoming personal in our passion, wicked with our words, accusative in our attitudes, or mean in our methods. We really need You to give us clarity of thought — direction — and solutions, as well as grace, kindness and respect. I ask this in Christ's Name, Amen.

The Pledge of Allegiance was led by Rep. Finney.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: HB 2741.

Taxation: HB 2740.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Craft,  $\mathbf{HR}$   $\mathbf{6025}$ , by Rep. Craft, as follows, was introduced and adopted:

#### HOUSE RESOLUTION No. 6025-

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 29th, 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 House of Representatives 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 Chief Clerk of the House of Representatives provide enrolled copies of this concurrent 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.

There being no objection, the following remarks of Rep. Craft are spread upon the journal:

HR 6025 was requested by the Dorothy Bramlage Public Library in Junction City for their month-long celebration of the Vietnam War era beginning on Saturday, March 27, 2010. The celebration will be held in connection with the "Big Read" program, with a focus on the service and sacrifice of the men and women who served in the military in support of the Vietnam War. For that reason, I think it is very fitting for the Kansas House of Representatives to adopt this resolution in order to show their respect and appreciation to the Vietnam Era veterans.

#### CONSENT CALENDAR

No objection was made to  ${\bf SB~508}$  appearing on the Consent Calendar for the second day.

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

## COMMITTEE OF THE WHOLE

On motion of Rep. Hayzlett, Committee of the Whole report, as follows, was adopted: Recommended that  ${\bf SB~463}$  be passed.

**HB 2465** be passed over and retain a place on the calendar.

On motion of Rep. Merrick, pursuant to House Rule 2311, House Rule 1704 be suspended for the purpose of allowing designated members to speak more than twice on **HB** 2549.

Also, committee report to **HB 2549** be adopted; also, roll call was demanded on motion of Rep. King to amend on page 4, in line 14, after the stricken material, by inserting "Any religious organization which makes a nonrecurring sale of tangible personal property acquired for the purpose of resale shall be deemed to be not engaged at the time of such sale in the business of selling such property.";

On page 71, after line 35, by inserting:

"(yy) 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;";

And by redesignating the remaining subsections in this section accordingly;

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 1; Absent or not voting: 5.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf,

Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: Bethell.

Absent or not voting: Hawk, Johnson, Peterson, Ruiz, Winn.

The motion of Rep. King prevailed.

Also, roll call was demanded on further motion of Rep. King to amend **HB 2549** on page 17, in line 25, after the semicolon by inserting "and"; in line 28, by striking "; and"; by striking all in lines 29 through 31;

On page 59, after line 43, by inserting the following:

"(dd) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas;";

And by redesignating the remaining subsections in this section accordingly;

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Hawk, Johnson, Peterson, Winn.

The motion of Rep. King prevailed.

Also, roll call was demanded on further motion of Rep. King to amend **HB 2549** on page 1, by striking all in lines 16 through 30;

And by renumbering sections accordingly;

On page 12, in line 15, after the stricken material, by inserting "to residential premises for noncommercial use by the occupant of such premises, and"; in line 23, after the stricken material, by inserting "; 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";

On page 87, in line 3, by striking "12-189a,";

On page 1, in the title, in line 12, by striking "12-189a,";

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Hawk, Johnson, Peterson, Winn.

The motion of Rep. King prevailed.

Also, roll call was demanded on further motion of Rep. King to amend **HB 2549** on page 12, in line 2, after the stricken material, by inserting "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)"; in line 5, by striking "(2)" and inserting "(5)";

On page 14, in line 1, by striking "fees" and inserting ": (1) Fees and"; in line 2, after "charges" by inserting "by any political subdivision,"; in line 8, after "activities" by inserting "; 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)"; in line 39, after the stricken material, by inserting "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";

On page 51, by striking all in lines 3 through 43;

By striking all on pages 52 through 86;

On page 87, by striking all in lines 1 and 2;

And by renumbering sections accordingly;

Also on page 87, in line 3, after "79-3602" by striking the comma and inserting "and"; also in line 3, by striking "and 79-3606";

On page 1, in the title, in line 10, by striking all after "to"; in line 11, by striking "services;"; also in line 11, by striking "repealed" and inserting "coin-operated laundry services"; in line 12, after "79-3602" by striking the comma and inserting "and"; also in line 12, by striking "and 79-3606";

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl,

Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Hawk, Johnson, Peterson, Winn.

The motion of Rep. King prevailed.

Also, on motion of Rep. Dillmore to postpone action on **HB 2549** until May, 3, 2010, Rep. Aurand rose on a point of order requesting a ruling if the motion be in order. The Rules Chair ruled the motion in order although Joint Rule 4(k) would have to be suspended in order to discuss the bill on May 3.

Roll call was demanded on the motion of Rep. Dillmore.

On roll call, the vote was: Yeas 64; Nays 57; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Henderson, Henry, Hill, Hineman, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, K. Wolf, Worley.

Nays: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Hawk, Johnson, Peterson, Winn.

The motion of Rep. Dillmore prevailed and discussion on **HB 2549** be postponed until May 3, 2010.

Committee report to **HB 2519** be adopted; also, roll call was demanded on motion of Rep. Menghini to amend on page 1, by striking all in lines 16 through 43;

On page 2, by striking all in lines 1 through 33;

And by renumbering the remaining sections accordingly;

On page 10, in line 30, by striking "12-191,";

On page 1, in the title, in line 10, by striking "situs of taxable trans-"; in line 11, by striking "actions;"; in line 12, by striking "12-191,";

On roll call, the vote was: Yeas 64; Nays 55; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Horst, Kerschen, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Pauls, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Whitham, Worley.

Nays: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Fund, George, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Peck, Pottorff, Powell, Prescott, Rhoades, Schwab, Schwartz, Seiwert, Siegfreid, Suellentrop, Talia, Vickrey, Williams, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Hawk, Johnson, Olson, Peterson, Shultz, Winn.

The motion of Rep. Menghini prevailed.

Also, roll call was demanded on motion of Rep. Peck to strike the enacting clause on **HB** 2519

On roll call, the vote was: Yeas 53; Nays 68; Present but not voting: 0; Absent or not voting: 4.

Yeas: A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Rhoades, Schwab, Seiwert, Shultz, Siegfreid, Suellentrop, Talia, Vickrey, Whitham, B. Wolf, K. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Horst, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Williams, Worley.

Present but not voting: None.

Absent or not voting: Hawk, Johnson, Peterson, Winn.

The motion of Rep. Peck did not prevail.

Also, on motion of Rep. Menghini, **HB 2519** be passed as amended.

Committee report to **ŚB 430** be adopted; also, roll call was demanded on motion of Rep. Jack to amend on page 11, after line 32, by inserting the following:

"New Sec. 6. For taxable years commencing after December 31, 2009, there shall be allowed a tax credit against the income tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, in an amount equal to the amount of expenditures incurred in the remodeling or constructing of business premises or facilities to comply with any resolution or ordinance adopted by any city or county or other political subdivision of the state related to the regulation of smoking when such expenditures were incurred after the adoption of any such resolution or ordinance. Any such taxpayer shall be entitled to a credit equal to the amount of such expenditures, subject to the limitations prescribed in this section. In no event shall the amount of such credit for any one taxpayer exceed \$10,000 in any one tax year. In no event shall the total amount of credits allowed under this section for any one taxpayer exceed \$50,000. If the amount of the credit allowed by this section exceeds the taxpayer's income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer, except that such refund shall not exceed \$10,000 for any one tax year. Any amount of a refund to which a taxpayer is entitled that is not refunded to such taxpayer due to the \$10,000 tax year limitation, shall be refunded to the taxpayer in the next succeeding year or years until the total amount of such credit has been deducted from tax liability and refunded to the taxpayer, subject to the \$50,000 total credit limitation. The secretary of revenue shall adopt rules and regulations regarding the filing of documents that support the amount of credit claimed pursuant to this section.";

And by renumbering sections accordingly:

On page 1, in the title, in line 13, before "amending" by inserting "credit for certain expenditures to comply with smoking resolutions or ordinances;";

On roll call, the vote was: Yeas 52; Nays 67; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Faber, Fund, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kinzer, Knox, Landwehr, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Talia, Vickrey, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grange, Grant, Henderson, Henry, Hill, Hineman, Horst, King, Kleeb, Kuether, Lane, Light, Loganbill, Long,

Lukert, Mah, McCray-Miller, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Phelps, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, Swanson, Swenson, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Hawk, Johnson, Kiegerl, Peterson, D. Svaty, Winn.

The motion of Rep. Jack did not prevail.

- Also, on further motion of Rep. Jack to amend **SB 430**, Rep. Menghini requested the question be divided. The request was subsequently withdrawn. The question reverted back to the motion of Rep. Jack to amend on page 11, after line 32, by inserting the following:
- "Sec. 6. K.S.A. 2009 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117.

  (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.
  - (b) There shall be added to federal adjusted gross income:
- (i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.
- (ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.
  - (iii) The federal net operating loss deduction.
- (iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.
- (v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.
- (vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments to such sections.
- (vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.
- (viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2009 Supp. 79-32,204 and amendments thereto.
- (ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to

the extent the same is claimed as the basis for any credit allowed pursuant to  $K.S.A.\ 79-32,203$  and amendments thereto.

- (x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2009 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xv) of subsection (c) of K.S.A. 79-32,117, and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.
- (xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2009 Supp. 74-50,154, and amendments thereto.
- (xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2009 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xiii) of subsection (c), or if such amounts are not already included in the federal adjusted gross income.
- (xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2009 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.
- (xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2009 Supp. 79-32.221, and amendments thereto.
- (xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2009 Supp. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.
- (xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2009 Supp. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.
- (xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2009 Supp. 79-32,256, and amendments thereto.
- (xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.
  - (c) There shall be subtracted from federal adjusted gross income:
- (i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.
- (ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.
- (iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the

modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

- (iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.
- (v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.
- (vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.
- (vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.
- (viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. 228b (a) and 228c (a)(1) et seq.
- (ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.
- (x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. 280 C.
- (xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.
- (xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249 and amendments thereto.
- (xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2009 Supp. 74-50,201, et seq., and amendments thereto.
- (xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation.
- (xv) For all taxable years beginning after December 31, 2006, amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2009 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.
- (xvi) For the tax year beginning after December 31, 2004, an amount not exceeding \$500; for the tax year beginning after December 31, 2005, an amount not exceeding \$600; for the tax year beginning after December 31, 2006, an amount not exceeding \$700; for the tax

year beginning after December 31, 2007, an amount not exceeding \$800; for the tax year beginning December 31, 2008, an amount not exceeding \$900; and for all taxable years commencing after December 31, 2009, an amount not exceeding \$1,000 of the premium costs for qualified long-term care insurance contracts, as defined by subsection (b) of section 7702B of public law 104-191.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xviii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 session laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xix) For the taxable year beginning after December 31, 2006 2009, and all taxable years thereafter, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xx) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xxi) For all taxable years beginning after December 31, 2009, amounts received as income from annuities, in addition to amounts described in paragraphs (iv) and (vii) of this subsection, to the extent that such amounts are included in federal adjusted gross income.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.";

And by renumbering sections accordingly;

Also on page 11, in line 34, after "74-99c09," by inserting "79-32,117,";

On page 1, in the title, in line 13, before "amending" by inserting "social security benefits and annuities;"; in line 13, after "74-99c09," by inserting "79-32,117,";

Roll call was demanded.

On roll call, the vote was: Yeas 43; Nays 75; Present but not voting: 0; Absent or not voting: 7.

Yeas: A. Brown, Carlson, Colloton, Crum, DeGraaf, Faber, Fund, Goico, Gordon, Goyle, Hayzlett, Hermanson, M. Holmes, Jack, Kelley, Kerschen, Kinzer, Knox, Landwehr, Mast, McLeland, Meier, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Rhoades, Schwab, Seiwert, Siegfreid, Spalding, Suellentrop, Talia, Vickrey, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grange, Grant,

Henderson, Henry, Hill, Hineman, C. Holmes, Horst, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Shultz, Slattery, Sloan, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Brunk, Hawk, Huebert, Johnson, Kiegerl, Peterson, Winn.

The motion of Rep. Jack did not prevail.

Also, on motion of Rep. Olson to amend **SB 430**, Rep. C. Holmes requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Olson to amend, which did not prevail; and **SB 430** be passed as amended.

On motion of Rep. Kinzer to amend HB 2520, Rep. Crow requested a ruling on the amendment being germane to the bill. Rep. Kinzer subsequently withdrew his amendment; and the bill be passed.

Committee report to HB 2621 be adopted; also, roll call was demanded on motion of

Rep. Carlson to amend on page 14, after line 8, by inserting the following:

Sec. 4. K.S.A. 2009 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110. (a) Resident Individuals. Except as otherwise provided by subsection (a) of K.S.A. 79-3220, and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax

(1) Married individuals filing joint returns.

If the taxable income is:	The tax is:
Not over \$30,000	3.5% of Kansas taxable income
Over \$30,000 but not over \$60,000	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000	\$2,925 plus 6.45% of excess over \$60,000
(2) All other individuals.	
(A) For tax year 1997:	
If the taxable income is:	The tax is:
Not over \$20,000	4.1% of Kansas taxable income
Over \$20,000 but not over \$30,000	\$820 plus 7.5% of excess over \$20,000
Over \$30,000	\$1,570 plus 7.75% of excess over \$30,000
(B) For tax year 1998, and all tax years thereafter:	
If the taxable income is:	The tax is:
Not over \$15,000	3.5% of Kansas taxable income
Over \$15,000 but not over \$30,000	\$525 plus 6.25% of excess over \$15,000
Over \$30,000	\$1,462.50 plus 6.45% of excess over \$30,000
(b) Nonresident Individuals. A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under	
the state of the second state and the state of the state	

- f subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.
- (c) Corporations. For tax year 2010, a tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:
- (1) For tax year 2010, the normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and
- (2) (A) for tax year 2008, the surtax shall be in an amount equal to 3.1% of the Kansas taxable income of such corporation in excess of \$50,000;
- (B) for tax years 2009 and for tax year 2010, the surtax shall be in an amount equal to 3.05% of the Kansas taxable income of such corporation in excess of \$50,000, and
- (C) for tax year 2011, and all tax years thereafter, the surtax shall be in an amount equal to 3% of the Kansas taxable income of such corporation in excess of \$50,000.

The tax imposed pursuant to this subsection shall expire on December 31, 2010.

(d) Fiduciaries. A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in paragraph (2) of subsection (a) hereof.";

And by renumbering sections accordingly;

Also on page 14, in line 11, before "79-32,204" by inserting "79-32,110,";

On page 1, in the title, in line 12, before "amending" by inserting "taxation on corporations;"; in line 14, before "and" by inserting "and 79-32,110";

On roll call, the vote was: Yeas 30; Nays 84; Present but not voting: 0; Absent or not voting: 11.

Yeas: A. Brown, Carlson, Crum, DeGraaf, Donohoe, Fund, George, Goico, Gordon, Goyle, Hayzlett, Jack, Kelley, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Neufeld, O'Brien, O'Neal, Olson, Powell, Prescott, Schwab, Siegfreid, Vickrey, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grange, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Kerschen, Kiegerl, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Myers, Neighbor, Otto, Palmer, Patton, Pauls, Peck, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Brunk, Hawk, Hermanson, M. Holmes, Huebert, Johnson, Peterson, Pottorff, Rhoades, Suellentrop, Winn.

The motion of Rep. Carlson did not prevail; and HB 2621 be passed as amended.

On motion of Rep. Menghini to amend **HB 2463**, the motion did not prevail, and the bill be passed.

Committee report recommending a substitute bill to **Sub. HB 2521** be adopted; also, on motion of Rep. Garcia to amend, Rep. Schroeder requested a ruling on the amendment being germane to the bill. The Rules Vice-Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Garcia and the bill be amended on page 3, following line 27, by inserting the following:

- "Sec. 2. 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 program administered by the secretary of commerce; and (B) 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; and

(14) provide such information to the state treasurer for the sole purpose of carrying out the provisions of K.S.A. 58-3934 et seq., and amendments thereto. Such information shall be limited to current and prior addresses of taxpayers or associated persons who may have knowledge as to the location of an owner of unclaimed property. For the purposes of this paragraph, "associated persons" includes spouses or dependents listed on income tax returns.

(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.";

And by renumbering the remaining sections accordingly;

On page 7, in line 7, following "Supp.", by inserting "79-3234,";

On page 1, in the title, in line 10, preceding "intangibles", by inserting "disclosure of information;"; in line 11, following "Supp." by inserting "79-3234,"; and **Sub. HB 2521** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2689** be adopted; also, roll call was demanded on motion of Rep. Kinzer to amend on page 9, after line 7, by inserting the following:

"(28) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of donations to meet the education needs of all unified school districts within any such county, to the electors at an election called and held thereon.";

On page 13, in line 12, by striking "and"; in line 17, before the period, by inserting "; and (bb) the board of county commissioners of any county for purposes of paragraph (28) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners as otherwise provided by this section on the effective date of this act plus .25%";

On page 16, in line 25, by striking "and" and inserting a comma; also in line 25, after "(27)" by inserting "and (28)";

On page 18, after line 3, by inserting the following:

"New Sec. 5. All amounts received from a county which imposed a countywide retailers' sales tax imposed pursuant to paragraph (28) of subsection (b) of K.S.A. 12-187, and amendments thereto, by a school or unified school district shall be deemed a donation pursuant to the provisions of K.S.A. 72-8210, and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 10, before "amending" by inserting "education needs of schools, donations;";

On roll call, the vote was: Yeas 49; Nays 69; Present but not voting: 0; Absent or not voting: 7.

Yeas: Benlon, Bollier, A. Brown, Brunk, Carlson, Colloton, Donohoe, Furtado, Hayzlett, Hermanson, Hill, C. Holmes, Huebert, Jack, Kerschen, Kiegerl, Kinzer, Kleeb, Landwehr, Light, Mah, Mast, McLeland, Menghini, Merrick, Morrison, Neighbor, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Quigley, Rardin, Rhoades, Schwab, Seiwert, Siegfreid, Slattery, Spalding, Suellentrop, Swanson, Talia, Vickrey, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Barnes, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle,

Grange, Grant, Henderson, Henry, Hineman, M. Holmes, Horst, Kelley, King, Knox, Kuether, Lane, Loganbill, Long, Lukert, Maloney, McCray-Miller, Meier, Moxley, Myers, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Roth, Ruiz, Schroeder, Schwartz, Sloan, D. Svaty, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, B. Wolf.

Present but not voting: None.

Absent or not voting: George, Hawk, Johnson, Neufeld, Peterson, Shultz, Winn. The motion of Rep. Kinzer did not prevail; and **Sub. HB 2689** be passed.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2669** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2669," as follows: "Substitute for HOUSE BILL No. 2669

By Committee on Commerce and Labor

"AN ACT establishing the Kansas employment initiative act and creating the Kansas employment first oversight commission."; and the substitute bill be passed.

(Sub. HB 2669 was thereupon introduced and read by title.)

Committee on **Economic Development and Tourism** recommends **HB 2616** be amended on page 2, in line 27, by striking "or these eight"; by striking all in line 28; following line 35, by inserting:

"(h) "Grappling arts" means any form of grappling including but not limited to brazilian jiujitsu, catch wrestling, judo, luta livre esportiva, sambo, shoot wrestling, shooto and shuai Jiao conducted on a full-contact basis in a bout or contest without weapons or striking and where contestants may compete for valuable consideration.";

And by relettering the remaining subsections accordingly;

On page 3, in line 24, before "pro-" by inserting "grappling arts,"; in line 27, after "arts" by inserting ", grappling arts"; following line 28, by inserting the following:

"Sec. 4. K.S.A. 2009 Supp. 74-50,185 is hereby amended to read as follows: 74-50,185. (a)In accordance with the provisions of the Kansas civil service act, the commission may appoint such *chief inspectors and* inspectors, agents, clerical and administrative personnel as may be necessary to assist in performing the powers, duties and functions of the commission and the boxing commissioner.

(b) The boxing commissioner may contract with inspectors and such other persons as in the commissioner's judgment may be necessary to properly administer the provisions of this act. Such persons shall be under the direct supervision of the boxing commissioner.

(c) The commission shall have the authority to adopt rules and regulations for the certification and payment of inspectors. The boxing commissioner shall not perform duties of an inspector.";

And by renumbering remaining sections accordingly;

On page 5, in line 3, by striking "Such" and inserting "Temporary rules and regulations may be adopted by the commission without being subject to the provisions and requirements of K.S.A. 77-415 through 77-438, and amendments thereto, but shall be subject to approval by the attorney general as to legality and shall be filed with the secretary of state and published in the Kansas register. Temporary rules and regulations adopted by the commission in accordance with the provisions of this subsection shall be reviewed two years from the effective date of this act by the joint committee on administrative rules and regulations. Temporary and permanent";

On page 10, in line 12, after "74-50,182," by inserting "74-50,185,";

In the title, in line 12, after "74-50,182," by inserting "74-50,185,"; and the bill be passed as amended.

Committee on Financial Institutions recommends SB 382 be passed.

Committee on **Financial Institutions** recommends **SB 415** be amended on page 3, in line 27, by striking "time deposit" and inserting "savings deposits, time deposits"; and the bill be passed as amended.

Committee on **General Government Budget** recommends **SB 541** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

General Government Budget Committee recommends SB 410 be amended on page 1, by striking all in lines 18 through 43;

On page 2, by striking all in lines 1 through 3;

And by renumbering the remaining sections accordingly;

In the title, in line 13, by striking all after the semicolon where it appears the first time; and the bill be passed as amended.

**Select Committee on KPERS** recommends **SB 146** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 146," as follows:

"HOUSE Substitute for SENATE BILL No. 146

By Select Committee on KPERS

"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."; and the substitute bill be passed.

(H. Sub. for SB 146 was thereupon introduced and read by title.)

Committee on **Vision 2020** recommends **HB 2428** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2428," as follows:

"Substitute for HOUSE BILL No. 2428

By Committee on Vision 2020

"AN ACT relating to water; providing for a water data repository; amending K.S.A. 82a-910 and K.S.A. 2009 Supp. 2-1915, 82a-1602, 82a-1603, 82a-1604, 82a-1605 and 82a-1606 and repealing the existing sections."; and the substitute bill be passed.

(Sub. HB 2428 was thereupon introduced and read by title.)

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2742**, An act concerning school districts; relating to school finance; amending K.S.A. 72-6444 and K.S.A. 2009 Supp. 72-6433 and repealing the existing sections, by Committee on Appropriations.

HB 2743, An act concerning income taxation; relating to retention of Kansas payroll withholding taxes by certain employers; requirements and procedures, by Committee on Taxation.

## COMMITTEE ASSIGNMENT CHANGE

Speaker O'Neal announced that Rep. Barnes would replace Rep. Hawk on Committee on Taxation when Rep. Hawk is on excused absence.

#### REPORT ON ENGROSSED BILLS

HB 2519 reported correctly engrossed March 16, 2010.

## REPORT ON ENROLLED BILLS

HB 2364, HB 2433, HB 2492, HB 2555, HB 2676 reported correctly enrolled, properly signed and presented to the governor on March 15, 2010.

Also, HB 2283, HB 2323, HB 2445, HB 2456, HB 2552, HB 2584, HB 2609, HB 2619 reported correctly enrolled, properly signed and presented to the Governor on March 16, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, March 17, 2010.

# Journal of the House

## FORTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, March 17, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair. The roll was called with 124 members present. Rep. Johnson was excused on verified illness.

Prayer by Chaplain Brubaker:

Our Heavenly Father, In the words of St. Patrick: "May the Strength of God guide us. May the Power of God preserve us. May the Wisdom of God instruct us. May the Hand of God protect us. May the Way of God direct us. May the Shield of God defend us. May the Angels of God guard us against the snares of the evil one. May Christ be with us! May Christ be before us! May Christ be in us, Christ be over all! May Thy Grace, Lord, always be ours, this day, O Lord, and forevermore. Amen." (St. Patrick — "Prayer for the Faithful")

The Pledge of Allegiance was led by Rep. Fund.

In celebration of St. Patrick's Day, former Senator Rich Gannon played When the Piper Plays and Highland Cathedral on the bagpipes.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Taxation: HB 2743.

Education Budget: HB 2742.

## CONSENT CALENDAR

No objection was made to **SB 541** appearing on the Consent Calendar for the first day. No objection was made to **SB 508** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwah, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed.

HB 2463, An act concerning taxation; establishing the committee on simplified state tax structure; prescribing membership, duties and responsibilities thereof, was considered on final action

On roll call, the vote was: Yeas 120; Nays 4; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: T. Brown, Crow, Faber, Kuether.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed.

**HB 2519**, An act concerning sales taxation; relating to streamlined sales and use tax agreement; amending K.S.A. 2009 Supp. 79-3609, 79-3651, 79-3666 and 79-3672 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 75; Nays 49; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grange, Grant, Hawk, Henderson, Henry, Hill, C. Holmes, Horst, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Whitham, Winn, B. Wolf, Worley.

Nays: A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Fund, Goico, Gordon, Goyle, Hayzlett, Hermanson, Hineman, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neu-

feld, O'Brien, O'Neal, Olson, Palmer, Patton, Peck, Powell, Rhoades, Schwab, Schwartz, Seiwert, Siegfreid, Suellentrop, D. Svaty, Talia, Vickrey, Williams, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed, as amended.

**HB 2520**, 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, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Kinzer.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed.

**Sub. HB 2521**, An act concerning taxation; relating to electronic filing of returns, reports or other documents; disclosure of information; intangibles tax, filing procedure; amending K.S.A. 12-1,104 and K.S.A. 2009 Supp. 79-3234, 79-3298 and 79-3607 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 18; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, DeGraaf, Donohoe, Faber, Hermanson, Huebert, Kelley, Kinzer, Landwehr, Mast, Merrick, Neufeld, Olson, Rhoades, Schwab, Schwartz, Siegfreid, Vickrey.

Present but not voting: None.

Absent or not voting: Johnson.

The substitute bill passed, as amended.

**HB 2621**, An act concerning income taxation; relating to certain credits; repealing certain credits; angel investor tax credit, procedure; amending K.S.A. 39-7,132 and 65-7107 and K.S.A. 2009 Supp. 74-8133 and repealing the existing sections; also repealing K.S.A. 79-32,200 and K.S.A. 2009 Supp. 79-32,204, 79-32,207 and 79-32,242, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Landwehr.

Present but not voting: Bollier.

Absent or not voting: Johnson.

The bill passed, as amended.

**Sub. HB 2689**, 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, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: Aurand.

Present but not voting: None.

Absent or not voting: Johnson.

The substitute bill passed.

**SB 430**, An act concerning income taxation; relating to credits, limitations; amending K.S.A. 2009 Supp. 74-50,154, 74-8133, 74-99c09, 79-32,211 and 79-32,264 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 5; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Mengh-

ini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Landwehr, Tafanelli, Ward, Whitham.

Present but not voting: None. Absent or not voting: Johnson.

The bill passed, as amended.

SB 463, An act concerning county bonded debt limits; amending K.S.A. 2009 Supp. 10-306 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 18; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Seiwert, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Bollier, A. Brown, Brunk, DeGraaf, Donohoe, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, Patton, Peck, Schwab, Schwartz, Siegfreid, Suellentrop, Yoder.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Whitham in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Whitham, Committee of the Whole report, as follows, was adopted: Recommended that SB 544, SB 441, SB 437 be passed.

Committee report to **SB 439** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 458** be adopted; and the substitute bill be passed.

Committee report to  $\hat{SB}$  386 be adopted; and the bill be passed as amended.

Committee report to **HB 2729** be adopted; and the bill be passed as amended.

Committee report to **SB 369** be adopted; also, on motion of Rep. Kinzer be amended on page 12, in line 9, before "79-3234," by inserting "79-1437f,";

Also, on motion of Rep. Otto, **SB 369** be amended on page 1, after line 15, by inserting the following:

"Section I. On and after July 1, 2010, K.S.A. 45-219 is hereby amended to read as follows: 45-219. (a) Any person may make abstracts or obtain copies of any public record to which such person has access under this act. If copies are requested, the public agency may require a written request and advance payment of the prescribed fee. A public agency shall not be required to provide copies of radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, unless such items or devices were shown or played to a public meeting of the governing body thereof, but the public agency shall not be required to provide such items or devices which are copyrighted by a person other than the public agency.

(b) Copies of public records shall be made while the records are in the possession, custody and control of the custodian or a person designated by the custodian and shall be made under the supervision of such custodian or person. When practical, copies shall be made in

the place where the records are kept. If it is impractical to do so, the custodian shall allow arrangements to be made for use of other facilities. If it is necessary to use other facilities for copying, the cost thereof shall be paid by the person desiring a copy of the records. In addition, the public agency may charge the same fee for the services rendered in supervising the copying as for furnishing copies under subsection (c) and may establish a reasonable schedule of times for making copies at other facilities.

(c) Except as provided by subsection (f) or where fees for inspection or for copies of a public record are prescribed by statute, each public agency may prescribe reasonable fees for providing access to or furnishing copies of public records, subject to the following:

(1) In the case of fees for copies of records, the fees shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make the information available.

(2) In the case of fees for providing access to records maintained on computer facilities, the fees shall include only the cost of any computer services, including staff time required.

- (3) Fees for access to or copies of public records of public agencies within the legislative branch of the state government shall be established in accordance with K.S.A. 46-1207a and amendments thereto.
- (4) Fees for access to or copies of public records of public agencies within the judicial branch of the state government shall be established in accordance with rules of the supreme court.
- (5) Fees for access to or copies of public records of a public agency within the executive branch of the state government shall be established by the agency head. Any person requesting records may appeal the reasonableness of the fees charged for providing access to or furnishing copies of such records to the secretary of administration whose decision shall be final. A fee for copies of public records which is equal to or less than \$.25 per page shall be deemed a reasonable fee.
- (d) Except as otherwise authorized pursuant to K.S.A. 75-4215 and amendments thereto, each public agency within the executive branch of the state government shall remit all moneys received by or for it from fees charged pursuant to this section to the state treasurer in accordance with K.S.A. 75-4215 and amendments thereto. Unless otherwise specifically provided by law, the state treasurer shall deposit the entire amount thereof in the state treasury and credit the same to the state general fund or an appropriate fee fund as determined by the agency head.
- (e) Each public agency of a political or taxing subdivision shall remit all moneys received by or for it from fees charged pursuant to this act to the treasurer of such political or taxing subdivision at least monthly. Upon receipt of any such moneys, such treasurer shall deposit the entire amount thereof in the treasury of the political or taxing subdivision and credit the same to the general fund thereof, unless otherwise specifically provided by law.
- (f) Any person who is a certified shorthand reporter may charge fees for transcripts of such person's notes of judicial or administrative proceedings in accordance with rates established pursuant to rules of the Kansas supreme court.
- (g) Nothing in the open records act shall require a public agency to allow a person to obtain copies of a public record by inserting, connecting or otherwise attaching an electronic device to the computer or other electronic device of the public agency.";

And by renumbering the remaining sections accordingly;

On page 15, in line 40, after "K.S.A." by inserting "45-219,"; In the title, in line 11, after "K.S.A." by inserting "45-219,";

Also, on motion of Rep. Patton to amend SB 369, the motion was withdrawn and the bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2673** be amended on page 1, in line 31, by striking all following "exceed"; in line 32, by striking all preceding "and" and inserting "\$1,200 annually per licensed bed";

On page 3, in line 27, by striking all following "(5)"; by striking all in lines 28 through 30; in line 31, by striking "(6)"; in line 34, by striking "(7)" and inserting "(6)";

On page 4, in line 18, by striking "(f)in" and and inserting "(f) in"; in line 27, by striking "(f)is" and inserting "(f) is";

On page 5, in line 3, following "Kansas" by inserting "association of"; in line 5, preceding "one", by inserting "one person appointed by the Kansas hospital association;"; also in line 5, by striking "ap-"; in line 6, by striking all preceding "who"; also in line 6, preceding "an", by inserting "a member of the Kansas adult care executive association appointed by the governor;"; in line 7, preceding "not" by inserting "and whose employing home is"; and the bill be passed as amended.

(Having been referred separately, **HB 2673** is now in Committee on **Aging and Long Term Care**.)

Committee on **Appropriations** recommends **Substitute for SB 311** be amended on page 3, by striking all in lines 18 through 25; in line 26, by striking "(5)" and inserting "(4)"; in line 32, by striking "(6)" and inserting "(5)";

On page 4, by striking all in lines 1 through 38; in line 39, by striking "(d)" and inserting "(c)";

On page 5, in line 4, by striking "(e)" and inserting "(d)"; and the substitute bill be passed as amended.

Committee on **Appropriations** recommends **SB 313** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 313," as follows:

"HOUSE Substitute for SENATE BILL No. 313

By Committee on Appropriations

"AN ACT concerning the state general fund; relating to certain state and school district contractual bond obligations; imposing a limitation on the issuance of certain bonds issued by the Kansas development finance authority; establishing a maximum on state general fund bonded debt; limiting transfers to the school district capital improvements fund; prescribing certain powers, duties and functions with respect thereto; amending K.S.A. 2009 Supp. 75-2319 and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for SB 313 was thereupon introduced and read by title.)

Committee on **Appropriations** recommends **SB 446** be amended on page 1, following line 16, by inserting the following:

"New Section 1. Sections 1 through 14, and amendments thereto, shall be known and may be cited as the council on efficient government act.

New Sec. 2. (a) It is the public policy of this state to provide the highest quality services at the lowest possible cost to taxpayers. Efficiency can only be achieved, however, if decisions about how government services are provided are governed by the following fundamental principles:

(1) The state government should not compete with private businesses that provide the same goods and services;

(2) the state government should not replicate, duplicate or compete with not-for-profit organizations that provide the same goods and services;

(3) the state government should not replicate, duplicate or compete with the federal government or local units of government that provide the same goods and services;

(4) there are certain functions and operations of state government that are inherently governmental and cannot be outsourced, and these activities are intimately related to the public interest; and

(5) when activities are clearly not governmental functions and operations, the state government should conduct a rigorous comparison of private business or not-for-profit organizational costs with the costs of the state government providing those functions and operations.

(b) The purpose of the council on efficient government is:

(1) To ensure that each state agency focuses on its core mission, and delivers goods and services effectively and efficiently by leveraging resources and contracting with private business suppliers or not-for-profit organizations if those entities can more effectively and efficiently provide such goods and services thereby reducing the cost of government while expanding those services to the greatest number of citizens;

(2) to develop a comprehensive and detailed process to analyze opportunities to improve the efficiency, cost-effectiveness and quality of state governmental services, operations, functions and activities: and (3) to evaluate for feasibility, cost-effectiveness and efficiency, business cases that potentially could be outsourced and make recommendations to state agencies prior to the outsourcing of goods or services.

New Sec. 3. As used in sections 1 through 14, and amendments thereto:

- (a) "Activity" means the provision of goods or services or the performance of any function or operation by a state agency.
- (b) "Affiliated" means a person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, a specified entity.
- (c) "Business case" means any proposal to outsource a state agency activity or eliminate replication or duplication of a state agency activity and operations carried out by a private business, not-for-profit organization or other government agency.
- (d) "Contractor" means any private business or not-for-profit organization that contracts with a state agency to perform an activity previously performed by such state agency.
- (e) "State agency" means any department, authority, office or other governmental agency of this state. The term shall not include any political subdivision of the state, municipality or other unit of local government.
- New Sec. 4. (a) There is hereby created a body politic and corporate to be known as the council on efficient government. The council on efficient government is hereby constituted a public instrumentality and the exercise of the authority and powers conferred by this act shall be deemed and held to be the performance of an essential governmental function.
  - (b) The council shall consist of 11 members as follows:
- (1) One member, who shall be either the lieutenant governor or the chief executive of a state agency, who shall be appointed by the governor;
- (2) two members, who shall be engaged in private business and are not members of the legislature, appointed by the governor;
- (3) three members, who shall be engaged in private business and only one of whom may be a member of the legislature, appointed by the president of the senate;
- (4) three members, who shall be engaged in private business and only one of whom may be a member of the legislature, appointed by the speaker of the house of representatives;
- (5) one member, who shall be engaged in private business and who shall not be a member of the legislature, appointed by the minority leader of the senate; and
- (6) one member, who shall be engaged in private business and who shall not be a member of the legislature, appointed by the minority leader of the house of representatives.
- (c) Members shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed to the council shall exercise any power, duty or function as a member of the council until confirmed by the senate.
- (d) Members shall serve for a term of two years. Terms of members appointed pursuant to this section shall expire on March 15. In the case of the member who is a state official, such member shall serve for a term of two years, or until such member ceases to hold public office, whichever occurs first. Members shall serve until a successor is appointed and confirmed.
- (e) After the expiration of a member's term, or whenever a vacancy occurs a member shall be appointed as described in subsection (a). In the event of a vacancy the appointment shall be for the remainder of the unexpired portion of the term. Any member is eligible for reappointment for successive two-year terms.
- (f) No member shall appoint a designee to serve in such member's place on the council.
- (g) The council shall annually elect a member as chairperson. The member appointed pursuant to paragraph (a)(1) and any member who is a member of the legislature is not eligible to serve as chairperson.
- (h) The council shall meet at least four times a year at the call of the chairperson. A quorum shall consist of a majority of the members of the council.
- (i) Members attending council meetings shall be entitled to compensation and expenses as provided in K.S.A. 75-3223, and amendments thereto.
- New Sec. 5. (a) In order to achieve its purpose as provided in this act, the council on efficient government shall:

- (1) Review and evaluate the possibility of outsourcing goods or services provided by a state agency to a private business or not-for-profit organization that is able to provide the same type of good or service and whether such action would result in cost savings to the state:
- (2) review and evaluate the possibility of outsourcing operations or functions of a state agency to a private business or not-for-profit organization that is able to more efficiently and cost-effectively perform such operation or function;
- (3) review and evaluate instances where a state agency is providing goods or services in competition with one or more private businesses to determine ways to eliminate such competition:
- (4) review and evaluate instances where a state agency is providing goods or services that replicate, duplicate or compete with one or more not-for-profit organizations or federal or local units of government;
- (5) make any requests it deems necessary to state agencies for an inventory of such agency's activities that may be outsourced, or that compete with, replicate or duplicate activities provided by private entities or federal or local units of government;
- (6) develop and implement a standard process for reviewing business cases pursuant to this act;
- (7) make recommendations to state agencies regarding the outsourcing of operations, functions and the provision of goods and services based on the council's review and evaluation of business cases pursuant to this act; and
- (8) identify and distribute information regarding the best practices in outsourcing efforts to state agencies.
- (b) The council may appoint advisory groups, provided, at least one member of the council is appointed to each such group.
- (c) The council shall annually prepare and submit a report to the governor, the committee on ways and means of the senate and the committee on appropriations of the house of representatives. The report shall be submitted no later than January 15, and shall contain details of the council's activities for the immediately preceding year and include the following:
- (1) Recommendations on methods of delivering government services that would improve the efficiency, effectiveness and delivery of government services;
- (2) outsourcing efforts of state agencies, including the number of business cases reviewed, those recommended for outsourcing and the state agency action on the business case; and
- (3) information on all outsourcing contracts entered into the preceding year, including, the dollar value of each outsourcing contract, descriptions of performance results, any breach of contract or inadequate performance, and the status of extensions, renewals and amendments of outsourcing contracts.

New Sec. 6. The staff of the legislative research department shall provide such assistance as may be requested by the council on efficient government.

- New Sec. 7. (a) A business case may be submitted by the governor, any member of the legislature, any state agency, a private business, a not-for-profit organization or any government entity that is not a state agency. A business case shall be submitted in the manner and form prescribed by the council.
  - (b) A business case shall include the following:
  - (1) A description of the state agency activity the council is to review and evaluate;
  - (2) a description of the private market for such activity; and
  - (3) a proposal as to the price to be paid by the state agency if such activity were outsourced.
- (c) If the business case is submitted by a state agency, the following shall also be included in the business case:  $\frac{1}{2}$ 
  - (1) A description and analysis of the agency's performance with respect to such activity;
- (2) an analysis comparing the potential costs and savings to the agency between outsourcing the activity and continuing to perform such activity;
  - (3) a citation to existing legal authority for outsourcing such activity;
- (4) a transition plan that addresses changes in personnel, equipment, office location and communication with clients and the general public should such activity be outsourced;

- (5) a description of any legislative action necessary to accomplish the outsourcing of such activity; and
- (6) a description of specific performance standards that a contractor must meet in performing such activity, including:
  - (A) Specific and measurable goals to be met by the contractor;
- (B) a plan to ensure compliance by the contractor with all applicable laws and regulations; and
- (C) a contingency plan addressing the contractor's nonperformance or inadequate performance of such activity.
- (d) If the business case is submitted by an entity other than a state agency, the council shall send a copy of the submitted business case to the state agency currently performing the activity in question. The state agency shall have 30 days from receipt of the business case to submit a response to the council. The response shall include those items set forth in subsection (c).
- (e) The council may review and evaluate any business case that is submitted to the council to determine: (1) If there is competition, replication or duplication of an activity by a state agency with a private business, not-for-profit organization or other government entity; (2) whether such activity may be outsourced by such state agency; and (3) the costs and savings that will likely result from such outsourcing.
- (f) In conducting its review and evaluation of a business case the council shall consider the state agency's response submitted pursuant to subsection (d), if applicable, and determine whether the activity in question is an inherent governmental function that cannot be outsourced, or a commercial activity which may be performed by an entity other than the state agency. The council may hold public hearings, seek advice from advisory groups and request additional information from the state agency.
- (g) Any member of the council that is either employed by the state agency which is performing the activity that is the subject of a business case under review, or is affiliated with a private business or not-for-profit organization that could perform such activity shall not participate in the review and evaluation of that particular business case.
- (h) Upon completion of its review and evaluation the council shall prepare a report on its findings and recommendations. Copies of the council's final report on a business case shall be sent to the entity that initially submitted the business case, and the state agency which performs the activity that is the subject of the business case.
- (i) Any state agency receiving a report pursuant to subsection (h) shall submit a response to the council within 45 days after receipt of the report. The response shall include the agency decision with respect to outsourcing or eliminating the activity, the reasons supporting the decision and the implementation date, if any.

New Sec. 8. Any contract entered into by a state agency with a private business or not-for-profit organization which is an agreement for the private business or not-for-profit organization to perform an activity previously performed by the state agency shall include the following:

- (a) A specific scope of work statement clearly identifying the activity to be performed by the contractor:
- (b) if services are being provided, an agreement as to what constitutes adequate provision of such services, and the ability of the state agency to resume provision of such services if not adequately provided by the contractor;
- (c) a specific transition plan providing for the transfer of the activities in question to the contractor;
  - (d) specific and measurable performance standards that must be met by the contractor;
- (e) a provision granting the state agency access to all relevant documents and records of the contractor necessary for the purposes of verifying the contractor is meeting all performance standards and auditing the contractor's performance;
- (f) a provision requiring the contractor to interview and consider for employment any state employee previously employed by the state agency who expresses an interest in such employment; and
- (g) a contingency plan for transferring such activity back to the state agency in the event the contractor does not meet the required performance standards.

New Sec. 9. (a) When any contract for the purchase of goods or services by any state agency, as that term is defined in K.S.A. 75-3701, and amendments thereto, is not awarded to a vendor after such vendor has submitted the lowest bid for such contract, the director of purchases of the department of administration shall prepare a written explanation detailing the reasons why such vendor was not awarded the contract and why the deficiencies in such vendor's bid could not be remedied to the satisfaction of the director. In the event the contract is awarded by a state agency other than the department of administration, such state agency shall prepare a written explanation detailing the reasons why such vendor was not awarded the contract and why the deficiencies in such vendor's bid could not be remedied to the satisfaction of the head of such state agency, and submit such written explanation to the director of purchases of the department of administration.

(b) On or before January 12, the director of purchases of the department of administration shall transmit to the standing committee on appropriations of the house of representatives, the standing committee on ways and means of the senate and the council on efficient government a report that shall include all written explanations prepared in accordance with this section during the immediately preceding year.

(c) The provisions of this section shall not apply to contracts that are subject to the provisions of K.S.A. 75-5801 et seq., and amendments thereto, or K.S.A. 75-1250 et seq., and amendments thereto, or to contracts in support of the planning, development or implementation of a road, bridge or public transportation construction program of the department of transportation.

New Sec. 10. (a) When any contract for the purchase of goods or services by any state agency, as that term is defined in K.S.A. 75-3701, and amendments thereto, is not awarded to a vendor that is: (1) Domiciled in this state; (2) proposing to have the work which is the subject matter of the contract performed by employees subject to Kansas income withholding taxes; and (3) subject to Kansas income taxes, the director of purchases of the department of administration shall prepare a written explanation detailing the reasons why such vendor was not awarded the contract and why the deficiencies in such vendor's bid could not be remedied to the satisfaction of the director. In the event the contract is awarded by a state agency other than the department of administration, such state agency shall prepare a written explanation detailing the reasons why such vendor was not awarded the contract and why the deficiencies in such vendor's bid could not be remedied to the satisfaction of the head of such state agency, and submit such written explanation to the director of purchases of the department of administration.

(b) On or before January 12, the director of purchases of the department of administration shall transmit to the standing committee on appropriations of the house of representatives, the standing committee on ways and means of the senate and the council on efficient government a report that shall include all written explanations prepared in accordance with this section during the immediately preceding year.

(c) The provisions of this section shall not apply to contracts that are subject to the provisions of K.S.A. 75-5801 et seq., and amendments thereto, or K.S.A. 75-1250 et seq., and amendments thereto, or to contracts in support of the planning, development or implementation of a road, bridge or public transportation construction program of the department of transportation or to contracts for building construction.

(d) For purposes of this section, the term "building construction" means furnishing labor, equipment, material or supplies used or consumed for the design, construction, alteration, renovation, repair or maintenance of a building or structure, including multilevel parking structures and stand-alone parking lots.

New Sec. 11. (a) Any contract for the purchase of goods or services by any state agency, as that term is defined in K.S.A. 75-3701, and amendments thereto, which includes a provision for the automatic renewal or extension of such contract, shall be reviewed by the head of such agency to determine if such contract shall be allowed to be automatically renewed or extended. Such review shall include an evaluation of the cost savings the agency might benefit from if the agency were to terminate the contract and issue a new request for proposal. If the head of the state agency determines that it is in the agency's best interest to allow the contract to be automatically renewed or extended, then the head of the state agency shall prepare a written explanation detailing the reasons why such contract was

allowed to be automatically renewed or extended and submit such written explanation to the director of purchases of the department of administration.

- (b) On or before January 12, the director of purchases of the department of administration shall transmit to the standing committee on appropriations of the house of representatives, the standing committee on ways and means of the senate and the council on efficient government a report that shall include all written explanations prepared in accordance with this section during the immediately preceding year.
- (c) The provisions of this section shall not apply to contracts that are subject to the provisions of K.S.A. 75-5801 et seq., and amendments thereto, or K.S.A. 75-1250 et seq., and amendments thereto, or to contracts in support of the planning, development or implementation of a road, bridge or public transportation construction program of the department of transportation.

New Sec. 12. The provisions of sections 1 through 14, and amendments thereto, shall not apply to any activity conducted by or under the authority of the state board of regents, or to any contract entered into by the state board of regents or any postsecondary educational institution, as defined by K.S.A. 74-3201b, and amendments thereto.

New Sec. 13. (a) The director of purchases and any state agency authorized by statute or by delegation of authority by the director of purchases to administer purchasing procedures using competitive bidding procedures for contracts for supplies, materials, equipment and contractual services shall draft or cause to be drafted specifications for bids in a manner that does not limit the bidding, directly or indirectly, to any one specific contractor, subcontractor, manufacturer or supplier. When preparing specifications for such purposes which require specific materials, products, items or services, the director of purchases and any such state agency shall use specific brand or trade names only for reference. When preparing specifications for contracts for supplies, materials, equipment and contractual services, the director of purchases and any such state agency shall specify all materials required by American national standards institute (ANSI) number or builders hardware manufacturers association (BHMA) product number. No product or manufacturer shall be given preference over any other product or manufacturer in any specifications prepared by or for the director of purchases or any such state agency for contracts for supplies, materials, equipment and contractual services.

- (b) No specifications for bids to be administered by the director of purchases or by any state agency authorized by statute or by delegation of authority by the director of purchases to administer purchasing procedures using competitive bidding procedures, shall be drafted or caused to be drafted by an outside specification writer who is a representative, supplier, owner or employee of a manufacturer or who is in any other way associated or under contract with a manufacturer.
- (c) The provisions of this section shall not apply to contracts that are subject to the provisions of K.S.A. 75-5801 et seq., and amendments thereto, or K.S.A. 75-1250 et seq., and amendments thereto, or to contracts in support of the planning, development or implementation of a road, bridge or public transportation construction program of the department of transportation or to contracts for building construction.
- (d) For purposes of this section, the term "building construction" means furnishing labor, equipment, material or supplies used or consumed for the design, construction, alteration, renovation, repair or maintenance of a building or structure, including multilevel parking structures and stand-alone parking lots.

New Sec. 14. If any provision of sections 1 through 14, and amendments thereto, or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or application of the act which can be given effect without the invalid provisions or application and to this end the provisions of sections 1 through 14, and amendments thereto, are declared to be severable.";

And by renumbering sections accordingly;

Also on page 1, in line 17, by striking "Section" and inserting "Sec.";

On page 1, in the title, in line 9, by striking all following "concerning"; in line 10, by striking all preceding the semicolon and inserting "state contracts; relating to procurement of goods and services for state agencies; bid specifications; creating the council on efficient government"; and the bill be passed as amended.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6026-

By Representative Shultz

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 House of Representatives 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 Chief Clerk of the House of Representatives be directed to send three enrolled copies of this resolution to Representative Shultz.

HOUSE RESOLUTION No. 6027-

By Representative Brunk

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 possible 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 House of Representatives 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 House of Representatives 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 Chief Clerk of the House of Representatives 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.

#### REPORT ON ENGROSSED BILLS

Sub. HB 2521; HB 2621 reported correctly engrossed March 17, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, March 18, 2010

# Journal of the House

## FORTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, March 18, 2010, 11:00 a.m.

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

The roll was called with 124 members present.

Rep. Johnson was excused on verified illness.

Prayer by guest chaplain, the Rev. Jess Allen, pastor, Lamont Wesleyan Church, Lamont, and guest of Rep. Mast:

Heavenly Father

Thank You that You hear all who call on Your name. Today I ask for Your presence here at the Capitol. You have told us to pray for those who are in leadership in particular for those who serve as political leaders because You have appointed them.

You have said through Your prophet Joel "I will pour out my Spirit upon all people. Your sons and daughters will prophesy. Your old men will dream dreams, and Your young men will see visions. In those days I will pour out my Spirit even on servants — men and women alike."

In these days of economic turmoil we need a sense of hope that can only come through Your presence. As these men and women struggle with leading our state I ask for Your wisdom to be poured out upon them. Give them the strength of character to lead out of this wisdom.

Our political system is set up to allow unity to flow out of conflict. To allow different ideas to clash in order to find consensus, and while it is not perfect I pray that You work through this process to bring out legislation that will make our state stronger and set out as an example on how to deal with adversity and overcome.

So today Father I call on Your name to accomplish Your will here on earth through these men and women as You would have it in heaven.

In Jesus' Name I pray. Amen.

The Pledge of Allegiance was led by Rep. Wetta.

### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Burgess, on behalf of Reps. Fund and S. Gatewood, are spread upon the journal:

I would like to congratulate the Seaman High School Baseball program on their 25th Anniversary season.

Over the years the Seaman baseball program has been recognized as one of the top high school baseball programs in Kansas. During the past ten seasons, the Seaman program has appeared in seven state championship games; winning five state titles, claiming two runner-up finishes and third place while compiling an overall record of 206-52.

During the 2006 and 2007 seasons the Vikings had a remarkable 41 game winning streak and finished the 2007 season ranked 31st nationally in Baseball America's final Top 50 poll.

The Seaman baseball team is the two time defending Class 5A State Champions and look forward to upcoming 2010 season!

The returning varsity players in 2010 are: seniors, Chris Ber vert, Eric Brown, Dalton Piecukonis, Ethan Schnieders; juniors, Sheldon Banks, Kenny Benoit, Eric Cheray, Jason Maler, and Tyler Munger. The coaches are Steve Bushnell, Mark Simoneau, Lance Dougan and Trent Oliva; and the athletic trainer is Mike Longhofer.

Seaman's Superintendent is Mike Mathes; the Principal is Ron Vinduska; and the Athletic Director is Brad Dietz.

Coach Steve Bushnell was presented with a framed House certificate.

#### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Hineman are spread upon the journal:

Members of the body, I bring before you today Mr. Sonny Weinhardt of Grinnell, from my home district in Western Kansas. Accompanying him are his wife Joan, their son Charles of Lenexa with his wife Ann and son Henry, and Sonny's second son Mark, of Grinnell.

Sonny has had a long and illustrious career in his hometown of Grinnell, including serving on the City Council and as Mayor. He has been a member of the volunteer fire department and served as Fire Chief. He has been maintenance engineer and coach for Grinnell Public Schools. He has coached Little League Basketball, been a member of the Grinnell After-Harvest Committee, and was a founding member of the Cow Paddy Golf Course in Grinnell. Sonny served on the board of the Grinnell Credit Union and was an original member of the Grinnell Pride Committee.

These accomplishments alone are worthy of recognition, but they are not why we are honoring Sonny today. I have brought Sonny before you because of his long and illustrious career as an official for Kansas State High School athletics. Sonny began his career as a registered athletics official in 1952-53 at the age of seventeen. He recently retired after serving for 56 years.

During that time he officiated basketball 56 years, football 26 years, and volleyball seven years. He was assigned to postseason basketball tournament play for 26 years, football seven years, and volleyball three years. He officiated twenty basketball state championship tournaments, including the Grand State Tournament in 1975-76, the only year that event was conducted for boys basketball.

During Sonny's many years of service he was teamed with Senator Ralph Ostmeyer for 33 of those years. Ralph and Sonny were truly a team, and when they officiated an event the participants could be assured that they would do so accurately and fairly. It has been determined that Sonny is the longest serving athletics official in Kansas state history, and it is believed he may also hold that distinction on the national level.

Rep. Lukert also expressed a few remarks in honor of Mr Weinhardt and congratulated him on his retirement.

Rep. Hineman presented Mr. Weinhardt with a framed House certificate.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2744**, An act concerning school districts; enacting the school sports brain injury prevention act, by Committee on Appropriations.

## MESSAGES FROM THE SENATE

Announcing passage of **Sub. SB 447**; **SB 566**.

Announcing passage of HB 2455, HB 2485, HB 2638.

Announcing passage of HB 2432, as amended by S. Sub. for HB 2432; HB 2440, as amended; HB 2469, as amended; HB 2482, as amended; Sub. HB 2575, as amended; HB 2656, as amended; HB 2668, as amended.

The Senate concurs in House amendments to SB 326.

The Senate nonconcurs in House amendments to **H. Sub. for SB 200**, requests a conference and has appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 461**, requests a conference and has appointed Senators Vratil, McGinn and Kelly as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 497**, requests a conference and has appointed Senators McGinn, Teichman and Francisco as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SCR 1615**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate. Also, announcing passage of **SB 506**.

Announcing passage of HB 2588, HB 2589.

Announcing passage of HB 2412, as amended; HB 2454, as amended; HB 2506, as amended by S. Sub. for HB 2506; HB 2566, as amended; HB 2605, as amended.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 447; SB 506, SB 566.

#### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Bethell, **HCR 5034**, A concurrent resolution remembering Bryce Miller, was adopted.

There being no objection, the following remarks of Rep. Bethell are spread upon the journal:

It is a pleasure to stand before you today to remember and honor a person that is well known to many of us in this body.

Today I have with me the family of Bryce Miller, his wife Frances Miller, daughters Cheryl Roberts and Anita Fry and husband Steve, and granddaughter Meredith Fry.

We are here to honor the lifelong work of Bryce Miller who tirelessly labored for the improvement of the quality of life of persons in our society that suffer from mental illness. Mr. Miller served as a board member of Valeo Behavioral Health Care in Topeka for many years. He labored to have those who were forgotten, buried in unmarked graves on State property, remembered. He was instrumental in arranging the first ever "Mental Health and Seniors" presentation at the National Alliance on Mental illness.

Bryce demonstrated strength in living with his own mental illness, and its manifestations, in the public eye he helped give normalcy to the condition, and challenged Kansans to understand that those struggling with mental health issues need the same access to treatment, medication, support and recovery as those dealing with physical ilness.

It is my pleasure to honor Bryce Miller.

## MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Brunk, **HR 6027**, A resolution congratulating and commending Tiffany Nickel for being named Ms. Wheelchair Kansas 2010, was adopted.

There being no objection, the following remarks by Rep. Brunk are spread upon the journal:

Tiffany Nickel was named 2010 Ms. Wheelchair Kansas and donned a sash and crown in a Topeka hotel convention room Sunday.

The Wichita resident is a quadriplegic and the Executive Director of the Kansas Disability Coalition, Inc. She has taught special education in Wichita public schools for ten years.

Ms. Nickel has a passion for educating others about the abilities of people with disabilities. She does this by demonstrating her own abilities through her job and volunteer activities. She believes that anything is possible as long as you have a support system, as well as a great set of tires and a charged battery!

Tiffany has a spinal cord injury . . . but this spinal cord injury does not have Tiffany.

Rep. Brunk presented Tiffany with a House certificate.

## CONSENT CALENDAR

No objection was made to  ${\bf SB~541}$  appearing on the Consent Calendar for the second day.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2729, An act concerning cities and counties; creating energy management districts, was considered on final action.

On roll call, the vote was: Yeas 72; Nays 52; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burgess, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, C. Holmes, Horst, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Prescott, Quigley, Rardin, Roth, Ruiz, Schwab, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Bowers, Brookens, A. Brown, Brunk, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hermanson, Hineman, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Proehl, Rhoades, Schroeder, Schwartz, Seiwert, Siegfreid, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

Mr. Speaker: If **HB 2729** is put into law, it will open the door for government's direct involvement in our personal affairs; putting government in the business of loaning money for home improvements. Government will then be looking closely at our personal finances, appraised value of our homes, our personal income level, our personal debt level, etc. What is now handled by private business will be done by government. This intrusion is unnecessary. I vote NO!—Forrest J. Knox

Mr. Speaker: I vote no on **HB 2729**. While well intentioned and minor in scope, this bill ultimately represents the chronic erosion of free enterprise we facilitate by involving government in the free market. As supporters note, it places cities in a position of competitive financing. This provides them with an advantage over private lenders when dealing with home owners hoping to improve their property. If we wish to encourage this type of investment, we should be doing so with thoughtful public policy that incentivizes homeowners without growing the scope of government.—Arlen Siegfreid, Richard Carlson, Gary Hayzlett, Mario Goico, Marc Rhoades, Lance Kinzer, S. Mike Kiegerl, Joe Seiwert, Phil Hermanson, I. David Crum

**SB** 369, An act relating to open records; amending K.S.A. 45-219, 60-3351 and K.S.A. 2009 Supp. 38-2309, 45-221 and 45-229 and repealing the existing sections; also repealing K.S.A. 74-7405a and K.S.A. 2009 Supp. 45-22li, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brumk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson,

Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed, as amended.

**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, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None. Present but not voting: None. Absent or not voting: Johnson.

The bill passed, as amended.

 $SB\ 437,$  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, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson.

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, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwattz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed, as amended.

**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, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed.

**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, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff,

Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson.

The substitute bill passed.

**SB 544**, An act concerning the metropolitan transit authority act; definitions; amending K.S.A. 12-2802 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 24; Present but not voting: 1; Absent or not voting: 1.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, O'Neal, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Huebert, Kelley, Kiegerl, Kinzer, Kleeb, Landwehr, Mast, McLeland, Merrick, O'Brien, Olson, Peck, Powell, Siegfreid, Whitham, Yoder.

Present but not voting: Neufeld.

Absent or not voting: Johnson.

The bill passed.

## MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to  ${\bf HB}$   ${\bf 2435}$  and asked for a conference.

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

On motion of Rep. A. Brown, the House nonconcurred in Senate amendments to  ${\bf HB}$  2608 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. A. Brown, Proehl and Grant as conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurred in Senate amendments to  ${\bf HB}$  2652 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. C. Holmes, Knox and Kuether as conferees on the part of the House.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Tafanelli in the chair.

## COMMITTEE OF THE WHOLE

On motion of Rep. Tafanelli, Committee of the Whole report, as follows, was adopted: Recommended that **SB 414**; **Sub. SB 513** be passed.

Committee report to **SB 415** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 262** be adopted; and the substitute bill be passed.

Committee report to  $\hat{SB}$  500 be adopted; and the bill be passed as amended.

Committee report to **Sub. SB 475** be adopted; and the bill be passed as amended.

Committee report to **SB 491** be adopted; and the bill be passed as amended.

Committee report to SB 387 be adopted; and the bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **Substitute for SB 214** be amended by substituting a new bill to be designated as "HOUSE Substitute for Substitute for SENATE BILL No. 214," as follows:

"HOUSE Substitute for Substitute for SENATE BILL No. 214

By Committee on Agriculture and Natural Resources

"AN ACT concerning cities; relating to annexation of territory; amending K.S.A. 2009 Supp. 12-520 and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for Sub. SB 214 was thereupon introduced and read by title.)

Committee on Corrections and Juvenile Justice recommends Sub. SB 353 be passed. Committee on Federal and State Affairs recommends HB 2620 be passed.

Committee on Federal and State Affairs recommends HB 2537 be not passed.

Committee on **Federal and State Affairs** recommends **HB 2444** be amended on page 1, in line 27, after "of" where it appears for the last time by inserting "supervisory"; also in line 27, after "experience" by inserting "in administration and"; after line 29, by inserting the following:

"New Sec. 2. (a) The state fire marshal's office created by K.S.A.75-1510 through 75-1517, and amendments thereto, is hereby abolished.

- (b) Except as otherwise provided by this act, all of the powers, duties and functions of the existing state fire marshal's office and the existing state fire marshal are hereby transferred to and conferred and imposed upon, the Kansas department of insurance and the division of state fire marshal and the state fire marshal established by this act.
- (c) Except as otherwise provided by this act, the Kansas department of insurance and the state fire marshal established by this act shall be the successor in every way to the powers, duties and functions of the state fire marshal's office and the existing state fire marshal in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the department of insurance and the state fire marshal established by this act shall be deemed to have the same force and effect as if performed by the state fire marshal's office and the state fire marshal, respectively, in which such powers, duties and functions were vested prior to the effective date of this act.
- (d) Except as otherwise provided by this act, whenever the state fire marshal's office or state fire marshal, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the division of state fire marshal within the Kansas department of insurance and the office of state fire marshal established by this act.
- (e) Except as otherwise provided by this act, whenever the state fire marshal, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the state fire marshal established by this act.
- (f) All rules and regulations of the state fire marshal's office or the state fire marshal in existence on the effective date of this act shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the Kansas department of insurance, and the state fire marshal established by this act until revised, amended, revoked or nullified pursuant to law.
- (g) All orders and directives of the office of state fire marshal or the state fire marshal in existence on the effective date of this act shall continue to be effective and shall be deemed to be orders and directives of the state fire marshal and the division of state fire marshal, Kansas department of insurance established by this act, until revised, amended or nullified pursuant to law.
- (h) On the effective date of this act, the state fire marshal and Kansas department of insurance shall succeed to whatever right, title or interest the office of state fire marshal has acquired in any real property in this state, and the state fire marshal shall hold the same for and in the name of the state of Kansas. On and after the effective date of this act, whenever any statute, contract, deed or other document concerns the power or authority of the office of state fire marshal or the state fire marshal to acquire, hold or dispose of real

property or any interest therein, the Kansas department of insurance and the state fire marshal shall succeed to such power or authority.

- (i) The state fire marshal and the division of state fire marshal of the Kansas department of insurance, established by this act shall be continuations of the office of state fire marshal and the state fire marshal.
- (j) On the effective date of this act, all officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the office of state fire marshal which are transferred by this act to the division of state fire marshal, Kansas department of insurance, and who, in the opinion of the commissioner of insurance and the state fire marshal, are necessary to perform the powers, duties and functions of the division of state fire marshal, shall be transferred to, and shall become officers and employees of the Kansas department of insurance.
- (k) Officers and employees of the office of state fire marshal transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the office of state fire marshal prior to the date of transfer.";

And by renumbering the remaining sections accordingly; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 83** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 83," as follows:

# "HOUSE Substitute for SENATE BILL No. 83

By Committee on Health and Human Services

"AN ACT concerning naturopathic doctors; licensure; 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."; and the substitute bill be passed.

(H. Sub. for SB 83 was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **SB 449** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 449," as follows:

## "HOUSE Substitute for SENATE BILL No. 449

By Committee on Health and Human Services

"AN ACT providing for certification of medical gas installers; defining terms; amending K.S.A. 2009 Supp. 12-1509 and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for SB 449 was thereupon introduced and read by title.)

Committee on Judiciary recommends SB 372, SB 533 be passed.

Committee on **Judiciary** recommends **SB 363** be amended on page 1, in line 13, after "Section 1." by inserting "(a)"; after line 17, by inserting the following:

"(b) Nothing in this section shall be construed to limit the right of offset, attachment or other process with respect to the earned income tax credit for the payment of child support or spousal maintenance."; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB** 368 be amended on page 1, in line 39, by striking all after "days"; 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, by striking all in lines 3 through 32;

And by renumbering the remaining sections accordingly;

On page 14, in line 11, by striking "and 8-1015"; In the title, in line 11, by striking ", 8-1015"; and the bill be passed as amended.

Committee on Judiciary recommends SB 460 be amended on page 44, in line 33, by striking "K.S.A. 38-226" and inserting "K.S.A. 38-2264"; and the bill be passed as amended. Committee on Transportation recommends SB 293 be amended by substituting a new

bill to be designated as "HOUSE Substitute for SENATE BILL No. 293," as follows:

"HOUSE Substitute for SENATE BILL No. 293

By Committee on Transportation

"AN ACT regulating traffic; concerning school buses; amending K.S.A. 8-2009a and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for SB 293 was thereupon introduced and read by title.)

Committee on **Transportation** recommends **SB 300** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 300," as follows:

"HOUSE Substitute for SENATE BILL No. 300

By Committee on Transportation

"AN ACT relating to license plates; concerning the Kansas arts license plate; relating to certain fees; amending K.S.A. 2009 Supp. 8-1,141 and repealing the existing section."; and the substitute bill be passed.

(**H. Sub. for SB 300** was thereupon introduced and read by title.)

## REPORT ON ENGROSSED BILLS

**HB 2729** reported correctly engrossed March 17, 2010.

## REPORT ON ENROLLED RESOLUTIONS

HR 6025 reported correctly enrolled and properly signed on March 18, 2010.

On motion of Rep. Mast, the House adjourned until 11:00 a.m., Friday, March 19, 2010.

# Journal of the House

## FORTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, March 19, 2010, 11:00 a.m.

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

The roll was called with 122 members present.

Reps. Fund and Johnson were excused on verified illness.

Rep. Ballard was excused on legislative business.

Prayer by guest chaplain, the Rev. Andy Inskeep, youth minister, Fairlawn Church of the Nazarene, Topeka:

Dear God.

We are thankful today for the victories that K-State and Kansas had last night. God we ask that you continue to help them perform to the best of their abilities throughout the rest of the tournament.

In Proverbs of the Bible, it is written,
"We justify our actions by appearances;
God examines our motives.
Mixed motives twist life into tangles;
pure motives take you straight down the road."
God today we ask that you give us pure motives.
In Proverbs it is also written,
"Good friend, take to heart what I'm telling you;
collect my counsels and guard them with your life.

Tune your ears to the world of Wisdom; set your heart on a life of Understanding. That's right — if you make Insight your priority, and won't take no for an answer, Searching for it like a prospector panning for gold,

like an adventurer on a treasure hunt."

God help us to seek wisdom, understanding, and the right course of action.

We ask that you give us wisdom and guidance in the decisions we make today.

Amen.

The Pledge of Allegiance was led by Rep. Bollier.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Health and Human Services: **HB 2744**; **SB 506**. Veterans, Military and Homeland Security: **SB 566**. Social Services Budget: **Sub. SB 447**.

## MESSAGES FROM THE SENATE

Announcing passage of SB 167, SB 385, SB 568. Announcing passage of HB 2448, HB 2503, HB 2557, HB 2577, HB 2604. Announcing passage of HB 2160, as amended by S. Sub. for HB 2160; HB 2472, as amended; HB 2486, as amended; Sub. HB 2528, as amended; HB 2553, as amended; HB 2581, as amended.

Announcing adoption of SCR 1623.

Announcing adoption of HCR 5012, HCR 5013.

The Senate adopts conference committee report on S. Sub. for HB 2476.

The Senate accedes to the request of the House for a conference on **HB 2435** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2608** and has appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2652** and has appointed Senators Apple, Petersen and Faust-Goudeau as conferees on the part of the Senate.

Also, the Senate nonconcurs in House amendments to **SB** 369, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 386**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 430**, requests a conference and has appointed Senators Donovan, D. Schmidt and Holland as conferees on the part of the Senate

The Senate nonconcurs in House amendments to **SB** 439, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 458**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 167, SB 385, SB 568; SCR 1623.

### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 200**.

Speaker O'Neal thereupon appointed Reps. Mast, Rhoades and Henry as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB~369}$ .

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on SB 386.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB~430}$ .

Speaker O'Neal thereupon appointed Reps. Carlson, King and Menghini as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB~439}$ .

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 458**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB~461}$ .

Speaker O'Neal thereupon appointed Reps. Whitham, Kelley and Burroughs as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB~497}$ .

Speaker O'Neal thereupon appointed Reps. Powell, Fund and Lukert as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  $SCR\ 1615$ .

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

### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6028-

By Representative Jack

A RESOLUTION expressing our appreciation to brave soldiers who were injured in service to our country.

WHEREAS, The State of Kansas has a long and proud history of military service in time of peace and in time of war, having proudly given its sons and daughters into the service of the nation; and

WHEREAS, The State of Kansas is currently sending numerous guardsmen, reservists and active duty military personnel to support American operations overseas; and

WHEREAS, The activities of individuals and units based in the State of Kansas have brought national and international recognition to Kansas; and

WHEREAS, The Kansas Legislature is extremely appreciative and eternally grateful to the brave men and women in uniform who have sacrificed so much for our freedoms: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we are grateful for the brave service and extreme sacrifice that the following soldiers have made: Captain Erik Stewart, First Sergeant Kevin Walker, Staff Sergeant Ronnie Ryker, Lt. Colonel Corey Griffith, Sidney Sizemore, Dave Sterling and Ronnie Hatheway.

HOUSE RESOLUTION No. 6029-

By Representatives Hawk and Carlin

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 House of Representatives 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 Chief Clerk of the House of Representatives 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.

### CONSENT CALENDAR

No objection was made to  $SB\ 541$  appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**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 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Fund, Johnson.

The bill passed.

**H. Sub. for SB 262**, An act concerning emergency medical services; scope of practice of certain attendants; titles of certain attendants; amending K.S.A. 19-4608, 21-2511, 44-1204, 65-6121, 65-6129c, 65-6135, 65-6144, 65-6145 and 66-1810 and K.S.A. 2009 Supp. 8-1001, 65-6001, 65-6111, 65-6112, 65-6119, 65-6120, 65-6123, 65-6124, 65-6129, 75-4364 and 80-2518 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze,

Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Fund, Johnson.

The substitute 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, was considered on final action.

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

Yeas: Aurand, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Fund, Johnson.

The bill passed, as amended.

 ${\bf SB~414}$ , An act concerning the health care stabilization fund; amending K.S.A. 2009 Supp. 40-3403 and 40-3404 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescht, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Fund, Johnson.

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, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Whitham.

Present but not voting: None.

Absent or not voting: Ballard, Fund, Johnson.

The bill passed, as amended.

**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, was considered on final action.

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

Yeas: Aurand, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Donohoe, Kinzer, Patton.

Present but not voting: None.

Absent or not voting: Ballard, Fund, Johnson.

The substitute 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 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Fund, Johnson.

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

Yeas: Aurand, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Fund, Johnson.

The bill passed, as amended.

**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 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Fund, Johnson.

The substitute bill passed.

## MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. McLeland, the House concurred in Senate amendments to **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.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D.

Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: Ward.

Present but not voting: None.

Absent or not voting: Ballard, Fund, Johnson.

On motion of Rep. Kinzer, the House concurred in Senate amendments to **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.

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

Yeas: Aurand, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Fund, Johnson.

On motion of Rep. Colloton, the House concurred in Senate amendments to **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 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Fund, Johnson.

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **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 114; Nays 8; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Burroughs, Huebert, Kelley, Kinzer, Patton, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Fund, Johnson.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Shultz in the chair.

### COMMITTEE OF THE WHOLE

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

Recommended that SB 394, SB 373 be passed.

**SCR 1614** be passed over and retain a place on the calendar.

Committee report to **HB 2671** be adopted; also, on motion of Rep. Bethell to amend, Rep. Swenson requested a ruling on the amendment being germane to the bill. The Rules Vice-Chair ruled the amendment germane. The question reverted back to the motion of Rep. Bethell and the bill be amended on page 2, following line 1, by inserting the following:

"New Sec. 2. (a) There is hereby established, within and as a part of the insurance department, a division of the state fire marshal, the head of which shall be the state fire marshal. Under the supervision of the insurance commissioner, the state fire marshal shall administer the division of the state fire marshal. The insurance commissioner shall appoint the state fire marshal, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and the state fire marshal shall serve at the pleasure of the insurance commissioner. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as state fire marshal shall exercise any power, duty or function as state fire marshal until confirmed by the senate. Any person appointed as state fire marshal shall have a knowledge of building construction and, at the time of appointment, shall have had not less than five years of experience in fire safety inspection and investigation. The state fire marshal shall maintain an office in the city of Topeka.

(b) This section shall take effect on and after July 1, 2010.

New Sec. 3. (a) The state fire marshal's office created by K.S.A. 75-1510 through 75-1517, and amendments thereto, is hereby abolished.

- (b) Except as otherwise provided by this act, all of the powers, duties and functions of the existing state fire marshal's office and the existing state fire marshal are hereby transferred to and conferred and imposed upon, the Kansas department of insurance and the division of state fire marshal and the state fire marshal established by this act.
- (c) Except as otherwise provided by this act, the Kansas department of insurance and the state fire marshal established by this act shall be the successor in every way to the powers, duties and functions of the state fire marshal's office and the existing state fire marshal in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the department

of insurance and the state fire marshal established by this act shall be deemed to have the same force and effect as if performed by the state fire marshal's office and the state fire marshal, respectively, in which such powers, duties and functions were vested prior to the effective date of this act.

- (d) Except as otherwise provided by this act, whenever the state fire marshal's office or state fire marshal, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the division of state fire marshal within the Kansas department of insurance and the office of state fire marshal established by this act.
- (e) Except as otherwise provided by this act, whenever the state fire marshal, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the state fire marshal established by this act.
- (f) All rules and regulations of the state fire marshal's office or the state fire marshal in existence on the effective date of this act shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the Kansas department of insurance, and the state fire marshal established by this act until revised, amended, revoked or nullified pursuant to law.
- (g) All orders and directives of the office of state fire marshal or the state fire marshal in existence on the effective date of this act shall continue to be effective and shall be deemed to be orders and directives of the state fire marshal and the division of state fire marshal, Kansas department of insurance established by this act, until revised, amended or nullified pursuant to law.
- (h) On the effective date of this act, the state fire marshal and Kansas department of insurance shall succeed to whatever right, title or interest the office of state fire marshal has acquired in any real property in this state, and the state fire marshal shall hold the same for and in the name of the state of Kansas. On and after the effective date of this act, whenever any statute, contract, deed or other document concerns the power or authority of the office of state fire marshal or the state fire marshal to acquire, hold or dispose of real property or any interest therein, the Kansas department of insurance and the state fire marshal shall succeed to such power or authority.
- (i) The state fire marshal and the division of state fire marshal of the Kansas department of insurance, established by this act shall be continuations of the office of state fire marshal and the state fire marshal.
- (j) On the effective date of this act, all officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the office of state fire marshal which are transferred by this act to the division of state fire marshal, Kansas department of insurance, and who, in the opinion of the commissioner of insurance and the state fire marshal, are necessary to perform the powers, duties and functions of the division of state fire marshal, shall be transferred to, and shall become officers and employees of the Kansas department of insurance.
- (k) Officers and employees of the office of state fire marshal transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the office of state fire marshal prior to the date of transfer. When such classified positions become vacant, such positions shall be in the unclassified service.
  - (l) This section shall take effect on and after July 1, 2010.

Sec. 4. From and after July 1, 2010, K.S.A. 2009 Supp. 40-110 is hereby amended to read as follows: 40-110. (a) The commissioner of insurance is hereby authorized to appoint an assistant commissioner of insurance, the state fire marshal as provided by section 1, and amendments thereto, actuaries, two special attorneys who shall have been regularly admitted to practice, an executive secretary, policy examiners, two field representatives, and a secretary to the commissioner. Such appointees shall each receive an annual salary to be de-

termined by the commissioner of insurance, within the limits of available appropriations. The commissioner is also authorized to appoint, within the provisions of the civil service law, and available appropriations, other employees as necessary to administer the provisions of this act. The field representatives authorized by this section may be empowered to conduct inquiries, investigations or to receive complaints. Such field representatives shall not be empowered to make, or direct to be made, an examination of the affairs and financial condition of any insurance company in the process of organization, or applying for admission or doing business in this state.

(b) The appointees authorized by this section shall take the proper official oath and shall be in no way interested, except as policyholders, in any insurance company. In the absence of the commissioner of insurance the assistant commissioner shall perform the duties of the commissioner of insurance, but shall in all cases execute papers in the name of the commissioner of insurance, as assistant. The commissioner of insurance shall be responsible for all acts of an official nature done and performed by the commissioner's assistant or any person employed in such office. All the appointees authorized by this section shall hold their office at the will and pleasure of the commissioner of insurance.

Sec. 5. From and after July 1, 2010, K.S.A. 75-1511 is hereby amended to read as follows: 75-1511. All the jurisdiction, rights, powers, duties and authority now vested in or imposed upon the Kansas state department of inspections and registration or the director thereof which were transferred to said department or the director thereof from the state fire marshal by the provisions of chapter 285 of the Laws of 1933, and including the jurisdiction, rights, powers, duties and authority conferred, imposed and provided in chapter 31, section 72-4605, 75-1503 and 75-1505 to 75-1509, both sections inclusive, of the General Statutes of 1935 and acts amendatory thereof and supplemental thereto are hereby transferred to, vested in and imposed upon the state fire marshal created in this act and subject to the supervision of the commissioner of insurance.

Sec. 6. From and after July 1, 2010, K.S.A. 75-1515 is hereby amended to read as follows: 75-1515. The attorney general shall appoint, with the approval of the state fire marshal and the commissioner of insurance, an assistant attorney general who shall be the attorney for the state fire marshal and the office division of the state fire marshal. Such attorney shall receive an annual salary fixed by the attorney general with the approval of the state fire marshal and the commissioner of insurance. Such salary shall be paid from moneys appropriated for the division of the state fire marshal.

Sec. 7. From and after July 1, 2010, K.S.A. 75-1516 is hereby amended to read as follows: 75-1516. The assistant attorney general appointed under K.S.A. 75-1515, and amendments thereto, shall be the legal advisor for the office division of the state fire marshal. The assistant attorney general appointed under K.S.A. 75-1515, and amendments thereto, shall appear for and on behalf of the state fire marshal, or any of the deputies of the state fire marshal, in any litigation that may arise in the discharge of the duties of the office division of the state fire marshal.

Sec. 8. On July 1, 2010, K.S.A. 75-1511, 75-1515 and 75-1516 and K.S.A. 2009 Supp. 40-110 and 75-1510 are hereby repealed.";

And by renumbering the remaining sections accordingly;

In the title, in line 10, by striking all after the first semicolon; in line 11, by striking all before the period and inserting "amending K.S.A. 31-157, 75-1511, 75-1515 and 75-1516 and K.S.A. 2009 Supp. 40-110 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 75-1510"; and **HB 2671** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 213** be adopted; and the substitute bill be passed.

On motion of Rep. M. Holmes to amend **HB 2107**, the motion did not prevail and the bill be passed.

Committee report to **HB 2682** be adopted; also, on motion of Rep. Peck be referred to Committee on Insurance.

## REPORTS OF STANDING COMMITTEES

Committee on Agriculture and Natural Resources recommends SB 393 be passed.

Committee on **Agriculture and Natural Resources** recommends **SB 380** be amended on page 1, in line 13, by striking "of the department"; in line 16, by striking "consideration"; in line 17, by striking "by" and inserting "approval of"; after line 26, by inserting the following:

"(d) Public cabins owned or operated by the department shall be subject to the transient

guest taxes of K.S.A. 12-1692 through 12-16,100, and amendments thereto.

(e) Any time a public cabin owned or operated by the department is reserved, the department shall disclose any extra taxes, fees, charges or surcharges that will be added to the price of the reservation. If the exact amount of any tax, fee, charge or surcharge is not known, an estimate shall be provided.

"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.

Sec. 3. K.S.A. 32-1015 is hereby repealed.";

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking all after "concerning"; in line 10, by striking all before the period and inserting "the department of wildlife and parks; amending K.S.A. 32-1015 and repealing the existing section"; and the bill be passed as amended.

Committee on **Appropriations** recommends **SB** 73 be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL No. 73," as follows:

"HOUSE Substitute for SENATE BILL No. 73

Committee on Appropriations

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."; and the substitute bill be passed.

(H. Sub. for SB 73 was thereupon introduced and read by title.)

Committee on **Commerce and Labor** recommends **SB 377** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 377," as follows:

## "HOUSE Substitute for SENATE BILL No. 377

By Committee on Commerce and Labor

"AN ACT concerning construction contracts; relating to retention in public and private construction contracts; amending K.S.A. 16-1802, 16-1804, 16-1902 and 16-1904 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 377 was thereupon introduced and read by title.)

Committee on **Commerce and Labor** recommends **SB 531** be amended on page 8, by striking all in lines 33 through 39; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 434** be amended on page 3, in line 3, by striking "and the offender has knowledge"; by striking all in line 4; in line 5, by striking "fender is employed"; in line 35, by striking "is a severity level 5, person felony" and inserting "as provided in:

(1) Subsection (a)(5) is a severity level 4, person felony; and

(2) subsections (a)(1), (2), (3), (4), (6), (7), (8), (9) or (10) is a severity level 5, person felony";

On page 4, in line 4, by striking "2007" and inserting "2009"; in line 6, by striking "2007" and inserting "2009"; in line 7, by striking "2007" and inserting "2009"; in line 18, after "the" by inserting "revised"; also in line 18, by striking "K.S.A. 38-1601" and inserting "K.S.A. 2009 Supp. 38-2301";

On page 5, in line 6, by striking "correctional institution" and inserting "state correctional institution or facility"; in line 7, by striking "correctional institution" and inserting "state correctional institution or facility"; also in line 7, by striking "or"; in line 11, by striking "and" and inserting "or

(D) defined as contraband by rules and regulations adopted by the commissioner of the juvenile justice authority, in a juvenile correctional facility by an employee of a juvenile correctional facility, except as provided by subsection (b)(3); and";

On page 11, in line 12, after "21-3715" by inserting a comma; also in line 12, after "thereto" by inserting ", or any attempt or conspiracy as defined in K.S.A. 21-3301 or 21-3302, and amendments thereto, to commit such offense,"; in line 14, after "21-3716" by inserting a comma; in line 15, after "thereto" by inserting, or any attempt or conspiracy to commit such offense,"; also in line 15, by striking "presumed" and inserting "presumptive";

On page 13, after line 20, by inserting the following:

"Sec. 4. K.S.A. 2009 Supp. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A. 1993 Supp. 21-4628 prior to its repeal; K.S.A. 21-4635 through 21-4638, and amendments thereto; K.S.A. 8-1567, and amendments thereto; K.S.A. 21-4642, and amendments thereto, an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618, and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) Except as provided by K.S.A. 21-4635 through 21-4638, and amendments thereto, an inmate sentenced to imprisonment for the crime of capital murder, or an inmate sentenced for the crime of murder in the first degree based upon a finding of premeditated murder, committed on or after July 1, 1994, shall be eligible for parole after serving 25 years

of confinement, without deduction of any good time credits.

(2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-4638, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

(3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, and amendments thereto, shall be eligible for parole after

serving 15 years of confinement, without deduction of any good time credits.

(4) An inmate sentenced to imprisonment for a violation of subsection (a) of K.S.A. 21-3402, and amendments thereto, committed on or after July 1, 1996, but prior to July 1,

1999, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

- (5) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, and amendments thereto, committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.
- (c) (1) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:
- (Å) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608 and amendments thereto, less good time credits for those crimes which are not class A felonies; and
- (B) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.
- (2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-4643, and amendments thereto, for crimes committed on or after July 1, 2006, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.
- (d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, or persons subject to subparagraph (G), will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:
- (A) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity level 1 through 4 crimes and drug severity levels 1 and 2 crimes must serve 36 months, plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, and amendments thereto, on postrelease supervision.
- (B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes and drug severity level 3 crimes must serve 24 months, plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, and amendments thereto, on postrelease supervision.
- (C) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity level 7 through 10 crimes and drug severity level 4 crimes must serve 12 months, plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, and amendments thereto, on postrelease supervision.
- (D) (i) The sentencing judge shall impose the postrelease supervision period provided in subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C), unless the judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually motivated. In that event, departure may be imposed to extend the postrelease supervision to a period of up to 60 months.
- (ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721, and amendments thereto.
- (iii) In determining whether substantial and compelling reasons exist, the court shall consider:
  - (a) Written briefs or oral arguments submitted by either the defendant or the state;
  - (b) any evidence received during the proceeding;
- (c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to subsection (e) of K.S.A. 21-4714, and amendments thereto; and
  - (d) any other evidence the court finds trustworthy and reliable.
- (iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the parole board shall ensure that court ordered sex offender treatment be carried out.
- (v) In carrying out the provisions of subparagraph (d)(1)(D), the court shall refer to K.S.A. 21-4718, and amendments thereto.
- (vi) Upon petition, the parole board may provide for early discharge from the postrelease supervision period upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant

to subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease supervision is at the discretion of the parole board.

- (vii) Persons convicted of crimes deemed sexually violent or sexually motivated, shall be registered according to the offender registration act, K.S.A. 22-4901 through 22-4910, and amendments thereto.
- (viii) Persons convicted of K.S.A. 21-3510 or 21-3511, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.
- (E) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.
- (F) In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.
- (G) Except as provided in subsection (u), persons convicted of a sexually violent crime committed on or after July 1, 2006, and who are released from prison, shall be released to a mandatory period of postrelease supervision for the duration of the person's natural life.
  - (2) As used in this section, "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;
  - aggravated sexual battery, K.S.A. 21-3518, and amendments thereto;
  - (J) aggravated incest, K.S.A. 21-3603, and amendments thereto; or
- (K) 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.

"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.

- (e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the Kansas parole board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.
- (f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724, and amendments thereto, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the Kansas parole board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628 prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for

which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the Kansas parole board.

- (g) Subject to the provisions of this section, the Kansas parole board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, for deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.
- (h) The Kansas parole board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least the month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of an off-grid felony or a class A felony the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of an off-grid felony or a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the Kansas parole board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made, including, but not limited to, risk factors revealed by any risk assessment of the inmate; comments of the victim and the victim's family including in person comments, contemporaneous comments and prerecorded comments made by any technological means; comments of the public; official comments; any recommendation by the staff of the facility where the inmate is incarcerated; proportionality of the time the inmate has served to the sentence a person would receive under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration; and capacity of state correctional
- (i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the parole board will review the inmates proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-5210a, and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on post-

release supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

- (i) (1) Before ordering the parole of any inmate, the Kansas parole board shall have the inmate appear before either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the Kansas parole board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a, and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the parole board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the parole board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless the parole board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the parole board may defer subsequent parole hearings for up to 10 years but any such deferral shall require the board to state the basis for its findings.
- (2) Inmates whose parole board hearings were deferred for more than five years prior to July 1, 2010, shall have their 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.
- (k) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.
- (l) The Kansas parole board shall adopt rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.
- (m) Whenever the Kansas parole board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board:
- (1) Unless it finds compelling circumstances which would render a plan of payment unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision;

(2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;

(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized notfor-profit or charitable or social service organizations performing services for the

community;

(4) may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to K.S.A. 22-4529, and amendments thereto, unless the board finds

compelling circumstances which would render payment unworkable; and

- (5) unless it finds compelling circumstances which would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the parole board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less, minus any previous payments for such services.
- (n) If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the Kansas parole board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which would render a plan of restitution unworkable.
- (o) Whenever the Kansas parole board grants the parole of an inmate, the board, within 10 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.
- (p) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.
- (q) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.
- (r) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.

(s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall be

applied retroactively as provided in subsection (t).

- (t) For offenders sentenced prior to the effective date of this act who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section for offenders convicted of severity level 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes and severity level 4 crimes on the sentencing guidelines grid for drug crimes on or before September 1, 2000; for offenders convicted of severity level 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes on or before November 1, 2000; and for offenders convicted of severity level 5 and 6 crimes on the sentencing guidelines grid for nondrug crimes and severity level 3 crimes on the sentencing guidelines grid for drug crimes on or before January 1, 2001.
- (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the Kansas parole board. When the board orders

the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.

(v) Whenever the Kansas parole board or the court orders a person to be electronically monitored, the board or court shall order the person to reimburse the state for all or part of the cost of such monitoring. In determining the amount and method of payment of such sum, the board or court shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose.";

And by renumbering the remaining sections accordingly;

On page 17, in line 16, after "21-4704" by inserting ", 22-3717";

In the title, in line 15, after the semicolon by inserting "deferral of parole board hearings;"; in line 16, after "21-4704" by inserting ", 22-3717"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **\$\hat{S}B\$ 435** be amended on page 1, after line 22, 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 crime to the full extent allowed by and consistent with the constitution of the United States.";

And by renumbering the remaining sections accordingly;

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"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 459** be amended on page 3, in line 33, by striking "may" and inserting "shall"; in line 34, before the period by inserting "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)"; and the bill be passed as amended.

Committee on **Education** recommends **SB 359** be amended 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, after line 40, by inserting the following:

- "(h) In school year 2009-2010 and to the extent that appropriations are available, each school district which has provided special education or related services for an exceptional child whose IEP provides for services which cost in excess of \$25,000 for such school year is eligible to receive catastrophic state aid in an amount equal to 75% of that portion of the costs, incurred by the district in the provision of special education or related services for the child, that is in excess of \$25,000. School districts shall not be eligible for catastrophic state aid for amounts expended but which are reimbursed or otherwise financed with state aid received under K.S.A. 72-978, and amendments thereto, or aid received under federal law
- Sec. 2. K.S.A. 2009 Supp. 72-978 is hereby amended to read as follows: 72-978. (a) Each year, the state board of education shall determine the amount of state aid for the provision of special education and related services each school district shall receive for the ensuing school year. 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 amount of general fund and local option budgets of all school districts;
- (2) subtract from the amount determined in paragraph (1) the total amount attributable to assignment of transportation weighting, program weighting, special education weighting and at-risk pupil weighting to enrollment of all school districts;
- (3) divide the remainder obtained in paragraph (2) by the total number of full-time equivalent pupils enrolled in all school districts on September 20;
- (4) determine the total full-time equivalent enrollment of exceptional children receiving special education and related services provided by all school districts;

- (5) multiply the amount of the quotient obtained in paragraph (3) by the full-time equivalent enrollment determined in paragraph (4);
- (6) determine the amount of federal funds received by all school districts for the provision of special education and related services;
- $(\dot{7})$  determine the amount of revenue received by all school districts rendered under contracts with the state institutions for the provisions of special education and related services by the state institution;
- (8) add the amounts determined under paragraphs (6) and (7) to the amount of the product obtained under paragraph (5);
- (9) determine the total amount of expenditures of all school districts for the provision of special education and related services;
- (10) subtract the amount of the sum obtained under paragraph (8) from the amount determined under paragraph (9); and
  - (11) multiply the remainder obtained under paragraph (10) by 92%.
- The computed amount is the amount of state aid for the provision of special education and related services aid a school district is entitled to receive for the ensuing school year.
  - (b) Each school district shall be entitled to receive:
- (1) Reimbursement for actual travel allowances paid to special teachers at not to exceed the rate specified under K.S.A. 75-3203, and amendments thereto, for each mile actually traveled during the school year in connection with duties in providing special education or related services for exceptional children; such reimbursement shall be computed by the state board by ascertaining the actual travel allowances paid to special teachers by the school district for the school year and shall be in an amount equal to 80% of such actual travel allowances;
- (2) reimbursement in an amount equal to 80% of the actual travel expenses incurred for providing transportation for exceptional children to special education or related services; such reimbursement shall not be paid if such child has been counted in determining the transportation weighting of the district under the provisions of the school district finance and quality performance act;
- (3) reimbursement in an amount equal to 80% of the actual expenses incurred for the maintenance of an exceptional child at some place other than the residence of such child for the purpose of providing special education or related services; such reimbursement shall not exceed \$600 per exceptional child per school year; and
- (4) subject to the provisions of subsection (f) and except for those school districts entitled to receive reimbursement under subsection (c) or (d), after subtracting the amounts of reimbursement under paragraphs (1), (2) and (3) of this subsection (a) from the total amount appropriated for special education and related services under this act, an amount which bears the same proportion to the remaining amount appropriated as the number of full-time equivalent special teachers who are qualified to provide special education or related services to exceptional children and are employed by the school district for approved special education or related services bears to the total number of such qualified full-time equivalent special teachers employed by all school districts for approved special education or related services.

Each special teacher who is qualified to assist in the provision of special education or related services to exceptional children shall be counted as 2/5 full-time equivalent special teacher who is qualified to provide special education or related services to exceptional children.

(c) Each school district which has paid amounts for the provision of special education and related services under an interlocal agreement shall be entitled to receive reimbursement under subsection (b)(4). The amount of such reimbursement for the district shall be the amount which bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services under the interlocal agreement, as the amount paid by such district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all school districts in the current school year who have entered into such interlocal agreement for provision of such special education and related services.

- (d) Each contracting school district which has paid amounts for the provision of special education and related services as a member of a cooperative shall be entitled to receive reimbursement under subsection (b)(4). The amount of such reimbursement for the district shall be the amount which bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services by the cooperative, as the amount paid by such district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all contracting school districts in the current school year by such cooperative for provision of such special education and related services.
- (e) No time spent by a special teacher in connection with duties performed under a contract entered into by the Kansas juvenile correctional complex, the Atchison juvenile correctional facility, the Beloit juvenile correctional facility, the Larned juvenile correctional facility, or the Topeka juvenile correctional facility and a school district for the provision of special education services by such state institution shall be counted in making computations under this section.
- (f) (1) In school year 2011-2012 and in each school year thereafter, the state board of education shall determine the minimum and maximum amount of state aid that a school district may receive under paragraph (4) of subsection (b) for the current school year as follows:
- (A) Determine the total amount of moneys appropriated as state aid for the provision of special education and related services to all school districts for the current school year;
- (B) subtract the amount of moneys paid to all school districts under paragraphs (1), (2) and (3) of subsection (b) of this section, 72-983 and K.S.A. 2009 Supp. 72-998, and amendments thereto, for the current school year;
- (C) divide the remainder obtained under (B) by the total full-time equivalent enrollment of all school districts in the current school year;
- (2) (A) multiply the quotient obtained under (1) (C) by the full-time equivalent enrollment of the school district in the current school year;
- (B) multiply the product obtained under (2) (A) by .75. The product is the minimum amount of state aid the district may receive under paragraph (4) of subsection (b) for the current school year;
- (C) multiply the quotient obtained under (2) (A) by 1.50. The product is the maximum amount of state aid the district may receive under paragraph (4) of subsection (b) for the current school year.
- (3) If the amount determined under paragraph (4) of subsection (b) is less than the product obtained under (2)(B), the district shall receive state aid in an amount equal to the product obtained under (2)(B), plus any amount determined under paragraph (5) of this subsection.
- (4) If the amount determined under paragraph (4) of subsection (b), plus any amount determined under paragraph (5) of this subsection, is greater than the product obtained under (2)(C), the district shall receive state aid in an amount equal to the product obtained under (2)(C). The balance of state aid remaining after determining the amount of state aid payable to districts under this paragraph shall be reallocated to districts as provided by paragraph (5) of this subsection.
- (5) The balance of state aid remaining after determining the amount of state aid payable to districts under paragraph (4) of this subsection shall be reallocated to districts which have not received state aid in an amount equal to the product obtained under (2)(B). Such state aid shall be reallocated to such districts in the same manner as the original allocation. If the balance is insufficient to pay each such district the minimum amount specified in this subsection, the state board shall prorate the balance among such districts.":

And by renumbering the remaining sections accordingly;

Also on page 2, in line 41, by striking "is" and inserting "and K.S.A. 2009 Supp. 72-978 are";

In the title, in line 12, after "72-983" by inserting "and K.S.A. 2009 Supp. 72-978"; also in line 12, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Education Budget** recommends **HB 2718** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Education Budget Committee recommends HB 2446, as amended by House Committee, be amended by adoption of the amendments recommended by Education Budget Committee on February 12, 2010, as reported on page 919 of the Journal of the House and the bill, as printed with amendments by House Committee, be further amended on page 1, in line 17, by striking all after "(1)"; by striking all in line 18 and inserting "(A) "Property" means any tangible, intangible or other personal property.

(B) "Property" does not mean real property."; in line 31, by striking "includes" and in-

serting "means"; also in line 31, by striking ", devise";

On page 2, in line 31, by striking all after the period; by striking all in lines 32 through 35;

On page 3, in line 6, by striking "rents,"; and the bill be passed as amended.

**Education Budget Committee** recommends **HB 2559** be amended on page 1, in line 40, by striking all after "(8)";

On page 2, in line 3, by striking all after "(9)"; in line 4, by striking "buildings and"; in line 18, by striking all after "(11)"; in line 19, by striking "buildings or any"; in line 23, by striking all after "(12)"; in line 24, by striking "of buildings or any"; and the bill be passed as amended.

**Education Budget Committee** recommends **SB 362** be amended on page 2, by striking all in lines 9 through 17 and inserting the following:

"(c) For school years 2009-2010, 2010-2011 and 2011-2012, all contracts of employment of teachers, as defined in K.S.A. 72-5436, and amendments thereto, except contracts entered into under the provisions of K.S.A. 72-5412a, and amendments thereto, shall be deemed to continue for the next succeeding school year unless written notice of termination or nonrenewal is served as provided in this subsection. Written notice to terminate a contract may be served by a board upon any teacher prior to the time the contract has been completed, and written notice of intention to nonrenew a contract shall be served by a board upon any teacher on or before May 15. A teacher shall give written notice to a board that the teacher does not desire continuation of a contract on or before May 30 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.";

On page 3, by striking all in lines 3 through 10 and inserting the following:

"(c) For school years 2009-2010, 2010-2011 and 2011-2012, written notice of a board's intention to not renew the contract of employment of an administrator shall be given to the administrator on or before May 15 of the year in which the term of the administrator's contract expires. An administrator shall give written notice to a board on or before May 30 of the administrator's rejection of renewal of a contract of employment.

- Sec. 3. K.S.A. 2009 Supp. 72-5445 is hereby amended to read as follows: 72-5445. (a) (1) Subject to the provisions of subsection (b) subsections (b) and (c), the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, apply only to: (A) Teachers who have completed not less than three consecutive years of employment, and been offered a fourth contract, in the school district; area vocational-technical school or community college by which any such teacher is currently employed; and (B) teachers who have completed not less than two consecutive years of employment, and been offered a third contract, in the school district, area vocational-technical school or community college by which any such teacher is currently employed if at any time prior to the current employment the teacher has completed the years of employment requirement of subpart (A) in any school district; area vocational-technical school or community college in this state.
- (2) Any board may waive, at any time, the years of employment requirements of provision (1) for any teachers employed by it.
- (3) The provisions of this subsection are subject to the provisions of K.S.A. 72-5446, and amendments thereto.
- (b) The provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply to any teacher whose license has been nonrenewed or revoked by the state board of education for the reason that the teacher: (1) Has been convicted of a felony under K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto; (2) has been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated or an act described in K.S.A. 21-3412 or K.S.A. 21-3412a. and amendments

thereto, if the victim is a minor or student; (3) has been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, or has been convicted of an act described in K.S.A. 21-3517 and amendments thereto, if the victim is a minor or student; (4) has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated; (5) has been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated; (6) has been convicted of an attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection; (7) has been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301c, and amendments thereto; (8) has been convicted in another state or by the federal government of an act similar to any act described in this subsection; or (9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.

- (c) (1) The provisions of this paragraph (1) shall apply to a teacher described in subsection (a)(1)(A). After a teacher has completed not less than three consecutive years of employment, the board of education of the school district and the teacher may enter into an agreement under which the school district may offer the teacher a contract of employment for a fourth and fifth year and the teacher agrees that the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, shall not apply to such teacher unless a sixth contract is offered to the teacher.
- (2) The provisions of this paragraph (2) shall apply to a teacher described in subsection (a)(1)(B). After a teacher has completed not less than two consecutive years of employment, the board of education of the school district and the teacher may enter into an agreement under which the school district may offer the teacher a contract of employment for a third and fourth year and the teacher agrees that the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, shall not apply to such teacher unless a fifth contract is offered to the teacher.";

And by renumbering the remaining sections accordingly;

Also on page 3, in line 11, after "72-5437" by inserting "and 72-5445";

In the title, in line 11, after "72-5437" by inserting "and 72-5445"; and the bill be passed as amended.

Committee on **Government Efficiency and Fiscal Oversight** recommends **HB 2249** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2249," as follows:

"Substitute for HOUSE BILL No. 2249

By Committee on Government Efficiency and Fiscal Oversight

"AN ACT concerning state agencies; relating to the whistleblowers act; employee award program; amending K.S.A. 2009 Supp. 75-2973 and 75-37,105 and repealing the existing sections.";

and the substitute bill be passed.

(Sub. HB 2249 was thereupon introduced and read by title.)

Committee on **Insurance** recommends **SB 388** be amended on page 2, after line 28, by inserting the following:

"New Sec. 2. (a) The Kansas health policy authority shall conduct a study on the topic of requiring insurance companies to reimburse clinical marriage and family therapists, clinical professional counselors and clinical psychotherapists. Such study shall be designed to:

- (1) Determine the impact that coverage for such therapists, counselors and psychotherapists has had on the state health care benefits program as described in article 65 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto;
- (2) provide data on utilization of such therapists, counselors and psychotherapists by individuals covered for direct reimbursements for services provided by such therapists, counselors and psychotherapists;
- (3) determine the cost of providing coverage for such therapists, counselors and psychotherapists;
- (4) compare the costs of coverage between individuals under the state health care benefits program covered by insurance companies which provide direct reimbursement for services provided by such therapists, counselors and psychotherapists to individuals under the state

health care benefits program covered by insurance companies which do not provide such direct reimbursement;

- (5) compare the amount of premiums charged by insurance companies which provide reimbursement for services provided by such therapists, counselors and psychotherapists to the amount of premiums charged by insurance companies which do not provide such direct reimbursement:
- (6) determine whether mandated direct reimbursement for such therapists, counselors and psychotherapists should be continued under the state health care benefits program.
- (b) The Kansas health policy authority shall conduct an analysis to determine if proactive mental health care treatment results in reduced expenditures for future mental and physical health care services. Under such analysis the Kansas health policy authority shall compare expenditures of patients who receive such proactive mental health care treatments with those patients who do not.
- (c) Such studies shall be completed no later than December 31, 2010 and shall be made available to all members of the house committee on insurance, the senate committee on financial institutions and insurance and all parties seeking passage of such legislation no later than the first day of the 2011 Kansas legislative session.
- (d) The insurance department and all other departments, boards, agencies, officers and institutions and subdivisions thereof shall cooperate with the Kansas health policy authority in carrying out all duties prescribed pursuant to this section.";

And by renumbering the remaining sections accordingly;

In the title, in line 9, by striking all after "to"; in line 10, by striking all before the semicolon and inserting "the regulation thereof"; and the bill be passed as amended.

Committee on Judiciary recommends SB 455, SB 471, SB 519 be passed.

Committee on **Judiciary** recommends **SB 269** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 269," as follows:

"HOUSE Substitute for SENATE BILL No. 269

By Committee on Judiciary

"AN ACT concerning compensation awards under eminent domain procedure; amending K.S.A. 26-511 and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for SB 269 was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 305** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 305," as follows:

"HOUSE Substitute for SENATE BILL No. 305

By Committee on Judiciary

"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."; and the substitute bill be passed.

(H. Sub. for SB 305 was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 310** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 310," as follows:

"HOUSE Substitute for SENATE BILL No. 310

By Committee on Judiciary

"AN ACT concerning marriage license fees; relating to poverty; amending K.S.A. 2009 Supp. 23-108a and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for SB 310 was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 381** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 381," as follows:

"HOUSE Substitute for SENATE BILL No. 381

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, 21-3213, 21-3214, 21-3215, 21-3216, 21-3217 and 21-3218 and repealing the existing sections."; and the substitute bill be passed.

(**H. Sub. for SB 381** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 537** be amended on page 1, in line 14, by striking all after "(a)" and inserting "After the court has made a finding that a lien or claim

is fraudulent pursuant to"; in line 15, before "may" by inserting "the aggrieved person"; in line 17, after "the" by inserting "fraudulent"; also in line 17, by striking "alleged to violate such section"; also in line 17, after the period, by inserting "No action may be brought under this section against the filing office or filing officer as those terms are described in subsection (f) of K.S.A. 58-4301, and amendments thereto."; by striking all in lines 26 through 37 and inserting the following:

- "(d) The court may award the prevailing party the costs of the proceeding arising under this section, including reasonable attorney's fees.
- (e) After trial, and if the court makes a finding that a lien or claim is fraudulent pursuant to K.S.A. 58-4301, and amendments thereto, the court may:
- (1) Order the defendant to pay \$500 or actual damages to the plaintiff for each violation of K.S.A. 58-4301, and amendments thereto;
- (2) enjoin the defendant from filing any future liens or claims with any filing officer without approval of the court that enters the order; and
- (3) enjoin the defendant from filing any future liens or claims that would violate K.S.A. 58-4301, and amendments thereto.";

Also on page 1, in line 40, by striking "(1)"; in line 41, by striking all after "court"; by striking all in line 42; in line 43, by striking all before the period;

On page 2, by striking all in lines 1 through 4; and the bill be passed as amended.

Committee on Local Government recommends SB 75 be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 75," as follows:

"HOUSE Substitute for SENATE BILL No. 75

By Committee on Local Government

"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."; and the substitute bill be passed.

(H. Sub. for SB 75 was thereupon introduced and read by title.)

Committee on Local Government recommends SB 118 be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 118," as follows: "HOUSE Substitute for SENATE BILL No. 118

By Committee on Local Government

"AN ACT concerning cities; relating to annexation."; and the substitute bill be passed.

(H. Sub. for SB 118 was thereupon introduced and read by title.)

Committee on **Taxation** recommends **SB 427** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 427," as follows:

"HOUSE Substitute for SENATE BILL No. 427

By Committee on Taxation

"AN ACT concerning taxation; relating to amnesty from assessment or payment of penalties and interest with respect to certain taxes; requirements and procedures."; and the substitute bill be passed.

(H. Sub. for SB 427 was thereupon introduced and read by title.)

Committee on **Transportation** recommends **SB 302** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 302," as follows:

"HOUSE Substitute for SENATE BILL No. 302

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. 12-1775, 68-416, 68-20,120, 68-2320, 68-2321 and 68-2328 and K.S.A. 2009 Supp. 12-6a35, 12-6a36, 12-1774, 12-1774a, 12-17,148, 12-17,149, 68-2315, 68-2331, 75-5063 and 75-5064 and repealing the existing sections; also repealing K.S.A. 68-2314a."; and the substitute bill be passed. (H. Sub. for SB 302 was thereupon introduced and read by title.)

### REPORT OF STANDING COMMITTEE

Your Committee on Calendar and Printing recommends on requests for resolutions and certificates that

**Request No. 100**, by Representative Olson, congratulating William Miller of Building Erection Services Company for being named an outstanding Olathe business;

**Request No. 101**, by Representative Olson, congratulating Bill Miller of Midwest Crane & Rigging for being named an outstanding Olathe business;

**Request No. 102**, by Representative Hayzlett, commending Beaver Game Farm in recognition of outstanding support of our military;

**Request No. 103**, by Representative Fund, congratulating Brian Threadgold on his appointment to the Kansas Works State Board;

**Request No. 104**, by Representative Kiegerl, congratulating Georann Whitmann on being named Spring Hill Teacher of the Year;

Request No. 105, by Representative Kiegerl, congratulating Megan Sandberg on being named Spring Hill Teacher of the Year;

**Request No. 106**, by Representatives Burgess, Fund and S. Gatewood, congratulating Seaman High School Baseball recognizing one of the top baseball programs in Kansas and their 25th anniversary season, 1986-2010;

**Request No. 107**, by Representatives Burgess, Fund and S. Gatewood, congratulating Steve Bushnell, Seaman High School Baseball Coach, recognizing one of the top baseball programs in Kansas and their 25th anniversary season, 1986-2010;

**Request No. 108**, by Representative A. Brown, congratulating Joseph Dvorak on receiving the Eagle Scout Award;

**Request No. 109**, by Representative Crum, congratulating Jake Goldenstein for winning the Southeast Regional Winner of the "If I Were Mayor" essay contest:

Request No. 110, by Representative Mah, congratulating Bradley Nicks on receiving the 2009 Milken Family Foundation National Educator Award;

Request No. 111, by Representative Brunk, congratulating Tiffany Nickel as Ms. Wheel-chair Kansas:

**Request No. 112**, by Representative Hermanson, congratulating Keller Williams Realty, Home Town Partners, on their outstanding volunteer service;

**Request No. 113**, by Representative Schwartz, congratulating Francis Schnelle on celebrating her 100th birthday on March 19, 2010;

**Request No. 114**, by Representative Rardin, congratulating Roger Lee Ward III and Dana Marie Ward of Marathon Moving and Delivery, LLC for the 2009 KSBDC Emerging Business of the Year;

**Request No. 115**, by Representative Hineman, honoring Sonny Weinhardt for serving 57 years as a Kansas state high school athletics events official;

**Request No. 116**, by Representatives Hawk and Carlin, congratulating the A.Q. Miller School of Journalism and Mass Communications at Kansas State University;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6030-

By Representatives K. Wolf and Benlon

A RESOLUTION promoting public awareness of the risk of colon cancer, recognizing March as Colon Cancer Awareness Month and commending the Kansas Association of Health Plans, the American Cancer Society and the Kansas Insurance Commissioner for their efforts to fight this disease through encouraging regular colon cancer screenings.

WHEREAS, The month of March is Colon Cancer Awareness Month; and

WHEREAS, Colon cancer is the third leading cause of cancer deaths in American; and WHEREAS, It is estimated that there will be 1,300 new colon cancer cases and 510 deaths in Kansas this year from this deadly disease; and

WHEREAS, Colon cancer is preventable when polyps are found and removed prior to becoming cancerous; and

WHEREAS, Colon cancer is also highly treatable when found in its early stages; and WHEREAS, One half of the colon cancer deaths each year could be prevented if persons age 50 and older were screened according to the American Society guidelines; and

WHEREAS, All of the members of the Kansas Association of Health Plans: Blue Cross and Blue Shield of Kansas, Blue Cross and Blue Shield of Kansas City, Children's Mercy Family Health Partners, Coventry Health Care of Kansas, Preferred Health Systems, Unicare, and UnitedHealthcare, provide insurance coverage for preventative colon screening according to American Cancer Society guidelines: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we promote public awareness of the risk of colon cancer, recognize March as Colon Cancer Awareness Month and that we commend the Kansas Association of Health Plans, the American Cancer Society and the Kansas Insurance Commissioner for their joint effort to save lives by encouraging all Kansans to fight colon cancer through the use of lifesaving preventative colon cancer screenings; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to Steve Robino, President of the Kansas Association of Health Plans, Christopher Masoner, Legislative/GR Director of the American Cancer Society, and The Honorable Sandy Praeger, Kansas Insurance Commissioner.

### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2733** from Committee on Federal and State Affairs and referral to Committee on Elections.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Monday, March 22, 2010.

# Journal of the House

## FORTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, March 22, 2010, 9:00 a.m.

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

The roll was called with 119 members present.

Reps. Fund and Johnson were excused on verified illness.

Reps. Aurand, Barnes, Hawk and Henderson were excused on excused absence by the Speaker.

Present later: Reps. Aurand, Barnes and Henderson.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
Today is the beginning of what is certain
to be a long, busy week.
We know...
The hours will be long,
the work will be tedious,
the discussions never-ending,
the mood tense and testy.
So here early in the morning—

early in the week,
I pray a prayer of the Psalmist,

"Satisfy us in the morning with Your unfailing love . . . and let the loveliness of our Lord, our God, rest on us, confirming the work that we do."

(Ps. 90:14, 17)

Please be with Rep. Rocky Fund today as he is in the hospital.
Bring a speedy recovery to his body.
And for my hurting KU friends, bring comfort to them.
And let them know they are most welcomed on the KSU bandwagon.
In Christ's name, I pray, Amen.

The Pledge of Allegiance was led by Rep. Menghini.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: SCR 1623.

Insurance: **SB 385**. Judiciary: **SB 167**.

Select Committee on KPERS: SB 568.

### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

## HOUSE RESOLUTION No. 6031-

## By Representatives Shultz and Pauls

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 custombuilt 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 House of Representatives 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 Chief Clerk of the House of Representatives be directed to present seven enrolled copies of this resolution to the McPherson Residential Construction Management Team, one for each student and coach.

### HOUSE RESOLUTION No. 6032-

## By Representative Myers

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 pilotoriented 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 House of Representatives of the State of Kansas: That we in the Kansas House of Representatives 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 Chief Clerk of the House of Representatives 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.

### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Jack, **HR 6028**, A resolution expressing our appreciation to brave soldiers who were injured in service to our country, was adopted.

#### COMMUNICATIONS FROM STATE OFFICERS

From Kansas Foundation for Agriculture in the Classroom, 2009 Annual Report.

From Steve Six, Attorney General, Crime Victims compensation Board's 2008 Annual Report.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

### CONSENT CALENDAR

No objection was made to HB 2718 appearing on the Consent Calendar for the first day.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**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, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson. The bill passed.

**HB 2671**, An act concerning the fire marshal; amending K.S.A. 31-157, 75-1511, 75-1515 and 75-1516 and K.S.A. 2009 Supp. 40-110 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 75-1510, was considered on final action.

On roll call, the vote was: Yeas 67; Nays 52; Present but not voting: 0; Absent or not voting: 6.

Yeas: Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, George, Goico, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Light, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth,

Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bollier, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Gordon, Goyle, Grant, Henry, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Neighbor, O'Brien, Palmer, Pauls, Peterson, Phelps, Quigley, Rardin, Ruiz, Slattery, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: The Kansas Fire Service Council voted unanimously to take a position in opposing any proposals by the legislature to continue studies or actions that would cause change to the operation of the fire marshal's office. The Council supports the Kansas State Fire Marshal in his positive efforts to make corrective changes towards the recommendations of the Legislative Division of Post Audit. The SFM office needs time to make the adjustments as requested by the post audit. Mr. Speaker, I vote no on **HB 2671.**—DOUG GATEWOOD

**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, 77-431 and 77-435 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

The substitute 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, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 6; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Pow-

ell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Faber, Goyle, Landwehr, McLeland, Schwartz, Ward.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

The bill passed.

**SB** 394, An act concerning pesticide education; amending K.S.A. 2-2459a and 2-2460a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

The bill passed.

### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House concurred in Senate amendments to **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.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

On motion of Rep. Colloton, the House concurred in Senate amendments to **HB 2469**, An act concerning crimes and punishment; relating to sentencing; amending K.S.A. 21-4710 and repealing the existing section.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

On motion of Rep. Colloton to concur in Senate amendments to **S. Sub. for HB 2506**, the motion did not prevail (see further action, HJ, page 1193).

On roll call, the vote was: Yeas 40; Nays 79; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Brookens, T. Brown, Colloton, Craft, Davis, Flaharty, George, Grange, Henry, Hill, Hineman, Horst, Kerschen, Light, McCray-Miller, Morrison, Moxley, Myers, Neighbor, O'Neal, Pauls, Peterson, Pottorff, Prescott, Proehl, Quigley, Roth, Shultz, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, K. Wolf, Worley.

Nays: Bowers, A. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Crow, Crum, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grant, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McLeland, Meier, Menghini, Merrick, Neufeld, O'Brien, Olson, Otto, Palmer, Patton, Peck, Phelps, Powell, Rardin, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Suellentrop, D. Svaty, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

On motion of Rep. Colloton, the House concurred in Senate amendments to **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 118; Nays 1; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown.

Present but not voting: None.

Absent or not voting: Aurand, Barnes, Fund, Hawk, Henderson, Johnson.

Having voted on the prevailing in not concurring to Senate amendment to **S. Sub. for HB 2506**, Rep. Burroughs moved that the House reconsider its adverse action (see previous action, HJ, page 1192). The motion prevailed. The question then reverted back to the motion to concur in Senate amendments. Rep. Burroughs offered a substitute motion to nonconcur and asked that a conference committee be appointed. The substitute motion prevailed.

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

On motion of Rep. Shultz, the House nonconcurred in Senate amendments to **S. Sub.** for **HB 2160** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Shultz, Peck and Swenson as conferees on the part of the House.

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to  ${\bf HB}$   ${\bf 2412}$  and asked for a conference.

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

On motion of Rep. Kinzer, the House nonconcurred in Senate amendments to **S. Sub.** for HB 2432 and asked for a conference.

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

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to  ${\bf HB}$   ${\bf 2454}$  and asked for a conference.

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

On motion of Rep. Schwartz, the House nonconcurred in Senate amendments to  ${\bf HB}$   ${\bf 2472}$  and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Schwartz, M. Holmes and Garcia as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to  ${\bf HB}$   ${\bf 2482}$  and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Vickrey and Long as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to  ${\bf HB}$   ${\bf 2486}$  and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Vickrey and Long as conferees on the part of the House.

On motion of Rep. Kinzer, the House nonconcurred in Senate amendments to **Sub. HB 2528** and asked for a conference.

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

On motion of Rep. Gordon, the House nonconcurred in Senate amendments to **HB 2553** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Gordon, Donohoe and Benlon as conferees on the part of the House.

On motion of Rep. Powell, the House nonconcurred in Senate amendments to  ${\bf HB~2566}$  and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Powell, Fund and Lukert as conferees on the part of the House.

On motion of Rep. Landwehr, the House nonconcurred in Senate amendments to  ${\bf Sub.}$   ${\bf HB~2575}$  and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Landwehr, Crum and Flaharty as conferees on the part of the House.

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to  ${\bf HB}$  2605 and asked for a conference.

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

On motion of Rep. Kinzer, the House nonconcurred in Senate amendments to **HB 2656** and asked for a conference.

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

On motion of Rep. Kinzer, the House nonconcurred in Senate amendments to **HB 2668** and asked for a conference.

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

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

### COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted: Recommended that roll call was demanded on motion to recommend **HCR 5032** favorably for adoption.

On roll call, the vote was: Yeas 76; Nays 44; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Spalding, Suellentrop, D. Svaty, Swanson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henry, Hill, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, Menghini, Neighbor, Pauls, Phelps, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Swenson, Talia, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund, Hawk, Henderson, Johnson, Peterson.

The motion prevailed, and HCR 5032 be adopted.

### REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2685** be amended on page 1, in line 40, before "no" by inserting "dealing with state agencies and municipalities,";

On page 3, in line 16, after the comma, by inserting "dealing with state agencies and municipalities,";

On page 4, in line 8, by striking all after "(a)"; in line 9, by striking "thereto, possession" and inserting "Possession"; after line 35, by inserting the following:

"(b) It is not a violation of this section for a person to possess a firearm as authorized under the personal and family protection act unless the facilities or premises have adequate security measures as defined in subsection (e) to ensure that no firearms are permitted to be carried into or on such premises or facilities.";

And by redesignating subsections accordingly; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **Substitute for SB 514** be amended by substituting a new bill to be designated as "HOUSE Substitute for Substitute for SENATE BILL No. 514," as follows:

## "HOUSE Substitute for Substitute for SENATE BILL No. 514

By Committee on Federal and State Affairs

"AN ACT establishing the community defense act; amending K.S.A. 2009 Supp. 22-3901 and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for Sub. SB 514 was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 234** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 234," as follows:

"HOUSE Substitute for SENATE BILL No. 234

By Committee on Judiciary

"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."; and the substitute bill be passed.

(H. Sub. for SB 234 was thereupon introduced and read by title.)

Committee on **Taxation** recommends **SB 255** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 255," as follows:

"HOUSE Substitute for SENATE BILL No. 255

By Committee on Taxation

"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."; and the substitute bill be passed.

(H. Sub. for SB 255 was thereupon introduced and read by title.)

Committee on **Taxation** recommends **SB 312** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 312," as follows:

"HOUSE Substitute for SENATE BILL No. 312

By Committee on Taxation

"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."; and the substitute bill be passed.

(**Ĥ. Sub. for SB 312** was thereupon introduced and read by title.)

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

# AFTERNOON SESSION

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

#### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Reps. Carlin and M. Holmes are spread upon the journal:

Rep. Carlin: Emporia State University established the Kansas Master Teacher awards in 1953. The awards are presented annually to teachers who have served the profession long and well and who also typify the good qualities of earnest and conscientious teachers.

The annual Master Teacher Award granted by Emporia State University is based upon the following criteria:

- A candidate for the award must have served at least five years in the schools in Kansas as a teacher or administrator. The professional service may have been at the elementary, secondary, or college level.
- The master teacher should exemplify teaching or administrative effectiveness, constructive service in the community, zeal in promoting the advancement of education, and a sincere interest in professional organizations.

• The Code of Ethics of the Education Professional adopted by the National Education Association shall serve as a guideline by which the attitude and competency of the master teacher should be appraised.

Rep. M. Holmes: I would like to introduce the 2010 Kansas Master Teachers: 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 Shawnee Heights; 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.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Faber in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Faber, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2620**; **SB 533**, **SB 372** be passed.

Sub. SB 353; HB 2011, HB 2616 be passed over and retain a place on the calendar. Committee report recommending a substitute bill to H. Sub. for SB 293 be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **Sub. HB 2428** be adopted; also, on motion of Rep. Schwartz to refer the bill to Committee on Agriculture and Natural Resources, the motion did not prevail, and the substitute bill be passed.

Committee report to **SB** 410 be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2669** be adopted; also, on motion of Rep. Ward to amend, Rep. Schwab requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Ward and **Sub. HB 2669** be amended on page 2, following line 29, by inserting the following:

"Sec. 4. K.S.A. 44-1001 is hereby amended to read as follows: 44-1001. This act shall be known as the Kansas act against discrimination. It shall be deemed an exercise of the police power of the state for the protection of the public welfare, safety, health and peace of the people of this state. The practice or policy of discrimination against individuals in employment relations, in relation to free and public accommodations, in housing by reason of race, religion, color, sex, disability, national origin or, ancestry or on the basis of disability, or in housing by reason of familial status is a matter of concern to the state, since such discrimination threatens not only the rights and privileges of the inhabitants of the state of Kansas but menaces the institutions and foundations of a free democratic state. It is hereby declared to be the policy of the state of Kansas to eliminate and prevent discrimination in all employment relations, to eliminate and prevent discrimination, segregation, or separation in all places of public accommodations covered by this act, and to eliminate and prevent discrimination, segregation or separation in housing.

It is also declared to be the policy of this state to assure equal opportunities and encouragement to every citizen regardless of race, religion, color, sex, disability, national origin or, ancestry or on the basis of disability, in securing and holding, without discrimination, employment in any field of work or labor for which a person is properly qualified, to assure equal opportunities to all persons within this state to full and equal public accommodations, and to assure equal opportunities in housing without distinction on account of race, religion, color, sex, disability, familial status, national origin or, ancestry or on the basis of disability. It is further declared that the opportunity to secure and to hold employment, the opportunity for full and equal public accommodations as covered by this act and the opportunity for full and equal housing are civil rights of every citizen.

To protect these rights, it is hereby declared to be the purpose of this act to establish and to provide a state commission having power to eliminate and prevent segregation and discrimination, or separation in employment, in all places of public accommodations covered by this act, in housing because of race, religion, color, sex, disability, national origin or, ancestry or on the basis of disability, and in housing because of familial status, either by employers, labor organizations, employment agencies, realtors, financial institutions or other persons as hereinafter provided.

Sec. 5. K.S.A. 44-1002 is hereby amended to read as follows: 44-1002. When used in this act:

(a) "Person" includes one or more individuals, partnerships, associations, organizations,

corporations, legal representatives, trustees, trustees in bankruptcy or receivers.

- (b) "Employer" includes any person in this state employing four or more persons and any person acting directly or indirectly for an employer, labor organizations, nonsectarian corporations, organizations engaged in social service work and the state of Kansas and all political and municipal subdivisions thereof, but shall not include a nonprofit fraternal or social association or corporation.
- (c) "Employee" does not include any individual employed by such individual's parents, spouse or child or in the domestic service of any person.
- (d) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining, of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in relation to employment.
- (e) "Employment agency" includes any person or governmental agency undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer or place employees.
  - (f) "Commission" means the Kansas human rights commission created by this act.
- (g) "Unlawful employment practice" includes only those unlawful practices and acts specified in K.S.A. 44-1009 and amendments thereto and includes segregate or separate.
- (h) "Public accommodations" means any person who caters or offers goods, services, facilities and accommodations to the public. Public accommodations include, but are not limited to, any lodging establishment or food service establishment, as defined by K.S.A 36-501 and amendments thereto; any bar, tavern, barbershop, beauty parlor, theater, skating rink, bowling alley, billiard parlor, amusement park, recreation park, swimming pool, lake, gymnasium, mortuary or cemetery which is open to the public; or any public transportation facility. Public accommodations do not include a religious or nonprofit fraternal or social association or corporation.
- (i) "Unlawful discriminatory practice" means: (1) Any discrimination against persons, by reason of their race, religion, color, sex, disability, national origin or, ancestry or on the basis of disability:
  - (A) In any place of public accommodations; or
- (B) in the full and equal use and enjoyment of the services, facilities, privileges and advantages of any institution, department or agency of the state of Kansas or any political subdivision or municipality thereof; and
- (2) any discrimination against persons in regard to membership in a nonprofit recreational or social association or corporation by reason of race, religion, sex, color, disability, national origin or, ancestry or on the basis of disability if such association or corporation has 100 or more members and: (A) Provides regular meal service; and (B) receives payment for dues, fees, use of space, use of facility, services, meals or beverages, directly or indirectly, from or on behalf of nonmembers.

This term shall not apply to a religious or private fraternal and benevolent association or corporation.

- (j) "Disability" means, with respect to an individual:
- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual:
  - (2) a record of such an impairment; or
- (3) being regarded as having such an impairment by the person or entity alleged to have committed the unlawful discriminatory practice complained of.

Disability does not include current, illegal use of a controlled substance as defined in section 102 of the federal controlled substance act (21 U.S.C. 802), in housing discrimination. In employment and public accommodation discrimination, "disability" does not include an individual who is currently engaging in the illegal use of drugs where possession or distribution of such drugs is unlawful under the controlled substance act (21 U.S.C. 812), when the covered entity acts on the basis of such use.

- (k) "Reasonable accommodation" means:
- (1) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
- (2) job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

(l) "Regarded as having such an impairment" means the absence of a physical or mental impairment but regarding or treating an individual as though such an impairment exists:

- (1) An individual meets the requirement of "being regarded as having such an impairment" if the individual establishes that the individual has been subjected to an action prohibited under this act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
- (2) Paragraph (1) shall not apply to impairments that are transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.
- (m) (1) "Major life activities" include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- (2) "Major life activities" include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.
- (n) "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.
- Sec. 6. K.S.A. 44-1006 is hereby amended to read as follows: 44-1006. (a) The provisions of this act shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this act shall be deemed to repeal any of the provisions of any other law of this state relating to discrimination because of race, religion, color, sex, disability, national origin or ancestry, unless the same is specifically repealed by this act.
- (b) Nothing in this act shall be construed to mean that an employer shall be forced to hire unqualified or incompetent personnel, or discharge qualified or competent personnel.
- (c) The definition of "disability" in K.S.A. 44-1002, and amendments thereto, shall be construed in accordance with the following:
- (1) The definition of disability in this act shall be construed in favor of broad coverage of individuals under this act, to the maximum extent permitted by the terms of this act.
- (2) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
- (3) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- (4) (A) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:
- (i) Medication, medical supplies, equipment or appliances, low-vision devices except ordinary eye glasses or contact lenses, prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices or oxygen therapy equipment and supplies;
  - (ii) use of assistive technology;
  - (iii) reasonable accommodations or auxiliary aides or services; or
  - (iv) learned behavioral or adaptive neurological modifications.

- (B) The ameliorative effects of the mitigating measures of ordinary eye glasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.
  - (C) As used in this paragraph:
- (i) "Ordinary eyeglasses or contact lenses" means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
- (ii) "low-vision devices" means devices that magnify, enhance or otherwise augment a visual image.
- (d) Covered employers are not required to reasonably accommodate or reasonably modify policies, practices and procedures for any person who solely meets the definition of disability under subsection (j)(3) of K.S.A. 44-1002, and amendments thereto.
- Sec. 7. K.S.A. 44-1001, 44-1002 and 44-1006 are hereby repealed."; And by renumber the remaining section accordingly;
- In the title, in line 9, after "ACT" by inserting "concerning employment;"; also in line 9, by striking "and" and inserting a semicolon; in line 10, before the period by inserting "relating to discrimination; amending K.S.A. 44-1001, 44-1002 and 44-1006 and repealing the existing sections"; and **Sub. HB 2669** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 146** be adopted; also, on motion of Rep. Flaharty to amend, the motion did not prevail, and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 83** be adopted; and the substitute bill be passed.

Committee report to **SB 368** be adopted; also, on motion of Rep. Colloton be amended on page 1, in line 20, by striking all after "(a)"; by striking all in lines 21 through 35; in line 36, by striking "(b)"; also in line 36, by striking "(e)" and inserting "(b)"; also in line 36, by striking "(e)" and inserting "or refuses a test";

On page 2, in line 3, by striking ", third or fourth"; in line 4, by striking "one year" and inserting "45 days"; in line 5, by striking "one year" and inserting "two years"; in line 7, by striking "and"; in line 8, by striking "(C)" and inserting the following:

- "(C) on the person's third occurrence, suspend the person's driving privileges for 45 days 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 45 days 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)"

Also on page 2, in line 10, by striking "(e)" and inserting "(d)"; after line 41, by inserting the following:

"(4) The division shall follow the procedures established in K.S.A. 8-1002, and amendments thereto, for a test refusal.";

And by relettering the subsections accordingly;

Also on page 2, in line 42, by striking "(e)" and inserting "(d)";

On page 3, in line 10, by striking "(b)" and inserting "(a)"; in line 23, by striking the comma where it appears the first time and inserting "or"; also in line 23, by striking "or (c)"; in line 26, by striking the comma where appears the first time and inserting "or"; also in line 26, by striking "or (c)"; in line 37, by striking "for a"; in line 38, by striking "test refusal or under subsection" and inserting "or"; also in line 38, by striking "or (c)"; also in line 38, after "test" by inserting "refusal or"; in line 43, after "subsection" by inserting "(a) or"; also in line 43, by striking "or (c)";

On page 14, after line 17, by inserting the following:

"Sec. 3. K.S.A. 2009 Supp. 8-259 is hereby amended to read as follows: 8-259. (a) Except in the case of mandatory revocation under K.S.A. 8-254 or 8-286, and amendments thereto, mandatory suspension for an alcohol or drug-related conviction under subsection  $\frac{\text{(b)}}{(a)}$  of K.S.A. 8-1014, and amendments thereto, mandatory suspension under K.S.A. 8-262, and amendments thereto, or mandatory disqualification of the privilege to drive a commercial motor vehicle under subsection  $\frac{\text{(a)}}{(1)}$  (A),  $\frac{\text{(a)}}{(1)}$  (B),  $\frac{\text{(a)}}{(1)}$  (C),  $\frac{\text{(a)}}{(2)}$  (A),  $\frac{\text{(a)}}{(3)}$  (A) or  $\frac{\text{(a)}}{(3)}$  (B) of K.S.A. 8-2,142, and amendments thereto, the cancellation, suspension, revo-

cation, disqualification or denial of a person's driving privileges by the division is subject to review. Such review shall be in accordance with the act for judicial review and civil enforcement of agency actions. In the case of review of an order of suspension under K.S.A. 8-1001 et seq., and amendments thereto, or of an order of disqualification under subsection (a)(1)(D) of K.S.A. 8-2,142, and amendments thereto, the petition for review shall be filed within 10 days after the effective date of the order and venue of the action for review is the county where the administrative proceeding was held or the county where the person was arrested. In all other cases, the time for filing the petition is as provided by K.S.A. 77-613, and amendments thereto, and venue is the county where the licensee resides. The action for review shall be by trial de novo to the court. The court shall take testimony, examine the facts of the case and determine whether the petitioner is entitled to driving privileges or whether the petitioner's driving privileges are subject to suspension, cancellation or revocation under the provisions of this act. Unless the petitioner's driving privileges have been extended pursuant to subsection (o) of K.S.A. 8-1020, and amendments thereto, the court on review may grant a stay or other temporary remedy pursuant to K.S.A. 77-616, and amendments thereto, after considering the petitioner's traffic violations record and liability insurance coverage. If a stay is granted, it shall be considered equivalent to any license surrendered. If a stay is not granted, trial shall be set upon 20 days' notice to the legal services bureau of the department of revenue. No stay shall be issued if a person's driving privileges are canceled pursuant to K.S.A. 8-250, and amendments thereto.

(b) The clerk of any court to which an appeal has been taken under this section, within 10 days after the final disposition of such appeal, shall forward a notification of the final disposition to the division.

Sec. 4. K.S.A. 2009 Supp. 8-1001 is hereby amended to read as follows: 8-1001. (a) Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent, subject to the provisions of this act, to submit to one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The testing deemed consented to herein shall include all quantitative and qualitative tests for alcohol and drugs. A person who is dead or unconscious shall be deemed not to have withdrawn the person's consent to such test or tests, which shall be administered in the manner provided by this section.

- (b) A law enforcement officer shall request a person to submit to a test or tests deemed consented to under subsection (a): (1) If the officer has reasonable grounds to believe the person was operating or attempting to operate a vehicle while under the influence of alcohol or drugs, or both, or to believe that the person was driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system, or was under the age of 21 years while having alcohol or other drugs in such person's system; and one of the following conditions exists: (A) The person has been arrested or otherwise taken into custody for any offense involving operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both, or for a violation of K.S.A. 8-1567a, and amendments thereto, or involving driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system, in violation of a state statute or a city ordinance; or (B) the person has been involved in a vehicle accident or collision resulting in property damage or personal injury other than serious injury; or (2) if the person was operating or attempting to operate a vehicle and such vehicle has been involved in an accident or collision resulting in serious injury or death of any person and the operator could be cited for any traffic offense, as defined in K.S.A. 8-2117, and amendments thereto. The traffic offense violation shall constitute probable cause for purposes of paragraph (2). The test or tests under paragraph (2) shall not be required if a law enforcement officer has reasonable grounds to believe the actions of the operator did not contribute to the accident or collision. The law enforcement officer directing administration of the test or tests may act on personal knowledge or on the basis of the collective information available to law enforcement officers involved in the accident investigation or arrest.
- (c) If a law enforcement officer requests a person to submit to a test of blood under this section, the withdrawal of blood at the direction of the officer may be performed only by: (1) A person licensed to practice medicine and surgery, licensed as a physician's assistant,

or a person acting under the direction of any such licensed person; (2) a registered nurse or a licensed practical nurse; (3) any qualified medical technician, including, but not limited to, an emergency medical technician-intermediate or mobile intensive care technician, as those terms are defined in K.S.A. 65-6112, and amendments thereto, authorized by medical protocol or (4) a phlebotomist.

- (d) A law enforcement officer may direct a medical professional described in this section to draw a sample of blood from a person:
  - (1) If the person has given consent and meets the requirements of subsection (b);
- (2) if medically unable to consent, if the person meets the requirements of paragraph (2) of subsection (b); or
- (3) if the person refuses to submit to and complete a test, if the person meets the requirements of paragraph (2) of subsection (b).
- (e) When so directed by a law enforcement officer through a written statement, the medical professional shall withdraw the sample as soon as practical and shall deliver the sample to the law enforcement officer or another law enforcement officer as directed by the requesting law enforcement officer as soon as practical, provided the collection of the sample does not jeopardize the person's life, cause serious injury to the person or seriously impede the person's medical assessment, care or treatment. The medical professional authorized herein to withdraw the blood and the medical care facility where the blood is drawn may act on good faith that the requirements have been met for directing the withdrawing of blood once presented with the written statement provided for under this subsection. The medical professional shall not require the person to sign any additional consent or waiver form. In such a case, the person authorized to withdraw blood and the medical care facility shall not be liable in any action alleging lack of consent or lack of informed consent.
- (f) Such sample or samples shall be an independent sample and not be a portion of a sample collected for medical purposes. The person collecting the blood sample shall complete the collection portion of a document provided by law enforcement.
- (g) If a person must be restrained to collect the sample pursuant to this section, law enforcement shall be responsible for applying any such restraint utilizing acceptable law enforcement restraint practices. The restraint shall be effective in controlling the person in a manner not to jeopardize the person's safety or that of the medical professional or attending medical or health care staff during the drawing of the sample and without interfering with medical treatment.
- (h) A law enforcement officer may request a urine sample upon meeting the requirements of paragraph (1) of subsection (b) and shall request a urine sample upon meeting the requirements of paragraph (2) of subsection (b).
- (i) If a law enforcement officer requests a person to submit to a test of urine under this section, the collection of the urine sample shall be supervised by persons of the same sex as the person being tested and shall be conducted out of the view of any person other than the persons supervising the collection of the sample and the person being tested, unless the right to privacy is waived by the person being tested. When possible, the supervising person shall be a law enforcement officer. The results of qualitative testing for drug presence shall be admissible in evidence and questions of accuracy or reliability shall go to the weight rather than the admissibility of the evidence. If the person is medically unable to provide a urine sample in such manner due to the injuries or treatment of the injuries, the same authorization and procedure as used for the collection of blood in subsections (d) and (e) shall apply to the collection of a urine sample.
- (j) No law enforcement officer who is acting in accordance with this section shall be liable in any civil or criminal proceeding involving the action.
- (k) Before a test or tests are administered under this section, the person shall be given oral and written notice that: (1) Kansas law requires the person to submit to and complete one or more tests of breath, blood or urine to determine if the person is under the influence of alcohol or drugs, or both;
  - (2) the opportunity to consent to or refuse a test is not a constitutional right;
- (3) there is no constitutional right to consult with an attorney regarding whether to submit to testing;

- (4) if the person refuses to submit to and complete any test of breath, blood or urine hereafter requested by a law enforcement officer or if the person submits to and completes the test or tests and the test results show an alcohol concentration of .08 or greater, the person's driving privileges will be suspended for 30 days for the first through fourth occurrence and restricted for one year for the first occurrence, two years for the second occurrence, three years for the third occurrence, 10 four years for the fourth occurrence and permanently revoked for a fifth or subsequent occurrence;
- (5) if the person submits to and completes the test or tests and the test results show for the first occurrence-
- —(A) An alcohol concentration of .08 or greater, the person's driving privileges will be suspended for 30 days for the first occurrence; or
- —(B) an alcohol concentration of .15 or greater, the person's driving privileges will be suspended for one year;
- (6) if the person submits to and completes the test or tests and the test results show an alcohol concentration of .08 or greater, the person's driving privileges will be suspended for one year for the second, third or fourth occurrence and permanently revoked for a fifth or subsequent occurrence:
- (7) if the person is less than 21 years of age at the time of the test request and submits to and completes the tests and the test results show an alcohol concentration of .08 or greater, the person's driving privileges will be suspended for one year except the person's driving privileges will be permanently revoked for a fifth or subsequent occurrence;
- (8) (7) refusal to submit to testing may be used against the person at any trial on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both;
- (9) (8) the results of the testing may be used against the person at any trial on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both; and
- $\frac{(10)}{}(9)$  after the completion of the testing, the person has the right to consult with an attorney and may secure additional testing, which, if desired, should be done as soon as possible and is customarily available from medical care facilities willing to conduct such testing.
- (l) If a law enforcement officer has reasonable grounds to believe that the person has been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system, the person shall also be provided the oral and written notice pursuant to K.S.A. 8-2,145 and amendments thereto. Any failure to give the notices required by K.S.A. 8-2,145 and amendments thereto shall not invalidate any action taken as a result of the requirements of this section. If a law enforcement officer has reasonable grounds to believe that the person has been driving or attempting to drive a vehicle while having alcohol or other drugs in such person's system and such person was under 21 years of age, the person also shall be given the notices required by K.S.A. 8-1567a, and amendments thereto. Any failure to give the notices required by K.S.A. 8-1567a, and amendments thereto, shall not invalidate any action taken as a result of the requirements of this section.
- (m) After giving the foregoing information, a law enforcement officer shall request the person to submit to testing. The selection of the test or tests shall be made by the officer. If the test results show a blood or breath alcohol concentration of .08 or greater, the person's driving privileges shall be subject to suspension, or suspension and restriction, as provided in K.S.A. 8-1002 and 8-1014, and amendments thereto.
- (n) The person's refusal shall be admissible in evidence against the person at any trial on a charge arising out of the alleged operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both.
- (o) If a law enforcement officer had reasonable grounds to believe the person had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, and the test results show a blood or breath alcohol concentration of .04 or greater, the person shall be disqualified from driving a commercial motor vehicle, pursuant to K.S.A. 8-2,142, and amendments thereto. If a law enforcement officer had reasonable grounds to believe the person had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,142.

- 2,128, and amendments thereto, and the test results show a blood or breath alcohol concentration of .08 or greater, or the person refuses a test, the person's driving privileges shall be subject to suspension, or suspension and restriction, pursuant to this section, in addition to being disqualified from driving a commercial motor vehicle pursuant to K.S.A. 8-2,142, and amendments thereto.
- (p) An officer shall have probable cause to believe that the person operated a vehicle while under the influence of alcohol or drugs, or both, if the vehicle was operated by such person in such a manner as to have caused the death of or serious injury to a person. In such event, such test or tests may be made pursuant to a search warrant issued under the authority of K.S.A. 22-2502, and amendments thereto, or without a search warrant under the authority of K.S.A. 22-2501, and amendments thereto.
- (q) Failure of a person to provide an adequate breath sample or samples as directed shall constitute a refusal unless the person shows that the failure was due to physical inability caused by a medical condition unrelated to any ingested alcohol or drugs.
- (r) It shall not be a defense that the person did not understand the written or oral notice required by this section.
- (s) No test results shall be suppressed because of technical irregularities in the consent or notice required pursuant to this act.
- (t) Nothing in this section shall be construed to limit the admissibility at any trial of alcohol or drug concentration testing results obtained pursuant to a search warrant.
- (u) Upon the request of any person submitting to testing under this section, a report of the results of the testing shall be made available to such person.
- (v) This act is remedial law and shall be liberally construed to promote public health, safety and welfare.
- (w) As used in this section, "serious injury" means a physical injury to a person, as determined by law enforcement, which has the effect of, prior to the request for testing:
  - (1) Disabling a person from the physical capacity to remove themselves from the scene;
  - (2) renders a person unconscious;
  - (3) the immediate loss of or absence of the normal use of at least one limb;
  - (4) an injury determined by a physician to require surgery; or
  - (5) otherwise indicates the person may die or be permanently disabled by the injury.
- Sec. 5. 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; subsection (f) of K.S.A. 8-1567a, 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) (a) of K.S.A. 8-1014, and amendments thereto, the division shall restrict the person's driving privileges for one year pursuant to subsection (a) of K.S.A. 8-1014, and amendments thereto, to driving only a motor vehicle equipped with an ignition interlock device, approved by the division and maintained at the person's expense. Any motor vehicle such person drives shall be equipped with an ignition interlock device. 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;

Also on page 14, in line 19, after "Supp." by inserting "8-259, 8-1001,"; in line 20, before "are" by inserting "and 8-1015";

In the title, in line 13, after "Supp." by inserting "8-259, 8-1001,"; in line 14, before "and" by inserting ", 8-1015";

Also, on motion of Rep. K. Wolf, **SB 368** be amended as amended by House Committee of the Whole, and as further amended on March 22, 2010, on motion of Representative Colloton, on page 4 of the bill as printed with House Committee amendments, following line 11, by inserting the following:

"(h) The provisions of subsection (a), as amended by this act, may be applied retroactively. Any person who has had such person's driving privileges suspended or restricted pursuant to subsection (a) or (b) prior to such amendment may apply to the division of motor vehicles to have the penalties applied retroactively, as provided under subsection (c) of K.S.A. 8-1015, and amendments thereto.";

Further, on page 15, of the amendment adopted on motion of Representative Colloton by inserting in section 5 following subsection (d) the following:

"(e) Any person who has had the person's driving privileges suspended or restricted pursuant to subsection (a) or (b) of K.S.A. 8-1014 prior to the amendments by this act, may apply to the division of motor vehicles to have the suspension and restriction penalties modified in conformity with the provisions of subsection (a) of K.S.A. 8-1014, and amendments thereto. The division shall assess an application fee of \$59 for a person to apply to modify the suspension and restriction penalties previously issued. The division shall remit all application fees 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 and shall credit such moneys to the division of vehicles operating fund. The application fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such application. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. The division shall modify the suspension and restriction penalties, unless such person's driving privileges have been suspended or revoked pursuant to another action by the division."; and **SB 368** be passed as amended.

On motion of Rep. Kinzer, **HB 2166** be amended on page 1, after line 20, by inserting: "(b) "Bodily function" means physical functions. The term "bodily function" does not include mental or emotional functions.";

And by relettering subsections accordingly:

Also on page 1, in line 39, by striking "a"; also in line 39, by striking "physical disorder, phys-"; in line 40, by striking all before "of" and inserting "impairment";

On page 2, by striking all in lines 13 through 43;

By striking all on pages 3 through 6;

On page 7, by striking all in lines 1 through 35;

And by renumbering sections accordingly;

Also on page 7, in line 36, by striking all after "65-6701"; in line 37, by striking all before "hereby" and inserting "is";

On page 1, in the title, in line 9, by striking "and partial birth"; in line 10, by striking all after "65-6701"; in line 11, by striking all before "and" where it appears for the last time; also in line 11, by striking "sections" and inserting "section";

Also, roll call was demanded on motion to recommend **HB 2166** favorably for passage. On roll call, the vote was: Yeas 85; Nays 30; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Barnes, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, D. Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Mah, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery,

Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bollier, T. Brown, Carlin, Crow, Davis, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Gordon, Goyle, Henderson, Hill, Kuether, Loganbill, McCray-Miller, Menghini, Neighbor, Quigley, Rardin, Ruiz, Sloan, Talia, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Dillmore, Fund, Hawk, Johnson, Lane, Neufeld, Peterson, Roth, Schroeder.

The motion prevailed, and HB 2166 be passed as amended.

Committee report to **SB** 460 be adopted; and the bill be passed as amended.

Committee report to SB 346 be adopted; and the bill be passed as amended.

Committee report to **Sub. SB 67** be adopted; and the bill be passed as amended.

Committee report to **HB 2666** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 449** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 300** be adopted; also, on motion of Rep. Meier be amended on page 2, following line 28, 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 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.";

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 10, preceding "relating" by inserting "providing for the I'm pet friendly license plate;";

Also, on motion of Rep. Benlon, **H. Sub. for SB 300** be amended on page 1, preceding line 14, by inserting the following:

"New Section 1. (a) It shall be unlawful for any person to attach and display on any vehicle a license plate, as required under article 1 of chapter 8 of the Kansas Statutes Annotated, which is covered, in whole or in part, with any clear or opaque material or any other plastic-like material that affects the plate's visibility or reflectivity.

(b) This section shall be part of and supplemental to the uniform act regulating traffic on highways.";

Also on page 1, in line 14, by striking "Section" and inserting "Sec.";

On page 2, following line 28, by inserting the following:

"Sec. 3. 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 *pleads* 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 *plead* 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.

Description of Offense	Statute	Fine
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	8-1558	1-10 mph over the limit, \$30
in zone posted by the state department of transportation; or speeding in locally posted zone	to 8-1560 8-1560a or	11-20 mph over the limit, \$30 plus \$6 per mph over 10 mph over the limit;
	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,	8-1519	\$60
intersection railroad crossing, or obstructed view		
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;	8-1533	\$60
pedestrian suddenly entering roadway;		
passing vehicle stopped for pedestrian at crosswalk		
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
1 / 0 0		

	0.1550	<b>\$120</b>
Failure to stop at railroad crossing stop sign	8-1552	\$120
Certain hazardous vehicles failure to stop at	8-1553	\$180
railroad crossing Improper moving of heavy equipment at	8-1554	\$60
railroad crossing	0-1354	φυυ
Vehicle emerging from alley, private roadway,	8-1555	\$60
building or driveway	0-1333	φου
Improper passing of school bus; improper use of school bus signals	8-1556	\$300
Improper passing of church or day-care bus;	8-1556a	\$180
improper use of signals		,
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	8-1569	\$30
roadway		
Parking, standing or stopping in prohibited	8-1571	\$30
area		+20
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	8-1576	\$30
obstructed	0.1577	420
Unsafe opening of vehicle door	8-1577	\$30
Riding in house trailer	8-1578	\$30
Unlawful riding on vehicle	8-1578a	\$60
Improper driving in defiles, canyons, or on	8-1579	\$30
grades	0 1500	620
Coasting	8-1580	\$30 \$60
Following fire apparatus too closely	8-1581	\$60 \$30
Driving over fire hose	8-1582	\$90
Putting glass, etc., on highway	8-1583 8-1584	\$30
Driving into intersection, crosswalk, or crossing without sufficient space on other	0-1304	φου
side		
Improper operation of snowmobile on	8-1585	\$30
highway	0-1000	φου
Parental responsibility of child riding bicycle	8-1586	\$30
Not riding on bicycle seat; too many persons	8-1588	\$30
on bicycle		7
Clinging to other vehicle	8-1589	\$30
Improper riding of bicycle on roadway	8-1590	\$30
Carrying articles on bicycle; one hand on	8-1591	\$30
handlebars		
Improper bicycle lamps, brakes or reflectors	8-1592	\$30
Improper operation of motorcycle; seats;	8-1594	\$30
passengers, bundles		
Improper operation of motorcycle on laned	8-1595	\$60
roadway		
Motorcycle clinging to other vehicle	8-1596	\$30
Improper motorcycle handlebars or passenger	8-1597	\$60
equipment		
Motorcycle helmet and eye-protection	8-1598	\$30
requirements		
Unlawful riding on vehicle	<del>8-1578a</del>	<del>\$60</del>

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
Unlawful display of license plate	section 1	\$60
Equipment offenses that are not misdemeanors	8-1701	\$60
	0.1702	420
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	8-1712	\$30
certain vehicles	0 1710	420
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	8-1717	\$30
emblems on farm tractors or slow-moving vehicles	3 1.11.	430
	0 1710	¢20
Improper lamps and equipment on	8-1718	\$30
implements of husbandry, road machinery		
or animal-drawn vehicles		
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
* *	8-1725	\$60
Failure to dim headlights	8-1726	\$30
Improper single-beam headlights		
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	8-1738	\$30
device	3 1100	ψΟΟ
Defective muffler	8-1739	\$30
_		
Defective mirror	8-1740	\$30
Defective wipers; obstructed windshield or	8-1741	\$30
windows	9 1740	620
Improper tires	8-1742	\$30

Improper flares or warning devices Improper use of vehicular hazard warning lamps and devices	8-1744 8-1745	\$30 \$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	8-1909	Pounds Overweight
combination		up to 1000
Exceeding gross weight on any axle or tandem,	8-1908	Pounds Overweight
triple or quad axles		up to 1000 \$25
		1001 to 2000 3¢ per pound
		2001 to 5000 5¢ per pound
		5001 to 7500 7¢ per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	7501 and over 10¢ per pound \$272
Insufficient liability insurance for motor	66-1,128	\$122
carriers	or	¥- <b></b>
Carrons	66-1314	
Failure to obtain interstate motor fuel tax	79-34,122	\$122
authorization	,	T
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.";

And by renumbering sections accordingly;

Also on page 2, in line 29, by striking "is" and inserting "and 8-2118 are";

On page 1, in the title, in line 10, preceding "amending" by inserting "covering license plates;"; also in line 10, following "8-1,141" by inserting "and 8-2118"; in line 11, by striking "section" and inserting "sections";

Also, on motion of Rep. DeGraaf, **H. Sub. for SB 300** be amended on page 1, following line 13, by inserting the following:

"New Section 1. (a) On and after January 1, 2012, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one Boy Scouts of America license plate for each such passenger vehicle or truck. In addition to the license plate, a person issued such a license plate may request a decal for the order of the arrow, wood badge, God and country award and eagle scout for each license plate. 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) A Boy Scouts of America council may authorize the use of their logo to be affixed on license plates or any decal as provided by this section. Any royalty payment received pursuant to this section shall be paid to the Boy Scouts of America and shall be used to support the Boy Scouts of America. Any motor vehicle owner or lessee annually may apply to the Boy Scouts of America for the use of such logo. Upon annual application and payment to the Boy Scouts of America in an amount of not less than \$25 nor more than \$100 as a logo use royalty payment for each license plate and decal to be issued, the Boy Scouts of America 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 or truck 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 Boy Scouts of America councils shall:

(1) Pay the initial cost of silk-screening for license plates authorized by this section; and

(2) provide to all county treasurers a toll-free telephone number where applicants can call the Boy Scouts of America councils for information concerning the application process or the status of their license plate application.

(g) The Boy Scouts of America councils, with the approval of the director of vehicles and subject to the availability of materials and equipment, shall design a plate and decals to be issued under the provisions of this section.

(h) A fee of \$2 shall be paid for each decal issued under this section. Such decals shall be affixed to the license plate in the location required by the director.";

By renumbering sections accordingly;

Also on page 1, in line 14, by striking "Section" and inserting "Sec.";

On page 1, in the title, in line 10, preceding "relating" by inserting "providing for a Boy Scouts of America license plate;";

Also, on motion of Rep. Mast, H. Sub. for SB 300 be amended on page 1, following line 13, by inserting the following:

"New Section 1. (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.";

Also on page 1, in line 14, by striking "Section" and inserting "Sec."; in line 25, preceding "and" by inserting "or section 1,":

On page 2, following line 28, by inserting the following:

"Sec. 3. 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, 8-1,146 or K.S.A. 2009 Supp. 8-177d, or section 1, 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.";

And by renumbering sections accordingly;

Also on page 2, in line 29, by striking "is" and inserting "and 8-1,147 are"; On page 1, in the title, in line 10, preceding "relating" by inserting "providing for the Vietnam veteran license plate;"; also in line 10, following "8-1,141" by inserting "and 8-1,147"; in line 11, by striking "section" and inserting "sections"; and H. Sub. for SB 300 be passed as amended.

Committee report to SB 446 be adopted; also, on motion of Rep. Kleeb be amended on page 9, in line 29, by striking "any" and inserting ": (a) Any"; in line 33, before the period, by inserting "; (b) the university of Kansas medical center; or (c) Kansas, Inc";

Also, roll call was demanded on motion of Rep. Mah to amend SB 446 on page 1, in line 20, by striking "14" and inserting "20";

On page 2, in line 18, by striking "14" and inserting "20";

On page 9, in line 28, by striking "14" and inserting "20";

On page 10, after line 30, by inserting the following:

"New Sec. 14. (a) All vendors shall verify the identity and employment eligibility of all persons hired by completing and retaining pursuant to this section a federal form I-9 for each employee. For purposes of this section, the term employee shall not include any person providing services for the vendor as an independent contractor.

- (b) Vendors shall, to the extent not inconsistent with federal laws and regulations:
- (1) Ensure that each employee completes section 1 of the form I-9 when the employee starts work;
- (2) review documents establishing each employee's identity and eligibility to work to ensure that such documents reasonably appear:
  - (A) To be genuine; and
  - (B) to relate to the individual presenting the documents;
  - (3) complete section 2 of the form I-9;
  - (4) complete section 3 of the form I-9;
- (5) retain the form I-9 for three years after the date the person began work or one year after the person's employment is terminated, whichever is later; and
- (6) make the form I-9 available for inspection by state or federal officials upon request with three days notice.
  - (c) The Kansas department of labor shall make the form I-9 available to all vendors.
- (d) No action shall be brought by any person, city, county or state official against any vendor who complies with the provisions of subsections (a) and (b) relating in any way to the employment of an undocumented alien.
- (e) In the event that the form I-9 is amended or replaced after the enactment of this section, a vendor shall be considered in compliance with the provisions of subsections (a) and (b) if it completes and maintains the then current federal employment eligibility form consistent with all relevant federal laws and regulations.

New Sec. 15. (a) A person or entity is considered to have complied with a requirement of sections 14 through 17, and amendments thereto, notwithstanding a technical or procedural failure to meet such requirement, if there was a good faith attempt to comply with the federal requirements found in title 8 of the United States code, section 1324a.

(b) A person or entity which establishes that it has complied in good faith with respect to the hiring, recruiting or referral for employment of an alien in the United States has established an affirmative defense under sections 14 through 17, and amendments thereto.

New Sec. 16. (a) No state agency shall, for a period of five years commencing on the date of judgment or final order, award a public works or purchase contract to a vendor, nor shall a vendor be eligible to bid for or receive a public works contract during such five-year period, when such vendor has, in the preceding five years:

- (1) Been convicted of violating a law of this state, including, but not limited to, K.S.A. 21-4409, and amendments thereto, or federal law respecting the employment of undocumented aliens; or
- (2) been a party to a state agency proceeding in this state in which a penalty or sanction was ordered, either by hearing or final order, or through stipulation and agreement, for violation of a law of this state, including, but not limited to, K.S.A. 21-4409, and amendments thereto, or federal law respecting the employment of undocumented aliens.

- (b) Any vendor found to be in violation of subsection (a) by attempting to bid on a contract or having been awarded a contract when ineligible shall, in addition to all available administrative penalties and sanctions, forfeit and be liable for an amount equal to the total value of the state benefit such vendor has received or been the beneficiary of for the period of five years leading up to the date of the finding of guilt, not to exceed the federally prescribed civil penalty in title 8 of the United States code, section 1324a.
  - New Sec. 17. As used in sections 14 through 17, and amendments thereto:
- (a) "Undocumented alien" means any person not a citizen of the United States who has entered the United States in violation of the federal immigration and naturalization act or regulations issued thereunder, who has legally entered but without the right to be employed in the country, or who has legally entered subject to a time limit but has remained illegally after the expiration of such time limit, except that the term "undocumented alien" shall not mean any person who currently has the legal right to remain in the United States and to be employed in the United States even though such person originally entered the United States in violation of the federal immigration and naturalization act or regulations issued thereunder and is not a citizen of the United States.
- (b) "Vendor" means any person, including any partnership, firm, subcontractor, corporation or association, or agent thereof, who engages or utilizes the personal services of one or more individuals for a salary or wage.

New Sec. 18. The secretary of the department of administration shall be responsible for administering the provisions of sections 14 through 17, and amendments thereto.

New Sec. 19. The provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto, shall govern all proceedings initiated under sections 14 through 17, and amendments thereto.";

And by renumbering sections accordingly;

Also on page 10, in line 31, by striking "14" and inserting "20"; in line 36, by striking "14" and inserting "20";

On roll call, the vote was: Yeas 59; Nays 56; Present but not voting: 0; Absent or not voting: 10.

Yeas: Ballard, Barnes, Benlon, Bowers, T. Brown, Burgess, Burroughs, Carlin, Crow, Crum, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Horst, Kiegerl, Kinzer, Kleeb, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Neighbor, O'Brien, Otto, Palmer, Pauls, Phelps, Quigley, Rardin, Ruiz, Schroeder, Slattery, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bollier, Brookens, A. Brown, Brunk, Carlson, Colloton, Craft, DeGraaf, Donohoe, Faber, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, Huebert, Jack, Kelley, Kerschen, King, Knox, Light, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schwab, Schwartz, Seiwert, Siegfreid, Sloan, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Fund, George, Hawk, M. Holmes, Johnson, Myers, Neufeld, Peterson, Shultz.

The motion of Rep. Mah prevailed.

Also, on motion to recommend **SB 446** favorably for passage, the motion did not prevail (see further action, HJ, page 1237).

Committee report recommending a substitute bill to **H. Sub. for SB 313** be adopted; also, on motion of Rep. McLeland to amend, the motion did not prevail.

Also, on motion of Rep. Otto to amend **H. Sub. for SB 313**, the motion was withdrawn Also, on motion of Rep. D. Gatewood, **H. Sub. for SB 313** be amended on page 1, by striking all in lines 41 through 43;

On page 2, by striking all in lines 1 through 13; in line 14, by striking "(e)" and inserting "(d)"; by striking all in lines 24 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 through 32; in line 33, by striking "4." and inserting "2.":

On page 1, in the title, in line 9, by striking all following "ACT"; in line 10, by striking all preceding "imposing"; in line 13, by striking all following the semicolon; in line 14, by striking "fund;"; in line 15, by striking all following "thereto"; in line 16, by striking all preceding the period; and **H. Sub. for SB 313** be passed as amended.

Committee report to Sub. SB 311 be adopted; also, on motion of Rep. Whitham be amended

on page 1, in line 30, following "(b)" by inserting "(1)"; in line 31, following the stricken material, by inserting "the state general fund or"; in line 32, following "against" by inserting "the state general fund or"; in line 37, preceding "such" by inserting "the state general fund or"; following line 38, by inserting the following:

"(2) In addition, the director of the budget shall continuously monitor the status of the state general fund with regard to estimated and actual revenues and approved and actual expenditures and demand transfers. Periodically, the director of the budget shall estimate the amount of the unencumbered ending balance of moneys in the state general fund for the current fiscal year and the total amount of anticipated expenditures, demand transfers and encumbrances of moneys in the state general fund for the current fiscal year. If the amount of the unencumbered balance in the state general fund is less than the amount equal to 3.5% of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year, as jointly estimated by the director of the budget and the director of legislative research under K.S.A. 75-6702, and amendments thereto, the director of the budget shall certify such joint estimate to the secretary of administration, after adjusting the estimates of the amounts of such demand transfers with regard to new estimates of revenues to the state general fund, where appropriate. Upon receipt of any such certification, the secretary of administration, with the advice of the director of the budget and in such manner as may be determined by the secretary of administration, may inaugurate the allotment system for the expenditures and demand transfers from the state general fund for the fiscal year so that the estimated unencumbered ending balance in the state general fund is not less than the amount equal to 3.5% of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year, as jointly estimated by the director of the budget and the director of legislative research under K.S.A. 75-6702, and amendments thereto.";

Also on page 1, in line 39, by striking "the" where it appears the second time; in line 40, by striking "state general fund or to";

Also, roll call was demanded on motion to recommend **Sub. SB 311** favorably for passage. On roll call, the vote was: Yeas 55; Nays 63; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, Bowers, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, Horst, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Palmer, Pauls, Phelps, Pottorff, Quigley, Rardin, Roth, Ruiz, Schroeder, Slattery, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, Worlev.

Present but not voting: None.

Absent or not voting: Bethell, Fund, George, Hawk, Johnson, Neufeld, Peterson.

The motion to recommend Sub. SB 311 favorably for passage did not prevail.

On motion of Rep. A. Brown, **SB 382** be amended on page 1, in line 35, by striking "80% of"; and the bill be passed as amended.

#### 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

On motion of Rep. Kinzer, the conference committee report on S. Sub. for HB 2476 was adopted.

On roll call, the vote was: Yeas 78; Nays 40; Present but not voting: 0; Absent or not

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, Davis, Finney, Frownfelter, Furtado, D. Gatewood, Goico, Gordon, Grange, Grant, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, King, Kinzer, Kleeb, Knox, Light, Loganbill, Long, Lukert, Maloney, Mast, McCray-Miller, Meier, Menghini, Moxley, Myers, Neighbor, O'Neal, Palmer, Patton, Pauls, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Brunk, Carlin, Crow, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Flaharty, Garcia, S. Gatewood, Goyle, Hayzlett, Henderson, Hermanson, Huebert, Kelley, Kerschen, Kiegerl, Kuether, Landwehr, Lane, Mah, McLeland, Merrick, Morrison, O'Brien, Olson, Otto, Peck, Powell, Schwab, Schwartz, Seiwert, Siegfreid, Talia, Vickrey, Winn.

Present but not voting: None.

Absent or not voting: Fund, George, Hawk, Johnson, Neufeld, Peterson, Tafanelli.

## REPORTS OF STANDING COMMITTEES

Education Budget Committee recommends HB 2739 be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2739," as follows:

## "Substitute for HOUSE BILL No. 2739

By Education Budget Committee

"AN ACT concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6410, 72-6412, 72-6413, 72-6414, 72-6415b, 72-6426, 72-6431, 72-6433, 72-6435, 72-6449, 72-6451, 72-6455, 72-6459 and 72-8804 and repealing the existing sections; also repealing K.S.A. 72-6429 and K.S.A. 2009 Supp. 72-6442b."; and the substitute bill be passed.

(**Sub. HB 2739** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **SB 306** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 306." as follows:

#### "HOUSE Substitute for SENATE BILL No. 306

By Committee on Federal and State Affairs

"AN ACT concerning the personal and family protection act; amending K.S.A. 2009 Supp. 21-4201, 21-4204, 21-4218, 75-7c01, 75-7c02, 75-7c03, 75-7c04, 75-7c05, 75-7c06, 75-7c07, 75-7c08, 75-7c10, 75-7c12 and 75-7c19 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 75-7c11."; and the substitute bill be passed.

(H. Sub. for SB 306 was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **SB 342** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 342," as follows:

## "HOUSE Substitute for SENATE BILL No. 342

By Committee on Federal and State Affairs

"AN ACT concerning crimes and punishments; relating to smoking and cigarette sales; amending K.S.A. 2009 Supp. 79-3301 and 79-3321 and repealing the existing sections; 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 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, 61-530, as amended by section 7 of 2010 House Bill No. 2221, and section 8 of 2010 House Bill No. 2221."; and the substitute bill be passed.

(H. Sub. for SB 342 was thereupon introduced and read by title.)

Committee on **Insurance** recommends **SB 174** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 174," as follows:

#### "HOUSE Substitute for SENATE BILL No. 174

By Committee on Insurance

"AN ACT concerning insurance; relating to health insurance and taxation; amending K.S.A. 2009 Supp. 40-2240 and 79-32,117 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 174 was thereupon introduced and read by title.)

Committee on **Insurance** recommends **SB 260** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 260," as follows:

"HOUSE Substitute for SENATE BILL No. 260

By Committee on Insurance

"AN ACT establishing the motor vehicle financial security verification and compliance system; amending K.S.A. 2009 Supp. 8-173 and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for SB 260 was thereupon introduced and read by title.)

Committee on **Insurance** recommends **SB 389** be amended on page 1, in line 14, after "contract" by inserting "issued or renewed after July 1, 2010"; in line 22, after "deductible," by inserting "coinsurance,"; in line 23, after "limitation" by inserting ", annual or lifetime benefit maximum"; and the bill be passed as amended.

**Select Committee on KPERS** recommends **HB 2400** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2400," as follows:

## "Substitute for HOUSE BILL No. 2400 By Select Committee on KPERS

"AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employer contributions; authorizing lottery act revenues to be used for unfunded liability of system; amending K.S.A. 2009 Supp. 74-4920 and 74-8768 and repealing the existing sections."; and the substitute bill be passed.

(Sub. HB 2400 was thereupon introduced and read by title.)

#### MESSAGES FROM THE GOVERNOR

 ${
m HB~2364, HB~2433, HB~2436, HB~2492, HB~2555, HB~2676}$  approved on March 22, 2010.

#### MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2160** and has appointed Senators Teichman, Brownlee, and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2412** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2432** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2454** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2482** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2486** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2506** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2528** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2553** and has appointed Senators Brownlee, Lynn and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2566** and has appointed Senators Taddiken, Ostmeyer and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2575** and has appointed Senators Barnett, Kelsey and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2605** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2656** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2668** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

# CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Rep. Schroeder as a member of the conference committee on **HB 2566** to replace Rep. Fund.

Also, the appointment of Rep. Schroeder as a member of the conference committee on **SB 316** to replace Rep. Fund.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

#### HOUSE RESOLUTION No. 6033-

By Representative Menghini

A RESOLUTION honoring John D. VanGorden for his service to the City of Pittsburg, Kansas.

WHEREAS, John D. VanGorden has been employed by the City of Pittsburg since February 22, 1967, when he was hired as a laborer in the water department; and

WHEREAS, John has held many positions with the city since 1967, including Equipment Operator I and II, Foreman II, Director of Public Works, Director of Parks and Recreation, Assistant City Manager and Interim City Manager; and

WHEREAS, John currently holds the position of Interim City Manager for the third time; and

WHEREAS, Over the past 43 years, John as been instrumental in a number of City projects and programs, including the establishment of a storm water management program, improvements to the waste water treatment plant, the construction of the 23rd Street overpass, the initiation of spring and fall clean-up programs, the Downtown Revitalization Project, and the construction of new police and fire facilities to name only a select few; and

WHEREAS, John has been instrumental in securing state and federal funding for street projects, the Water Treatment Plant Improvement Project, and for the purchase of equipment for the Public Utilities Department; and

WHEREAS, John has served the citizens of Pittsburg for 43 years with dignity, honesty and integrity; and

WHEREAS, John has been a friend and mentor to his fellow employees at the City of Pittsburg, as well as a community role model; and

WHEREAS, John's outstanding service to the City of Pittsburg and its citizens should be recognized, appreciated and celebrated as a testament to the difference one person can make to the community he loves: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor the dedication and service of John D. VanGorden to the City of Pittsburg and extend our best wishes for his further success and happiness; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send one enrolled copy of this resolution to Representative Menghini.

## REPORT ON ENGROSSED BILLS

HB 2415, HB 2468, HB 2469, HB 2671 reported correctly engrossed March 22, 2010.
HB 2418, HB 2440, HB 2547, HB 2581 reported correctly re-engrossed March 22, 2010.

On motion of Rep. Merrick, the House adjourned until 9:00~a.m., Tuesday, March 23,2010

# Journal of the House

## FIFTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, March 23, 2010, 9:00 a.m.

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

The roll was called with 122 members present.

Reps. Fund and Johnson were excused on verified illness.

Rep. Neufeld was excused on legislative business.

Rep. Myers was excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord. Day in and day out we walk into this chamber to do the work before us. In order for this to be accomplished, there are many who do their jobs diligently prior to our arrival. Today I pray for our Sergeant of Arms and the doormen who greet us each day and help monitor the chamber. Thank you for all the file clerks who come in daily to be sure all the material is in the notebooks — ready for review and action. Thank you for all the other clerks and office personnel who keep everything in an orderly manner so our leaders can complete their work efficiently. For these dedicated people who work behind the scenes, I ask that you bless them this day and may they realize how much they are appreciated.

The Pledge of Allegiance was led by Rep. Whitham.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Finney,  ${\bf HR~6034},$  by Rep. Finney, as follows, was introduced and adopted:

In Christ's Name I pray, Amen.

HOUSE RESOLUTION No. 6034-

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  $1.5\,\mathrm{million}$  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; and

WHEREAS, Over 1.5 million Americans are affected by lupus: Now, therefore,

Be it resolved by the House of Representative of the State of Kansas: That we designate the month of May as Lupus Awareness Month in the State of Kansas and that we urge all Kansans to observe this month by educating themselves on 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 Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to Representative Gail Finney.

There being no objection, the following remarks of Rep. Finney are spread upon the journal:

Please join me, the Lupus Foundation of America (LFA), and several LFA chapter members as we celebrate introduction of the 2010 Lupus Awareness Resolution.

Our goal today is to inform policymakers, state agency officials, health care professionals, and the general public about the disease and the need for research program support to develop better diagnostic tests and safer, more effective treatments, and ultimately, discover the cure.

This issue is very close to me because I was diagnosed with lupus in 2004. Lupus is a chronic and life threatening autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body including the lungs, heart, kidneys, blood, skin and joints, and brain. It affects an estimated 1.5 million Americans. Its health effects include seizures, strokes, heart attacks, miscarriages, and kidney failure. Ninety percent of the people with lupus are women; however, women of all ages as well as men and children develop the disease. African American, Hispanic/Latinas, Asians, and Native Americans are two to three times more likely to develop lupus — a disparity that remains unexplained.

For your information, we have provided you a Kansas Lupus Awareness Packet including a Lupus butterfly cookie and a purple "Someone You Know Has Lupus" silicone bracelet. If you have any questions please give me a call.

### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. McCray-Miller, **HR 6035**, by Rep. McCray-Miller, as follows, was introduced and adopted:

## HOUSE RESOLUTION No. 6035-

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 House of Representatives of the State of Kansas: That we hereby endorse the State 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 Chief Clerk of the House of Representatives be directed to send seven enrolled copies of this resolution to Representative McCray-Miller.

There being no objection, the following remarks of Rep. McCray-Miller are spread upon the journal:

I would like to take a moment and ask Mark Stubbs, Executive Director, American Diabetes Association and Dr. David Robbins to stand and be recognized by the body. In recognition of Diabetes Alert Day, the association will be doing blood pressure checks and glucose reads in the Docking Building, Room C, 9:00 am - 3:00 pm. Please take a moment and get yours checked, because diabetes can have a rippling effect when it comes to other illnesses that we find ourselves saddled with.

#### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Hawk, **HR 6029**, A resolution congratulating the A.Q. Miller School of Journalism and Mass Communications at Kansas State University for celebrating its centennial anniversary, was adopted.

There being no objection, the following remarks of Reps. Hawk and Carlin are spread upon the journal:

Rep. Hawk:

It is our privilege to recognize here in the Kansas House the 100th Anniversary of the AQ Miller School of Journalism and Mass Communications at Kansas State University.

For all of us serving here in the Kansas Legislature, the words of Thomas Jefferson over 200 years ago is a reminder of the importance of a free press to our system of government.

President Jefferson said: "Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate for a moment to prefer the latter."

Jefferson also had this sage observation: "Our liberty depends on the freedom of the press, and that cannot be limited without being lost."

Rep. Carlin:

Joining us today to commemorate this resolution and the 100th Anniversary are Professors Gloria Freeland and Steven Smethers.

Professor Gloria Freeland, a native Kansan, is the director of the Huck Boyd National Center for Community Media and the coordinator of the 2010 centennial celebration for the School. She received both her B.A. in journalism (1975) and her M.B.A. (1983) from K-State. Her journalism experience has been extensive: working on several Kansas newspapers, a Peace Corps volunteer in Ecuador, co-manager of The San Jose News in

Costa Rica. She has also served as the communications coordinator for the International Trade Institute at K-State and worked as associate director of K-State's Student Publications for 15 years. In addition to her K-State duties, she writes a weekly online column, "Kansas Snapshots."

## Rep Hawk:

Dr. Steven Smethers is a Professor of Journalism and Digital Media and is the Associate Director for Graduate Studies in the A.Q. Miller School of Journalism and Mass Communications. Also a KSU Bachelor and Masters graduate, Dr. Smethers teaches undergraduate and graduate courses in journalism, and he conducts research in issues relating to community journalism. A former Kansas broadcaster, he currently serves on the Board of Directors of the Kansas Association of Broadcasters and is the faculty adviser to radio station KSDB-FM, the student radio voice of K-State.

## Rep. Hawk:

One of the highlights in making this resolution today is the recognition of some of the Schools graduates . . . two of whom are serving in this body with us today: Representative Mike Burgess of Topeka, and Representative Sydney Carlin of Manhattan.

## Rep. Carlin:

The school has also had some other "famous faculty and graduates over the years:" Helen Pansy Hostetter was hired in 1926, became the first woman in the United States named a full professor of journalism. Roberta Applegate was the first woman press secretary for a governor. Gordon Jump was Arthur Carlson of "WKRP" fame and also the Lonely Maytag Repairman, graduating from K-State in 1957.

The School has had two alumni in the White House: Marlin Fitzwater — Presidential press secretary for Ronald Reagan and George H.W. bush; and Pete Souza — official White House photographer for Ronald Reagan and Barack Obama.

#### Rep. Hawk:

From my generation attending Kansas State in the 1960's, we have two graduates I would like to mention as examples of the excellence we have in our higher education system here in Kansas and those who have served their journalism profession admirably. First, Laura Scott was in Student Senate with me and became a State House reporter after graduation for the Kansas City Star. My appreciation goes to all of the State House Reporters who work diligently every day to carry our important work out to the public through various forms of media.

Second, Bill Busenberg, the current executive director of the Center for Public Integrity in Washington, D.C., Mr. Busenberg was the speaker for the eighth annual Huck Boyd Lecture in Community Media Sept. 20, 2007, at Kansas State University. Buzenberg, working for several newspapers from the Manhattan Mercury, The Topeka Daily Capital, and the Colorado Springs Sun, joined NPR in 1978. There he was vice president of news and information at National Public Radio from 1990 to 1997. He was responsible for launching Talk of the Nation, as well as the expansion of All Things Considered and the extension of NPR's newscasts services to 24 hours a day. During his tenure, the NPR News Division was honored with nine DuPont-Columbia Batons and 10 Peabody Awards.

#### Rep. Carlin.

Some of your may wonder about the background of the name for the Miller School of Journalism and Mass Communication: A.Q. Miller was active in Kansas newspapers for 60 years. Born in 1874, he got his start as a printer's devil on the Clifton News. He is most remembered as publisher of the Belleville Telescope. His commitment to excellence in journalism led to the presidency of the Kansas Editorial Association. He fought for national highways and good roads and he was an early leader in the fight for flood control.

Rep. Hawk:

Starting in 1911 with 18 young men, the K-State Journalism School now has over 600 majors and pre-majors, three sequences: advertising, journalism and digital media and public relations.

Professors Gloria Freeland and Steven Smethers, we would like to present you with this framed certificate to commemorate the 100th Anniversary of the K-State School of Journalism and Mass Communication. Thank you for your leadership in the school and for the tradition of excellence for the past 100 years. We wish you and the School well for the next 100 years as you provide the graduates to continue the tradition, as Jefferson articulated, of a free and active press so essential to our democracy.

#### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Myers, **HR 6032**, A resolution urging the United States Government to support the NewGen Tanker, was adopted.

## MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Shultz, **HR 6026**, 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, was adopted.

#### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Shultz, **HR 6031**, 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, was adopted.

There being no objection, the remarks of Rep. Pauls are spread upon the journal:

I had the opportunity to co-sponsor this resolution with Representative Shultz because the coach, Arlan Penner, is from Hutchinson, as is his family. We're very excited and proud that the Residential Construction Management Team from McPherson High School was named the National Champion in the NAHB contest.

#### CONSENT CALENDAR

Objection was made to **HB 2718** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2166**, An act concerning abortion; relating to late-term abortion; amending K.S.A. 65-6701 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 89; Nays 33; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, D. Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Mah, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bollier, T. Brown, Carlin, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Gordon, Goyle, Hawk, Henderson, Kuether, Lane, Loganbill, McCray-Miller, Menghini, Neighbor, Peterson, Quigley, Rardin, Ruiz, Sloan, Talia, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed, as amended.

**Sub. HB 2428**, An act relating to water; providing for a water data repository; amending K.S.A. 82a-910 and K.S.A. 2009 Supp. 2-1915, 82a-1602, 82a-1603, 82a-1604, 82a-1605 and 82a-1606 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 30; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Brunk, Burgess, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Jack, Kerschen, Kiegerl, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Myers, Neighbor, O'Neal, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Bowers, A. Brown, Burroughs, Carlson, Crum, DeGraaf, Faber, Frownfelter, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Kelley, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, O'Brien, Olson, Peck, Powell, Rhoades, Schroeder, Schwab, Schwartz, Siegfreid.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

HB 2620, An act enacting the Kansas firearms freedom act, was considered on final action.

On roll call, the vote was: Yeas 95; Nays 27; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlson, Craft, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Frownfelter, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, Carlin, Colloton, Crow, Dillmore, Flaharty, Furtado, Garcia, S. Gatewood, Hawk, Kuether, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Phelps, Quigley, Rardin, Ruiz, Slattery, Talia, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The 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, was considered on final action.

On roll call, the vote was: Yeas 93; Nays 29; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, George, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Otto, Palmer, Pauls, Peterson, Phelps, Powell, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Brunk, DeGraaf, Dillmore, S. Gatewood, Goico, Goyle, Huebert, Kelley, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Olson, Patton, Peck, Pottorff, Prescott, Schwab, Seiwert, Siegfreid, Talia, Vickrey, Ward, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed, as amended.

**Sub. HB 2669**, An act concerning employment; establishing the Kansas employment initiative act creating the Kansas employment first oversight commission; relating to discrimination; amending K.S.A. 44-1001, 44-1002 and 44-1006 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Whitham.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed, as amended.

**HCR 5032**, 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 House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate 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.

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"(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 House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate, 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, was considered on final action.

On roll call, the vote was: Yeas 75; Nays 47; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, D. Gatewood, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Spalding, Suellentrop, Swanson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, Menghini, Neighbor, Peck, Peterson, Phelps, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Winn.

Present but not voting: None. Absent or not voting: Fund, Johnson, Neufeld.

A two-thirds majority of the members elected to the House not having voted in the affirmative, the resolution was not adopted (see further action HJ, 1275).

## EXPLANATIONS OF VOTE

MR. Speaker: I vote yes on **HCR 5032**. I support true Health Care reform that lowers cost, improves access and portability of health insurance. Shifting the high cost of health care today from an individual to the taxpayers is not the solution.

If the medical profession loses it humaneness and instead patients become lost in a sea of bureaucracy and quotas, patients will be hurt and numerous bright and talented people will shy away from becoming doctors. Instead, we must encourage competition. I believe almost all Kansans want the right to choose the health care plan, hospital, doctor, and prescription drug plan that is best for them.—Brenda K. Landwehr, Aaron Jack, Peggy Mast, Phil Hermanson, Marc Rhoades, Bill Wolf, Dan Kerschen, J. David Crum, Willie Prescott, Mitch Holmes, Marvin Kleeb, Lana Gordon, Joe McLeland

MR. Speaker: I believe my constituents are dismayed that in the past 16 months, we as taxpayers are all now partial owners of General Motors, numerous large banks and other financial institutions, and we are co-signors on upwards of a trillion dollars worth of mortgages and student loans.

I do not believe that the federal government should own these companies or partially nationalize these industries. Likewise, I don't believe that the Federal Government should nationalize 1/6th of our economy with this federal takeover of Health Care. Together, we should give Kansans the choice by allowing our citizens to vote on this amendment. I vote yes on HCR 5032.—Connie O'Brien, Rob Olson, Anthony R. Brown, Kasha Kelley, S. Mike Kiegerl

MR. SPEAKER: My great granddad rode for the Union, he along with a host of others fought to preserve that Union against those who believed in States' Rights and as such fought to bring that Union asunder. Kansas was born by blood into that Union. Let history note that when dust becomes my quarter, Don Svaty voted for preservation of a strong Republic, and may we always remain, not 50, but one Nation under God. May this great Republic not again be torn by the doctrine of States' Rights. I vote no on HCR 5032.—Don Svaty

Mr. Speaker, I vote yes on **HCR 5032**. It is my belief that the Kansas Constitution belongs to the people of this state. The people of this state deserve the opportunity to determine if they believe the Kansas Constitution should guarantee their fellow Kansans the freedom to determine if they wish to access the health insurance offered by the Federal Government. This constitutional amendment does not deny access to health care as promised by the new Federal law. Instead, the proposed amendment seeks to protect individuals from being financially penalized when they choose to not purchase health insurance as prescribed by the Federal Government.—Deena Horst

#### PROTEST

MR. Speaker: Pursuant to Article 2, Section 10, of the constitution of the State of Kansas, we protest the non-adoption of **HCR 5032**.

The Federal Health Care legislation is a violation of the United States Constitution. The legislation is not within the powers granted to Congress through the *Commerce Clause* in Article I, Section 8. The legislation is unprecedented and unconstitutional because never before has Congress attempted to compel Americans to purchase any good or service simply as a requirement of lawful citizenship. Health Care has historically been a primarily a state responsibility.

Additionally, we protest the passing of Federal Health Care legislation, in part, for the following reasons:

The sections described below are taken from HR 3590 as agreed to by the United States Senate and from the reconciliation bill as displayed by the Rules Committee.

You are young and don't want health insurance? You are starting up a small business and need to minimize expenses, and one way to do that is to forego health insurance? Tough. You have to pay \$750 annually for the "privilege." (Section 1501)

You are young and healthy and want to pay for insurance that reflects that status? You'll have to pay for premiums that cover not only you, but also the guy who smokes three packs a day, drinks a gallon of whiskey, eats chicken fat as often as possible and skydives. That's because insurance companies will no longer be able to underwrite on the basis of a person's health status. (Section 2701).

You would like to pay less in premiums by buying insurance with lifetime or annual limits on coverage? Health insurers will no longer be able to offer such policies, even if that is what customers prefer. (Section 2711).

Think you'd like a policy that is cheaper because it doesn't cover preventive care or requires cost-sharing for such care? Health insurers will no longer be able to offer policies that do not cover preventive services or offer them with cost-sharing, even if that's what the customer wants. (Section 2712).

You are an employer and you would like to offer coverage that doesn't allow your employers' children to stay on the policy until age 26? (Section 2714).

You must buy a policy that covers ambulatory patient services, emergency services, hospitalization, maternity and newborn care, mental health and substance use disorder services, including behavioral health treatment; prescription drugs; rehabilitative and habilitative services and devices; laboratory services; preventive and wellness services; chronic disease management; and pediatric services, including oral and vision care.

You're a single guy without children? Your policy must cover pediatric services. You're a woman who can't have children? Your policy must cover maternity services. You've never had an ounce of alcohol or drugs? Your policy must cover substance abuse treatment. (Section 1302).

Do you want a plan with lots of cost-sharing and low premiums? Well, the best you can do is a "Bronze plan," which has benefits that provide benefits that are actuarially equivalent to 60% of the full actuarial value of the benefits provided under the plan. Anything lower than that will not be an option. (Section 1302 (d) (1) (A)).

You are an employer in the small-group insurance market and you'd like to offer policies with deductibles higher than \$2,000 for individuals and \$4,000 for families? (Section 1302 (c) (2) (A)

If you are a large employer (defined as at least 101 employees) and you do not want to provide health insurance to your employee, then you will pay a \$750 fine per employee (It

could be \$2,000 to \$3,000 under the reconciliation changes). Think you know how to better spend that money? (Section 1513).

You are an employer who offers health flexible spending arrangements and your employees want to deduct more than \$2,500 from their salaries for it? Sorry, can't do that. (Section 9005 (i)).

If you are a physician and you don't want the government looking over your shoulder? Tough. The Secretary of Health and Human Services is authorized to use your claims data to issue you reports that measure the resources you use, provide information on the quality of care you provide, and compare the resources you use to those used by other physicians. Of course, this will all be just for informational purposes. It's not like the government will ever use it to intervene in your practice and patients' care. (Section 3003 (1)).

If you are a physician and you want to own your own hospital, you must be an owner and have a "Medicare provider agreement" by Feb. 1, 2010. (Dec. 31, 2010 in the reconciliation changes.) If you didn't have those by then, you are out of luck. (Section 6001 (i) (1) (A)).

If you are a physician owner and you want to expand your hospital? Well, you can't (Section 6001 (i) (1) (B). Unless, it is located in a county where, over the last five years, population growth has been 150% of what it has been in the state (Section 6601 (i) (3) (E)). And then you cannot increase your capacity by more than 200% (Section 6001 (i) (3) (C)).

You are a health insurer and you want to raise premiums to meet costs? Well, if that increase is deemed "unreasonable" by the Secretary of Health and Human Services it will be subject to review and can be denied. (Section 1003).

The government will extract a fee of \$2.3 billion annually from the pharmaceutical industry. If you are a pharmaceutical company what you will pay depends on the ratio of the number of brand-name drugs you sell to the total number of brand-name drugs sold in the U.S. So, if you sell 10% of the brand-name drugs in the U.S., what you pay will be 10% multiplied by \$2.3 billion, or \$230,000,000. (Under reconciliation, it starts at \$2.55 billion, jumps to \$3 billion in 2012, then to \$3.5 billion in 2017 and \$4.2 billion in 2018, before settling at \$2.8 billion in 2019 (Section 1404)). Think you, as a pharmaceutical executive, know how to better use that money, say for research and development? (Section 9008 (b)).

The government will extract a fee of \$2 billion annually from medical device makers. If you are a medical device maker what you will pay depends on your share of medical device sales in the U.S. So, if you sell 10% of the medical devices in the U.S., what you pay will be 10% multiplied by \$2 billion, or \$200,000,000. Think you, as a medical device maker, know how to better use that money, say for R&D? (Section 9009 (b)).

The reconciliation package turns that into a 2.9% excise tax for medical device makers. Think you, as a medical device maker, know how to better use that money, say for research and development? (Section 1405).

The government will extract a fee of \$6.7 billion annually from insurance companies. If you are an insurer, what you will pay depends on your share of net premiums plus 200% of your administrative costs. So, if your net premiums and administrative costs are equal to 10% of the total, you will pay 10% of \$6.7 billion, or \$670,000,000. In the reconciliation bill, the fee will start at \$8 billion in 2014, \$11.3 billion in 2015, \$1.9 billion in 2017, and \$14.3 billion in 2018 (Section 1406). Think you, as an insurance executive, know how to better spend that money? (Section 9010 (b) (1) (A and B)).

You will have to pay an additional 0.5% payroll tax on any dollar you make over \$250,000 if you file a joint return and \$200,000 if you file an individual return. Do you think you know how to spend the money you earned better than the government? (Section 9015).

That amount will rise to a 3.8% tax if reconciliation passes. It will also apply to investment income, estates, and trusts. You think you know how to spend the money you earned better than the government? (Section 1402).

Instead, Kansas should support true Health Care reform that lowers cost, improves access and portability of health insurance. Shifting the high cost of health care today from an individual to the taxpayers is not the solution.

If the medical profession loses its humaneness and instead patients become lost in a sea of bureaucracy and quotas, patients will be hurt and numerous bright and talented people will shy away from becoming doctors. Instead, we must encourage competition. I believe almost all Kansans want the right to choose the health care plan, hospital, doctor, and prescription drug plan that is best for them.—Brenda Landwehr, Aaron Jack, Arlen Siegfreid, Kevin Yoder, Marc Rhoades, Joe Seiwert. Marvin Kleeb, Phil Hermanson, Elaine Bowers, Joe McLeland, Dan Kerschen, Lana Gordon, Anthony Brown, Mario Goico, Lee Tafanelli, Peggy Mast, Mitch Holmes, Ray Merrick, Willie Prescott, Mike O'Neal, Connie O'Brien, Kasha Kelley, Gene Suellentrop, Virgil Peck, Jr., Deena Horst

**Sub. 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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed, as amended.

**H. Sub. for SB 83**, An act concerning naturopathic doctors; licensure; 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 109; Nays 13; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, Horst, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Carlson, Feuerborn, Goico, C. Holmes, M. Holmes, Huebert, Kinzer, Moxley, Patton, Schwab, Schwartz, Suellentrop.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

**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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, George, Schroeder, Suellentrop.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

**H. Sub. for SB 293**, An act regulating traffic; concerning school buses; amending K.S.A. 8-2009a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 6; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Dillmore, D. Gatewood, S. Gatewood, Lane, Ward.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

**H. Sub. for SB 300**, An act relating to license plates; concerning the Kansas arts license plate; providing for the I'm pet friendly license plate; providing for a Boy Scouts of America license plate; providing for the Vietnam veteran license plate; relating to certain fees; covering license plates; amending K.S.A. 2009 Supp. 8-1,141, 8-1, 147 and 8-2118 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 6; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz,

Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Faber, Landwehr, Moxley, Schwab.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed, as amended.

**H. Sub. for SB 313**, An act imposing a limitation on the issuance of certain bonds issued by the Kansas development finance authority; establishing a maximum on state general fund bonded debt; prescribing certain powers, duties and functions with respect thereto, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 30; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlson, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Frownfelter, Furtado, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kerschen, King, Kleeb, Knox, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Barnes, A. Brown, Brunk, Carlin, Crum, DeGraaf, Donohoe, Faber, Flaharty, Garcia, Goico, Hayzlett, Hermanson, Huebert, Kiegerl, Kinzer, Landwehr, Lane, Mast, McLeland, Merrick, Olson, Peck, Powell, Rhoades, Schwab, Seiwert, Siegfreid, Suellentrop, Swanson.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed, as amended.

# EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **H. Sub. for SB 313**. When the state's bond rating was recently downgraded, the Montoy funding case was cited as one of the major factors. If we continually refuse to control spending, which includes education bonding debt, we will never manage our financial situation. If we do not control all spending we must raise taxes. I don't view this as a viable option, and refuse to establish another budgetary procedure mandate.—ARLEN SIEGFREID, S. MIKE KIEGERL, VIRGIL PECK, JR.

**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, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 30; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Grange, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Kerschen, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Neighbor, O'Brien, O'Neal, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Shultz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Burgess, Carlson, Crum, DeGraaf, Faber, Gordon, Goyle, Hayzlett, Hermanson, Huebert, Jack, Kelley, Kiegerl, King, Kinzer, Knox, Landwehr, McLeland, Merrick, Myers, Olson, Patton, Powell, Schwab, Seiwert, Suellentrop, Talia, Vickrey, Yoder.

Present but not voting: None. Absent or not voting: Fund, Johnson, Neufeld. The bill passed, as amended.

SB 368, An act concerning driving; relating to driving under the influence of alcohol or drugs; amending K.S.A. 2009 Supp. 8-259, 8-1001, 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 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

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, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 30; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Benlon, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney,

Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grant, Hawk, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Horst, Huebert, Kerschen, King, Kleeb, Knox, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Merrick, Myers, Neighbor, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Yoder.

Nays: Aurand, Bethell, Bollier, Brookens, Carlson, Craft, Donohoe, Gordon, Grange, Hayzlett, Hineman, Jack, Kelley, Kiegerl, Kinzer, Landwehr, Light, Mast, McLeland, Morrison, Moxley, O'Brien, Pottorff, Rhoades, Schwartz, Siegfreid, Suellentrop, Tafanelli, Whitham, Worley.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Speaker: I vote no on **SB 382**. This bill was passed in 2008 with a defined and narrow spectrum, catering to a specific need. I supported the measure because the advantages were directed for a specific purpose created by unique circumstances beyond our control. However, extending the benefits of a disaster relief program which will now compete with private lenders is not what I intended when we passed this measure. This is the appropriate juncture to eliminate this program, and limit the growth of government.— Arlen Siegfreid, S. Mike Kiegerl, Lana Gordon

 ${\bf SB~410}$ , 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, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Prescott.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed, as amended.

**H. Sub. for SB 449**, An act providing for certification of medical gas installers; defining terms; amending K.S.A. 2009 Supp. 12-1509 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 90; Nays 32; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Bethell, Bowers, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Horst, Jack, Kerschen, Kiegerl, King, Kleeb, Knox, Loganbill, Long, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls,

Peck, Peterson, Phelps, Pottorff, Prescott, Quigley, Rardin, Rhoades, Ruiz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Benlon, Bollier, Brookens, A. Brown, Carlson, DeGraaf, Dillmore, Gordon, Hayzlett, Hineman, Huebert, Kelley, Kinzer, Kuether, Landwehr, Lane, Light, Lukert, Mast, McLeland, Merrick, Moxley, Patton, Powell, Proehl, Roth, Schroeder, Schwab, Schwartz, Swanson, Whitham.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

**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 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Lane, Ward.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed.

# MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Powell, the House concurred in Senate amendments to **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, 65-679a, 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.

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

On roll call, the vote was: Yeas 112; Nays 10; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Knox, Landwehr, Lane, McLeland, Patton, Peck, Talia, Vickrey, Ward. Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. A. Brown in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. A. Brown, Committee of the Whole report, as follows, was adopted: Recommended that on motion of Rep. Peck, pursuant to House Rule 2303, to reconsider the adverse action in not recommending **SB 446** favorably for passage (see HJ, page 1213), the motion did not prevail.

H. Sub. for SB 312; SCR 1614 (see further action, Afternoon Session); SB 395 be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **H. Sub. for SB 234** be adopted; also, on motion of Rep. Brookens be amended on page 3, in line 1, by striking "release" and inserting "stop withholding earnings pursuant to"; in line 5, by striking "may then release the garnishment" and inserting "will thereafter have no duty to withhold earnings";

On page 5, in line 38, by striking "release" and inserting "stop withholding earnings pursuant to"; in line 42, by striking "may then release the garnishment" and inserting "will thereafter have no duty to withhold earnings"; and **H. Sub. for SB 234** be passed as amended.

Committee report to **HB 2685** be adopted; also, roll call was demanded on motion to recommend the bill favorably for passage.

On roll call, the vote was: Yeas 65; Nays 53; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Barnes, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Mast, McLeland, Meier, Merrick, Morrison, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Powell, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, D. Svaty, Swenson, Tafanelli, Vickrey, Ward, Williams, B. Wolf, Yoder.

Nays: Ballard, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Kuether, Lane, Loganbill, Long, Mah, Maloney, McCray-Miller, Menghini, Moxley, Neighbor, Phelps, Pottorff, Prescott,

Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, Swanson, Talia, Tietze, Trimmer, Wetta, Whitham, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Dillmore, Fund, Johnson, Myers, Neufeld, Peterson, Sloan.

The motion prevailed, and HB 2685 be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 306** be adopted; and the substitute bill be passed.

Committee report to **SB 362** be adopted; also, on motion of Rep. Flaharty to refer the bill to Committee on Education, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Rardin to amend **SB 362** on page 3, by striking all in lines 34 through 43;

By striking all on page 4;

On page 5, by striking all in lines 1 through 6;

And by renumbering the remaining sections accordingly;

Also on page 5, in line 7, by striking "and 72-"; in line 8, by striking "5445";

In the title, in line 13, by striking "and" where it appears the second time; in line 14, by striking "72-5445";

On roll call, the vote was: Yeas 68; Nays 52; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Craft, Crow, Crum, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Horst, Kerschen, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Quigley, Rardin, Roth, Ruiz, Schwartz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, DeGraaf, Donohoe, Faber, George, Goico, Gordon, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kinzer, Kleeb, Knox, Landwehr, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Proehl, Rhoades, Schroeder, Schwab, Seiwert, Siegfreid, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Kiegerl, Myers, Neufeld.

The motion of Rep. Rardin prevailed; and SB 362 be passed as amended.

### REPORTS OF STANDING COMMITTEES

Committee on Agriculture and Natural Resources recommends SCR 1623 be adopted.

Committee on **Federal and State Affairs** recommends **SB 247** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 247," as follows:

"HOUSE Substitute for SENATE BILL No. 247

By Committee on Federal and State Affairs

"AN ACT concerning children in need of care; amending K.S.A. 65-508 and K.S.A. 2009 Supp. 38-2236, 38-2242, 38-2243 and 38-2255 and 65-6313 and repealing the existing sections.";

and the substitute bill be passed.

(H. Sub. for SB 247 was thereupon introduced and read by title.)

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

# AFTERNOON SESSION

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

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Kinzer in the chair.

## COMMITTEE OF THE WHOLE

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

Recommended that SB 519 be passed.

**H. Sub. for SB 75** be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **H. Sub. for SB 310** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 269** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 381** be adopted; and the substitute bill be passed.

Committee report to  $\hat{SB}$  359 be adopted; also, on motion of Rep. Trimmer be amended on page 2, in line 12, after "72-978" by inserting "or K.S.A. 2009 Supp. 72-998";

On page 6, after line 37, by inserting the following:

- "Sec. 3. 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."; And by renumbering the remaining sections accordingly;

Also on page 6, in line 38, after "72-978" by inserting "and 72-988";

In the title, in line 14, after "and" where it appears the second time by inserting "72-988 and"; and **SB 359** be passed as amended.

Committee report to **SB 537** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 305** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 377** be adopted; also, on motion of Rep. Jack be amended on page 5, following line 15, by inserting the following:

"New Sec. 5. As used in sections 5, 6, 7, 8 and 9, and amendments thereto:

- (a) "Authorized person" means any individual authorized by an original contractor, subcontractor or remote claimant to act on their behalf.
- (b) "Construction" means furnishing labor, equipment, material or supplies for the improvement of a new or pre-existing structure which is not constructed for use as a single-family residence or multi-family residence of four units or less. "Construction" does not include highways, roads, bridges, dams or turnpikes.
- (c) "Notice of commencement" means a notice filed by an original contractor with the state construction registry providing the information required to be given pursuant to section 2, and amendments thereto.
- (d) "Notice of furnishing" means a notice from a subcontractor or remote claimant that is filed prior to the recording of a mechanic's lien and which is required to be filed pursuant to section 7, and amendments thereto.
- (e) "Original contractor" means any contractor who has a contract directly with the owner. "Original contractor" may include more than one contractor and be referred to as a general contractor.
  - (f) "Owner" shall include the trustee, agent or spouse of the owner.
- (g) "Remote claimant" means a subcontractor to a subcontractor, also referred to as a sub-subcontractor, as well as people who supply materials to subcontractors. Remote claimants have no contract directly with the original contractor.
  - (h) "Secretary" means the secretary of state.
- (i) "State construction registry" means an electronic web-based system created pursuant to section 8, and amendments thereto, for the purposes of filing and maintaining notifications by original contractors, subcontractors and remote claimants required pursuant to sections 6 and 7, and amendments thereto.
- (j) "Subcontractor" means any person who furnishes labor, equipment, materials or supplies pursuant to a contract directly with an original contractor.
  - (k) The provisions of this section shall take effect on July 1, 2011.
- New Sec. 6. (a) Prior to, but no later than 15 calendar days after commencement of physical construction work at the project site, any original contractor may file a notice of commencement with the state construction registry created pursuant to section 8, and amendments thereto. The purpose of the notice of commencement is to notify other persons who are working on the project, including, but not limited to, subcontractors or remote claimants that the project has started and to give information as to the name and address of the owner, the original contractor, and the description of the project.
  - (b) The notice of commencement shall include the following:
- (1) The name and address of the owner of the project contracting for the construction or improvement.
  - (2) The name and address of any original contractor.
- (3) The legal description of the real property or the street address, city, state, county and zip code of the real property on which the construction or improvement is to be made.
- (4) A brief description of the construction or improvement to be performed on the property.
- (5) The date the owner first executed a contract with an original contractor for the construction or improvement.
  - (6) The name and address of the person preparing the notice of commencement.
  - (7) The following statement:

"To remote claimants, subcontractors or suppliers: Take notice that labor or work is about to begin on or materials are about to be furnished for an improvement to the real property described in this notice. Any remote claimant or subcontractor may preserve such claimant's lien rights by filing a notice of furnishing with the State Construction Registry, which serves as notice to the original contractor or contractors, within 21 days of furnishing labor, equipment, materials or supplies to this project."

(c) The notice of commencement shall be deemed sufficient if filed in the form and manner prescribed by the secretary of state.

- (d) The original contractor may take protective measures by either making direct payments or payments by joint check to remote claimants to ensure that the remote claimant is paid.
  - (e) The provisions of this section shall take effect on July 1, 2011.
- New Sec. 7. (a) If any original contractor has filed a notice of commencement with the state construction registry pursuant to section 6, and amendments thereto, concerning a project for which a subcontractor or remote claimant has furnished labor, equipment, materials or supplies, such subcontractor or remote claimant shall file a notice of furnishing with the state construction registry created pursuant to section 8, and amendments thereto, in order to preserve their lien rights for construction subject to this act.
  - (b) The notice of furnishing shall include the following:
- (1) The name and address of persons with whom the remote claimant or subcontractor has contracted concerning the project at the time of filing.
- (2) The name, address, telephone number, fax number and e-mail address of the subcontractor or remote claimant.
  - (3) A brief description of the construction or improvement to be performed on the project.
  - (4) The unique project number assigned by the state construction registry.
- (c) The notice of furnishing shall be deemed sufficient if filed in the form and manner prescribed by the secretary of state.
- (d) A notice of furnishing shall not be filed with the state construction registry if an original contractor has not filed a notice of commencement with the state construction registry at the time of furnishing labor, equipment, materials or supplies.
- (e) Nothing in this act shall expand or create any additional rights of a person to claim a lien pursuant to K.S.A. 60-1103, and amendments thereto, or to file a claim under a bond furnished pursuant to K.S.A 60-1110 or K.S.A. 60-1111, and amendments thereto.
- (f) If any original contractor has filed a notice of commencement with the state construction registry pursuant to section 6, and amendments thereto, concerning a project for which a subcontractor or remote claimant has furnished labor, equipment, materials or supplies, a lien for the furnishing of labor, equipment, materials or supplies by such subcontractor or remote claimant pursuant to K.S.A. 60-1103, and amendments thereto, for construction subject to this act, may be claimed only if the subcontractor or remote claimant filed a notice of furnishing with the state construction registry within 21 calendar days of the date of furnishing any such labor, equipment, materials or supplies. If the subcontractor or remote claimant does not file within such time period, the subcontractor or remote claimant may file at a later date. In such event, the subcontractor or remote claimant's lien rights will only be effective for labor, equipment, materials or supplies furnished on or after the date of the filing of the notice of furnishing.
- (g) If materials are delivered prior to the filing of a notice of commencement, the remote claimant or subcontractor shall not file a notice of furnishing. However, if that supplier delivers materials to the same project after the filing of a notice of commencement, then a notice of furnishings shall be filed.
- (h) If a subcontractor or remote claimant has furnished labor, equipment, materials or supplies and is required to file a notice of furnishing pursuant to section 7, and amendments thereto, only one notice of furnishing is required per project.
  - (i) The provisions of this section shall take effect on July 1, 2011.

New Sec. 8. (a) The secretary shall implement and maintain the state construction registry. When any provision of this act requires any notice to be filed with the state construction registry, the notice shall be filed in the form and manner prescribed by the secretary.

- (b) A notice of commencement shall contain the information prescribed in section 6, and amendments thereto.
- (c) A notice of furnishing shall contain the information prescribed in section 7, and amendments thereto.
- (d) Any notice filed with the state construction registry shall be signed by an authorized person. The fact that a person's signature appears on such notice shall be prima facie evidence that such person is authorized to sign the notice on behalf of the original contractor, subcontractor or remote claimant and that the notice is subscribed by the person as true, under penalty of perjury.

(e) Upon receipt of any notice, and upon tender of the required fees, the secretary shall certify that the notice has been filed in the office of secretary of state by endorsing upon the notice the word "filed" and the date and hour of its filing. This endorsement is the "filing date" of the notice and is conclusive of the date and time of its filing in the absence of actual fraud. The secretary shall thereupon record the endorsed notice in the state construction registry and assign a unique project number.

(f) Whenever any notice of commencement or notice of furnishing to be filed with the secretary of state under any provision of this act has been so filed and is inaccurate in any respect or was defectively or erroneously executed, such notice of commencement or notice of furnishing may be corrected by filing with the secretary of state a notice of correction of such notice of commencement or notice of furnishing. The notice of correction shall specify the inaccuracy or defect to be corrected, shall set forth the portion of the notice of commencement or notice of furnishing in corrected form and shall be executed and filed as required for a notice of commencement or notice of furnishing. The notice of correction shall be effective as of the date the original notice of commencement or notice of furnishing was filed, except as to those persons who are substantially and adversely affected by the correction, and as to those persons the notice of correction shall be effective from the filing date

(g) The secretary shall adopt rules and regulations prescribing the form and manner of filing any notice required to be filed with the state construction registry and fixing the fees to be charged and collected under this section.

(h) The secretary of state shall remit all moneys received from fees and charges under this section, 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 information and services fee fund of the secretary of state.

(i) The provisions of this section shall take effect on July 1, 2011.

New Sec. 9. (a) The provisions of sections 5 through 8, and amendments thereto, shall apply to projects that commence physical construction work at the project site on or after July 1, 2011. The provisions of sections 5 through 8, and amendments thereto, shall not apply to projects that commence physical construction work at the project site prior to July 1, 2011.

(b) The provisions of this section shall take effect on July 1, 2011.

Sec. 10. On and after July 1, 2011, K.S.A. 60-1103 is hereby amended to read as follows: 60-1103. (a) *Procedure*. Any supplier, remote claimant or subcontractor, as defined in section 5, and amendments thereto, or other person furnishing labor, equipment, material or supplies, used or consumed at the site of the property subject to the lien, under an agreement with the contractor, subcontractor or owner contractor may obtain a lien for the amount due in the same manner and to the same extent as the original contractor except that:

(1) The lien statement must state the name of the contractor and be filed within three months after the date supplies, material or equipment was last furnished or labor performed

by the claimant;

(2) if a warning statement is required to be given pursuant to K.S.A. 60-1103a, and amendments thereto, there shall be attached to the lien statement the affidavit of the supplier or subcontractor that such warning statement was properly given; and

(3) a notice of intent to perform, if required pursuant to K.S.A. 60-1103b, and amendments thereto, must have been filed as provided by that section<del>., and</del>

(4) a notice of furnishings, if required pursuant to section 7, and amendments thereto, must have been filed as provided by that section.

(b) Owner contractor is defined as any person, firm or corporation who:

(1) Is the fee title owner of the real estate subject to the lien; and

(2) enters into contracts with more than one person, firm or corporation for labor, equipment, material or supplies used or consumed for the improvement of such real property.

(c) Recording and notice. When a lien is filed pursuant to this section, the clerk of the district court shall enter the filing in the general index. The claimant shall (1) cause a copy of the lien statement to be served personally upon any one owner, any holder of a recorded

equitable interest and any party obligated to pay the lien in the manner provided by K.S.A. 60-304, and amendments thereto, for the service of summons within the state, or by K.S.A. 60-308, and amendments thereto, for service outside of the state, (2) mail a copy of the lien statement to any one owner of the property, any holder of a recorded equitable interest and to any party obligated to pay the same by restricted mail or (3) if the address of any one owner or such party is unknown and cannot be ascertained with reasonable diligence, post a copy of the lien statement in a conspicuous place on the premises. The provisions of this subsection requiring that the claimant serve a copy of the lien statement shall be deemed to have been complied with, if it is proven that the person to be served actually received a copy of the lien statement. No action to foreclose any lien may proceed or be entered against residential real property in this state unless the holder of a recorded equitable interest was served with notice in accordance with the provisions of this subsection.

- (d) Rights and liability of owner. The owner of the real property shall not become liable for a greater amount than the owner has contracted to pay the original contractor, except for any payments to the contractor made:
- (1) Prior to the expiration of the three-month period for filing lien claims, if no warning statement is required by K.S.A. 60-1103a, and amendments thereto; or
- (2) subsequent to the date the owner received the warning statement, if a warning statement is required by K.S.A. 60-1103a, and amendments thereto.

The owner may discharge any lien filed under this section which the contractor fails to discharge and credit such payment against the amount due the contractor.

- (e) Notwithstanding subsection (a)(1), a lien for the furnishing of labor, equipment, materials or supplies on property other than residential property may be claimed pursuant to this section, and amendments thereto, within five months only if the claimant has filed a notice of extension within three months since last furnishing labor, equipment, materials or supplies to the job site. Such notice shall be filed in the office of the clerk of the district court of the county where such property is located and shall be mailed by certified and regular mail to the general contractor or construction manager and a copy to the owner by regular mail, if known. The notice of extension shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.
- Sec. 11. On and after July 1, 2011, K.S.Á. 60-1110 is hereby amended to read as follows: 60-1110. (a) The contractor or owner may execute a bond to the state of Kansas for the use of all persons in whose favor liens might accrue by virtue of this act, conditioned for the payment of all claims which might be the basis of liens in a sum not less than the contract price, or to any person claiming a lien which is disputed by the owner or contractor, conditioned for the payment of such claim in the amount thereof. Any such bond shall have good and sufficient sureties, be approved by a judge of the district court and filed with the clerk of the district court. When bond is approved and filed, no lien for the labor, equipment, material or supplies under contract, or claim described or referred to in the bond shall attach under this act, and if when such bond is filed liens have already been filed, such liens are discharged. Suit may be brought on such bond by any person interested but no such suit shall name as defendant any person who is neither a principal or surety on such bond, nor contractually liable for the payment of the claim.
- (b) If any original contractor has filed a notice of commencement concerning a project for which a subcontractor or remote claimant has furnished labor, equipment, materials or supplies, no subcontractor or remote claimant may file a claim under a payment bond obtained and executed pursuant to this section, unless such subcontractor or remote claimant has filed a notice of furnishing required pursuant to section 7, and amendments thereto. As used in this subsection, terms have the meanings provided by section 5, and amendments thereto.
- Sec. 12. On and after July 1, 2011, K.S.A. 60-1111 is hereby amended to read as follows: 60-1111. (a) *Bond by contractor*. Except as provided in this section, whenever any public official, under the laws of the state, enters into contract in any sum exceeding \$100,000 with any person or persons for the purpose of making any public improvements, or constructing any public building or making repairs on the same, such officer shall take, from the party contracted with, a bond to the state of Kansas with good and sufficient sureties in a sum not less than the sum total in the contract, conditioned that such contractor or the

subcontractor of such contractor shall pay all indebtedness incurred for labor furnished, materials, equipment or supplies, used or consumed in connection with or in or about the construction of such public building or in making such public improvements.

A contract which requires a contractor or subcontractor to obtain a payment bond or any other bond shall not require that such bond be obtained from a specific surety, agent, broker or producer. A public official entering into a contract which requires a contractor or subcontractor to obtain a payment bond or any other bond shall not require that such bond be obtained from a specific surety, agent, broker or producer.

- (b) Filing and limitations. The bond required under subsection (a) shall be filed with the clerk of the district court of the county in which such public improvement is to be made. When such bond is filed, no lien shall attach under this article. Any liens which have been filed prior to the filing of such bond shall be discharged. Any person to whom there is due any sum for labor or material furnished, as stated in subsection (a), or such person's assigns, may bring an action on such bond for the recovery of such indebtedness but no action shall be brought on such bond after six months from the completion of such public improvements or public buildings.
- (c) In any case of a contract for construction, repairs or improvements for the state or a state agency under K.S.A. 75-3739 or 75-3741, and amendments thereto, a certificate of deposit payable to the state may be accepted in accordance with and subject to K.S.A. 60-1112, and amendments thereto. When such certificate of deposit is so accepted, no lien shall attach under this article. Any liens which have been filed prior to the acceptance of such certificate of deposit shall be discharged. Any person to whom there is due any sum for labor furnished, materials, equipment or supplies used or consumed in connection with or for such contract for construction, repairs or improvements shall make a claim therefor with the director of purchases under K.S.A. 60-1112, and amendments thereto.
- (d) If any original contractor has filed a notice of commencement concerning a project for which a subcontractor or remote claimant has furnished labor, equipment, materials or supplies, no subcontractor or remote claimant may file a claim under a public works bond obtained and executed pursuant to this section, unless such subcontractor or remote claimant has filed a notice of furnishing required pursuant to section 7, and amendments thereto. As used in this subsection, terms have the meanings provided by section 5, and amendments thereto.";

And by renumbering the remaining sections accordingly;

Also on page 5, following line 17, by inserting the following:

"Sec. 14. On July 1, 2011, K.S.A. 60-1103, 60-1110 and 60-1111 are hereby repealed.";

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking "contracts"; in line 10, after the semicolon by inserting "liens; establishing the state construction registery;"; in line 11, by striking "and" where it first appears and inserting a comma; also in line 11, after "16-1904" by inserting ", 60-1103, 60-1110 and 60-1111"; and **H. Sub. for SB 377** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 427** be adopted; and the substitute bill be passed.

On motion of Rep. Bethell,  ${\bf SB~452}$  be amended on page 1, following line 16, by inserting the following:

"Section I. 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 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;
- (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.
  - (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 terms 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 immediately preceding the date of application;
- $\overline{(3)}(2)$  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;
- (4) (3) 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;
  - (5) (4) copartnership, unless all of the copartners are qualified to obtain a license;
- $\frac{(6)}{(5)}$  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
- $\frac{\langle \tau \rangle}{\langle 6 \rangle}$  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),  $\frac{(f)(2)}{(f)(2)}$  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.";

And by renumbering the remaining sections accordingly;

On page 3, in line 9, by striking "41-727 is" and inserting "41-311 and 41-727 are";

In the title, in line 12, by striking "minors" and inserting "alcoholic beverages; relating to licenses and eligibility"; in line 14, after "Supp." by inserting "41-311 and"; also in line 14, by striking "section" and inserting "sections";

Also, on motion of Rep. Mah, **SB 452** be amended on page 3, after line 8, by inserting the following:

- "Sec. 2. K.S.A. 2009 Supp. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:
- (a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.
- (b) "Alcoholic liquor" means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.
- (c) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.
  - (d) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.
- (e) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.
  - (f) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.
- (g) "Director" means the director of alcoholic beverage control of the department of revenue.
- (h) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.
- (i) "Domestic beer" means beer which contains not more than 8% alcohol by weight and which is manufactured in this state.
- (j) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state without rectification.
- (k) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.
- (l) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

- (m) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.
- (n) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.
- (o) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.
  - (2) "Manufacturer" does not include a microbrewery or a farm winery.
- (p) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer.
  - (q) "Minor" means any person under 21 years of age.
- (r) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.
- (s) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.
  - (t) "Person" means any natural person, corporation, partnership, trust or association.
- (u) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.
- $(\nu)$  (1) "Retailer" means a person who sells at retail, or offers for sale at retail, alcoholic liquors.
  - (2) "Retailer" does not include a microbrewery or a farm winery.
- (w) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.
  - (x) "Salesperson" means any natural person who:
- (1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or
- (2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.
  - (y) "Secretary" means the secretary of revenue.
- (z) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.
- (2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.
- (aa) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.
- (bb) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.
- (cc) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

- (dd) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.
- (ee) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.
- (ff) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies.";

And by renumbering the remaining sections accordingly;

Also on page 3, in line 9, after "Supp." by inserting "41-102 and"; also in line 9, by striking "is" and inserting "are";

In the title, in line 12, by striking "minors; relating to purchase or consumption of"; in line 13, by striking "by a person less than 18 years of age; detention"; in line 14, after "Supp." by inserting "41-102 and"; also in line 14, by striking "section" and inserting "sections"; and **SB 452** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for Sub. SB 514** be adopted; also, on motion of Rep. Hawk be amended on page 7, in line 16, before "If" by inserting "(a)"; following line 21, by inserting the following:

"(b) The provisions of this act shall not apply to any city or county which has enacted an ordinance or resolution regulating any sexually oriented business.";

Also, roll call was demanded on motion of Rep. Prescott to rerefer **H. Sub. for Sub. SB** 514 to Committee on Federal and State Affairs.

On roll call, the vote was: Yeas 49; Nays 69; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, Gordon, Grant, Hawk, Henry, Hill, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Menghini, Neighbor, Phelps, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schwartz, Sloan, Spalding, D. Svaty, Tietze, Trimmer, Wetta, Winn, Worley.

Nays: Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Crum, DeGraaf, Dillmore, Donohoe, Faber, S. Gatewood, George, Goico, Goyle, Grange, Hayzlett, Henderson, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McCray-Miller, McLeland, Meier, Morrison, Moxley, O'Brien, Olson, Otto, Palmer, Patton, Pauls, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Suellentrop, Swanson, Swenson, Tafanelli, Talia, Vickrey, Ward, Whitham, Williams, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Merrick, Myers, Neufeld, O'Neal, Peterson.

The motion of Rep. Prescott did not prevail; and H. Sub. for SB 514 be passed as amended

Committee report recommending a substitute bill to **H. Sub. for SB 25** be adopted; also, on motion of Rep Slattery be amended on page 1, in line 35, by striking "On"; by striking all in lines 36 through 39; and **H. Sub. for SB 25** be passed as amended.

Committee report to **SCR 1614** be adopted; also, on motion of Rep. Burgess be amended on page 1, in line 27, after "Fund" by inserting "and Debt Prepayment Fund"; also in line 27, by striking all after the period; by striking all in lines 28 through 43;

On page 2, by striking all in lines 1 through 22; in line 23, by striking "(e)" and inserting the following: "(a) On July 1, 2011, a budget stabilization fund and a debt prepayment fund shall be established and maintained in the state treasury.

- (b) When state tax receipts for a fiscal year increase by more than three percent over state tax receipts for the preceding fiscal year: (1) Any increase in excess of three percent up to the next one percent of state tax receipts collected shall be deposited in the budget stabilization fund; and
- (2) any increase in excess of four percent up to the next one-half percent of state tax receipts collected shall be deposited in the debt prepayment fund. Nothing in this subsection shall require state tax receipts to be deposited in the budget stabilization

fund when the budget stabilization fund balance exceeds fifteen percent of the preceding fiscal year's state tax receipts. Nothing in this subsection shall require state tax receipts to be deposited in the debt prepayment fund when the debt prepayment fund balance exceeds fifteen percent of the preceding fiscal year's total amount of principal of bonded indebtedness serviced by appropriations from the state general fund.

(c) The legislature may provide, by law, for additional amounts of state tax receipts to be deposited in the budget stabilization fund and the debt prepayment fund.

(d) (1) Withdrawals from the budget stabilization fund may occur in the current fiscal year only when the current fiscal year's estimated state tax receipts are less than the amount of actual state tax receipts collected or otherwise received in the preceding fiscal year. The amount subject to withdrawal shall not exceed the difference between the current fiscal year's estimated state tax receipts and the amount of actual state tax receipts collected or otherwise received in the preceding fiscal year except that such difference shall be reduced by the amount of the current fiscal year's estimated state tax receipts not collected or otherwise received as a result of any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year.

(2) Withdrawals from the budget stabilization fund may occur in the ensuing fiscal year only when the ensuing fiscal year's estimated state tax receipts are less than the amount of estimated state tax receipts in the current fiscal year. The amount subject to withdrawal shall not exceed the difference between the ensuing fiscal year's estimated state tax receipts and the amount of estimated state tax receipts in the current fiscal year except that such difference shall be reduced by the amount of the ensuing fiscal year's estimated state tax receipts not collected or otherwise received as a result of any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year.

(3) For the purposes of subsections (d)(1) and (d)(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 and if so, the governor shall certify the amount of such reduction. Any withdrawal authorized by this subsection shall be provided for by law enacted in a separate bill that does not include any other matter except a statement that the conditions prescribed by this subsection exist and the authority to transfer a specific amount of money from the budget stabilization fund to the state general fund.

(e) (1) Withdrawals from the debt prepayment fund may occur only to provide for calling and redeeming selected bonds for which debt service is paid by appropriations from the state general fund in accordance with their terms on or after their first optional redemption date and prior to maturity.

(2) Prior to any withdrawal from the debt prepayment fund authorized by this subsection, the governor shall be responsible for determining and selecting which bonds will produce the greatest debt service savings to the state general fund, and the attorney general shall be responsible for certifying that the selected bonds are available for optional redemption. Any withdrawal authorized by this subsection shall be provided for by law enacted in a separate bill that does not include any other matter except a statement that the conditions prescribed by this subsection exist and the authority to transfer a specific amount of money from the debt prepayment fund to the state general fund for the purpose of calling and redeeming selected bonds.

(f) Amounts in the budget stabilization fund and the debt prepayment fund may be invested as provided by law and the earnings thereon shall be retained in the budget stabilization fund and the debt prepayment fund.

(g) As used in this section, "state tax receipts" means receipts from any state income tax, sales tax, compensating use tax or other excise tax or tax in the nature of an excise tax, or estate or inheritance tax, or tax in the nature of an estate or inheritance tax, but shall not include receipts from any property tax, or tax in the nature of a property tax, or any tax on motor fuels.

Also on page 2, in line 28, after "fund" by inserting "and a debt prepayment fund"; by striking all in lines 29 through 42 and inserting the following:

" "A vote for this amendment will:

- (1) Require that annually, when state tax receipts for a fiscal year increase by more than three percent over the state tax receipts for the preceding fiscal year, up to the next one percent of state tax receipts collected in excess of three percent shall be deposited in the budget stabilization fund. Nothing in this amendment shall require state tax receipts to be deposited in the budget stabilization fund when the budget stabilization fund balance exceeds fifteen percent of the preceding fiscal year's state tax receipts.
- (2) Require that annually, when state tax receipts for a fiscal year increase by more than four percent over the state tax receipts for the preceding fiscal year, up to the next one-half percent of state tax receipts collected in excess of four percent shall be deposited in the debt prepayment fund. Nothing in this amendment shall require state tax receipts to be deposited in the debt prepayment fund when the debt prepayment fund balance exceeds fifteen percent of the preceding fiscal year's total amount of principal of bonded indebtedness serviced by appropriations from the state general fund.
- (3) Allow the legislature, by law, to provide for additional amounts of state tax receipts to be deposited in the budget stabilization fund and the debt prepayment fund.
- (4) Allow, by a separate act of the legislature, withdrawals from the budget stabilization fund to occur:
- (A) In the current fiscal only when the current fiscal year's estimated state tax receipts are less than the amount of actual state tax receipts collected or otherwise received in the preceding fiscal year. The amount withdrawn shall not exceed the difference between the current fiscal year's estimated state tax receipts and the amount of actual state tax receipts collected in the preceding fiscal year except that such difference shall be reduced by the amount of the current fiscal year's estimated state tax receipts not collected as a result of any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year; or
- (B) in the ensuing fiscal year only when the ensuing fiscal year's estimated state tax receipts are less than the amount of estimated state tax receipts in the current fiscal year. The amount withdrawn shall not exceed the difference between the ensuing fiscal year's estimated state tax receipts and the amount of estimated state tax receipts in the current fiscal year except that such difference shall be reduced by the amount of the ensuing fiscal year's estimated state tax receipts not collected as a result of any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year. The attorney general is responsible for determining whether tax reduction legislation was enacted and approved and the governor is responsible for certifying the amount of such reduction.
- (5) Allow, by a separate act of the legislature, withdrawals from the debt prepayment fund only to provide for calling and redeeming selected bonds for which debt service is paid by appropriations from the state general fund on or after their first optional redemption date and prior to maturity. The governor shall be responsible for determining and selecting which bonds will produce the greatest debt service savings to the state general fund, and the attorney general shall be responsible for certifying that the selected bonds are available for optional redemption.";

In the title, in line 16, after "fund" by inserting "and a debt prepayment fund";

Also, on motion of Rep. Peck to amend, the motion did not prevail; and SCR 1614 be adopted as amended.

Committee report to **SB** 388 be adopted; also, roll call was demanded on motion of Rep. DeGraaf to amend on page 3, after line 31, by inserting the following:

"New Sec. 3. If individual and group health insurance policies, medical service plans, contracts, hospital service corporation contracts, hospital and medical service corporation contracts, fraternal benefit societies or health maintenance organizations, municipal groupfunded pools and the state employee health care benefits plan which are delivered, issued for delivery, amended or renewed on and after July 1, 2010, shall be required to exclude coverage for abortions unless the procedure is necessary to preserve the life of the mother

or in the case of rape reported to a law enforcement agency or in the case of incest involving a minor and reported to a law enforcement agency, such policies, plans, contracts, organizations, societies and pools shall be required to offer a rider covering abortions for which an additional premium is paid.

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, 40-229, 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, 40-2201 et seq., 40-2111 to 40-2116, inclusive, 40-2251, 40-2251, 40-2251, 40-2251, 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 3, in line 32, after "Supp." by inserting "40-2,103,"; also in line 32, by striking "is" and inserting "and 40-19c09 are";

In the title, in line 12, after "Supp." by inserting "40-2,103,"; also in line 12, after "40-2c01" by inserting "and 40-19c09"; also in line 12, by striking "section" and inserting "sections";

On roll call, the vote was: Yeas 70; Nays 45; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, D. Gatewood, George, Goico, Grange, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, D. Svaty, Swenson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Gordon, Goyle, Hawk, Henderson, Hill, Kuether, Loganbill, Long, Mah, McCray-Miller, Menghini, Neighbor, Pottorff, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, Swanson, Talia, Tietze, Trimmer, Ward, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Colloton, Craft, Fund, Grant, Johnson, Lane, Myers, Neufeld, Peterson.

The motion of Rep. DeGraaf prevailed.

Also, roll call was demanded on motion of Rep. Trimmer to amend **SB 388** on page 3, following line 31, by inserting the following:

"New Sec. 3. (a) The Kansas health policy authority shall conduct a study on its contract with CVS CareMark, including (1) competitiveness of rates for prescription drug coverage, (2) policy of permissible substitution of generic drugs and (3) comparison of coverage and costs with other providers.

(b) The Kansa's health policy authority shall conduct an analysis of the study and shall report the results of the study and such analysis to the house committee on health and human services, the house committee on government efficiency and fiscal oversight and the senate committee on public health and welfare no later than the first day of the 2011 Kansas legislative session.":

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 62; Nays 52; Present but not voting: 0; Absent or not voting: 11.

Yeas: Ballard, Barnes, Benlon, Bollier, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Hawk, Henderson, Henry, Hill, Hineman, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf.

Nays: Aurand, Bowers, Brookens, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, George, Goico, Gordon, Grange, Grant, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Merrick, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham, B. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Horst, Johnson, Landwehr, Morrison, Myers, Neufeld, O'Brien, Peterson, Sloan.

The motion of Rep. Trimmer prevailed; and **SB 388** be passed as amended.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2745**, An act concerning taxation; imposing excise tax on the transmission of money by money transmitters; prescribing rate of taxation; procedures; distribution of revenue, by Committee on Taxation.

#### MESSAGE FROM THE SENATE

Announcing passage of SB 520, SB 561, SB 570, SB 571, SB 574, SB 581.

Announcing passage of HB 2661, HB 2678, HB 2698.

Announcing passage of HB 2039, as amended by S. Sub. for HB 2039; Sub. HB 2517, as amended.

The Senate concurs in House amendments to SB 415.

The Senate concurs in House amendments to SB 497, and requests return of the bill.

The Senate nonconcurs in House amendments to **H. Sub. for SB 213**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 262**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 387**, requests a conference and has appointed Senators Emler, Vratil and Kelly as conferees on the part of the Senate.

# INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 520, SB 561, SB 570, SB 571, SB 574, SB 581.

# INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 262**.

Speaker pro tem Siegfreid thereupon appointed Reps. Landwehr, Crum and Flaharty as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB~387}$ .

Speaker pro tem Siegfreid thereupon appointed Reps. Yoder, Merrick and Feuerborn as conferees on the part of the House.

#### CHANGE OF CONFEREES

Speaker pro tem Siegfreid announced the appointment of Rep. King as a member of the conference committees on **HB 2130**, **HB 2482**, **HB 2486** to replace Rep. Vickrey.

#### REPORT ON ENGROSSED BILLS

**HB 2166, HB 2666; Sub. HB 2669** reported correctly engrossed March 22, 2010. Also, **S. Sub. for HB 2476; HB 2685** reported correctly engrossed March 23, 2010.

#### REPORT ON ENROLLED BILLS

HB 2415, HB 2448, HB 2455, HB 2469, HB 2485, HB 2503, HB 2557, HB 2577, HB 2588, HB 2589, HB 2604, HB 2638 reported correctly enrolled, properly signed and presented to the governor on March 23, 2010.

# REPORT ON ENROLLED RESOLUTIONS

HR 6027 reported correctly enrolled and properly signed on March 23, 2010.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Wednesday, March 24, 2010.

# Journal of the House

# FIFTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, March 24, 2010, 9:00 a.m.

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

The roll was called with 122 members present.

Reps. Fund and Johnson were excused on verified illness.

Rep. Neufeld was excused on legislative business.

Rep. Hawk was excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

We come to you today, O Lord, right before a break needing some words of encouragement from You and Your Word. I pray these words from Your Proverbs . . . "Don't jump to conclusions—there may be a perfectly good explanation for what you just saw. In the heat of an argument, don't betray confidences; word is sure to get around, and no one will trust you. The right word at the right time is like a custom-made piece of jewelry . . . patient persistence pierces through indifference; gentle speech breaks down rigid defenses." (Proverbs 25:8-11; 15) Remind us of these words throughout this day. Congratulations to our Emporia State Girls' Basketball Team for making the Final Four. Watch over them — keep them healthy and help them to play well. In Your Son's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Grant.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

 ${\it Agriculture\ and\ Natural\ Resources:\ SB\ 570,\ SB\ 571,\ SB\ 574.}$ 

Corrections and Juvenile Justice: SB 520.

Local Government: SB 561.

Taxation: HB 2745.

General Government Budget: SB 581.

#### CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Rep. Hineman as a member of the conference committee on **SB 461** to replace Rep. Kelley.

# FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Speaker O'Neal announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over until after General Orders this morning.

# MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Morrison, the House nonconcurred in Senate amendments to  ${\bf HB}$   ${\bf 2540}$  and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Morrison, Burgess and Trimmer as conferees on the part of the House.

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

# COMMITTEE OF THE WHOLE

On motion of Rep. Landwehr, Committee of the Whole report, as follows, was adopted: Recommended that **SCR 1623** be adopted.

SB 393; H. Sub. for SB 255; SB 435; H. Sub. for SB 312; H. Sub. for SB 174 (see further action on all bills, Afternoon Session) be passed over and retain a place on the calendar.

On motion of Rep. Slattery, **Sub. SB 353** be amended on page 5, by striking all in lines 8 through 11; in line 12, by striking "(E)" and inserting "(C)"; in line 14, by striking "(F)" and inserting "(D)"; in line 31, by striking "or";

On page 6, in line 11, after "section" by inserting "; or

(12) any person who, on or after July 1, 2010, is convicted of promoting prostitution as defined by K.S.A. 21-3513 or patronizing a prostitute as defined by K.S.A. 21-3515, and amendments thereto";

In the title, in line 10, after the semicolon where it appears the first time by inserting "prostitution; offender registration;"; and **Sub. SB 353** be passed as amended.

Committee report to SB 434 be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H**. **Sub. for Sub. SB 214** be adopted; and the substitute bill be passed.

Committee report to **SB 531** be adopted; and the bill be passed as amended.

Committee report to **HB 2446** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 75** be adopted; also, roll call was demanded on motion of Rep. Goico to amend on page 1, after line 41, by inserting the following:

"New Sec. 3. From and after January 1, 2011, the provisions of K.S.A. 16-320 through 16-334, and sections 3 through 5, and amendments thereto, may be cited as the preneed cemetery merchandise contract act.

New Sec. 4. From and after January 1, 2011, a cemetery corporation that accepts payment under any agreement, contract or plan governed by K.S.A. 16-320 et seq., and amendments thereto, shall:

(a) Maintain commercial insurance providing minimum coverage of \$100,000 against employee dishonesty or purchase a fidelity bond for the individual designated by the cemetery corporation as the financial officer in charge of supervising preneed transactions. Evidence of the commercial insurance maintained for compliance with this section shall be provided to the secretary of state within 10 days of a written request.

(b) If such insurance lapses, is canceled or otherwise ceases to be maintained by the cemetery corporation, the insurance carrier shall notify the secretary of state within 30 days.

New Sec. 5. From and after January 1, 2011, (a) except as provided by this section, all information which the secretary of state shall gather or record in making an investigation and examination of any cemetery corporation, or the reporting by the cemetery corporation or the trustee, shall be deemed to be confidential information, and shall not be disclosed by the secretary of state, any assistant, examiner or employee thereof, except to: (1) Officers

and the members of the board of directors of the cemetery corporation being audited; (2) the attorney general, when in the opinion of the secretary of state the same should be disclosed; and (3) the appropriate official for the municipality in which the cemetery is located, when in the opinion of the secretary of state the same should be disclosed.

- (b) Upon request, the secretary of state may disclose to any person whether a cemetery corporation maintains a cemetery merchandise trust fund under K.S.A. 16-322, and amendments thereto, and whether such funds are maintained in compliance with the provisions of such laws.
- (c) The provisions of subsection (a) shall expire on July 1, 2015, unless the legislature acts to reauthorize such provisions. The provisions of subsection (a) shall be reviewed by the legislature prior to July 1, 2015.
- Sec. 6. From and after January 1, 2011, K.S.A. 16-320 is hereby amended to read as follows: 16-320. The following definitions shall apply to this act:
- (a) "Preneed cemetery merchandise" means burial vaults, grave liners, grave boxes, urns, memorials, markers, vases, memorial vases, tombstones, uninstalled lawn crypts, niches and mausoleum spaces and all any merchandise commonly sold or used in cemeteries. Caskets, grave lots, grave spaces; burial or interment rights; and developed or existing lawn crypts, mausoleum spaces or niches are not preneed cemetery merchandise.
- (b) "Preneed burial products or preneed services" means any casket or service incidental to the burial of a body or the placement of a memorial, marker, vase or tombstone or any other service provided by a cemetery corporation.
- (c) "Cemetery merchandise trust fund" means a special purpose trust fund required to administer payments received from the sale of preneed cemetery merchandise, preneed burial products or preneed services.
- $\stackrel{(b)}{(b)}(d)$  "Purchase price" means the gross retail amount, less sales tax, if any, to be paid for preneed cemetery merchandise, preneed burial products or preneed services under the provisions of a prepaid preneed merchandise contract, including the cost of shipping. The purchase price does not include finance charges, sales tax, charges for real property interests the purchase price of existing grave spaces, burial or interment rights or charges for credit life insurance.
- (e) "Prepaid Preneed merchandise contract" means any agreement for the sale of preneed cemetery merchandise, preneed burial products or preneed services by a cemetery corporation which requires payment of the purchase price, in whole or in part, prior to delivery of the preneed cemetery merchandise, preneed burial products or preneed services, which agreement is entered into from and after the effective date of this act.
- $\frac{\text{(d)}}{\text{(f)}}$  "Cemetery corporation" means any individual or entity required to maintain permanent maintenance funds fund under the provisions of K.S.A. 17-1312f, and amendments thereto.
- (e) (g) "Minimum Funding requirement" means that portion of the purchase price equal to 110% of the wholesale cost f.o.b. to the cemetery corporation 50% of the retail price of the preneed cemetery merchandise covered described in a prepaid the preneed merchandise contract. Wholesale costs shall be determined by the cemetery corporation on the basis of such quotations and price lists as are available to the cemetery and 100% of the retail price of any preneed burial product or preneed service, including distributable earnings.
- (h) "Distributable earnings" means income and capital gains, less any reasonable costs incurred by the trustee, including a reasonable fee for services and applicable taxes and costs.
- (i) The trustee means: (1) A bank, savings and loan association, savings bank or credit union organized under the laws of this state with the authority to provide trust services;
- (2) a federally chartered bank, savings and loan association, savings bank or credit union that has a physical location within the state of Kansas and the authority to provide trust services; or
  - (3) a trust company organized under the laws of this state.
- Sec. 7. From and after January 1, 2011, K.S.A. 16-321 is hereby amended to read as follows: 16-321. (a) Any cemetery corporation entering into any prepaid merchandise contract shall establish and maintain a cemetery merchandise trust fund under K.S.A. 16-322. All prepaid merchandise contracts shall be in writing.

- (b) A cemetery corporation entering into a prepaid merchandise contract shall be entitled to retain all of the purchase price under the prepaid merchandise contract until it has received an amount equal to 35% of the purchase price of the cemetery merchandise sold in a prepaid merchandise contract.
- (c) After the cemetery corporation has received the amounts it is entitled to receive under subsection (b) of this section, all payments of the purchase price to the cemetery corporation under a prepaid merchandise contract shall be deposited by the cemetery corporation in a cemetery merchandise trust fund until such time as the requirements of subsection (d) of this section have been satisfied or delivery is made of the cemetery merchandise. Thereafter, all payments of the purchase price in excess of the minimum funding requirements may be retained by the cemetery corporation. Deposits shall be made within 10 business days after the moneys are received.
- (d) Annually, as of December 31, each cemetery corporation shall determine the whole-sale cost for all cemetery merchandise covered by a prepaid merchandise contract for which funds are then held in a cemetery merchandise trust or in an individual merchandise account. If the amounts held with respect to a prepaid merchandise contract exceed the minimum funding requirement the excess shall be paid by the trustee of the cemetery merchandise trust to the cemetery corporation. In such event, no further deposit shall be required with respect to the prepaid merchandise contract until such time as the amounts held no longer exceed the minimum funding requirement. If the minimum funding requirement is not satisfied, no amount shall be paid to or withdrawn by the cemetery corporation and the cemetery corporation shall continue or shall resume, as the case may be, making the deposits required by subsection (c) of this section.
- (a) Any cemetery corporation entering into any preneed merchandise contract shall establish and maintain a cemetery merchandise trust fund under K.S.A. 16-322, and amendments thereto. The primary purpose of the cemetery merchandise trust fund is to maintain the corpus of the trust fund with the goal that the growth of the corpus will be at least equal to the wholesale costs of the preneed cemetery merchandise, preneed burial products or preneed services, at the time of delivery or need.
  - (b) All preneed cemetery merchandise contracts shall be in writing.
- (c) A cemetery corporation entering into a preneed merchandise contract that allows the purchaser to make installment payments, shall be entitled to retain all purchaser payments until an amount equal to 25% of the purchase price is received, and thereafter, shall deposit at least 3/3 of each payment into the cemetery merchandise trust fund and the cemetery corporation may retain the balance of each such payment. The cemetery corporation's duty to deposit purchaser payments into the cemetery merchandise trust fund, whether received by installments or single payment, must comply with subparagraph (e) below.
- (d) An administrative fee of not to exceed \$25 shall be charged for each preneed merchandise contract for preneed cemetery merchandise, preneed burial products or preneed services and forwarded on a quarterly basis to the secretary of state, in a form and manner approved by the secretary of state. The secretary of state shall promulgate rules and regulations to establish the administrative fee.
- (e) Deposits to the cemetery merchandise trust fund shall be made within 30 days following the calendar month after the moneys are received.
- (f) Within 30 days following the end of each quarter, the cemetery corporation shall provide the trustee and the secretary of state a report of all sales of preneed cemetery merchandise, preneed burial products and preneed services. The report shall be in a form and manner approved by the secretary of state. If the cemetery did not make a sale within 30 days following the end of each quarter, the cemetery corporation shall provide the trustee and the secretary of state a report indicating no sales to record. The report shall be in a form and manner approved by the secretary of state.
- (g) Within 30 days following the end of each quarter, the cemetery corporation shall provide the trustee and the secretary of state a report of all verified deliveries of preneed cemetery merchandise, preneed burial products and preneed services along with any request for distribution from the trustee. The report shall be in a form and manner approved by the secretary of state. If the cemetery did not make a delivery within 30 days following the end of each quarter, the cemetery corporation shall provide the trustee and the secretary of state

a report indicating there were no deliveries to record. The report shall be in a form and manner approved by the secretary of state.

(h) Within 30 days following the end of each quarter, the trustee shall provide the secretary of state a report of all deposits to and distributions from the cemetery merchandise trust fund. The report shall be in a form and manner approved by the secretary of state and shall include the total amount of the deposits, distributions and the name and contact information of the trust officer in charge of the account.

(i) Annually, as of December 31, the trustee of the merchandise trust fund shall apply the distributable earnings to all preneed cemetery merchandise, preneed burial products and preneed services for which funds are then held in a cemetery merchandise trust fund. The trustee shall report to the secretary of state the calculation of the distributable earnings within 30 days from December 31, in a form and manner approved by the secretary of state.

(j) The cemetery corporation shall obtain prior written approval from the secretary of state before the trust instrument shall be terminated, transferred or amended. The cemetery corporation shall provide the secretary of state a copy of the new or amended trust instrument before the new or amended trust instrument shall become effective.

Sec. 8. From and after January 1, 2011, K.S.A. 16-322 is hereby amended to read as follows: 16-322. (a) Unless otherwise authorized by the preneed cemetery merchandise contract act, the cemetery corporation shall establish and maintain a cemetery merchandise trust fund with a bank, trust company or savings and loan association having trust powers. A copy of each contract or a written notice containing all relevant information regarding such prepaid merchandise contract for which deposits are made shall be furnished financial institutions. The institutions shall serve as trustees for the purposes of this act. The trustee may appoint one or more agents to provide administrative or investment advisory services, provided the trustee shall not assign or delegate the liability and fiduciary responsibilities owed to the cemetery merchandise trust fund to another financial institution or agent. Deposits to such fund shall be carried in the name of the cemetery corporation and the purchasers of the preneed cemetery merchandise contracts, amounts deposited therein may be commingled, but the accounting records shall establish a separate account for each prepaid merchandise contract and shall show the amounts deposited, and the income or loss accruing thereon, with respect to each prepaid merchandise contract. The trustee shall invest the trust funds subject to the requirements of subsections (a) through (f) of K.S.A. 58-24a02, and amendments thereto. The trustee shall reimburse the cemetery corporation for all income taxes and costs incurred with respect to the operation of such fund, and the trustee shall be reimbursed may recover from the earnings of such the cemetery merchandise trust fund for all reasonable costs incurred in serving as trustee, including a reasonable fee for its services. The taxes and costs shall may be paid from earnings of the fund prior to the allocation of earnings to the individual accounts preneed cemetery merchandise, preneed burial products or preneed services.

(b) No part of the moneys required by K.S.A. 16-321, and amendments thereto, to be held under a prepaid preneed merchandise contract shall ever be used for any purpose other than investment as authorized by K.S.A. 16-324, and amendments thereto, until delivery of the merchandise is made. With respect to any cemetery merchandise which is not affixed to real property, delivery shall occur when physical possession is tendered to the purchaser, and a bill of sale or similar instrument of title is delivered to the purchaser. With respect to preneed cemetery merchandise which is affixed to realty, delivery shall occur when construction or permanent installation of the merchandise has been completed. Upon delivery of the preneed cemetery merchandise, preneed burial products or preneed services, the cemetery corporation shall present the trustee with a verified statement, in a form and manner approved by the secretary of state pursuant to subsection (e) of K.S.A. 16-321, and amendments thereto, that delivery has been made. Upon such presentation the trustee shall pay to the cemetery corporation the amount of any funds held in trust with respect to the cemetery merchandise delivered and no further deposits shall be made with respect to such cemetery merchandise an amount equal to the market value allocated to preneed cemetery merchandise, preneed burial products or preneed services delivered.

(c) The trustee shall sign an affirmation, in a form and manner prescribed by the secretary of state, declaring that the trustee has read, understands and agrees to abide by the provisions

of this act. The statement shall be signed under penalty of perjury and shall contain the following:

(1) The names of the trustee, the cemetery corporation as trustor and the date the trust instrument shall become effective.

(2) If determined by a court of law that the underlying trust instrument is in conflict with Kansas statutes, that portion of the underlying trust instrument is null and void.

(3) The trust instrument shall comply with the requirements found in K.S.A. 16-320 et seq., and amendments thereto.

 $\dot{A}(4)$  The trust instrument shall be effective upon written approval of the secretary of state.

(5) The trustee shall submit quarterly reports to the secretary of state that shall be in a form and manner prescribed by the secretary of state and include the following:

(A) Deposits;

(B) withdrawals;

(C) all interest, dividends and income earned; and

(D) capital gains or capital losses.

(6) Within 30 days following December 31 of each year, the trustee shall report the allocation of distributable earnings to the secretary of state in a form and manner prescribed by the secretary of state.

(7) The trustee shall use deposit and withdrawal forms in a form and manner prescribed

by the secretary of state.

- (8) The trustee shall invest the trust funds subject to the requirements of subsections (a) through (f) of K.S.A. 58-24a02, and amendments thereto. Control of the trust funds by the trustor is prohibited.
- (9) By accepting the trusteeship of the cemetery merchandise trust fund, the trustee submits personally to the jurisdiction of the courts of this state. The laws of the state of Kansas shall control.
- (10) The trustee shall retain all liability and fiduciary responsibility for managing and administering the cemetery merchandise trust fund in accordance with the provisions of the preneed cemetery merchandise contract act.
- Sec. 9. From and after January 1, 2011, K.S.A. 16-323 is hereby amended to read as follows: 16-323. Any person who violates any provision of this act shall be deemed guilty of a class A misdemeanor:
- (a) Misuse of the cemetery merchandise trust fund or any money belonging thereto is using, investing, lending or permitting another to use moneys in the fund in a manner not authorized by law.
- (b) Misuse of the cemetery merchandise trust fund is a severity level 7, nonperson felony. A violation that results in a loss of \$25,000 or more shall have a presumptive sentence of imprisonment.
- Sec. 10. From and after January 1, 2011, K.S.A. 16-325 is hereby amended to read as follows: 16-325. (a) The secretary of state, or the secretary's representative, shall, while auditing each cemetery corporation, pursuant to K.S.A. 17-1312a, and amendments thereto, audit the cemetery merchandise trusts required by this act, and approve the cemetery's trustee's determination of the wholesale costs under subsection (d) of K.S.A. 16-321, and amendments thereto distributable earnings. For such purposes, the secretary of state or the secretary's representative, is authorized to administer oaths and to examine under oath the directors, officers, employees and agents of any cemetery corporation. Such examination may be reduced to writing by the person taking it and the examiner may make findings as to the condition of each trust fund examined. For the purposes of such audits, the secretary of state may also require any officer of a cemetery corporation or the trustee to furnish and submit the books, records, papers and instruments of such cemetery corporation to the examination. The secretary of state shall be authorized to obtain trust accounting records from the trustee.
- (b) The secretary of state shall adopt rules and regulations for the purpose of providing oversight and auditing of the cemetery merchandise trust fund.
- Sec. 11. From and after January 1, 2011, K.S.A. 16-329 is hereby amended to read as follows: 16-329. No cemetery corporation shall enter into any prepaid preneed merchandise contract until such corporation has filed with the secretary of state a notification of its

intention to sell and engage in such prepaid preneed merchandise contracts. Such notice shall include the name of the cemetery corporation, its principal place of business and the name and address of the trustee or trustees to be utilized under the provisions of this act.

Accounting records and information required by this the preneed cemetery merchandise contract act shall be maintained in a format form and manner approved by the secretary of state. A report of the merchandise trust account fund shall be required of the cemetery corporation annually quarterly as part of the corporation's annual quarterly report on a form provided or approved by the secretary of state.

- Sec. 12. From and after January 1, 2011, K.S.A. 16-331 is hereby amended to read as follows: 16-331. Any cemetery corporation which refuses or neglects to establish or maintain a cemetery merchandise trust fund in accordance with the requirements of this act for a period of 90 60 days after written demand to do so is made upon it by the secretary of state shall be deemed to have forfeited its corporate franchise cemetery corporation. The attorney general, upon the request of the secretary of state, shall then begin an action for the appointment of a receiver for such cemetery corporation and to dissolve the same.
- Sec. 13. From and after January 1, 2011, K.S.A. 16-332 is hereby amended to read as follows: 16-332. Any cemetery corporation entering into a prepaid preneed cemetery merchandise contract shall provide in such contract that:
- (a) A purchaser, under a prepaid preneed cemetery merchandise contract covered in this act who permanently moves to another state in the United States, may direct that the merchandise, so long as the same is not a part of nor affixed to real estate, be delivered to a cemetery in the state of the purchaser's residence, except that the purchaser may be required to pay the additional transportation costs which exceed those the cemetery would have incurred to provide and deliver the merchandise to the seller cemetery; or
- (b) a purchaser who has entered into a prepaid preneed cemetery merchandise contract covered by this act may, upon the purchaser permanently changing residence to a place more than 150 miles from the cemetery, cancel the contract upon written notice to the cemetery, which notice shall then be forwarded by the cemetery to the trustee of the cemetery merchandise trust fund. Upon receipt of such notice, the prepaid preneed cemetery merchandise contract shall be cancelled canceled, and the trustee, after deducting that contract's share of applicable costs and taxes provided for in K.S.A. 16-322, and amendments thereto, shall pay to the purchaser not less than 85% of the funds held in trust for the contract pursuant to this act. The balance shall be paid to the cemetery corporation and the trustee shall be discharged from further obligation as to such contract.
- Sec. 14. From and after January 1, 2011, K.S.A. 16-333 is hereby amended to read as follows: 16-333. Sales of *preneed* cemetery merchandise, *preneed burial products or preneed services* subject to this act shall be exempt from the provisions of K.S.A. 16-301 through 16-309, inclusive; and any amendments thereto.
- Sec. 15. From and after January 1, 2011, K.S.A. 16-334 is hereby amended to read as follows: 16-334. (a) Cemetery corporations subject to an audit by the secretary of state pursuant to K.S.A. 16-325, and amendments thereto the preneed cemetery merchandise contract act, shall file, in the office of the secretary of state, a copy of the agreement or document which establishes the trust between the cemetery corporation and the trustee.
- (b) The trust agreement shall acknowledge all contractual agreements subject to, governed by and construed accordingly to K.S.A. 16-320 et seq., and amendments thereto.
- New Sec. 16. From and after January 1, 2011, (a) a cemetery corporation that accepts payment under any agreement or contract governed by K.S.A. 17-1308 et seq., and amendments thereto, shall maintain commercial insurance providing minimum coverage of \$100,000 against employee dishonesty or purchase a fidelity bond for the individual designated by the cemetery corporation as the financial officer responsible for the administration of the permanent maintenance fund. Evidence of the commercial insurance maintained for compliance with this section shall be provided to the secretary of state within 10 days of the request.
- (b) Each cemetery corporation governed by K.S.A. 17-1308 et seq., and amendments thereto, shall provide evidence of the commercial insurance maintained for compliance with this section. If such insurance lapses, is canceled or otherwise ceases to be maintained by

the cemetery corporation, the insurance carrier shall notify the secretary of state within 30 days.

New Sec. 17. From and after January 1, 2011, as used in K.S.A. 17-1308 through 17-1317 and sections 15 and 16, and amendments thereto, the following definitions shall apply to this act:

- (a) "Burial space" means a grave lot, grave space, burial or interment right and developed or existing lawn crypts, mausoleum spaces or niches.
- (b) "Cemetery corporation" means any individual or entity required to maintain a permanent maintenance fund under the provisions of K.S.A. 17-1312f, and amendments thereto.
- (c) "Funding requirement" means that portion of the purchase price equal to 15% of the purchase price, but not less than \$25 of a burial space.
- (d) "Permanent maintenance fund" means a certificate of deposit, a business savings account or an irrevocable trust fund whose proceeds are derived from not less than 15% of the purchase price of the following: Grave lots, grave spaces, burial or interment rights and developed or existing lawn crypts, mausoleum spaces or niches. The total amount of the deposit shall not be less than \$25 per burial space.
- (e) "Purchase price" means the gross amount, less sales tax, if any, to be paid for cemetery burial space. The purchase price does not include finance charges or charges for credit life insurance.
- (f) "Trustee" means: (1) A bank, savings and loan association, savings bank or credit union organized under the laws of this state with the authority to provide trust services;
- (2) a federally chartered bank, savings and loan association, savings bank or credit union that has a physical location within the state of Kansas and the authority to provide trust services; or
  - (3) a trust company organized under the laws of this state.
- (g) "Trustor" means the cemetery corporation responsible for making deposits in a permanent maintenance fund, which is subject of a trust.

Sec. 18. From and after January 1, 2011, K.S.A. 17-1311 is hereby amended to read as follows: 17-1311. (a) A cemetery corporation shall maintain, in a trust company located within the state of Kansas, a state or national bank located within the state of Kansas, a state or federally chartered savings and loan association located within the state of Kansas or a federally chartered savings bank located within the state of Kansas with a trustee, a percentage of the purchase price of each burial lot space sold by it, or any payment on such burial lot space, not less than 15% of such purchase price, for the permanent maintenance of the cemetery within which the burial lot space lies, but the total amount set aside shall not be less than \$25 for each burial lot space at the time of conveyance of such lot burial space. If the cemetery corporation allows the purchaser of the burial space to make installment payments, not less than 15% of such installment payment shall be deposited into the permanent maintenance fund. Deposits to the permanent maintenance fund shall be made within 45 days of receipt of moneys for which deposits are required to be made 30 days following the end of each calendar month after the moneys are received. Moneys placed in such fund under the provisions of K.S.A. 17-1308, and amendments thereto, shall be credited for the purposes of fulfilling such requirement. Moneys in such fund may be held and invested to the same extent as is provided in subject to the requirements of subsection (a) through (f) of K.S.A. 58-24a02, and amendments thereto, but the total amount of money invested in any mortgage upon real property shall not exceed an amount equal to 75% of the market value of such property at the time of such investment. The income of the permanent maintenance fund shall be used exclusively for the maintenance of the cemetery. No part of the principal of the fund shall ever be used for any purpose except for such investment. In no event shall any loan of the funds be made to any stockholder, officer or employee of such cemetery corporation, or to any person related, by blood or marriage, to a stockholder, officer or employee. The treasurer of such corporation may deposit, to the credit of such fund, donations or bequests for the fund and may retain property so acquired without limitation as to time and without regard to its suitability for original purchase. As used in this section, the term "burial lot" means a plotted space for one grave. Such maintenance shall include, but not be limited to, mowing, road maintenance and landscaping,

but shall not include administrative costs, expense of audits or the portion of any capital expense for equipment used to maintain portions of a cemetery not sold for burial purposes or in use for grave sites.

(b) The primary purpose of the permanent maintenance fund is to maintain the corpus of the fund. The income earned from the permanent maintenance fund may be dispersed to the cemetery. All capital gains shall be allocated to principal.

(c) The cemetery corporation shall obtain prior written approval from the secretary of state before any trust instrument shall be terminated, transferred or amended. The cemetery corporation shall provide the secretary of state a copy of the new or amended trust instrument before the new or amended trust instrument shall become effective.

(d) An administrative fee of not to exceed \$25 shall be charged for each interment sold and forwarded on a quarterly basis to the secretary of state, in a form and manner approved by the secretary of state. The secretary of state shall promulgate rules and regulations to establish the administrative fee.

Sec. 19. From and after January 1, 2011, K.S.A. 17-1311a is hereby amended to read as follows: 17-1311a. (a) Misuse of the permanent maintenance fund or any money belonging thereto is using, lending or permitting another to use, moneys in the fund in a manner not authorized by law, by a custodian or other person having charge or control of such fund or moneys by virtue of his position.

(b) Misuse of the permanent maintenance fund is a severity level 7, nonperson felony. A violation that results in a loss of \$25,000 or more shall have a presumptive sentence of imprisonment.

Sec. 20. From and after January 1, 2011, K.S.A. 17-1312 is hereby amended to read as follows: 17-1312. The permanent maintenance fund required to be established by K.S.A. 17-1311, and amendments thereto, shall at all times be in the custody of a trust company located within the state of Kansas, a state or national bank located within the state of Kansas, a state or federally chartered savings and loan association located within the state of Kansas or a federally chartered savings bank located within the state of Kansas. Each cemetery corporation shall establish a trust for moneys deposited in the permanent maintenance fund in accordance with this section. If the market value of the trust is less than \$45,000, the trust may have an individual trustee so long as the trust's assets are maintained in a segregated account. If the market value of the trust is \$45,000 or more, the trustee shall be trust company located within the state of Kansas, a state or national bank located within the state of Kansas, a state or federally chartered savings and loan association located within the state of Kansas or a federally chartered savings bank located within the state of Kansas. Any such trust company, bank, savings and loan association or federally chartered savings bank with which the custody of a permanent maintenance fund has been entrusted may invest, reinvest, exchange, retain, sell and manage the moneys within such fund. If the treasurer of any cemetery corporation shall entrust the custody of the permanent maintenance fund to a savings and loan association or associations or federally chartered savings bank or banks, the amount of moneys in the custody of any such association or savings bank shall not exceed the amount for which deposits in such savings and loan association or savings bank are insured by the federal savings and loan insurance corporation or other insurer approved by the state commissioner of insurance. If the treasurer of any cemetery corporation shall entrust the custody of the permanent maintenance fund to a bank or banks or federally chartered savings bank or banks, the amount of money in the custody of any such bank or savings bank shall not exceed the amount for which deposits in such bank or savings bank are insured by the federal deposit insurance corporation or other insurer approved by the state bank commissioner. Such trust company, bank, savings and loan association, federally chartered savings bank or individual trustee may serve without bond and may be reasonably compensated for its services out of the income of the fund. It shall be a provision of any such trust agreement that no moneys, other than income from the trust, shall be paid over to the cemetery corporation by the trustee, except upon the written permission of the secretary of state.

(a) If the market value of the permanent maintenance fund is less than \$100,000, the permanent maintenance funds may be held in certificates of deposit or in a business savings account which is insured by the federal deposit insurance corporation or national credit

union administration, in a bank, savings and loan association, savings bank or credit union organized under the laws of this state providing the fund assets are maintained in a segregated account. If the cemetery's permanent maintenance fund has a market value of less than \$100,000, the cemetery corporation shall comply with the reporting requirements of this act.

- (b) (1) Unless otherwise authorized by subsection (a), each cemetery corporation shall establish and maintain a permanent maintenance fund. If the market value of the permanent maintenance fund is more than \$100,000, the cemetery corporation shall establish and maintain the permanent maintenance fund in an irrevocable trust with a trustee. The trustee may appoint one or more agents to provide administrative or investment advisory services, provided the trustee shall not assign or delegate the liability and fiduciary responsibilities owed to the permanent maintenance fund to another financial institution or agent. The trustee may invest, reinvest, exchange, retain, sell and manage the moneys within such fund, pursuant to subsections (a) through (f) of K.S.A. 58-24a01, and amendments thereto. Such trustee may be reasonably compensated for its services out of the income of the fund. It shall be a provision of any such trust agreement that no moneys, other than income from the trust, shall be paid over to the cemetery corporation by the trustee, except upon the written permission of the secretary of state.
- (2) The trustee may recover from the earnings of the permanent maintenance fund for all reasonable costs incurred in serving as trustee, including a reasonable fee for its services. The taxes and costs may be paid from earnings of the fund prior to the distribution of the income. If all income is exhausted, any remaining capital gains tax liability may be paid out of the realized capital gains before the balance reverts to principal.

(3) The trustee shall be solely responsible for the investment of the moneys held under a cemetery permanent maintenance fund. The trust instrument must state that control of the trust funds by the trustor is prohibited.

- (4) The trustee shall sign an affirmation, in a form and manner prescribed by the secretary of state, declaring that the trustee has read, understands and agrees to abide by the provisions in this act. The statement shall be signed under penalty of perjury and shall contain the following:
- (A) The names of the trustee, the cemetery corporation as trustor, and the date the trust instrument shall become effective.
- (B) If determined by a court of law that the underlying trust instrument is in conflict with Kansas statutes, that portion of the underlying trust instrument is null and void.
- (C) The trust instrument shall comply with the requirements found in K.S.A. 17-1308 et seq., and amendments thereto.
  - (D) The trust instrument shall be effective upon written approval of the secretary of state.
- (E) The trustee shall submit a quarterly report to the secretary of state. The report shall be in a form and manner approved by the secretary of state and it shall contain the following:
  - (i) Deposits to principal;
  - (ii) any withdrawals from principal;
  - (iii) all interest, dividends, and income earned;
  - (iv) interest withdrawn:
  - (v) capital gains or capital losses; and
  - (vi) capital gains taxes paid from capital gains.
- (F) The trustee shall provide deposit and withdrawal forms in a form and manner prescribed by the secretary of state.
- (G) The trustee shall invest the trust funds subject to the requirements of subsections (a) through (f) of K.S.A. 58-24a02, and amendments thereto. Control of the trust funds by the trustor is prohibited.
- (H) By accepting the trusteeship of the permanent maintenance fund, the trustee submits personally to the jurisdiction of the courts of this state. The laws of the state of Kansas shall control
- (I) The trustee acknowledges the primary purpose of the permanent maintenance fund is to maintain the corpus of the trust.
- (J) The trustee shall retain all liability and fiduciary responsibility for managing and administering the permanent maintenance fund.

- Sec. 21. From and after January 1, 2011, K.S.A. 17-1312a is hereby amended to read as follows: 17-1312a. (a) Each cemetery corporation formed under the laws of the state of Kansas and each foreign corporation granted a certificate of authority to own or operate a cemetery within the state of Kansas shall register with the secretary of state before comencing business in Kansas. Each cemetery corporation shall prepare and forward to the secretary of state at the time it is required to make an annual a quarterly report under the Kansas general corporation code, or if no such report is required then on January 1 in each year, a statement verified by the treasurer of said corporation describing the corpus and any accumulated income on the preceding December 31, or on the last day of its fiscal year if it does not use the calendar year in its accounts, in each permanent maintenance fund established by said corporation, the cost and the market value on said date of each security then held in each such fund, and the income of and disbursements from each such fund during the calendar or fiscal year then ended. This statement shall otherwise be in such form as the secretary of state shall prescribe provisions of this act.
- (b) Within 30 days following the end of each quarter, the cemetery corporation shall provide the trustee and the secretary of state a report of all sales of burial spaces. The report shall be in a form and manner approved by the secretary of state. If the cemetery did not make a sale, within 30 days following the end of each quarter, the cemetery corporation shall provide the trustee and the secretary of state a report indicating no sales to record. The report shall be in a form and manner approved by the secretary of state.
- (c) Within 30 days following the end of each quarter, the trustee shall provide the secretary of state a report of all deposits to and distributions from the permanent maintenance fund. The report shall be in a form and manner approved by the secretary of state and shall include the total amount of the deposits, distributions and the name and contact information of the trust officer in charge of the account.
- (d) Monthly, the trustee of the permanent maintenance fund shall determine and disperse to the cemetery corporation, the income for the permanent maintenance fund, less reasonable costs, taxes and fees. The trustee shall report to the secretary of state the calculation of the dispersed income within 30 days from month's end, in a form and manner approved by the secretary of state.
- (e) Whenever the secretary of state shall determine that any cemetery corporation required by this act to be registered has failed or refused to do so, the secretary of state may notify the county attorney or district attorney of the county in which such cemetery corporation is located, and such county attorney or district attorney shall commence prosecution against such cemetery corporation. Any cemetery corporation which fails to register with the secretary of state shall be liable for a civil penalty of not to exceed \$1,000.
- $\frac{\text{(b)}}{\text{(f)}}$  Whenever and as often as deemed necessary, the secretary of state, or an employee designated by the secretary of state, may audit or otherwise examine any cemetery corporation books and accounts. Whenever such an audit or examination is so made, the cemetery corporation shall pay such expenses as shall be assessed by the secretary of state pursuant to K.S.A. 75-442, and amendments thereto.
- Sec. 22. From and after January 1, 2011, K.S.A. 17-1312d is hereby amended to read as follows: 17-1312d. Any cemetery corporation which shall refuse or neglect to establish or maintain a permanent maintenance fund in accordance with the requirements of this act for each cemetery owned by it for a period of ninety (90) 60 days after demand to do so is made upon it by the secretary of state shall be deemed to have forfeited its franchise cemetery corporation. The attorney general, upon the request of the secretary of state, shall then begin action for the appointment of a receiver for such cemetery corporation and to dissolve the same
- Sec. 23. From and after January 1, 2011, K.S.A. 17-1312e is hereby amended to read as follows: 17-1312e. (a) Except as provided by this section, all information which the secretary of state shall gather or record in making an investigation and examination of any cemetery corporation, or the reporting by the cemetery corporation or trustee, shall be deemed to be confidential information, and shall not be disclosed by the secretary of state, any assistant, examiner or employee thereof, except to: (1) Officers and the members of the board of directors of the cemetery corporation being audited; and (2) the attorney general, when in the opinion of the secretary of state the same should be disclosed; and (3) the appropriate

official for the municipality in which the cemetery is located when in the opinion of the secretary of state the same should be disclosed.

- (b) Upon request, the secretary of state may disclose to any person whether a cemetery corporation maintains a cemetery merchandise trust fund under K.S.A. 16-322, and amendments thereto, or a permanent maintenance fund under K.S.A. 17-1311, and amendments thereto, and whether such funds are maintained in compliance with the provisions of such laws.
- (c) The provisions of subsection (a) shall expire on July 1, 2015, unless the legislature acts to reauthorize such provisions. The provisions of subsection (a) shall be reviewed by the legislature prior to July 1, 2015.
- Sec. 24. From and after January 1, 2011, K.S.A. 17-1312g is hereby amended to read as follows: 17-1312g. (a) Cemetery corporations subject to an audit by the secretary of state pursuant to K.S.A 17-1312a, and amendments thereto, shall file, in the office of the secretary of state, a copy of the agreement or document which establishes the trust between the cemetery corporation and the trustee.
- (b) The trust agreement shall acknowledge all contractual agreements subject to and governed by K.S.A. 17-1308 et seq., and amendments thereto.
- (c) The secretary of state shall promulgate rules and regulations for the purpose of providing oversight and auditing of the permanent maintenance fund.
- Sec. 25. From and after January 1, 2011, K.S.A. 17-1366 is hereby amended to read as follows: 17-1366. As used in this act: (a) "Abandoned cemetery" means any cemetery owned by a corporation, as defined in K.S.A. 17-1312f, and amendments thereto, in which; (1) For a period of at least one year, there has been a failure to cut grass or weeds or care for graves, grave markers, walls, fences, driveways and buildings; or for (2) for a period of 60 days which proper records have not been maintained and amual quarterly reports have not been made to the secretary of state, pursuant to the provisions of K.S.A. 17-1312a et seq., and amendments thereto; and
- (b) "municipality" means the cemetery district in which all or any portion of an abandoned cemetery is located. If no portion of such cemetery is located within a cemetery district, the term shall mean the city in which all or any portion of an abandoned cemetery is located unless such cemetery is not within the corporate limits of a city, in which case such term shall mean the county in which such cemetery is located.
- Sec. 26. From and after January 1, 2011, K.S.A. 16-320, 16-321, 16-322, 16-323, 16-324, 16-325, 16-329, 16-331, 16-332, 16-333, 16-334, 17-1311, 17-1311a, 17-1312, 17-1312a, 17-1312d, 17-1312e, 17-1312g and 17-1366 are hereby repealed.";

And by renumbering the remaining sections accordingly;

In the title, in line 9, by striking all after "ACT"; by striking all in lines 10 and 11 and inserting: "relating to cemetery corporations; concerning cemetery merchandise contracts; relating to the permanent maintenance fund; amending K.S.A. 16-320, 16-321, 16-322, 16-323, 16-325, 16-326, 16-329, 16-331, 16-332, 16-333, 16-334, 17-1311, 17-1311a, 17-1312, 17-1312a, 17-1312d, 17-1312e, 17-1312g and 17-1366 and repealing the existing sections; also repealing K.S.A. 16-324.";

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

Yeas: Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Faber, Goico, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, Horst, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Long, Maloney, Mast, McLeland, Morrison, O'Brien, Olson, Otto, Patton, Pauls, Peck, Pottorff, Proehl, Rhoades, Roth, Schroeder, Seiwert, Shultz, Siegfreid, Suellentrop, D. Svaty, Swanson, Tafanelli, Vickrey, Wetta, Whitham, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Gordon, Goyle, Grant, Hawk, Henderson, Henry, M. Holmes, Huebert, Kuether, Light, Loganbill, Lukert, Mah, McCray-Miller, Meier, Menghini, Moxley, Myers, Neighbor, O'Neal, Palmer, Peterson, Phelps, Powell, Prescott, Quigley, Rardin, Ruiz, Schwab, Schwartz, Slattery, Sloan, Spalding, Swenson, Talia, Tietze, Trimmer, Ward, Williams, Winn, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Fund, George, Johnson, Merrick, Neufeld.

The motion of Rep. Goico did not prevail; and H. Sub. for SB 75 be passed.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2685**, An act concerning the personal and family protection act; amending K.S.A. 2009 Supp. 21-4218, 75-7c10 and 75-7c11 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 65; Nays 57; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, DeGraaf, Donohoe, Faber, Frownfelter, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Hermanson, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Long, Mast, McLeland, Meier, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Powell, Prescott, Proehl, Rhoades, Schwab, Schwartz, Seiwert, Siegfreid, Suellentrop, D. Svaty, Swenson, Tafanelli, Vickrev, Ward, Williams, B. Wolf, Yoder.

Nays: Ballard, Benlon, Bethell, Bollier, T. Brown, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Feuerborn, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Kleeb, Kuether, Lane, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Neighbor, Phelps, Pottorff, Quigley, Rardin, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Spalding, Swanson, Talia, Tietze, Trimmer, Wetta, Whitham, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed, as amended.

## EXPLANATIONS OF VOTE

Mr. Speaker: I am in opposition to **HB 2685**, legislation that would prohibit the state's seven public universities, 19 community colleges, and six technical colleges from exercising meaningful efforts to make their campuses weapons-free.

HB 2685 seeks to amend the Personal and Family Protection Act to preclude state agencies and municipalities, including state universities, community colleges, and technical colleges, from prohibiting the carrying of a concealed weapon anywhere on campus where there is not a metal detector or other electronic equipment and personnel to detect the presence of weapons. The Board of Regents has substantial concerns about the implications of this legislation.—Sydney Carlin

Mr. Speaker: I support citizen's rights to concealed carry but am concerned about the fiscal impact, which will cost the state over \$2.8 million. Mr. Speaker, this money places an additional burden on the schools, students and taxpayers of Kansas. I vote no on **HB 2685**.—Pat Maloney, Steve Lukert

Mr. Speaker: A nation in which the government provides entirely for the personal security of its citizens is called a "police state." While law enforcement is necessary to an orderly society, citizens must be allowed to provide their own personal security to maintain liberty. The concealed carry statutes have enabled greater ability to provide for our own personal security. I vote yes for **HB 2685** to maintain greater security in unsecured public buildings.—Joe Seiwert

Mr. Speaker: **HB 2685** highlights the central philosophical divide in government; "shall government take care of individuals" or "shall government stay out of the way and let individuals care for themselves?" Posting a sign prohibiting the concealed carry of a weapon reveals the futility of government caring for us. Does government by posting a sign, and thereby denying my right to care for my own security, cause me and others to be more secure or less secure? The sign does not provide security, it takes away security. I vote yes on **HB 2685**.—FORREST KNOX

MR. Speaker: By denying law abiding, licensed citizens the right to carry a concealed firearm in a public building government is taking on the burden of providing security. By then not providing adequate security measures they are opening up for themselves liability risks. I vote yes for **HB 2685.**—Phil Hermanson, Marc Rhoades, Anthony R. Brown

**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, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 23; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Merrick, Moxley, Neighbor, O'Neal, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Shultz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Carlson, Donohoe, Faber, Goico, Hayzlett, Hermanson, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, McLeland, Morrison, Myers, O'Brien, Patton, Rhoades, Schwartz, Seiwert, Suellentrop, Whitham.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed, as amended.

**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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Peterson, Ward.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed, as amended.

**H. Sub. for SB 269**, An act concerning compensation awards under eminent domain procedure; amending K.S.A. 26-511 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk,

Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Maloney, Mast, McCray-Miller, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Kuether, Mah, Menghini, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

**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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

**H. Sub. for SB 306**, An act concerning the personal and family protection act; amending K.S.A. 2009 Supp. 21-4201, 21-4204, 21-4218, 75-7c01, 75-7c02, 75-7c03, 75-7c04, 75-7c05, 75-7c06, 75-7c07, 75-7c08, 75-7c10, 75-7c12 and 75-7c19 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 75-7c11, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 15; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Frownfelter, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Benlon, Colloton, Crow, Flaharty, Furtado, Garcia, Henderson, Kuether, Loganbill, McCray-Miller, Neighbor, Ruiz, Tietze, Trimmer, Winn.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

**H. Sub. for SB 310**, An act concerning marriage license fees; relating to poverty; amending K.S.A. 2009 Supp. 23-108a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 64; Nays 58; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, S. Gatewood, George, Goico, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Long, Maloney, Mast, Meier, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Suellentrop, Swanson, Talia, Ward, Wetta, Whitham, Williams, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, Gordon, Grant, Hawk, Henderson, Henry, Hill, Hineman, Kiegerl, Kuether, Landwehr, Lane, Light, Loganbill, Lukert, Mah, McCray-Miller, McLeland, Menghini, Moxley, Neighbor, Otto, Peterson, Phelps, Pottorff, Quigley, Rardin, Roth, Ruiz, Schwartz, Slattery, Sloan, Spalding, D. Svaty, Swenson, Tafanelli, Tietze, Trimmer, Vickrey, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

SB 359, An act concerning school districts; relating to special education; amending K.S.A. 72-983 and K.S.A. 2009 Supp. 72-978 and 72-988 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 15; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Finney, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peck, Peterson, Pottorff, Powell, Prescott, Proehl, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Swenson, Tafanelli, Talia, Ward, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Carlin, Crow, Feuerborn, Flaharty, Huebert, Kuether, Meier, Palmer, Phelps, Quigley, D. Svaty, Tietze, Trimmer, Vickrey, Wetta.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **SB 359**. Census based funding for special education is a drastic change to the way the state allocates special education funding. The Special Education ask Force said that they need more information, after a year of study, before making this change. I have no idea how this will affect the school districts I represent. Therefore, I vote no.—Marti Crow, Ed Trimmer, Annie Kuether, Shirley Palmer, Geraldine Flaharty, Eber Phelps

 $SB\ 362$ , 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, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Frownfelter, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mast, McCray-Miller, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proohl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Carlin, Crow, Flaharty, Garcia, Henderson, Mah, Maloney, Menghini, Peterson, Pottorff, Ruiz, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed, as amended.

**H. Sub. for SB 377**, An act concerning construction; relating to retention in public and private construction contracts; liens; establishing the state construction registery; amending K.S.A. 16-1802, 16-1804, 16-1902, 16-1904, 60-1103, 60-1110 and 60-1111 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 38; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Bethell, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Lukert, McCray-Miller, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rardin, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Whitham, Williams, B. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bollier, Brunk, Carlin, Carlson, Colloton, Crow, Davis, Dillmore, Furtado, Gordon, Henderson, Hill, Huebert, Kerschen, Lane, Long, Mah, Maloney, Mast, McLeland, Meier, Menghini, Moxley, Neighbor, Peterson, Pottorff, Quigley, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Wetta, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed, as amended.

**H. Sub. for 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, 21-3213, 21-3214, 21-3215, 21-3216, 21-3217 and 21-3218 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crow, Kuether.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

SB 388, An act concerning insurance; relating to the regulation thereof; amending K.S.A. 2009 Supp. 40-2,103, 40-2c01 and 40-19c09 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 93; Nays 29; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Bethell, Bollier, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Frownfelter, Furtado, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Maloney, Mast, McCray-Miller, McLeland, Meier, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, B. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, T. Brown, Carlin, Colloton, Crow, Davis, Dillmore, Flaharty, Garcia, S. Gatewood, Hawk, Henderson, Kuether, Lane, Loganbill, Mah, Menghini, Neighbor, Peterson, Quigley, Rardin, Roth, Slattery, Spalding, Talia, Ward, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed, as amended.

**H. Sub. for SB 427**, An act concerning taxation; relating to amnesty from assessment or payment of penalties and interest with respect to certain taxes; requirements and procedures, was considered on final action.

On roll call, the vote was: Yeas 60; Nays 62; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bethell, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, George, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, Hill, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Hineman, Kiegerl, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Quigley, Rardin, Roth, Ruiz, Schroeder, Slattery, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill did not pass.

#### EXPLANATIONS OF VOTE

Mr. Speaker: I vote no on **H. Sub. for SB 427**. Proponents of this bill were in such a hurry to pass it, that they didn't pay attention to the testimony or the flaws in the bill. Knowingly passing flawed legislation is bad policy.

The fiscal note states that it's possible to collect up to \$7 million, but the administrative costs are estimated at \$625,000 in FY2011. KDOR cannot absorb this cost, having cut their budget 26.6%.

It undermines our current collection efforts by allowing pay plans. Amnesty is supposed to encourage full payment, by eliminating penalty and interest. We could actually lose money on this.—[ULIE MENGHINI, TOM HAWK

MR. SPEAKER: I vote no on **H. Sub. for SB 427**. The *Amnesty lasts too long*. The amnesty that Kansas did in 2003 lasted two months, and most of the money came the last 15 days. Dragging it out takes valuable staff resources from collections, and won't produce more revenue. This period is a full three months and will definitely impact current collections.

This amnesty encourages bad habits. If you are currently have tax debt and are on a pay play, which most are, then this encourages people to break their current pay plan, wait until September, and get relieved of the interest that you would otherwise have had to pay.—
STAN FROWNFELTER

MR. SPEAKER: I vote no on **H. Sub. for SB 427**. It *encourages people to delay paying their 2010 taxes*. Since the bill applies to the 2009 tax year liability, you could just blow off the filing deadline (April 15, 2010), not even file until September 1, then apply for amnesty in September (you would have to file your return then and set up a pay plan), but YOU WOULD HAVE UNTIL JUNE 30, 2011 TO PAY—WITH NO PENALTY AND INTEREST! Better than a payday loan!—MELODY MCCRAY-MILLER

MR. SPEAKER: I vote no on **H. Sub. for SB 427**. This amnesty is a money loser in 2011. While this bill might bring in a few extra dollars this year, (the discussion in committee was about \$9 million after expenses) we will see collections drop in the next year of an equal amount. Accelerating these collections is disruptive to our normal collections process and data from the previous amnesty and the experience of other states will show that over time, you don't gain as much as a well focused collection effort, which we currently have in Kansas.—CINDY NEIGHBOR

MR. SPEAKER: I vote yes on **H. Sub. for SB 427**. For those of us who have been in the Legislature for some time, the benefits of tax amnesty programs have proven to be reliable. In most years, this would be viewed as a nominal amount of money to be generated, but in such desperate times it is simply foolish to ignore this opportunity while our most vulnerable suffer. It's one of the most harmless mechanisms available to us in raising critical revenue, and a common sense way to balance this budget without raising taxes.—ARLEN SIEGFREID

**SB 452**, An act concerning alcoholic beverages; relating to licenses and eligibility; alcoholic beverages; amending K.S.A. 2009 Supp. 41-102, 41-311 and 41-727 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brumk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed, as amended.

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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Loganbill, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crow, Finney, Flaharty, Frownfelter, Garcia, Henderson, Kuether, Lane, Mah, McCray-Miller, Menghini, Peterson, Rardin, Ruiz, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed, as amended.

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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley,

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed.

SB 537, An act concerning liens and claims against real or personal property; amending K.S.A. 58-4301 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze,

Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed, as amended.

**SCR 1614**, 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 and a debt prepayment fund in the state treasury, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 20; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, Kiegerl, King, Kleeb, Knox, Lane, Light, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Morrison, Moxley, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Brunk, Colloton, Crum, DeGraaf, Dillmore, Donohoe, Faber, Huebert, Kelley, Kinzer, Kuether, Landwehr, Loganbill, Mast, Menghini, Merrick, Myers, Peck, Siegfreid.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

A two-thirds majority of the members elected to the House having voted in the affirmative, the resolution was adopted as amended.

## EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **SCR 1614**. Kansas certainly needs an emergency fund. However, we need one that provides real benefits for Kansas by providing a significant amount of money to help the Legislature deal with economic downturns. If **SCR 1614** had been in place since 1990, the fund would only have \$260 million at the start of FY 2010. And that amount would only be there if no money was removed during the 2002 recession. **SCR 1614** is a constitutional amendment, therefore we only have one shot at getting it right. In its current form **SCR 1614** is not right.—VIRGIL PECK, JR., ARLEN SIEGFREID

## INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Peck moved, pursuant to House Rule 2303, that the House reconsider its adverse action on **HCR 5032** in not adopting the resolution under that order of business, Final Action on Bills and Concurrent Resolutions (see HJ, page 1226). Roll call was demanded.

On roll call, the vote was: Yeas 75; Nays 47; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, D. Gatewood, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Spalding, Suellentrop, Swanson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Kuether, Lane, Loganbill, Long, Mah,

McCray-Miller, Menghini, Neighbor, Peterson, Phelps, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The motion of Rep. Peck to reconsider action did not prevail.

## CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Rep. A. Brown as a member of the conference committee on  $\bf S.$  Sub. for  $\bf HB$  2115 to replace Rep. Kiegerl.

#### REPORT OF STANDING COMMITTEE

Your Committee on Calendar and Printing recommends on requests for resolutions and certificates that

**Request No. 117**, by Representative Burgess, congratulating Merle E. Ross on his 80th birthday;

**Request No. 118**, by Representative Kiegerl, congratulating Samuel Peterson on attaining the rank of Eagle Scout;

**Request No. 119**, by Representative Mast, congratulating the Girls Basketball Team of Olpe High School on winning the 2A State Championship;

**Request No. 120**, by Representative Mast, congratulating Ronnie Bo Harris, Jr. for being recognized as the Best Weather Reporter, KTKA Channel 49;

**Request No. 121**, by Representative Fund, congratulating Patricia Biggs for her reappointment to the Kansas Parole Board;

Request No. 122, by Representative Kiegerl, congratulating Jenny Baker for being named Teacher of the Year - USD 231 Gardner Edgerton;

Request No. 123, by Representative Kiegerl, congratulating Brian McGee for being named Teacher of the Year - USD 231 Gardner Edgerton;

**Request No. 124**, by Representative Grange, congratulating Ruth Miller on her 80th birthday on March 28, 2010;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

On motion of Rep. Merrick, the House recessed until 1:30 p.m.

## AFTERNOON SESSION

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

## MESSAGES FROM THE SENATE

Announcing passage of SB 575, SB 579, SB 580.

Announcing passage of HB 2535, HB 2544.

Announcing passage of HB 2551, as amended; HB 2585, as amended by S. Sub. for HB 2585; HB 2691, as amended.

The Senate accedes to the request of the House for a conference on **HB 2472** and has appointed Senators Reitz, Huntington and Kultala as conferees on the part of the Senate.

Also, the Senate concurs in House amendments to **SB 410**.

The Senate concurs in House amendments to SB 460.

The Senate concurs in House amendments to Sub. SB 475.

The Senate concurs in House amendments to SB 491.

The Senate concurs in House amendments to SB 500.

The Senate nonconcurs in House amendments to **Sub. SB 67**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 83**, requests a conference and has appointed Senators Barnett, V. Schmidt and Kelly as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 146**, requests a conference and has appointed Senators Emler, Vratil and Hensley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 293**, requests a conference and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 300**, requests a conference and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 313**, requests a conference and has appointed Senators Emler, McGinn and Kelly as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 346**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 368**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 449**, requests a conference and has appointed Senators Barnett, V. Schmidt and Kelly as conferees on the part of the Senate

The President announced the appointment of Senator Kelly as a member of the conference committee on **SB 62** to replace Senator Haley.

## INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 575, SB 579, SB 580.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **Sub. SB 67**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 83**.

Speaker O'Neal thereupon appointed Reps. Landwehr, Crum and Flaharty as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 146**.

Speaker O'Neal thereupon appointed Reps. Schwartz, Shultz and Flaharty as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 293**.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Vickrey and Long as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf H.~Sub.~for~SB~300}$ .

Speaker O'Neal thereupon appointed Reps. Hayzlett, Vickrey and Long as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 313**.

Speaker O'Neal thereupon appointed Reps. Yoder, Merrick and Feuerborn as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on SB 346.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB~368}$ .

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 449**.

Speaker O'Neal thereupon appointed Reps. Landwehr, Crum and Flaharty as conferees on the part of the House.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Landwehr in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Landwehr, Committee of the Whole report, as follows, was adopted: Recommended that **SB 393** be passed.

Committee report to **SB** 389 be adopted; also, on motion of Rep. Bethell to amend, the motion did not prevail. Also, on motion of Rep. A. Brown to amend, the motion did not prevail; and the bill be passed as amended.

Committee report to **SB 435** be adopted; also, on motion of Rep. Colloton to amend, Rep. Patton requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. McCray-Miller, **SB 435** be amended on page 1, after line 34, by inserting the following:

"New Sec. 2. (a) On and after January 1, 2011, an optically scanable "uniform citizen contact data form" shall be completed and ready for use by all Kansas law enforcement officers to collect data on each traffic or pedestrian stop. The uniform citizen contact data form shall replace the various traffic tickets used by the law enforcement agencies throughout the state of Kansas. The uniform citizen contact data form shall be designed by the Kansas criminal justice coordinating council in consultation with representatives from the police officers, sheriffs, Kansas highway patrol, national association for the advancement of colored persons, american civil liberties union, Kansas human rights commission, national council of La Raza and Kansas civil rights advocates.

- (b) The data collected at each stop shall include:
- (1) Officer identification number;
- (2) law enforcement agency code;
- (3) month, day and year of stop;
- (4) hour and minute of stop;
- (5) who was stopped, a motorist or pedestrian;
- (6) gender of person stopped, male or female;
- (7) specific age of person stopped;
- (8) race of person stopped, African-American, Hispanic, Native American, caucasian, Asian, or other as stated by the person stopped or by officer observation;
- (9) reason for stop: Violation of the criminal code; violation of a county resolution or city ordinance; calls for service; suspect or vehicle description or pre-existing knowledge or information, such as a warrant; citizens assist or welfare; or traffic violation such as a moving violation, equipment failure or license plate violation. If a moving violation, the officer shall indicate the specific violation;
  - (10) result of stop: Citation, warning or arrest;
  - (11) if person was arrested, what crime or violation was alleged;
  - (12) number of passengers in the vehicle;
- (13) what was the nature of the search conducted on the pedestrian, driver or passenger, or of the vehicle or property or no search was conducted;

- (14) search authority: By consent; tow inventory; odor of drugs or alcohol or both; plain view contraband; incidental to arrest; dog alert; search warrant; or other;
- (15) was contraband discovered. If yes, was it illegal drugs; drug paraphernalia; weapons; alcohol; currency or stolen property; or other;
- (16) stop location in agency boundaries, using the specific address of each stop including street address or highway mile marker, city and county;
- (17) duration of stop listing the number of minutes; less than 5 minutes, 5-9 minutes, 10-19 minutes, 20-29 minutes, 30-39 minutes, 40-49 minutes, 50-59 minutes or 60 or more minutes:
  - (18) vehicle license plate number; and
  - (19) signature of law enforcement officer making the stop.
- (c) Such uniform citizen contact data form shall be fully implemented and used by all Kansas law enforcement agencies by January 1, 2011.
- (d) A copy of this completed form shall be given by the law enforcement officer to the motorist or pedestrian who was stopped.
- (e) Within 15 days after each stop, such forms shall be mailed, faxed, optically scanned or sent electronically by each Kansas law enforcement agency to the office of the department of vehicles where such data shall be compiled into a statewide citizen contact database.
- (f) The Kansas attorney general shall monthly compile data received from law enforcement agencies and make such data available to the public and all law enforcement agencies.
- (g) The data will be analyzed by statistical experts for patterns of racial profiling at least once every three months. The results of each three-month analysis shall be posted on the official website of the attorney general starting with the data collected from January 1, 2011 through March 31, 2011.
- (h) Law enforcement agencies or individual officers who need to correct such agency's or individual's racially biased behavior shall be contacted by the attorney general's office within two weeks after a pattern of racial discrimination is identified as one standard deviation above the mean for all races of motorists and pedestrians stopped in a five block radius in a town or city or a 10 mile section of road or highway.
- (i) An annual report summarizing the types of citizen contacts and which law enforcement agencies need to end their racially biased policing shall be prepared by the attorney general and submitted to the legislature, governor and Kansas law enforcement agencies on or before January 31 of each year. Each annual report shall be posted on the official website of the attorney general.
- (j) The department of transportation shall be responsible for implementing the provisions of this section.";

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Colloton to amend SB 435, the motion was withdrawn.

Also, on further motion of Rep. Colloton to amend **SB 435**, Rep. Patton requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 312** be adopted; also, roll call was demanded on motion of Rep. Brunk to amend on page 7, following line 18, by inserting the following:

"New Sec. 3. (a) Subject to the provisions of K.S.A. 79-2925b, and amendments thereto, if the total taxable real property valuation in any municipality increases due to increases in the assessed valuation of existing real property, then the governing body shall lower the mill levy rate to such rate that would equal the amount of ad valorem property taxes levied in the next previous year. This subsection shall not apply to ad valorem taxes levied under K.S.A. 72-6431, 76-6b01 and 76-6b05, and amendments thereto, or any other ad valorem tax levy which was previously approved by the voters of such municipality. Property that, in the current year, is new construction, is located within added jurisdictional territory, or has changed in use shall not be considered when determining whether the total taxable real property valuation has increased from the prior year.

(b) If the total taxable real property valuation in any municipality decreases, then the governing body may increase the mill levy rate, subject to any statutory restrictions, to a

rate that would equal the amount of ad valorem property taxes levied in the next previous year.

(c) The provisions of subsection (a) shall not apply to or limit the levy of ad valorem taxes for the payment of principal and interest on bonds, temporary notes and no-fund warrants or judgments rendered against any such taxing subdivision.

(d) For the purposes of this section, "Municipality" means any county, township, city, municipal university, school district, community college, drainage district and any other

taxing district or political subdivision which levies taxes on property.

- Sec. 4. K.S.A. 2009 Supp. 79-2925b is hereby amended to read as follows: 79-2925b. (a) Without adoption of a resolution or ordinance so providing, the governing body of any taxing subdivision shall not approve any appropriation or budget, as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year, except with regard to revenue produced and attributable to the taxation of: (1) New improvements to real property;
- (2) increased personal property valuation, other than increased valuation of oil and gas leaseholds and mobile homes;
  - (3) property located within added jurisdictional territory; and
  - (4) property which has changed in use.
- (b) The provisions of this section shall be applicable to all fiscal and budget years commencing on and after the effective date of this act.
- (c) The provisions of this section shall not apply to community colleges or unified school districts.
- (d) The provisions of this section shall not apply to revenue received from property tax levied for the sole purpose of repayment of the principal of and interest upon bonded indebtedness, temporary notes and no-fund warrants.
- (e) Any resolution adopted pursuant to this section shall be published in the official county newspaper of the county where such taxing subdivision is located.";

And by renumbering the remaining sections accordingly;

Also on page 7, in line 19, by striking "and" and inserting a comma; also in line 19, preceding "are", by inserting "and 79-2925b";

On page 1, in the title, in line 10, following the semicolon, by inserting "revenues produced by property tax levies; mill levy adjustments; resolutions, publication requirements;"; in line 11, by striking "and" where it first appears, and inserting a comma; also in line 11, following "79-2005" by inserting "and 79-2925b";

On roll call, the vote was: Yeas 45; Nays 72; Present but not voting: 0; Absent or not voting: 8.

Yeas: A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Merrick, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schwab, Schwartz, Seiwert, Siegfreid, Suellentrop, Talia, Vickrey, Ward, Whitham, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Morrison, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Davis, Fund, Hawk, Horst, Johnson, Myers, Neufeld.

The motion of Rep. Brunk did not prevail; and H. Sub. for SB 312 be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 174** be adopted; also, on motion of Rep. Kiegerl to amend, Rep. Peck requested a ruling on the amendment being germane to the bill. The Rules Vice-Chair ruled the amendment not germane. Rep.

Kiegerl challenged the ruling, the question being, "Shall the Rules Chair be sustained?" Rep. Kiegerl subsequently withdrew his challenge of the Rules Chair.

Also, on motion of Rep. Peck to amend **H. Sub. for SB 174**, the motion did not prevail. Also, roll call was demanded on motion to recommend **H. Sub. for SB 174** favorably for passage.

On roll call, the vote was: Yeas 58; Nays 61; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Suellentrop, Swanson, Tafanelli, Talia, Vickrey, Whitham, B. Wolf.

Nays: Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Henderson, Henry, Hill, Hineman, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, D. Svaty, Swenson, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Hawk, Johnson, Neufeld, Yoder.

The motion to recommend H. Sub. for SB 174 favorably for passage did not prevail.

Committee report recommending a substitute bill to **H. Sub. for SB 255** be adopted; also, roll call was demanded on motion of Rep. A. Brown to amend on page 18, after line 3, by inserting the following:

- "Sec. 5. 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 6.3%, and commencing July 1, 2013, at the rate of 5.5%. 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 washing 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
- (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, 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.
- Sec. 6. 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 5/98 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 5/106 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 19/265 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 13/106 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 on and after July 1, 2010, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund
- (5) On July 1, 2013, and thereafter, the state treasurer shall credit 17/110 of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.5%, 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.
- Sec. 7. 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 6.3%, and commencing July 1, 2013, at the rate of 5.5%. 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. 8. 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 on and after July 1, 2010, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.
- (5) On July 1, 2013, and thereafter, the state treasurer shall credit 17/110 of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.5%, 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.";

And by renumbering sections accordingly;

Also on page 18, in line 7, by striking "and"; in line 8, after the comma, by inserting "79-3603, 79-3620, 79-3703 and 79-3710";

On page 1, in the title, in line 10, after the second semicolon, by inserting "state rate of tax, distribution of revenue;"; in line 13, by striking "and"; in line 15, after "2353" by inserting ", 79-3603,79-3620, 79-3703 and 79-3710";

On roll call, the vote was: Yeas 0; Nays 115; Present but not voting: 0; Absent or not voting: 10.

Yeas: None.

Nays: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Grant, Hawk, Johnson, Kiegerl, Lane, Light, Neufeld, Yoder.

The motion of Rep. A. Brown did not prevail.

Also, on motion of Rep. Hineman to amend **H. Sub. for SB 255**, Rep. Menghini requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Aurand to amend **H. Sub. for SB 255**, Rep. Menghini requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. Also, roll call was demanded on the motion of Rep. Aurand to amend on page 18, after line 3, by inserting the following:

- "Sec. 5. K.Ś.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%, except that for the period commencing July 1, 2010, and ending June 30, 2012, at the rate of 5.7%. 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 triemially;
- (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 therem:
- (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 washing 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 amendaments 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, 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.
- Sec. 6. 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 5/98 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 5/106 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 19/265 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 13/106 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 13/114 of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.7%, 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.

- Sec. 7. 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%, except that for the period commencing July 1, 2010, and ending June 30, 2012, at the rate of 5.7%. 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. 8. 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 13/114 of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.7%, 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.

Sec. 9. 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 \$.99 on each 20 cigarettes or fractional part thereof or  $\$.99 \ \$1.241$  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. 10. K.S.A. 2009 Supp. 79-3310c is hereby amended to read as follows: 79-3310c. (1) 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, cigarettes stamps and meter imprints on hand at 12:01 a.m. on July 1, 2002 2010. A tax of \$.46 \$.20 on each 20 cigarettes or fractional part thereof or \$.575 \$.251 on each 25 cigarettes, as the case requires and \$.46 or \$.575 \$.20 or \$.251, 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 treasurer found.

Sec. 11. 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 <del>.90%</del> .66% on and after July 1, <del>2002</del> 2010, <del>and before January 1, 2003, and .80%</del> thereafter from the face value thereof, and shall be deducted at the time of purchase or from the remittance therefor 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

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.

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. 12. 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%. 66% 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% .66% on and after July 1, 2002, and before January 1, 2003, and .80% thereafter 2010, of such tax.";

And by renumbering sections accordingly;

Also on page 18, in line 7, by striking "and"; in line 8, after the comma, by inserting "79-3310, 79-3310, 79-3311, 79-3312, 79-3603, 79-3620, 79-3703 and 79-3710":

On page 1, in the title, in line 10, after the second semicolon, by inserting "state rate of tax, distribution of revenue; tax upon cigarettes, rates;"; in line 13, by striking "and"; in line 15, after "2353" by inserting ", 79-3310, 79-3310c, 79-3311, 79-3312, 79-3603,79-3620, 79-3703 and 79-3710";

On roll call, the vote was: Yeas 18; Nays 98; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Bollier, Brookens, A. Brown, Colloton, Craft, Dillmore, Faber, M. Holmes, Horst, Kerschen, Prescott, Proehl, Sloan, Spalding, Swanson, Tafanelli, Whitham.

Nays: Ballard, Barnes, Benlon, Bowers, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Crow, Crum, Davis, DeGraaf, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, Huebert, Jack, Kelley, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Suellentrop, D. Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Fund, George, Hawk, Johnson, Light, Neufeld, K. Wolf, Yoder.

The motion of Rep. Aurand did not prevail; and H. Sub. for SB 255 be passed.

#### INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick pursuant to House Rule 2311, SB 393; Sub. SB 353; SB 434; H. Sub. for Sub. SB 214; SB 389 were advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

 $\mathbf{SB}$  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, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Hawk, Johnson, Neufeld, Yoder. The bill passed.

**Sub. SB 353**, An act concerning trafficking; relating to human trafficking; aggravated human trafficking; prostitution; offender registration; 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 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Hawk, Johnson, Neufeld, Yoder.

The substitute bill passed, as amended.

**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; deferral of parole board hearings; amending K.S.A. 21-3520 and K.S.A. 2009 Supp. 21-3826, 21-4704, 22-3717 and 22-4902 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Hawk, Johnson, Neufeld, Yoder.

The bill passed, as amended.

**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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding,

Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Kuether.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Hawk, Johnson, Neufeld, Yoder.

The substitute bill passed.

SB 389, An act concerning dental benefits under health insurance, was considered on final action

On roll call, the vote was: Yeas 114; Nays 5; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, A. Brown, Patton, Peck, Schwab.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Hawk, Johnson, Neufeld, Yoder.

The bill passed, as amended.

#### MESSAGES FROM THE GOVERNOR

HB 2283, HB 2323, HB 2445, HB 2456, HB 2552, HB 2584, HB 2609, HB 2619 approved on March 24, 2010.

#### MESSAGES FROM THE SENATE

Announcing passage of HB 2649.

Announcing passage of HB 2434, as amended; Sub. HB 2509, as amended by S. Sub. for Sub. HB 2509; HB 2554, as amended; Sub. HB 2538, as amended by S. Sub. for Sub. HB 2538.

The President announced the appointment of Senator Vratil as a member of the conference committee on **SB 368** to replace Rep. D. Schmidt.

Also, the Senate nonconcurs in House amendments to SCR 1614, requests a conference and has appointed Senators D. Schmidt, Vratil and Kelly as conferees on the part of the Senate.

## MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Kinzer, the House nonconcurred in Senate amendments to **S. Sub.** for HB 2039 and asked for a conference.

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

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **Sub. HB 2517** and asked for a conference.

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

On motion of Rep. Gordon, the House nonconcurred in Senate amendments to  ${\bf HB~2551}$  and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Gordon, Donohoe and Benlon as conferees on the part of the House.

On motion of Rep. Kinzer, the House nonconcurred in Senate amendments to **S. Sub.** for **HB 2585** and asked for a conference.

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

On motion of Rep. Whitham, the House nonconcurred in Senate amendments to  ${\bf HB}$  2691 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Whitham, Hineman and Burroughs as conferees on the part of the House.

On motion of Rep. Gordon, the House nonconcurred in Senate amendments to **HB 2434** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Gordon, Donohoe and Benlon as conferees on the part of the House.

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **S. Sub.** for **Sub. HB 2509** and asked for a conference.

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

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2746**, An act concerning sales taxation; relating to imposition of tax on certain services; exemptions, repealed; rate of taxation; establishing the special sales tax exemption revenue fund; amending K.S.A. 2009 Supp. 12-189a, 79-3602, 79-3603, 79-3606, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Taxation.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion Rep. Davis, **HCR 5037**, by Reps. O'Neal, Merrick and Davis, as follows, was introduced and adopted.

## HOUSE CONCURRENT RESOLUTION No. 5037-

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.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 213**.

Speaker O'Neal thereupon appointed Reps. C. Holmes, Patton and Pauls as conferees on the part of the House.

## CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Rep. King as a member of the conference committees on **SB 293, SB 300** to replace Rep. Vickrey.

#### REPORT ON ENGROSSED BILLS

**HB 2566** reported correctly engrossed March 23, 2010. Also, **HB 2446** reported correctly engrossed March 24, 2010.

# REPORT ON ENROLLED RESOLUTIONS

HCR 5012, HCR 5013; HR 6028 reported correctly enrolled and properly signed on March 24, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, March 29, 2010.

# Journal of the House

## FIFTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, March 29, 2010, 11:00 a.m.

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

The roll was called with 119 members present.

Reps. Fund and Johnson excused on verified illness.

Reps. Bollier, Hawk, Rhoades and Seiwert were excused on excused absence by the Speaker.

Present later: Reps. Bollier and Rhoades.

Prayer by Chaplain Brubaker:

On this Monday of Holy Week, we are reminded that on this day You cursed the fig tree.

The lesson you taught behind this action was to have faith in God.
You taught us that,
"whatever we ask for in prayer, believe that we have received, and it will be ours."

(Mark 11:24)
You continue that thought with,

You continue that thought with,
"... when we stand praying,
if we hold anything against anyone,
forgive him, so that our Father in heaven
may forgive us our sins."

(Mark 11:25)

Today, Lord, we have much to pray for to seek Your assistance. But first, help us to put aside all of our differences, and determine to work together in unity. In Your Son's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Jack.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 580**. Taxation: **HB 2746**.

Transportation: SB 575, SB 579.

#### MESSAGE FROM THE GOVERNOR

March 17, 2010

Message to the House of Representatives of the State of Kansas: Enclosed herewith is Executive Directive No. 10-406 for your information.

# EXECUTIVE DIRECTIVE No. 10-406

Authorizing Expenditure of Federal Funds

Mark Parkinson Governor

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

## MESSAGE FROM THE GOVERNOR

March 19, 2010

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

Enclosed herewith is Executive Directive No. 10-407 for your information.

# EXECUTIVE DIRECTIVE No. 10-407

Authorizing Personnel Transactions

Mark Parkinson Governor

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

#### MESSAGES FROM THE GOVERNOR

HB 2415, HB 2448, HB 2455, HB 2469, HB 2485, HB 2503, HB 2557, HB 2577, HB 2588, HB 2589, HB 2604, HB 2638 approved on March 26, 2010.

# MESSAGES FROM THE SENATE

The Senate nonconcurs in House amendments to **H. Sub. for SB 25**, requests a conference and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 269**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 359**, requests a conference and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

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

The Senate nonconcurs in House amendments to **H. Sub. for SB 377**, requests a conference and has appointed Senators Brownlee, Vratil and Holland as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 381**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 382**, requests a conference and has appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB** 388, requests a conference and has appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate

The Senate nonconcurs in House amendments to **SB 452**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for Sub. SB 514**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to SB 537, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2540** and has appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

Also, announcing passage of SB 488, SB 572.

Announcing passage of Sub. HB 2345, as amended; HB 2508, as amended by S. Sub. for HB 2508; HB 2560, as amended; HB 2561, as amended; HB 2582, as amended by S. Sub. for HB 2582; HB 2660, as amended; HB 2704, as amended.

Announcing adoption of **HCR 5037**.

The Senate concurs in House amendments to **H. Sub. for SB 316**, and requests return of the bill.

The Senate nonconcurs in House amendments to **SB** 389, requests a conference and has appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate

The Senate nonconcurs in House amendments to **SB 434**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2039** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2434** and has appointed Senators McGinn, Teichman and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for Sub. HB 2509** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2517** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2551** and has appointed Senators Brownlee, Lynn and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2585** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2691** and has appointed Senators Vratil, McGinn and Kelly as conferees on the part of the Senate.

Also, the President announced the appointment of Senator Kelly as a member of the conference committee on **H. Sub. for SB 25** to replace Rep. Haley.

## INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 488, SB 572.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 25**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 269**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB~359}$ .

Speaker O'Neal thereupon appointed Reps. Aurand, Horst and Winn as conferees on the part of the House.

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

Speaker O'Neal thereupon appointed Reps. McLeland, Aurand and Lane as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 377**.

Speaker O'Neal thereupon appointed Reps. Brunk, Grange and Ruiz as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 381**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB~382}$ .

Speaker O'Neal thereupon appointed Reps. A. Brown, Proehl and Grant as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB~388}$ .

Speaker O'Neal thereupon appointed Reps. Shultz, Peck and Swenson as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB~389}$ .

Speaker O'Neal thereupon appointed Reps. Shultz, Peck and Swenson as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB~434}$ .

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB}$  452.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf H.~Sub.~for~Sub.~SB~514}$ .

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf SB~537}$ .

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

Speaker O'Neal announced that in accordance with House Rule 2107, the Senate amendments to **S. Sub. for HB 2508** do materially change its subject and **S. Sub. for HB 2508** therefor is not subject to Motions to Concur and Nonconcur.

S. Sub. for HB 2508 was thereupon introduced and read by title.

Speaker O'Neal thereupon referred **S. Sub. for HB 2508** to Committee on Energy and Utilities.

## INTRODUCTION OF ORIGINAL MOTIONS

In accordance with House Rule 1503(b), Rep. Winn moved that **SB 54** be the first measure to be considered on General Orders on March 30, 2010.

The Chief Clerk is requested to read this motion and cause it to be printed in the Calendar of March 30, 2010, under the order of business "Motions and Resolutions Offered on a Previous Day"

# INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

#### HOUSE RESOLUTION No. 6036-

By Representatives Jack, Landwehr, Siegfreid, Kelley, Mast, Hermanson, A. Brown, Brunk, Carlson, DeGraaf, Gordon, Horst, Kerschen, Kinzer, Kleeb, Merrick, O'Brien, O'Neal, Prescott, Rhoades, Seiwert and Suellentrop

A RESOLUTION requiring the Attorney General of the State of Kansas to bring an action challenging the constitutionality of the Federal health care reform package.

WHEREAS, The United States Constitution establishes a limited federal government, as expressed in the Bill of Rights, that protects the freedom of individuals and the rights of states; and

WHEREAS, The United States Congress is urged to enact legislation that respects and recognizes the rights of individuals, families, groups and communities to make decisions about their health care insurance and treatment options; and

WHEREAS, The "individual mandate" provision included in the health care reform package requires all individuals to purchase health insurance products and services; and

WHEREAS, Such individual mandates are contrary to the rights of a free and prosperous people and deny individuals the right to make one of the most basic health care decisions for themselves and their loved ones: and

WHEREAS, The United States Supreme Court has recognized each individual's freedom to refuse health care treatment; and

WHEREAS, On January 19, 2010, Florida Attorney General Bill McCollum sent to Congressional leaders an analysis in which he outlined the unconstitutionality of the individual health care mandates; and

WHEREAS, According to Attorney General McCollum's analysis, the United States Congress does not possess the constitutional authority to compel individuals under threat of government fines or taxes to purchase an unwanted product or service simply as a condition of living in this country; and

WHEREAS, With the legislation now passed, Attorney General McCollum has stated that he will be compelled to file suit to challenge the constitutionality of that provision; and WHEREAS, Currently, numerous other states including South Carolina, Nebraska,

WHEREAS, Currently, numerous other states including South Carolina, Nebraska, Texas, Utah, Pennsylvania, Washington, North Dakota, South Dakota, Alabama, Michigan, Virginia, Idaho and Colorado have agreed to join in the suit; and

WHEREAS, The Patient Protection and Affordable Care Act, H.R. 3590 is also before Congress; and

WHEREAS, The Senate version of H.R. 3590 provides that the federal government would bear the cost of newly eligible Nebraska medicaid enrollees, but all other states would be required to appropriate funds to pay for H.R. 3590's new medicaid mandates; and

WHEREAS, The fundamental unfairness of H.R. 3590 may give rise to claims under the due process, equal protection, privileges and immunities clauses and other provisions of the Constitution: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That in accordance with K.S.A. 75-702, the Attorney General of the State of Kansas is hereby required to bring an action in the United States District Court challenging the Federal health care package in order to protect the rights and freedoms that have been guaranteed Kansans under the Constitution of the United States of America.

# FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**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, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Hawk, Johnson, Rhoades, Seiwert.

The bill passed, as amended.

**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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: S. Gatewood.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Hawk, Johnson, Rhoades, Seiwert.

The substitute bill passed.

# EXPLANATION OF VOTE

MR. Speaker: We vote yes on **H. Sub. for SB 75** which represents an important immediate step in enforcement of cemetery merchandise and care funds. It gives to the Secretary of State and the Attorney General's office authority to initiate actions and to propose an implement plans for corrections of deficiencies.

Although not brought to the legislature until February 25, we are pleased that the Local Government Committee was able to work this bill and that we are able to make this important step, one that will be effective on publication in the Kansas Register.—Steve Huebert, Sharon Schwartz, Mitch Holmes

**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, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 15; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Shultz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, DeGraaf, Donohoe, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, McLeland, O'Brien, Patton, Schwab, Schwartz, Suellentrop.

Present but not voting: None. Absent or not voting: Bollier, Fund, Hawk, Johnson, Rhoades, Seiwert.

The substitute bill passed.

**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, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 5; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Kiegerl, Kinzer, Siegfreid, Whitham.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Hawk, Johnson, Rhoades, Seiwert.

The substitute bill passed.

 $SB\ 435$ , An act repealing concerning criminal procedure; relating to search incident to arrest; amending K.S.A. 22-2501 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Peterson.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Hawk, Johnson, Rhoades, Seiwert.

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, was considered on final action.

On roll call, the vote was: Yeas 94; Nays 25; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Jack, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Myers, Neighbor, O'Neal, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schwab, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Carlson, DeGraaf, Donohoe, Faber, Gordon, Hayzlett, Hermanson, M. Holmes, Huebert, Kelley, Kinzer, Landwehr, Mast, McLeland, Merrick, Moxley, Neufeld, O'Brien, Patton, Peck, Powell, Schroeder, Schwartz.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Hawk, Johnson, Rhoades, Seiwert.

The bill passed, as amended.

**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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Kelley, Lane, Morrison.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Hawk, Johnson, Rhoades, Seiwert.

The resolution was adopted.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Carlson, the House nonconcurred in Senate amendments to **S. Sub.** for **Sub. HB 2538** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Carlson, King and Menghini as conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurred in Senate amendments to **S. Sub. for HB 2582** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. C. Holmes, Knox and Kuether as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to  ${\bf HB}$  2561 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Vickrey and Long as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to  ${\bf HB}$  2660 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Vickrey and Long as conferees on the part of the House.

On motion of Rep. Aurand, the House nonconcurred in Senate amendments to  ${\bf HB~2704}$  and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Aurand, Horst and Winn as conferees on the part of the House.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  $SCR\ 1614$ .

Speaker O'Neal thereupon appointed Reps. Burgess, Landwehr and D. Gatewood as conferees on the part of the House.

On motion of Rep. Merrick, the House recessed until 3:45 p.m.

# AFTERNOON SESSION

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

# INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2747**, An act concerning taxation; relating to amnesty from assessment or payment of penalties and interest with respect to certain taxes; requirements and procedures, by Committee on Taxation.

### MESSAGE FROM THE SENATE

The Senate nonconcurs in House amendments to **H. Sub. for SB 306**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 310**, requests a conference and has appointed Senators Owens, D. Schmidt and Kelly as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **Sub. SB 353**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate adopts the conference committee report to agree to disagree on **S. Sub. for HB 2115** and has appointed Senators Apple, Petersen and Francisco as second conferees on the part of the Senate.

The President announced the appointment of Senator Kelly as a member of the conference committees on **SB 368**, **SB 369** to replace Senator Haley.

# INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 306**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 310**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on  ${\bf Sub.~SB~353}$ .

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

# MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Gordon to concurr in Senate amendments to **HB 2554**, the motion did not prevail.

Call of the House was demanded.

On roll call, the vote was: Yeas 57; Nays 63; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Benlon, Bethell, Bollier, Bowers, Brookens, Colloton, Craft, Faber, Furtado, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Hill, Hineman, C. Holmes, M. Holmes, Horst, Kerschen, Kleeb, Lane, Light, Meier, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Patton, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Tafanelli, Talia, Tietze, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Garcia, D. Gatewood, S. Gatewood, Henderson, Henry, Hermanson, Huebert, Jack, Kelley, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, O'Brien, Olson, Otto, Palmer, Pauls, Peck, Phelps, Rhoades, Siegfreid, Suellentrop, Swenson, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf.

Present but not voting: None.

Absent or not voting: Fund, Hawk, Johnson, Peterson, Seiwert.

On motion of Rep. Shultz, the House nonconcurred in Senate amendments to  ${\bf Sub.\ HB}$  2345 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Shultz, Peck and Swenson 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 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 J. NEUFELD ANTHONY BROWN JUDITH LOGANBILL Conferees on part of House

On motion of Rep. Neufeld, the conference committee report on S. Sub. for HB 2115 was adopted.

Speaker O'Neal thereupon appointed Reps. Neufeld, A. Brown and Loganbill as second conferees on the part of the House.

#### REPORTS OF STANDING COMMITTEES

**Transportation and Public Safety Budget Committee** recommends **SCR 1625** be amended on page 1, in the title, in line 12, by striking "and fully fund"; and the concurrent resolution be adopted as amended.

**Select Committee on KPERS** recommends **SB 568** be passed.

# BILLS STRICKEN FROM THE CALENDAR

In accordance with House Rule 1507, the following bills appearing on the calendar under the heading General Orders on March 24, are stricken from the calendar:

H. Sub. for SB 26; H. Sub. for SB 43; SB 118; H. Sub. for SB 345; SB 371, SB 380, SB 395; H. Sub. for SB 425; SB 455; Sub. SB 462; SB 471, SB 485, SB 490.

#### REPORT ON ENROLLED BILLS

HB 2418, HB 2440, HB 2468; S. Sub. for HB 2476; HB 2535, HB 2544, HB 2547, HB 2566, HB 2581, HB 2649, HB 2661, HB 2678, HB 2698 reported correctly enrolled, properly signed and presented to the governor on March 29, 2010.

# REPORT ON ENROLLED RESOLUTIONS

HR 6026, HR 6029, HR 6031, HR 6032, HR 6034, HB 6035 reported correctly enrolled and properly signed on March 29, 2010.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Tuesday, March 30, 2010.

# Journal of the House

# FIFTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, March 30, 2010, 10:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair. The roll was called with 122 members present.

Reps. Fund and Johnson were excused on verified illness.

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

Rep. Yoder was excused later in the day on excused absence by the Speaker.

Present later: Rep. Hawk.

Prayer by Chaplain Brubaker:

Our Heavenly Father, On Tuesday of Holy Week, Jesus taught in the Temple. His taught about subjects that we deal with today: issues of authority, land owners, laborers, marriage and taxes. He even came down hard on those leaders who placed burdens upon the people that were next to impossible to bear. But the most important thing He taught was how all the commandments of God are summarized into these two: 'Love the Lord your God with all your heart and with all your soul and with all your mind. And the second is like it: 'Love your neighbor as yourself.' (Matthew 22:37-38) May it be said of us today that our words and actions reflect this teaching in our lives. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Frownfelter.

### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Reps. Mah, Worley and Meier are spread upon the journal:

Rep. Mah: March 30 marks the anniversary of the date of the completion in 1973 of the withdrawal of US combat units from the former South Vietnam. In many cases, our veterans were not welcomed back with gratitude and were too often blamed for the failings of a war waged under four administrations.

This is why the Vietnam Veterans of America endorses the establishment of March 30 as "Welcome Home Vietnam Veterans Day". We have with us today the following members of the Danny J. Petersen VVA Chapter 604: Ronald Zink, Roy Dunn, Kenny Bowen, Laro Hill, Verlin Jones, Herbert Kessler, Ralph Knehans, Donald Munn, Denise Myers, Ken Smith, Robert Romero, Blas Ortiz, Linda Ortiz, Ronald Ruppert, Gilbert Ramirez, Bill Pfeifer and Roger Beach.

We also have in our own chamber Vietnam Veteran Rep. Worley and Iraq veteran Rep. Meier who will tell us more about the Welcome Home effort. And we would like to invite down to the well any other Vietnam veterans or spouses of Vietnam Veterans in the House at this time.

Rep. Worley: To express our support and thanks to Vietnam Veterans here and across Kansas, I would like to read a portion of Senate Resolution No. 451 passed by the US Senate by unanimous consent on March 19, 2010. Expressing support for designation of a 'Welcome Home Vietnam Veterans Day.'

Whereas members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961;

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam; Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached;

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

Whereas the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by 4 presidential administrations in the United States;

Whereas the establishment of a 'Welcome Home Vietnam Veterans Day' would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War;

And Whereas March 30, 2010, would be an appropriate day to establish as 'Welcome Home Vietnam Veterans Day':

Rep. Meier:

Now, therefore, be it Resolved, That the Senate—

- (1) honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace;
- (2) encourages States and local governments to also establish 'Welcome Home Vietnam Veterans Day'; and
- (3) encourages the people of the United States to observe 'Welcome Home Vietnam Veterans Day' with appropriate ceremonies and activities that—

provide the appreciation Vietnam War veterans deserve, but did not receive upon returning home from the war;

and promote opportunities for such veterans to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life.

We encourage cities and counties throughout Kansas to recognize March 30, 2010, as Welcome Home Vietnam Veteran's Day and provide appropriate recognition and promote opportunities to assist younger veterans returning from the wars in Iraq and Afghanistan in their rehabilitation and to support the reintegration of younger veterans into civilian life. Please join us in Welcoming Home our Vietnam Veterans.

We would also like the veterans of Desert Storm, Desert Shield, Just Cause, or any other recent deployments the United States has engaged in to stand and be recognized.

### INTRODUCTION OF GUESTS

Rep. Davis and his wife, Stephanie, introduced their daughter, Caroline Josephine Davis, to the members of the House. Caroline was born on January 23, 2010 in Lawrence.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: SB 572.

Committee of the Whole: **HB 2747**. Federal and State Affairs: **HR 6036**. Health and Human Services: **SB 488**.

# MESSAGES FROM THE SENATE

The Senate concurs in House amendments to Sub. SB 67, and requests return of the bill.

The Senate concurs in House amendments to H. Sub. for SB 234.

The Senate concurs in House amendments to H. Sub. for SB 305.

The Senate concurs in House amendments to SB 346, and requests return of the bill.

The Senate concurs in House amendments to **SB 386**, and requests return of the bill.

The Senate concurs in House amendments to SB 389, and requests return of the bill.

The Senate concurs in House amendments to SB 439, and requests return of the bill.

The Senate concurs in House amendments to **H. Sub. for SB 458**, and requests return of the bill.

The Senate concurs in House amendments to SB 461, and requests return of the bill.

The Senate concurs in House amendments to SCR 1615, and requests return of the resolution.

Also, the Senate nonconcurs in House amendments to **H. Sub. for SB 214**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2345** and has appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for Sub. HB 2538** and has appointed Senators Brownlee, Lynn and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2561** and has appointed Senators Umbarger, Huntington and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2582** and has appointed Senators Apple, Petersen and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2660** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2704** and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

# INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 214**.

Speaker O'Neal thereupon appointed Reps. Powell, Fund and Lukert as conferees on the part of the House.

# INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Kiegerl,  ${\bf HR~6037},$  by Rep. Kiegerl, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6037-

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 House of Representatives 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 Chief Clerk of the House of Representatives be directed to send five enrolled copies of this resolution to Representative Kiegerl.

#### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Menghini, **HR 6033**, A resolution honoring John D. VanGorden for his service to the City of Pittsburg, Kansas, was adopted.

# MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

The motion of Rep. Winn, in accordance with House Rule 1503 (b), that  ${\bf SB~54}$  be changed to the first measure under the order of business General Orders, was considered.

The motion of Rep. Winn prevailed, and **SB 54** is moved to the first order of business on General Orders..

# MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Brunk, the House concurred in Senate amendments to  ${\bf HB~2560}$ , 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.

Call of the House was demanded.

On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades,

Roth, Ruiz, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Carlson, Donohoe, Gordon, Kelley, Kinzer, Landwehr, McLeland, Merrick, O'Brien, Otto, Patton, Schroeder.

Present but not voting: None.

Absent or not voting: Fund, Hawk, Johnson.

On motion of Rep. Shultz, the House concurred in Senate amendments to **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 sections, by Committee on Insurance.

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

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Kinzer, Whitham.

Present but not voting: None.

Absent or not voting: Fund, Johnson.

On motion of Rep. Shultz, the House concurred in Senate amendments to **HB 2500**, An act concerning cities and municipalities; relating to municipal insurance pools; amending K.S.A. 12-2618 and repealing the existing section.

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

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Johnson.

On motion of Rep. Gordon, the House concurred in Senate amendments to **HB 2551**, An act concerning recovery zone bonds; granting authority to the department of commerce to recapture unissued bonds.

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

On roll call, the vote was: Yeas 109; Nays 14; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, DeGraaf, Donohoe, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, Olson, Otto, Peck, Rhoades, Schwab.

Present but not voting: None.

Absent or not voting: Fund, Johnson.

On motion of Rep. Gordon, the House concurred in Senate amendments to **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.

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

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Johnson.

On motion of Rep. Whitham to concur in Senate amendments to **HB 2691**, the motion did not prevail and the bill remains in conference.

On roll call, the vote was: Yeas 25; Nays 97; Present but not voting: 0; Absent or not voting: 3.

Yeas: Benlon, Brunk, Burgess, Faber, George, Grange, Hermanson, Hill, Hineman, M. Holmes, Kerschen, Knox, Mast, Myers, Patton, Pottorff, Prescott, Quigley, Rardin, Rhoades, Schroeder, Seiwert, Shultz, Siegfreid, Suellentrop.

Nays: Aurand, Ballard, Barnes, Bethell, Bollier, Brookens, A. Brown, T. Brown, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, C. Hohnes, Horst, Huebert, Jack, Kelley, Kiegerl, King, Kinzer, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Powell, Proehl, Roth, Ruiz, Schwab, Schwartz, Slattery, Sloan, Spalding, D.

Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bowers, Fund, Johnson.

#### INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Donohoe moved, pursuant to House Rule 2303, that the House reconsider its adverse action in not concurring with Senate amendments on **HB 2554** (see HI, page 1308). The motion prevailed.

The question then reverted back to the motion to concur in Senate amendments to **HB 2554**. Rep. Benlon offered a substitute motion to nonconcur and asked that a new conference committee be appointed. The motion prevailed.

Speaker O'Neal thereupon appointed Reps. Gordon, Donohoe and Benlon as conferees on the part of the House.

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

# AFTERNOON SESSION

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

#### MESSAGE FROM THE SENATE

Announcing passage of HB 2107.

Announcing passage of HB 2226, as amended by S. Sub. for HB 2226; HB 2356, as amended as amended by S. Sub. for HB 2356; HB 2666, as amended.

The Senate concurs in House amendments to **H. Sub. for SB 25**, and requests return of the bill.

The Senate concurs in House amendments to **H. Sub. for SB 75**.

The Senate concurs in House amendments to **H. Sub. for SB 200**, and requests return of the bill.

The Senate concurs in House amendments to H. Sub. for SB 255.

The Senate concurs in House amendments to H. Sub. for SB 312.

The Senate concurs in House amendments to SB 531.

The Senate adopts conference committee report on HB 2412.

The Senate adopts conference committee report on **HB 2435**.

The Senate adopts conference committee report on **HB 2652**.

The Senate accedes to the request of the House for a conference on **HB 2554** and has appointed Senators Brownlee, Lynn and Holland as conferees on the part of the Senate.

# MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House concurred in Senate amendments to **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.

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

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rho-

ades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Fund, Hawk, Johnson, Kinzer, Yoder.

On motion of Rep. Carlson, the House concurred in Senate amendments to **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.

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

On roll call, the vote was: Yeas 100; Nays 20; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Carlin, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: Burroughs, Crow, Davis, Dillmore, Flaharty, Frownfelter, Garcia, Henderson, Henry, Kuether, Loganbill, McCray-Miller, Menghini, Pauls, Peterson, Ruiz, Swenson, Tietze, Ward, Winn.

Present but not voting: None.

Absent or not voting: Brunk, Fund, Hawk, Johnson, Yoder.

On motion of Rep. A. Brown, the House concurred in Senate amendments to **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.

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

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Fund, Hawk, Johnson, Yoder.

On motion of Rep. Powell, the House concurred in Senate amendments to **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 97; Nays 23; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, Kiegerl, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, DeGraaf, Dillmore, Donohoe, S. Gatewood, Goyle, Huebert, Kelley, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Olson, Patton, Peck, Prescott, Schwab, Seiwert, Talia, Vickrey.

Present but not voting: None.

Absent or not voting: Brunk, Fund, Hawk, Johnson, Yoder.

On motion of Rep. Kinzer, the House nonconcurred in Senate amendments to **S. Sub.** for HB 2226 and asked for a conference.

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

On motion of Rep. Landwehr to nonconcur in Senate amendments to **S. Sub. for HB 2356** and that a conference committee be appointed, Rep. Neighbor offered a substitute motion to concur in Senate amendments. The motion was subsequently withdrawn. The question reverted back to the motion of Rep. Landwehr and the House nonconcurred in Senate amendments to **S. Sub. for HB 2356**.

Speaker O'Neal thereupon appointed Reps. Landwehr, Crum and Flaharty as conferees on the part of the House.

# 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

On motion of Rep. Whitham, the conference committee report on **SB 30** was adopted. On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack,

Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Fund, Hawk, Johnson, Neufeld, Yoder.

### 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

On motion of Rep. McLeland, the conference committee report on **SB 362** was adopted. On roll call, the vote was: Yeas 114; Nays 5; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: Feuerborn, Mah, Ruiz, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Brunk, Fund, Hawk, Johnson, Neufeld, Yoder.

#### 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, by striking all in lines 17 through 43;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 32;

And by renumbering the remaining sections accordingly;

On page 14, in line 10, by striking "and K.S.A. 2009 Supp. 8-1014"; in line 11, by striking "and 8-1015 are" and inserting "is";

In the title, in line 11, by striking "8-1014, 8-1015"; in line 12, by striking "and" where it appears the first time; also in line 12, by striking "sections" and inserting "section";

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

On motion of Rep. Kinzer to adopt the conference committee report on SB 368, Rep. Siegfreid offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion prevailed.

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

# CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 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

On motion of Rep. Kinzer, the conference committee report on SB 369 was adopted. On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Fund, Hawk, Johnson, Yoder.

#### 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

On motion of Rep. Colloton, the conference committee report on **HB 2412** was adopted. On roll call, the vote was: Yeas 74; Nays 46; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grange, Grant, Henderson, Henry, Hill, Hineman, M. Holmes, Kerschen, Kiegerl, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Moxley, Myers, Neighbor, O'Neal, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Shultz, Siegfreid, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Burgess, Carlson, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, Horst, Huebert, Jack, Kelley, King, Kinzer, Kleeb, Knox, Landwehr, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Neufeld, O'Brien, Olson, Patton, Peck, Powell, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Slattery, Suellentrop, Talia, Vickrey, Ward.

Present but not voting: None.

Absent or not voting: Brunk, Fund, Hawk, Johnson, Yoder.

### 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

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п	493	467	442	460 438	416	216	205	194	200	190	<u>\$</u>	174	165	168	160	152	154	146	138	131	123	123	117	109
Ш	247	233	221	228 216	206	107	102	1 96	001	94 89	92	88	82	83	62	74	77	72 6	71	99	19	61	59	55
IV	172	162	154	162 154	144	75	71	9 89	19 69	66 62	64	09	57	59	99	52	52	50 4	48	45	42	43	41	38
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- (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 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 avail-

able 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

On motion of Rep. Colloton, the conference committee report on **HB 2435** was adopted. On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Fund, Hawk, Johnson, Yoder.

# 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 J. KNOX
ANNIE KUETHER
Conferees on part of House

On motion of Rep. C. Holmes, the conference committee report on  ${\bf HB}$  2652 was adopted.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Fund, Hawk, Johnson, Yoder.

#### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 581** from Committee on General Government Budget and referral to Committee on Appropriations.

#### REPORT OF STANDING COMMITTEE

Your Committee on Calendar and Printing recommends on requests for resolutions and certificates that

**Request No. 125**, by Representative Maloney, congratulating 3Bar Ranch in recognition of receiving awards for 2009 Kansas Master Farmers and Master Farm Homemakers;

Request No. 126, by Representative Yoder, congratulating Kevin Foiles on achieving the rank of Eagle Scout;

**Request No. 127**, by Representative Grant, commending James "Jim" O'Toole for serving the people of West Central Crawford County for 30 years as Grant Township trustee;

Request No. 128, by Representative Olson, congratulating Maximum Archery World Tour on their world wide bow hunting adventures;

**Request No. 129**, by Representative Hermanson, congratulating Melanie Cox on being named 2009 Mrs. Wichita, Kansas;

**Request No. 130**, by Representative Olson, congratulating Ross Bows for exhibiting exceptional quality and incredible detail;

**Request No. 131**, by Representative Hermanson, congratulating Papa John's Pizza for receiving an outstanding pizza award;

**Request No. 132**, by Representatives Phelps and Johnson, congratulating Thomas More Prep-Marian Girl's Basketball Team on winning 3A state basketball championship;

**Request No. 133**, by Representatives Phelps and Lukert, congratulating Darcie Schmitz of Fort Hays State University on winning the Division II long jump with a school record;

**Request No. 134**, by Representative O'Brien, congratulating Thomas Miller on achieving the rank of Eagle Scout;

**Request No. 135**, by Representative Hermanson, congratulating Jordan Berseth on outstanding volunteer service for Haiti relief;

**Request No. 136**, by Representative Hineman, congratulating Cas Schultz on achieving the rank of Eagle Scout;

**Request No. 137**, by Representative Hineman, congratulating Dal Schultz on achieving the rank of Eagle Scout;

**Request No. 138**, by Representative Phelps, congratulating Thomas More Prep-Marian 3A Championship Scholars Bowl Team on winning first place;

**Request No. 139**, by Representative Horst, congratulating Patrick T. Klenda on earning the rank of Eagle Scout;

**Request No. 140**, by Representative Horst, congratulating Brandon D. Keller on earning the rank of Eagle Scout;

**Request No. 141**, by Representative Meier, commending Father Carroll Thorne recognizing his 50th anniversary of joining the priesthood;

**Request No. 142**, by Representative Olson, congratulating Steve Cochennet, EnerJex Resources, Inc. in recognition of their oil and gas development in Kansas;

Request No. 143, by Representative Bollier, congratulating Christopher Cusick on earning the rank of Eagle Scout;

**Request No. 144**, by Representative Meier, congratulating David Hall on earning the rank of Eagle Scout;

**Request No. 145**, by Representative Peterson, congratulating Jacob Shade Mitchell on earning the rank of Eagle Scout;

**Request No. 146**, by Representative Bethell, congratulating Bryce Miller on a lifetime effort for the benefit of those with mental illness;

**Request No. 147**, by Representative Olson, congratulating Stan Ross in recognition of the development of Digital Ally Advanced Digital Video Systems;

**Request No. 148**, by Representative Horst, congratulating John Arnold on 96 years of life and for many good deeds which have been of benefit to his community;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

On motion of Rep. Merrick, the House recessed until 7:30 p.m.

# EVENING SESSION

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

#### 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:

(a) (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;

(b) (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;

(c) (3) except as otherwise provided in subsection (c), completion of a postgraduate professional experience pursuant to rules and regulations; and

(d) (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 K. Landwehr J. DAVID CRUM GERALDINE FLAHARTY Conferees on part of House

IIM BARNETT VICKI SCHMIDT LAURA KELLY

Conferees on part of Senate

On motion of Rep. Landwehr, the conference committee report on SB 62 was adopted. On roll call, the vote was: Yeas 112; Nays 6; Present but not voting: 0; Absent or not

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, Donohoe, Henderson, Kinzer, Lane, Tafanelli.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Schwab, Yoder.

#### 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, 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
Exempt license renewal fee, not more than	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
Written verification of license	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 K. LANDWEHR
J. DAVID CRUM
GERALDINE FLAHARTY
Conferees on part of House

JIM BARNETT
VICKI SCHMIDT
LAURA KELLY
Conferees on part of Senate

On motion of Rep. Landwehr, the conference committee report on **H. Sub. for SB 83** was adopted.

On roll call, the vote was: Yeas 106; Nays 12; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Gordon, Goyle, Grange, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, A. Brown, Carlson, Feuerborn, Goico, Grant, Huebert, Kinzer, Patton, Suellentrop, Tafanelli, Vickrey.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Schwab, Yoder.

#### 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 K. Landwehr J. David Crum Geraldine Flaharty Conferees on part of House

Pete Brungardt Roger P. Reitz Oletha Faust-Goudeau Conferees on part of Senate

On motion of Rep. Landwehr, the conference committee report on **H. Sub. for SB 262** was adopted.

On roll call, the vote was: Yeas 113; Nays 6; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kleeb, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Carlson, King, Kinzer, Knox, Lane, Powell.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

#### 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.
- (e) (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.
  - $\frac{d}{d}$  (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; musculoskeletal; 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.
- (e) (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 <del>an elder or disabled person</del> a protected consumer; (c) whether the <del>elder or disabled person</del> 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
- (5) loss of property set aside for retirement or for personal or family care and maintenance;
- (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

On motion of Rep. Kinzer, the conference committee report on **H. Sub. for SB 269** was adopted.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

# 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 C. WINN
Conferees on part of House

JEAN SCHODORF
JOHN VRATIL
ANTHONY HENSLEY
Conferees on part of Senate

On motion of Rep. Aurand, the conference committee report on **SB 359** was adopted. On roll call, the vote was: Yeas 103; Nays 16; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Ward, Whitham, Williams, Winn, B. Wolf.

Nays: A. Brown, Crow, King, Kinzer, Meier, Olson, Palmer, Quigley, Schwab, Siegfreid, Slattery, Trimmer, Vickrey, Wetta, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

# 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 "bonds" and inserting "bonds".

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

On motion of Rep. Grange, the conference committee report on **H. Sub. for SB 377** was adopted.

On roll call, the vote was: Yeas 66; Nays 53; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Barnes, Bethell, Bowers, Brookens, A. Brown, T. Brown, Burgess, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, D. Gatewood, S. Gatewood, Goico, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Horst, Huebert, King, Kinzer, Knox, Landwehr, Light, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peterson, Phelps, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfreid, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, B. Wolf, Worley.

Nays: Ballard, Benlon, Bollier, Burroughs, Carlin, Carlson, Colloton, Crow, Davis, Dillmore, Finney, Flaharty, Frownfelter, Furtado, Garcia, Gordon, Henderson, Hineman, Jack, Kelley, Kerschen, Kiegerl, Kleeb, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Moxley, Neighbor, Palmer, Peck, Pottorff, Quigley, Rardin, Ruiz, Schwab, Seiwert, Slattery, Sloan, Spalding, Ward, Williams, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

### 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 K. Landwehr J. David Crum Geraldine Flaharty Conferees on part of House

JIM BARNETT VICKI SCHMIDT LAURA KELLY

Conferees on part of Senate

On motion of Rep. O'Brien, the conference committee report on **H. Sub. for SB 449** was adopted.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Goico, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Merrick, Morrison, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B, Wolf, K. Wolf, Worley.

Nays: A. Brown, Carlson, DeGraaf, D. Gatewood, Gordon, Huebert, Kinzer, Lane, Mast, McLeland, Moxley, Patton, Schwab, Whitham.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

# 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,

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

On motion of Rep. Kinzer, the conference committee report on SB 537 was adopted. On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

## MESSAGE FROM THE SENATE

Announcing passage of HB 2310, as amended by S. Sub. for HB 2310.

The Senate concurs in House amendments to H. Sub. for SB 213, and requests return of the bill.

The Senate concurs in House amendments to SB 382, and requests return of the bill.

The Senate adopts conference committee report on **S. Sub. for HB 2039**.

The Senate adopts conference committee report on S. Sub. for HB 2115.

The Senate adopts conference committee report on S. Sub. for HB 2432.

The Senate adopts conference committee report on **HB 2472**.

The Senate adopts conference committee report on **HB 2501**.

The Senate adopts conference committee report on S. Sub. for HB 2585.

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

Speaker O'Neal called the House to order.

# MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Bethell, the House nonconcurred in Senate amendments to S. Sub. for HB 2310 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Bethell, Hill and Williams as conferees on the part of the House.

On motion of Rep. Merrick, the House recessed until 9:15 p.m.

# NIGHT SESSION

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

#### 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 respon-

sible 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 \$80 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 proprietor-

ship, 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 proceeding 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

LES DONOVAN
DEREK SCHMIDT
TOM HOLLAND
Conferees on part of Senate

On motion of Rep. Carlson, the conference committee report on **SB 430** was adopted. On roll call, the vote was: Yeas 111; Nays 8; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Dillmore, Faber, Feuerborn, Grant, Knox, Landwehr, Peck, Ward.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

# 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 C. OWENS
DEREK SCHMIDT
DAVID HALEY
Conferees on part of Senate
LANCE KINZER
JEFF WHITHAM
JANICE L. PAULS
Conferees on part of House

On motion of Rep. Kinzer, the conference committee report on S. Sub. for HB 2039 was adopted.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Burroughs, Faber, Frownfelter, Lane.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

## 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

On motion of Rep. Kinzer, the conference committee report on S. Sub. for HB 2432 was adopted.

On roll call, the vote was: Yeas 113; Nays 6; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Kerschen, Lane, Mast, Neufeld, O'Neal, Vickrey.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

## 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 180 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

On motion of Rep. Schwartz, the conference committee report on **HB 2472** was adopted. On roll call, the vote was: Yeas 112; Nays 7; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf.

Nays: Crow, D. Gatewood, Kuether, Meier, Patton, Quigley, Worley.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

### 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; <del>and</del>
- (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, <del>2008</del> 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:  $\frac{1}{2}$ 
  - (1) A denial or cancellation of coverage;
  - (2) anything other than the best possible rate; or
- (3) (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

On motion of Rep. Peck, the conference committee report on HB 2501 was adopted. On roll call, the vote was: Yeas 96; Nays 23; Present but not voting: 0; Absent or not

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, DeGraaf, Dillmore, Faber, Finney, Flaharty, Frownfelter, Furtado, Garcia, Goico, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, King, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, A. Brown, Crum, Donohoe, Feuerborn, D. Gatewood, S. Gatewood, Gordon, Henderson, Huebert, Kelley, Kiegerl, Kinzer, Kleeb, Knox, Lane, Mast, McLeland, Patton, Rhoades, Siegfreid, Suellentrop, Whitham.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

### 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 WHITMAN JANICE L. PAULS Conferees on part of House

On motion of Rep. Kinzer, the conference committee report on S. Sub. for HB 2585 was adopted.

On roll call, the vote was: Yeas 116; Nays 3; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Knox, Lane, Schroeder.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

### MESSAGE FROM THE SENATE

The Senate adopts conference committee report on SB 30.

The Senate adopts conference committee report on **SB 362**.

The Senate adopts conference committee report on SB 369.

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

# LATE NIGHT SESSION

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

# MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on SB 368 and has appointed Senators Owens, Vratil and Kelly as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2226** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2356** and has appointed Senators Barnett, V. Schmidt and Kelly as conferees on the part of the Senate.

The Senate adopts conference committee report on HB 2668.

The Senate adopts conference committee report on S. Sub. for Sub. HB 2509.

The Senate adopts conference committee report on **HB 2554**.

The Senate adopts conference committee report on **HB 2656**.

# 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

On motion of Rep. Colloton, the conference committee report on  ${\bf Sub.~SB~353}$  was adopted.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

### 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

On motion of Rep. Kinzer, the conference committee report on  ${\bf H.~Sub.~for~SB~381}$  was adopted.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

### 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 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 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.
- $\left(v\right)$  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:
- $\frac{A}{A}(1)$  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.
- $\frac{\text{(B)}}{2}$  (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.

- $\frac{\text{(C)}}{\text{(3)}}$  (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. Counselve does not include the physician who performs or induces the
- ination 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.
- $\frac{\rm (b)}{\rm (c)}$  (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  $\frac{\text{(b)}}{\text{(b)}}(c)$  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  $\frac{\text{(b)}}{\text{(b)}}(c)$  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.
- $\frac{(e)}{(e)}$  (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.
- $\frac{d}{d}$  (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.
- (f) (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.
- $\frac{\langle \mathbf{g} \rangle}{\langle i \rangle}$  (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 J. NEUFELD ANTHONY R. BROWN Conferees on part of House

On motion of Rep. Neufeld, the conference committee report on S. Sub. for HB 2115 was adopted.

On roll call, the vote was: Yeas 83; Nays 36; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, D. Gatewood, Goico, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Vickrey, Wetta, Whitham, Williams, B. Wolf, Worley.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Gordon, Henderson, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Quigley, Rardin, Roth, Ruiz, Sloan, Spalding, Tietze, Trimmer, Ward, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

## 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 C. OWENS
DEREK SCHMIDT
DAVID HALEY
Conferees on part of Senate

PAT COLLOTON
JOE PATTON
MELODY MCCRAY-MILLER
Conferees on part of House

On motion of Rep. Colloton, the conference committee report on **HB 2605** was adopted. On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley,

Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

## MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Quigley, the House concurred in Senate amendments to **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.

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

On roll call, the vote was: Yeas 88; Nays 31; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Goyle, Grant, Henderson, Henry, Hermanson, Hill, Hineman, Horst, Huebert, Jack, Kerschen, Kiegerl, King, Kinzer, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Myers, Neighbor, O'Brien, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Seiwert, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, Bethell, Bowers, A. Brown, Carlson, Donohoe, Faber, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Kelley, Knox, Mast, McLeland, Merrick, Morrison, Neufeld, O'Neal, Patton, Peck, Powell, Rhoades, Schroeder, Schwab, Schwartz, Shultz, Siegfreid, Suellentrop, Whitham.

Present but not voting: None.

Absent or not voting: Brunk, Fund, George, Hawk, Johnson, Yoder.

## MESSAGE FROM THE SENATE

The Senate adopts conference committee report on SB 62.

The Senate adopts conference committee report on **H. Sub. for SB 83**.

The Senate adopts conference committee report on **H. Sub. for SB 262**.

The Senate adopts conference committee report on H. Sub. for SB 269.

The Senate adopts conference committee report on **SB 359**.

The Senate adopts conference committee report on Sub. HB 2528.

The Senate adopts conference committee report on **HB 2605**.

## REPORT ON ENGROSSED BILLS

HB 2500; S. Sub. for Sub. HB 2538; HB 2551, HB 2553; HB 2608 reported correctly engrossed March 30, 2010.

Sub. HB 2345; HB 2560 reported correctly re-engrossed March 30, 2010.

#### REPORT ON ENROLLED RESOLUTIONS

HCR 5037 reported correctly enrolled and properly signed on March 30, 2010.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Wednesday, April 28, 2010.

# Journal of the House

## FIFTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, April 28, 2010, 10:00 a.m.

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

The roll was called with 123 members present.

Rep. Fund was excused on verified illness.

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

Prayer by Chaplain Brubaker:

Our Heavenly Father,
You have provided for us a break . . . .
a gift we truly appreciate;
but back to the grind
and the tasks assigned,
ready we stand
for the discussions at hand.

Some of our decisions were vetoed, thus now increasing our workload; we all heard many comments, and listened to the arguments about the bills we passed, and now our votes we recast.

About the budget,
we know we can't fudge it,
so here the rhyming ends
as our prayer ascends.
We pray the prayer of Solomon
when he asked of God,
"Give your servant(s) a discerning heart
to govern your people and
to distinguish between right and wrong.
Give me wisdom and knowledge,
that I may lead this people."

Lord, we also want to thank you for the wonderful health report of Rep. Myer's wife who had surgery but has no cancer. We also give thanks that Rep. Johnson is able to be back with us. We continue to pray for him and for Rep. Fund, asking for strength and healing. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Moxley.

## INTRODUCTION OF GUESTS

There being no objection, the following remarks by Reps. Furtado and Garcia are spread upon the journal:

Rep. Furtado: Today I want to describe for you a national program sponsored by the State Department in collaboration with the League of Women Voters US by which women

from other countries come to the United States for an extended visit to learn about our political process at the local, state and national government and the services provided to our residents.

The League of Women voters of Johnson County was selected to host two women from Colombia, South America to observe local and state governments in Kansas. While in Johnson County, they have observed a Board of County commissions meeting as well as interacted with heads of departments within county government to learn about county services. They also attended an Overland Park City Council Meeting, visited the Municipal Court and visited with other department heads. Visits with NGO service providers as well as educational institutions from Head Start to the Community College have occurred. This week they visited the U. S. District Court and the EPA offices in Kansas City, KS. Ten days ago they met with Reps. Quigley, Spalding and me to discuss legislative issues related to women, children and education. We also described the election process including campaign finances. I invited them to spend the morning to observe a session in the House.

At this time Rep. Garcia will introduce our two guests from Colombia, South America and tell you a little about them.

Rep. Garcia: Ximena Poveda Bernal is an economist for CEI Corporation whose motto is "Excelencia en la Justicia" and is located in Bogata, Colombia. Paulina Guerra Quetama is a system engineer at Mariana University in Narino, Colombia and is an elected official, Township Councillor of Sandona in Narino, Columbia. Won't you please join us in giving these two visitors a cordial welcome!

#### PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Burroughs are spread upon the journal:

Today we recognize and pay tribute to the men and women who have given their lives or have been injured the job.

Every day many workers throughout our state are subjected to dangerous work environments simply to provide for their families and contribute to our collective well-being. Many of these workers put themselves in harm's way just to ensure that the rest of us live in safe and thriving communities.

- The KDOT workers who put themselves in danger on fast moving highways to make sure that we have safe and reliable roads.
- The Corrections Officers who risk their lives and limbs every day to stand between our communities and dangerous convicted offenders.
- The social worker who enters at-risk homes to provide our most vulnerable citizens hope and refuge against abusive conditions.

In recent weeks and months there have been a series of workplace.

Tragedies around the country-

- $\bullet$  the coal mine disaster at the Massey Energy Upper Big Branch mine in West Virginia that killed 29 miners,
- an explosion a few days earlier at the Tesoro Refinery in Washington State that killed six workers,
- ullet and the explosion at the Kleen Energy Plant in Connecticut in February that also claimed the lives of six workers

Each of you can recall tragedies that have happened in your communities. So please join with me in a moment of silence as we remember the fallen Kansans who have contributed so much for our state and communities.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2748**, An act concerning school districts; relating to the use of moneys by school districts; amending K.S.A. 72-3607, 72-4523, 72-4525, 72-6420, 72-6423, 72-6424, 72-8237, 72-8238 and 72-8804 and K.S.A. 2009 Supp. 72-965, 72-3715, 72-6414a, 72-6414b, 72-6421, 72-8223, 72-8248, 72-8249, 72-8250, 72-9509 and 72-9609 and repealing the existing sections; also repealing K.S.A. 72-6422, by Committee on Appropriations.

## MESSAGES FROM THE GOVERNOR

HB 2418, HB 2440, HB 2468; S. Sub. for HB 2476; HB 2535, HB 2544, HB 2547, HB 2566, HB 2581, HB 2649, HB 2661, HB 2678, HB 2698 approved on April 6, 2010.

Also, **HB 2107**; **Sub. HB 2345**; **HB 2500**; **Sub. HB 2517**; **HB 2551**, **HB 2553**, **HB 2560**, **HB 2608**, **HB 2652**, **HB 2666** approved on April 12, 2010.

Also, S. Sub. for HB 2039; HB 2412; S. Sub. for HB 2432; HB 2435, HB 2472, HB 2501; S. Sub. for HB 2585; HB 2605 approved on April 15, 2010.

#### VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **S. Sub. for HB 2115**, An act concerning utilities; relating to the underground utility damage prevention act; concerning interference with an emergency call; amending K.S.A. 66-1802, 66-1804, 66-1805 and 66-1806 and repealing the existing sections; also repealing K.S.A. 21-4211, 66-1802, as amended by section 5 of chapter 122 of the 2008 Session Laws of Kansas, 66-1804, as amended by section 6 of chapter 122 of the 2008 Session Laws of Kansas, 66-1805, as amended by section 7 of chapter 122 of the 2008 Session Laws of Kansas, 66-1806, as amended by section 8 of chapter 122 of the 2008 Session Laws of Kansas, section 9 of chapter 122 of the 2008 Session Laws of Kansas and section 10 of chapter 122 of the 2008 Session Laws of Kansas, was received and read.

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

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I am vetoing **S. Sub. for HB 2115**.

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. for HB 2115**.

Mark Parkinson Governor

Dated: April 15, 2010

### VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **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, was received and read.

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

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I am vetoing S. Sub. for Sub. HB 2538.

This legislation improves upon actions taken last year to give the Secretary of the Department of Commerce more discretion as to when and how state resources are spent to provide economic development incentives. I respect the considerable work and efforts of many to make these improvements, they are needed and appreciated. However, there are elements within this legislation with which I have concerns, including increasing the budget for Kansas, Inc. by \$250,000 each year.

In light of these concerns, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **S. Sub. for Sub. HB 2538**.

Mark Parkinson Governor

Dated: April 15, 2010.

## MESSAGES FROM THE GOVERNOR

S. Sub. for HB 2160 approved on April 19, 2010.

#### COMMUNICATIONS FROM STATE OFFICERS

From Roderick L. Bremby, Secretary, Kansas Department of Health and Environment, in accordance with the Kansas Health Occupations Credentialing Act (K.S.A. 65-5001 *et seq.*), recommendations to the Legislature on the American massage Therapy Association of Kansas.

From Joan Wagnon, Secretary of Revenue, pursuant to K.S.A. 74-50,1189(c), Annual Report — Kansas Enterprise Zone Act.

From Carol G. Green, Secretary, Commission on Judicial Qualifications, Annual Report for Calendar Year 2009 is available online at http://www.kscourts.org/appellate-clerk/general/commission-on-judicial-qualifications/2009-Annual-Report.pdf or online at www.kscourts.org under "Commission on Judicial Qualifications.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6038-

By Representatives Hill and Mast

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 Cassondra 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, Cassondra 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, Cassondra 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 House of Representatives 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 Chief Clerk of the House of Representatives be directed to send 4 enrolled copies of this resolution to Representative Hill.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. T. Brown, **HR 6039**, by Rep. T. Brown, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6039-

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

WHERĒAS, The team members were Carson Barnes, Brandon Baltzell, Carrie Dietz, Shelby Gregory, Mac Halpin, Mason Johnson and Austin Kraus. The team mentors were Sandy Barnes and Baldwin High School teacher Pam Davis; and

Be it resolved by the House of Representatives 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 Chief Clerk of the House of Representatives be directed to give nine enrolled copies of this resolution to Representative T. Brown, one for each member and mentor of the Baldwin High School design team.

There being no objection, the following remarks by Rep. T. Brown are spread upon the journal:

Colleagues, it is my great honor to present to you a national championship team from Baldwin City, Kansas.

These young women and men before you won the National Real World Design Challenge engineering competition last month in Washington, D.C.

The Real World Design National Challenge encourages high school students to solve real world problems currently faced by the engineering industry. The 2010 national challenge was 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.

I had the privilege of hearing their presentation at a Baldwin City School Board Meeting earlier this month. I readily admit that I understood none of what they said.

I present to you the 2010 National Real World Design National Challenge championship team: Carson Barnes, Brandon Baltzell, Carrie Deitz, Shelby Gregory, Mason Johnson, Austin Kraus and Mac Halpin.

The team also won an award for outstanding mentor collaboration, and that mentor was Sandy Barnes. The leader of this team, the extended learning teacher at Baldwin High School, is Pam Davis.

On a personal note, I want to tell you that I coached many of these young persons in little league soccer, and did so very badly. Had I been even an adequate soccer coach, some of these young scholars might not have turned to engineering as a plausible field of endeavor.

So I take credit, indirect as it might be, for the success of this team. I never imagined that my poor coaching would foster these future engineering aspirations.

## INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering Sub. HB 2528; HB 2656, HB 2668; S. Sub. for Sub. HB 2509.

#### 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 C. OWENS DEREK SCHMIDT DAVID HALEY Conferees on part of Senate

LANCE KINZER JEFF WHITHAM JANICE L. PAULS

Conferees on part of House

On motion of Rep. Kinzer, the conference committee report on Sub. HB 2528 was adopted.

On roll call, the vote was: Yeas 112; Nays 10; Present but not voting: 0; Absent or not

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Finney, Flaharty, Frownfelter, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Lane, Light, Long, Lukert, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crow, Feuerborn, Garcia, Kuether, Landwehr, Loganbill, Mah, Quigley, Schwartz, Ward.

Present but not voting: None.

Absent or not voting: Fund, Kleeb, Tafanelli.

#### 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,

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.  $2364,\,38\text{-}2343,$  as amended by section 8 of 2010 House Bill No. 2364, and 60-206, as amended by section 14 of 2010 House Bill No.

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

On motion of Rep. Kinzer, the conference committee report on HB 2656 was adopted. On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Fund, Kleeb, Tafanelli.

#### 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,

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

On motion of Rep. Kinzer, the conference committee report on **HB 2668** was adopted. On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Navs: None.

Present but not voting: None.

Absent or not voting: Fund, Kleeb, Tafanelli.

### 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

On motion of Rep. Colloton, the conference committee report on **S. Sub. for Sub. HB 2509** was adopted.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk,

Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Kleeb, Tafanelli.

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 572** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL No. 572," as follows:

"HOUSE Substitute for SENATE BILL No. 572

By Committee on Appropriations

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, 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 52 of chapter 124 of the 2009 Session Laws of Kansas and repealing the existing sections."; and the substitute bill be passed

(H. Sub. for SB 572 was thereupon introduced and read by title.)

### COMMITTEE ASSIGNMENT CHANGE

Speaker O'Neal announced the appointment of Rep. Siegfried as vice chair of Committee on Appropriations to replace Rep. Merrick on April 22 and 23, 2010.

#### REPORT ON ENGROSSED BILLS

Sub. HB 2517 reported correctly engrossed March 31, 2010.

HB 2412, HB 2652, HB 2666 reported correctly re-engrossed March 31, 2010.

Also, **S. Sub. for HB 2039; HB 2115, HB 2435; S. Sub. for HB 2585** reported correctly engrossed April 1, 2010.

HB 2472, HB 2501, HB 2605 reported correctly re-engrossed April 1, 2010.

Also, S. Sub. for HB 2160; S. Sub. for HB 2432 reported correctly engrossed April 2, 2010.

## REPORT ON ENROLLED BILLS

S. Sub. for HB 2039; HB 2107; S. Sub. for HB 2115; Sub. HB 2345; HB 2412, HB 2435, HB 2472, HB 2500, HB 2501; Sub. HB 2517; S. Sub. for Sub. HB 2538; HB 2551, HB 2553, HB 2560; S. Sub. for HB 2585; HB 2605, HB 2608, HB 2652, HB 2666 reported correctly enrolled, properly signed and presented to the governor on April 5, 2010.

Also, S. Sub. for HB 2160; S. Sub. for HB 2432 reported correctly enrolled, properly signed and presented to the Governor on April 9, 2010.

## REPORT ON ENROLLED RESOLUTIONS

HR 6033, HR 6037 reported correctly enrolled and properly signed on March 31, 2010.

On motion of Rep. Merrick, the House adjourned until 10:30 a.m., Thursday, April 29, 2010.

# Journal of the House

## FIFTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, April 29, 2010, 10:30 a.m.

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

The roll was called with 122 members present.

Rep. Fund was excused on verified illness.

Reps. Aurand and Bethell were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Dr. Mark A. Leenerts, Journey Church, Topeka:

Almighty God, you have given us this good land to call our home, help us to remain mindful and grateful for that blessing. Lord we humbly ask that we may always prove ourselves a people mindful of your grace and honored by the privilege to serve in this role. Lord may these men and women I gather with this morning, always remain aware of the tremendous opportunity and responsibility they have been given to serve you in this role. Help them Lord to do your will. Bless our land with honorable men and women who exercise sound judgment and Godly wisdom. Protect us from violence, discord and confusion, from pride and arrogance, and from every evil way. Help these before me to defend our liberties, and fashion us into one united people, before you, our Holy and righteous God. Endow these individuals with your wisdom to know the right things to do, and the courage to do them, even when it's hard. Thank you for entrusting them with the authority of government. Help them to be agents of justice and peace. Help us, through obedience to your laws, to show forth your praise among the nations of the earth. In times of prosperity fill our hearts with thankfulness, and in days of trouble, help our trust in you to never fail. All of this I ask through Jesus Christ our Lord. Amen.

The Pledge of Allegiance was led by Rep. Kuether.

## INTRODUCTION OF GUESTS

There being no objection, the following remarks by Rep. Swanson are spread upon the journal:

It is my pleasure to welcome to the House chamber, members of the 2010 4A State Wrestling Championship team from Clay Center Community High School.

This is the third State Championship for these wrestlers in the past four years.

Members present include: Coach Brandon Pigorsch, Logan Singular, Jayde Kolterman, Landon Singular, Tyler Anderson, Colton Easterberg, Chance Davis, Zach Anderson and Jake Delp.

The grade point average for this year's team is a 3.18. I think it is important to recognize that these young men are good students as well as good athletes.

Please help me recognize the accomplishments of these young men and their coach.

Rep. Swanson presented Coach Pigorsch with a framed House certificate.

## INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Mast are spread upon the journal:

It is my pleasure today to recognize the Olpe High School Girls' Basketball team as the 2A champions for 2010. These girls have gone undefeated and their coach, Jesse Nelson, has been coaching and winning basketball games for 32 years.

The team has only one senior this year so we look forward to the work ahead for them next season.

The team members are: Shelby Stout, Kathryn Flott, Jill Cole, Natalie Kuhlmann, Caitlyn Henderson, Cara Garretson, Dalton Benton, Kendyl McDougald, Sara Wendling, Janae Haag, Emily Samuels, Taylor Schaidegger and Emmy Redeker. The assistant coach is Carolyn Davis and the Head Coach is Jesse Nelson.

In recognition of this team, I would like to award a certificate acknowledging their accomplishment.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Appropriations: **HB 2748**.

#### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HR 6036** from Committee on Federal and State Affairs and referral to Committee on Appropriations.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Brunk, **HR 6040**, by Reps. Brunk, Ward, Barnes, DeGraaf, Dillmore, Finney, Flaharty, Garcia, Goico, Goyle, Huebert, Jack, Kerschen, Landwehr, Loganbill, Hermanson, McCray-Miller, McLeland, Myers, Pottorff, Suellentrop and Swenson, as follows, was introduced and adopted:

#### HOUSE RESOLUTION No. 6040-

A RESOLUTION congratulating and commending the Wichita Heights High School basketball team and Coach Joe Auer for winning the 2010 Class 6A State Basketball Championship.

WHEREAS, The Wichita Heights High School boys' basketball team won the 2010 Kansas State High School Activities Association Class 6A State Basketball Championship with a 56-40 win over Blue Valley Northwest in the state championship game at White Auditorium in Emporia; and

WHEREAS, The Wichita Heights High School Falcons basketball team finished the season with a record of 23 wins and 2 losses and, after their 2010 tournament win, have won back-to-back state championships, something that hasn't happened in Class 6A for 16 years; and

WHEREAS, For the 2009-2010 season, the team set and accomplished the following team goals: Winning the City League, the mid-season tournament in Dodge City and finally the state tournament. Not only did they win the state championship, they were also ranked 43rd by ESPN and 24th in the MaxPreps national ranking for high school basketball teams; and

WHEREAS, The members of this championship team were Jay Bradley, Taylor Countee, Taylor Cross, Aaron Degraffenread, E.J. Dobbins, Perry Ellis, Aaron Jefferson, Terrence Moore, Jalen Owens, Keith Riley, Dreamius Smith and Evan Wessel. The team managers were Victor Parker and Maui Perez. The coaches were head coach Joe Auer and assistant coaches Bryan Chadwick, Aaron Hanshaw, Caleb Reimer, Tyler Richardson, Gary Thomason, Richard Vix and Ben Wahlers; and

WHEREAS, The success of this team was due to their amazing athletic ability, their diligent study of the game, understanding the role each member had to play and using these strengths in an intelligent manner. The team also had the enthusiastic support of all of the athletes at Wichita Heights, as well as the parents, teachers, fellow students and community as a whole: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the Wichita Heights High School basketball team and coach Joe Auer for winning the 2010 Kansas High School Activities Association Class 6A State Basketball Cham-

pionship and extend our best wishes for their continued success and happiness in the future; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide 22 enrolled copies of this resolution to Representative Brunk, one each to be given to each team member, manager and coach of the Wichita Heights High School basketball team.

There being no objection, the following remarks of Reps. Brunk and McCray-Miller are spread upon the journal:

Rep. Brunk: I would like to recognize the Wichita Heights High School Boys' Basketball 2010 Kansas State High School Class 6A champions.

Following are highlights of their accomplishments:

- The team was awarded the State Sportsmanship Award for the second straight year by the Kansas High School Activities Association.
  - The team has an average grade point average of 3.2.
  - The team lost three starters from its 2009 state championship team.
- They are the first Kansas Class 6A team to win back-to-back state championships since 1993-1994.
- $\bullet$  This team will return 11 of the 12 varsity players next season 6A schools . . . watch out for next year . . . we will be back!

Rep. McCray-Miller: We want to congratulate Heights High School on their back-to-back Class 6-A Basketball Titles. Heights is affectionately known as, "Hollywood Heights" and they certainly have the stars to prove it! Starting with their star player, Perry Ellis, who stands 6'8" and carries a 4.0 grade point average — how about that? This young man has become a household name and was named the Kansas Gatorade Player of the Year and the ESPN National Sophomore of the Year. Coach Auer was named the State Coach of the year by the Kansas Basketball Coaches Association. Junior point guard Evan Wessel made a verbal commitment to accept a basketball scholarship from Wichita State University.

## MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. K. Wolf, **HR 6030**, A resolution promoting public awareness of the risk of colon cancer, recognizing March as Colon Cancer Awareness Month and commending the Kansas Association of Health Plans, the American Cancer Society and the Kansas Insurance Commissioner for their efforts to fight this disease through encouraging regular colon cancer screenings, was adopted.

There being no objection, the following remarks of Rep. K. Wolf are spread upon the journal:

I wanted to make a few comments today regarding colon cancer screenings. As most of you know, assuring that Kansans have insurance coverage for screenings has been a priority of mine and Rep Benlon's.

It bears repeating that Colon Cancer is the third most common cancer. An estimated 500 Kansans will die this year. Access to screening test can reduce deaths by 80% and if detected early colon cancer is 92% curable. Late detection results in only a 10% chance of survival.

We were so pleased to have been a part of a coalition with Insurance Commissioner Praeger, the American Cancer Society and the Kansas Association of Health Plans. Working together as a team, an agreement was reached and a press release issued on March 9th stating colon cancer screenings are a priority and will be a covered benefit for members of individual and group health plans.

Our original intent was to recognize the members of this coalition and to present them with their copies of the resolution last month as March is Cancer Awareness month. This was not possible as we adjourned the day before.

However, Rep Benlon and I did want this body to be aware of the work this group accomplished and its' importance to all Kansans health. Assuring colon cancer screenings are accessible and a covered benefit to a Kansans will play a significant part in the on-going

endeavor of living a longer and healthier life. Many lives will be saved by early detection, timely screening and the promotion of colon cancer awareness.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to House Rule 2306, **H. Sub. for SB 572** was withdrawn from the calendar under the heading General Orders, and rereferred to Committee on Appropriations.

On motion of Rep. Merrick, the House recessed until 3:00 p.m.

# AFTERNOON SESSION

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

#### COMMUNICATIONS FROM STATE OFFICERS

From Roger Werholtz, Secretary, Department of Corrections, in accordance with K.S.A. 60-4117, State Forfeiture Fund for the period of December 1, 2008 through December 1, 2009

From William V. Minner, Executive Director, Kansas Human Rights Commission, pursuant to K.S.A. 44-1004(13), Annual Report, Fiscal Year 2009.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

#### CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Rep. Vickrey as a member of the conference committees on **H. Sub. for SB 293; H. Sub. for SB 300; HB 2130, HB 2482, HB 2486** to replace Rep. King.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Rhoades in the chair.

## COMMITTEE OF THE WHOLE

On motion of Rep. Rhoades, Committee of the Whole report, as follows, was adopted: Recommended that on motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 54**; **H. Sub. for SB 342**.

SCR 1622 be adopted.

Committee report to SB 54 be adopted; and the bill be passed as amended.

On motion of Rep. Knox to adopt the committee report recommending a substitute bill to **H. Sub. for SB 342**, the motion did not prevail. The question reverted back to the original bill, **SB 342**. On motion of Rep. Knox, **SB 342** be rereferred to Committee on Federal and State Affairs.

## INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2554**, **HB 2561**.

#### 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

Lana Gordon Owen Donohoe Lisa Benlon Conferees on part of House

On motion of Rep. Gordon to adopt the conference committee report on **HB 2554**, Rep. Kleeb offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion prevailed.

Speaker O'Neal thereupon appointed Reps. Gordon, Donohoe and Benlon as second conferees on the part of the House.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **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, by Committee on Transportation.

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

On roll call, the vote was: Yeas 82; Nays 38; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Donohoe, Faber, Feuerborn, Finney, Flaharty, Furtado, Garcia, D. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, Jack, Johnson, Kerschen, King, Kleeb, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Palmer, Pauls, Peck, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schwartz, Slattery, Spalding, Suellentrop, D. Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Brunk, Carlson, DeGraaf, Dillmore, Frownfelter, S. Gatewood, Henderson, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kiegerl, Kinzer, Knox, Landwehr, Lane, McLeland, Merrick, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Powell, Rhoades, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Sloan, Swanson, Tafanelli, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Bethell, Fund, George, Peterson.

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 520** be amended on page 1, after line 16, by inserting the following:

Section 1. K.S.A. 2009 Supp. 21-4603d, as amended by section 1 of 2010 House Bill No. 2604, is hereby amended to read as follows: 21-4603d. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

- (1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;
- (2) impose the fine applicable to the offense and may impose the provisions of subsection (p);
- (3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence, or community corrections placement;

- (4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;
- (5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;
- (6) assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto;
- (7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502, and amendments thereto:
- (8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape, as defined in K.S.A. 21-3809, and amendments thereto, or aggravated escape, as defined in K.S.A. 21-3810, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire which has been determined to be arson under K.S.A. 21-3718 or 21-3719, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;
- (9) order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court;
- (10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 20-369, and amendments thereto;
- (11) if the defendant is convicted of a misdemeanor or a felony provision of subsection (i) of K.S.A. 21-4704, and amendments thereto, assign the defendant to a work release program, other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto, provided such work release program requires such defendant to return to confinement at the end of each day in the work release program;
- (12) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11); or
  - (13) suspend imposition of sentence in misdemeanor cases.
- (b) (1) În addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. In regard to a violation of K.S.A. 21-4018, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.
- (2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of resti-

tution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719, and amendments thereto, to collect the restitution on behalf of the victim. The administrative judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when re-

quired by subsection (4) of K.S.A. 21-4502, and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

- (e) In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole, conditional release or postrelease supervision.
- (f) (1) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release, or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.
- (2) When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671 prior to its repeal or K.S.A. 2009 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.
- (3) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.
- (g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, prior to sentencing a defendant

to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of K.S.A. 21-4729, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of K.S.A. 21-4729, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendment thereto or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp's or a community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or a community intermediate sanction center.

- (h) The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.
- (i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.
- (j) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.
- (k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.
- (I) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate: (1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes or for an offense which is classified in gridblocks 4-E or 4-F of the sentencing guidelines grid for drug crimes and such offense does not meet the requirements of K.S.A. 21-4729, and amendments thereto, and (2) otherwise meets admission criteria of the camp. If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of

follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 21-4611 and amendments thereto.

(m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993

Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

- (n) Except as provided by subsection (f) of K.S.A. 21-4705, and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2009 Supp. 21-36a06, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 21-4729, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2009 Supp. 75-52,144, and amendments thereto, including but not limited to, an approved after-care plan. If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to revocation of probation and the defendant shall serve the underlying prison sentence as established in K.S.A. 21-4705, and amendments thereto. For those offenders who are convicted on or after the effective date of this act, upon completion of the underlying prison sentence, the defendant shall not be subject to a period of post-release supervision. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.
- (o) (1) Except as provided in paragraph (3), in addition to any other penalty or disposition imposed by law, upon a conviction for unlawful possession of a controlled substance or controlled substance analog in violation of K.S.A. 2009 Supp. 21-36a06, and amendments thereto, in which the trier of fact makes a finding that the unlawful possession occurred while transporting the controlled substance or controlled substance analog in any vehicle upon a highway or street, the offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state shall be suspended for one year.
- (2) Upon suspension of a license pursuant to this subsection, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.
- (3) (A) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person as provided in paragraph (1), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year.
- (B) Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this paragraph a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this paragraph.
- (C) Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously

surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this paragraph, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

- (4) As used in this subsection, "highway" and "street" have the meanings provided by K.S.A. 8-1424 and 8-1473, and amendments thereto.
- (p) In imposing a fine, the court may authorize the payment thereof in installments. In lieu of payment of any fine imposed, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed by the later of one year after the fine is imposed or one year after release from imprisonment or jail, or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date. If conditional reduction of any fine is rescinded by the court for any reason, then pursuant to the court's order the person may be ordered to perform community service by one year after the date of such rescission or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date. All credits for community service shall be subject to review and approval by the court.";

And by renumbering the sections accordingly;

Also on page 1, line 24, by striking "nonprofit" and inserting "charitable"; in line 41, by striking "is" and inserting "and K.S.A. 2009 Supp. 21-4603d, as amended by section 1 of 2010 House Bill No. 2604, are";

Also on page 1, in the title, in line 12, after "concerning" by inserting "crimes, punishment and"; also in line 12, after "to" by inserting "sentencing; payment of fines;"; in line 13, after "22-4603" by inserting "and K.S.A. 2009 Supp. 21-4603d, as amended by section 1 of 2010 House Bill No. 2604,"; and the bill be passed as amended.

On motion of Rep. Merrick, the House recessed until 5:30 p.m.

## **EVENING SESSION**

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

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 572** be amended as recommended by the Committee on Appropriations, as reported in the Journal of the House of Representatives for April 28, 2010, by substituting a new bill designated as House Substitute for SB 572 and further recommends that House Substitute for SB 572 be amended on page 4, by striking all in lines 36 through 43;

On page 5, by striking all in lines 1 through 6; in line 7, by striking "(b)" and inserting "(a)";

On page 36, by striking all in lines 2 through 15; in line 16, by striking "(d)" and inserting "(c)":

On page 47, by striking all in lines 40 through 43;

On page 48, by striking all in lines 1 through 39;

On page 66, in line 13, before "That" by inserting "That the department of administration shall not increase fees above those fees in effect on April 1, 2010, for the fiscal year ending

June 30, 2011: And provided further,"; in line 19, by striking "Provided" and inserting "And provided";

On page 68, by striking all in lines 38 through 43;

On page 69, by striking all in lines 1 through 7;

On page 88, by striking all in lines 12 through 25;

On page 105, in line 22, by striking "\$1,549,709" and inserting "\$1,548,548"; in line 31, by striking "\$21,207,458" and inserting "\$21,226,040"; in line 40, by striking "\$112,326,938" and inserting "\$112,423,334";

On page 110, in line 27, by striking "\$324,918,886" and inserting "\$336,401,886";

On page 111, in line 17, by striking "\$38,476,110" and inserting "\$70,093,110";

On page 113, in line 22, by striking "(g)" and inserting "(f)"; in line 32, by striking "(h)" and inserting "(g)"; in line 33, by striking "\$21,500,000" and inserting "\$19,350,000";

On page 116, in line 24, by striking "\$85,387,713" and inserting "\$85,618,484";

On page 119, in line 11, by striking "\$38,399,729" and inserting "\$40,206,666"; On page 126, in line 3, by striking "\$304,402,545" and inserting "\$291,602,545";

On page 129, by striking all in lines 20 through 43;

On page 130, by striking all in lines 1 through 36; in line 37, by striking "(j)" and inserting "(e)"; in line 41, by striking "(k)" and inserting "(f)";

On page 131, in line 5, by striking "(l)" and inserting "(g)";

On page 168, in line 4, by striking "\$7,901,469" and inserting "\$6,394,859";

On page 174, by striking all in lines 4 through 16;

On page 175, in line 9, by striking "\$23,221,420" and inserting "\$23,241,510";

On page 194, by striking all in lines 35 through 43;

On page 195, by striking all in lines 1 through 6;

On page 289, following line 2, by inserting the following:

"Sec. 161. 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, 75-3121, 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;

Also on page 289, in line 4, after "79-4801" by inserting ", section 14 of 2010 Senate Substitute for House Bill No. 2222";

On page 290, in line 41, preceding the period, by inserting the following ": *Provided, however*, That the lapse provided for in this subsection shall not apply to the appropriations or reappropriations for fiscal year 2011 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":

On page 301, in line 39, following "(b)" by inserting "(l)"; On page 302, preceding line 7, by inserting the following:

"(2) On September 1, 2010, the position limitation established by section 29 of chapter 124 of the 2009 Session Laws of Kansas, by section 113(a) of this act, or other appropriation act of the 2010 regular session, or by the state finance council, on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2011, made by 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 for each state agency which has budgeted for vacant positions for the fiscal year ending June 30, 2011, is hereby decreased by the full-time equivalent number of vacant positions that are included in the budget of each such state agency for fiscal year 2011, 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.";
On page 1, in the title, in line 18, after "82a-953a" by inserting "and section 14 of 2010 Senate Substitute for House Bill No. 2222"; and the substitute bill be passed as amended.

## REPORT ON ENGROSSED BILLS

S. Sub. for Sub. HB 2509 reported correctly engrossed April 29, 2010. Sub. HB 2528; HB 2668 reported correctly re-engrossed April 29, 2010.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Friday, April 30, 2010.

# Journal of the House

## FIFTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, April 30, 2010, 10:00 a.m.

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

The roll was called with 122 members present.

Reps. Colloton, Hawk and Long were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Steve L. Vaughn, Senior Pastor, Fairlawn Nazarene Church, Topeka:

Father, thank you for being our Shepherd. Thank you for leading us, loving us, even giving up your life so that we might be restored to an intimate everlasting fellowship with you our creator.

Because you are our shepherd — our protector, our defender, we desire to share our needs with you. Please give guidance to the financial condition of our country and state. Assist us as we ask for your direction and wisdom to make good decisions for the future of Kansas and its people.

Help us in the growth process of our spirituality. Increase our own appreciation of who you are, how you love all of humankind, not just us or even those like us. Impress us that like you, we can love those who are very different from ourselves, those whose skin is a different color, those whose culture and even values are different from ours, those whose religious convictions are different from ours, and those whose economic level is far below or far above ours.

Because you love all, we ask you to help the oppressed — the victims of hunger and racial discrimination and those whose individual freedoms are prohibited by political forces which initiate great injustice.

Make us more sensitive to you and to one another — more conscious. Bring us to both humility and boldness. Lead us in our personal spiritual journey.

Give us the courage to be merciful, the endurance to be faithful to those in our care, just as you are with each of us.

Father, be with Jene Vickrey and his family as they mourn the loss of his mother.

It is in the name of the one true and everlasting God, Father, Son and Holy Spirit that I pray. Amen.

The Pledge of Allegiance was led by Rep. O'Brien.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Ward, **HR 6041**, by Reps. Brunk, Ward, Barnes, DeGraaf, Dillmore, Finney, Flaharty, Garcia, Goico, Goyle, Huebert, Jack, Kerschen, Landwehr, Loganbill, Hermanson, McCray-Miller, McLeland, Myers, Pottorff, Suellentrop and Swenson, as follows, was introduced and adopted:

#### HOUSE RESOLUTION No. 6041-

A RESOLUTION congratulating and commending the National Merit Finalists of Unified School District 259.

WHEREAS, The National Merit program honors high school students who place high enough on the Preliminary Scholastic Aptitude Test (PSAT) their junior year, as well as completing an application that includes information about their grade point average, teacher recommendations, an essay and finally their Scholastic Aptitude Test (SAT) scores from their senior year; and

WHEREAS, The following students from USD 259 in Wichita have been named National Merit Finalists: John Camenzind, Divya Chivukula, Laura Combs, Antonia Davidson, Ruth Ebersole, Katherine Lavoie, Jonathan Lewallen, Kim Truong, Nivanthika Wimalasena and Sarah Yun, all from Wichita High School East. Adam Cameron from Wichita High School North was also named a finalist; and

WHEREAS, Each of these students scored in the top one-half of one percent in the state in order to qualify for this honor. Being named a finalist allows the students an opportunity to receive a variety of Merit Scholarships, as well as opening doors for other types of scholarship and grant money for college: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the students of USD 259 who have been named National Merit Finalists. We recognize that the success of these students is due to their determination, hard work and discipline, as well as their academic aptitude. They are true role models for their peers and we extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send 11 enrolled copies of this resolution to Representative Brunk, one for each recipient of the National Merit Finalist Award.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Kinzer, the House proceeded to reconsider **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.

The Governor's objection of **S. Sub. for HB 2115** having been read, (see HJ, page 1382) the question being, shall the bill be passed notwithstanding the Governor's veto?

Call of the House was demanded.

On roll call, the vote was: Yeas 82; Nays 40; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, Fund, D. Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Landwehr, Light, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Suellentrop, D. Svaty, Swanson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Gordon, Goyle, Henderson, Hill, Johnson, Kinzer, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Quigley, Rardin, Roth, Ruiz, Sloan, Spalding, Swenson, Talia, Tietze, Trimmer, Ward, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: Colloton, Hawk, Long.

A two-thirds majority of the members elected to the House not having voted in favor of the bill over the Governor's veto, the motion did not prevail, the bill did not pass, and the veto was sustained (see further action, HI, page 1407).

## EXPLANATION OF VOTE

MR. Speaker: I am voting no on **S. Sub. for HB 2115** so that I can move to reconsider and allow members absent today to vote on this important issue.—Lance Kinzer

# MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Hill, **HR 6038**, A resolution congratulating and commending the 2009-2010 Emporia State University women's basketball team, was adopted.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

 $\bf SB~54$ , 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, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 3; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Faber, McLeland, Merrick.

Present but not voting: Landwehr.

Absent or not voting: Colloton, Hawk, Long.

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, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Hawk, Long.

A two-thirds majority of the members elected to the House having voted in the affirmative, the resolution was adopted.

## REPORT OF STANDING COMMITTEE

Your Committee on  ${\bf Calendar}$  and  ${\bf Printing}$  recommends on requests for resolutions and certificates that

Request No. 149, by Representative Olson, congratulating Michael Burstein, Guardian 8 Corporation, in recognition of development of the Innovative Personal Security Device; Request No. 150, by Representative Worley, congratulating Raymond E. Worley on his

100th birthday;

**Request No. 151**, by Representative Ruiz, congratulating Eric Torres on achieving the rank of Eagle Scout;

**Request No. 152**, by Representative Yoder, congratulating Christopher Grady Cusick on achieving the rank of Eagle Scout;

**Request No. 153**, by Representative Peck, congratulating James H. Grey on his 100th birthday:

**Request No. 154**, by Representatives Henderson and Winn, congratulating Myrtle E. Thatcher on her 100th birthday;

**Request No. 155**, by Representative Mast, congratulating Bryan James Harkrader on achieving the rank of Eagle Scout;

**Request No. 156**, by Representative O'Neal, congratulating Douglas R. Huddleston on achieving the rank of Eagle Scout;

**Request No. 157**, by Representative O'Neal, congratulating Adam P. Smith on achieving the rank of Eagle Scout;

**Request No. 158**, by Representatives Henderson and Winn, congratulating Reverend Charles Kennybrew on being installed as the Pastor of Antioch Baptist Church;

**Request No. 159**, by Representative Grange, congratulating Benjamin Helferich on receiving the rank of Eagle Scout;

**Request No. 160**, by Representative Grange, congratulating Jesse Waugh on receiving the rank of Eagle Scout;

**Request No. 161**, by Representative Grange, congratulating James Wilkinson on receiving the rank of Eagle Scout;

**Request No. 162**, by Representative Seiwert, commending Farmers Co-op of Nickerson on their leadership in Reno County for the 1st E-85 blend station in Hutchinson, Kansas;

**Request No. 163**, by Representative Worley, congratulating Kansas Cold War Veterans Association in recognition of Cold War Victory Day, May 1, 2010;

**Request No. 164**, by Representative Hermanson, congratulating Keller Williams Home Town Partners in recognition of "Red Day", May 13, 2010;

**Request No. 165**, by Representative Ólson, commending John Loeffelbein in recognition for J & J Operating Company, Oil and Gas Development, Douglas County;

**Request No. 166**, by Representative Olson, commending Carl and Ron Olson in recognition of their dedication to family farming in Neosho, County;

**Request No. 167**, by Representative Otto and Feuerborn, congratulating Chase Brown on winning the 2010 Kansas Regional Spelling Bee;

**Request No. 168**, by Representative Patton, congratulating Dana Noakes in recognition for 13 years of dedicated service to the Kansas Legislature and the State of Kansas;

**Request No. 169**, by Representative Tafanelli, congratulating Ethan Mumaw on his undefeated wrestling season; winning in his weight class, giving Jefferson West High School its first Class 4A State Wrestling Championship;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

#### INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Kuether moved that the House reconsider its action in not passing **S. Sub. for HB 2115** notwithstanding the Governor's veto (see previous action, HJ, page 1405).

Rep. Kinzer then moved that the House adjourn until Monday, May 3, 2010, at 11:00 a.m.

Roll call was demanded.

On roll call, the vote was: Yeas 84; Nays 36; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Frownfelter, Fund, D. Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr,

Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Goyle, Henderson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Peterson, Pottorff, Quigley, Rardin, Ruiz, Slattery, Talia, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Colloton, Hawk, Hill, Light, Long (see further action, HJ page 1410).

The motion prevailed and the House adjourned until 11:00 a.m., Monday, May 3, 2010.

# Journal of the House

## FIFTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, May 3, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair. The roll was called with 123 members present.

Reps. Carlin and Hawk were excused on excused absence by the Speaker.

Rep. Fund was excused later in the day on verified illness.

Prayer by Chaplain Brubaker:

Generous God, Our Father, We read in Scripture that You provide for the lilies of the field and the birds of the air. You own the cattle on a thousand hills, and You enjoy giving good gifts to Your children. You promise to take care of us, even when our faith is small. You own everything and You have loaned it all to us to care for. Bless us as we examine the use of your gifts and as we seek to use them fairly, honestly and prudently. As we deliberate and assess the needs and allocate the resources, may we be reminded that You demand of us to be good stewards of what you have provided for us. Give us more of Your love, that we might crave fewer material possessions. Grant us a sense of fullness, not emptiness as we make and stick to a budget. More than ever, we need Your wisdom and guidance . . . so this is what we ask for this morning. Please continue to be with Rep. Hawk and his wife, Tammi. Lord, be for them the strength and courage they need today. In Christ's Name, I pray, Amen.

The Pledge of Allegiance was led by Rep. Ballard.

#### PERSONAL PRIVILEGE

There being no objection, the remarks of Reps. Patton and Burgess are spread upon the journal:

Rep. Patton: We have a strong tradition in the House of honoring men and women of good character, so I'm pleased to honor Dana Noakes, upon her retirement.

Dana is here with her mom, Etta Conner, her brother and sister-in-law, Dean and Carol Conner, and sister-in-law Brenda Noakes; and friends and co-workers in the galley. Dana became a session employee as office secretary in the 1998 session and again in 1999.

After that session, Legislative Services needed to hire a new Secretarial Pool Coordinator; and because of her past employment at Jostens Yearbook working with personnel, Dana was offered and accepted our session position as the secretarial pool coordinator.

Dana served as a liaison between the office assistants, their legislators, Legislative Services' Office Manager and Director and the leadership offices of the Kansas House and Senate

Upon her retirement, her co-workers prepared two books with comments. Allow me to share with you some of these comments from her co-workers.

"Dana, The woman of kindness and grace, but also a top professional; you WILL be missed! Your thoughtfulness and always pleasant demeanor have made many a new and returning session employee feel needed, wanted and useful. Thank you! We rather like you — can you tell?"

"Dana, You were the perfect pool coordinator. Always with the right balance of keeping the staff's well being in mind but at the same time trying to get done what our Kansas Legislators requested. There is no way to "thank you" for your service to the Kansas Legislature. I firmly believe we'll never have anyone else here in your position that will do it as well as you have."

"Dana, Your upbeat personality, wise counsel, and willingness to help with whatever was needed will be among my best memories of you. They say every once in awhile someone passes through your life and you're never quite the same. I can say this about you. Thank you for being a Friend."

"Dana, you have such diplomacy in dealing with all of us and our problems."

Dana, on behalf of the citizens of the State of Kansas, we present you with this House certificate. Thank you for your service.

Rep. Burgess: Dana has been the consummate professional and maintained a positive attitude no matter what we threw at her. No matter how many people were out sick, or how much turnover we had in both legislators and staff, she was always able to handle it with a smile.

I think the comments my colleague read earlier sum it up very well.

Dana, it is my honor to be part of this opportunity to recognize your service and present you with this Kansas flag, which was flown over the capitol on April 30, 2010.

#### INTRODUCTION OF ORIGINAL MOTIONS

The question reverted back to the motion of Rep. Kuether (see HJ, page 1407) which was offered on Friday, April 30, 2010, that having voted on the prevailing side, the House reconsider its action in not passing **S. Sub. for HB 2115** notwithstanding the Governor's veto.

Roll call was demanded

On roll call, the vote was: Yeas 85; Nays 38; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, Fund, D. Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Suellentrop, D. Svaty, Swanson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Goyle, Henderson, Hill, Johnson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Pottorff, Quigley, Rardin, Roth, Ruiz, Sloan, Spalding, Swenson, Talia, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Carlin, Hawk.

A two-thirds majority of the members elected to the House having voted in the affirmative, the motion to reconsider prevailed.

The question then reverted back to the motion of Rep. Kinzer that the House reconsider the Governor's veto on **S. Sub. for HB 2115** and that the bill pass notwithstanding the Governor's veto.

On roll call, the vote was: Yeas 86; Nays 35; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, Fund, D. Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Crow, Davis, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Gordon, Goyle, Henderson, Hill, Johnson, Kuether, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Quigley, Rardin, Roth, Ruiz, Sloan, Spalding, Talia, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Carlin, Dillmore, Hawk, Lane.

A two-thirds majority of the members elected to the House having voted in favor of the bill over the governor's veto, the motion did prevail, and the bill did pass.

### EXPLANATION OF VOTE

MR. SPEAKER: While pregnant with my third child, I was shocked when the nurse asked if I planned to terminate the pregnancy or carry to full term. Abortion was something I couldn't accept personally.

As the mother of three daughters, I wouldn't want them to abort a baby unless a risk to their life was involved. And then we'd want to rely on the doctor's best judgment and not allow the government to dictate. In the case of the physical and mental health of a patient, I don't believe the government should be involved.

I vote no on S. Sub. for HB 2115.—LANA GORDON

# MESSAGE FROM THE SENATE

Announcing adoption of SCR 1630.

Announcing passage of **HB 2446**.

The Senate adopts conference committee report on **HB 2691**.

The Senate accedes to the request of the House for a conference on **HB 2554** and has appointed Senators Brownlee, Lynn and Holland as second conferees on the part of the Senate.

### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate concurrent resolution was thereupon introduced and read by title: SCR 1630.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Schwartz, HR 6042, by Rep. Schwartz, as follows, was introduced and adopted:

### HOUSE RESOLUTION No. 6042-

A RESOLUTION congratulating and commending Hanover High School for winning back-to-back championships in both football and basketball.

WHEREAS, Hanover High School had a tremendous 2009-2010 school year, winning

both the Kansas State High School Activities Association Class 1A State Football and Basketball Championships for the second year in a row in both sports; and

WHEREAS, In the fall, Hanover's Eight Man Division II Football Team won their second straight title, defeating Quivira Heights 66-36 in the championship game. The team had a record of 12-1 for the season, and Coach Matt Heuer was selected by the Kansas Eight Man Football Coaches' Association as the Eight Man Football Coach of the Year for Kansas; and

WHEREAS, Members of the Hanover Wildcat Football Team were: Trevor Jueneman, Ethan Diederich, Jerod Diederich, Taylor Nicholson, Austin Steinfort, Mark Zarybnicky, Austin Jueneman, Cody Nieman, Aaron Diederich, Brady Bruna, Zach Shockley, Dylan Goeckel, Derrick Gerard, Brent Bruna, Dylan Bruna, Andrew Donovan, Ryan Diederich, Rory Nieman, Dean Bruna, Skyler Graff, Logan Bruna, Connor Hynek, Josh Meyer, Chad Alexander and Sam Bruna. The head coach was Matt Heuer and the assistant coaches were Zach Lackey and Chris Beikmann. Team managers were Devin Jueneman and Will Bruna; and

WHEREAS, In the winter, the Hanover Wildcats Basketball Team won their second consecutive 1A Kansas State High School Basketball title by beating Montezuma-South Gray 58-49 in the championship game. The state title was the fourth for Hanover and with their 2009 win, it is the school's second back-to-back title, the first occurring in 1998 and 1999. Coach Kim Lohse was also awarded the Kansas Coaches Association Coach of the Year Award; and

WHEREAS, Members of the Hanover Wildcat Basketball team were: Trevor Jueneman, Ethan Diederich, Jerod Diederich, Connor Hynek, Austin Steinfort, Derrick Gerard, Aaron Diederich, Chad Alexander, Brent Bruna, Brady Bruna, Ryan Diederich, Sam Bruna, Austin Jueneman, Taylor Nicholson, Rory Nieman, Danny Snyder, Mark Zarybnicky, Cody Nieman and Dean Bruna. The head coach was Kim Lohse and assistant coach was Matt Heuer. The team managers were Trey Lohse and Cody Rengstorf; and

WHEREAS, In addition to being outstanding athletes, there were several students who were named to the Twin Valley League All-Academic Team. This award is given to students who participate in at least three different Kansas State High School Activities Association sanctioned activities per year, as well as maintaining an exceptional grade point average. Jerod Diederich, Austin Steinfort, Brady Bruna and Rory Nieman received the award, with each student playing on both the basketball and football teams; and

WHEREAS, Both teams have received statewide recognition for their athletic abilities and fine sportsmanship. The success of these teams was due to their unselfish teamwork, competitive spirit and dedication. The teams also had the enthusiastic support of the school's administrators, teachers and staff, fellow students, parents and the entire Hanover community: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the Hanover Wildcats Football and Basketball teams and coaches for their back-to-back state championship wins and extend our best wishes for their continued success and happiness in the future; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send 43 enrolled copies of this resolution to Representative Schwartz.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Schwartz, HR 6043, by Rep. Schwartz, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6043-

A RESOLUTION congratulating and commending Hanover High School basketball coach Kim Lohse.

WHEREAS, Kim Lohse, coach of the Hanover High School Wildcats basketball team, was named the Kansas Coaches Association Coach of the Year for 2009-2010; and

WHEREAS, Coach Lohse has been at Hanover since the 1995-1996 school year, and has a tremendous record of success in the last 15 years. His basketball teams have been the Twin Valley League regular season champions eight times. They took second in the Twin Valley League Championships four times and won the title once. In the Regional Championships, his teams have been the runner-up or the winner ten times. He has eight Sub-State Championships and was runner- up twice. His teams have also made eight appearances at the State Tournament, taking third place once, second place twice, and winning the championship four times. The first two State Championship wins for Coach Lohse came back-to-back in 1998 and 1999, and the second two wins have been back-to-back as well, in 2009 and now 2010. Overall he has a 15-5 record at the State Basketball game level; and

WHEREAS, Coach Lohse's successful career has been recognized at many levels. He was named the Class 1A Coach of the Year in 1998, 1999 and 2009. The Topeka Capital-Journal and the Salina Journal both named him Coach of the Year in 1999. He was named the Kansas Coaches Association Coach of the Year in 2009-2010 and was also given the 2009-2010 Midwest Sectional Coach of the Year Award for Boys Basketball. The Midwest Sectional award includes the states of Kansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Coach Kim Lohse of the Hanover High School Wildcats Boys Basketball Team for his outstanding performance throughout his career at Hanover, for winning the 2010 Class 1A State Basketball Championship and for being awarded the Kansas Coaches Association Coach of the Year. His dedication to his students and his sport are points of pride, not only for Hanover, but the entire State of Kansas and we extend our best wishes for his continued success and happiness in the future; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send one enrolled copy of this resolution to Representative Schwartz.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

## HOUSE RESOLUTION No. 6044-

By Representatives O'Neal, Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley and Yoder

A RESOLUTION honoring John F. Hayes on his lifelong public and legal service to his community and state.

WHEREAS, John F. Hayes, former Majority Leader of the House of Representatives of the State of Kansas, passed away on January 14, 2010; and

WHEREAS, Throughout his life, John F. Hayes was committed to public service to his community and the State of Kansas, and to the honest and ethical practice of law; and

WHEREAS, John F. Hayes was born on December 11, 1919, in Salina, and was the only child of J. Frank and Helen Dye Hayes. A short time later John and his family moved to Hutchinson; and

WHEREAS, John F. Hayes was graduated from Hutchinson High School, Hutchinson Community College and Washburn University; and

WHEREAS, John F. Hayes served his country with distinction as a Captain in the United States Army during World War II on active duty from 1942-1946, in the Phillippines and New Hebrides Islands; and

WHEREAS, John F. Hayes was graduated from Washburn University School of Law with a LLB in 1946, and began the practice of law which would continue throughout the next 60 years. The law firm, Gilliland and Hayes, which he founded with Robert Gilliland, celebrated its 50th anniversary on December 15, 2009; and

WHEREAS, John F. Hayes' service to the legal profession is characterized by his integrity, diligence, steadfast commitment to defense law, his tireless and patient teaching and mentoring of countless lawyers, his hard work, concise writing and speaking style, and the utmost admiration and recognition of lawyers and judges alike as one of the leading trial lawyers in Kansas: and

WHEREAS, John F. Hayes served as president of the Reno County Bar Association and the Kansas Association of Defense Counsel, and served as a member of the National Conference of Commissioners on Uniform State Laws, the American College of Trial Lawyers, the American Bar Foundation, Kansas Bar Foundation, American Bar Association and the Kansas Bar Association; and

WHEREAS, John F. Hayes was married to Elizabeth "Betty" Ireton on August 10, 1950, and the couple were blessed with two children, Carl and Chandler, and five grandchildren; and

WHEREAS, John F. Hayes was immensely active in his home community of Hutchinson while serving as President of the Hutchinson Chamber of Commerce, Hutchinson Rotary Club, Hutchinson Town Club and the Prairie Dunes Country Club, vice-president of the Hutchinson Symphony and as a long-time director of Central Bank and Trust. He also served as a director and district vice-president of the Kansas State Chamber of Commerce; and

WHEREAS, John F. Hayes served six terms in the House of Representatives of the State of Kansas where he served as Chairman of the Insurance and Judiciary committees and as Majority Leader of the House of Representatives. During his service in the Legislature he was instrumental in the passage of legislation which established Sand Hills State Park and the Law Enforcement Training Center at Hutchinson, and deeply involved in the passage of court unification and the state's no-fault insurance law, and improving the Kansas State Fair. John Hayes understood the legislative rules and parliamentary procedure of the legislature better than anyone while tirelessly working for his constituents and the state of Kansas. While he masterly worked on the floor of the House, his wife Betty, maintained an almost constant vigil in the gallery; and

WHEREAS, John F. Hayes also served as a delegate to the National Republican Convention in 1952; and

WHEREAS, John F. Hayes will be remembered for his many important contributions to the legal profession and his dedicated service to the community of Hutchinson and the State of Kansas, but he will be most remembered for the positive impact in a very personal way he had on all the lives he touched and improved; and

WHEREAS, The many significant contributions of John F. Hayes are evident but are overshadowed by his quiet and dedicated manner, his passion for his community and state and the practice of law, his honesty and integrity and his respectful guidance to those in his presence; and

WHEREAS, Although the State of Kansas and his family and friends have suffered a great loss, his true legacy is that his influence and teachings live on through the lives of the many people he came in contact with during his life: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor and commemorate the lifelong public and legal service of John F. Hayes, selflessly dedicated to his community, state and all whose lives he touched; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to Betty Hayes, P.O. Box 2440, Hutchinson, Kansas 67504- 2440, Chandler Moenius, 11 Coventry Court, Prairie Village, Kansas 66208, Jill Moenius, 11 Coventry Court, Prairie Village, Kansas 66208, and Ann Moenius, 11 Coventry Court, Prairie Village, Kansas 66208.

## REPORTS OF STANDING COMMITTEES

Committee on Appropriations recommends SB 581 be passed.

Committee on **Appropriations** recommends **HR 6036** be amended on page 2, by striking all in lines 4 through 9; in line 10, by striking "fundamental unfairness" and inserting "passage"; also in line 10, following "3590" by inserting ", the Patient Protection and Affordable Care Act,"; in line 15, before "bring" by inserting "join or";

On page 1, in the title, in line 13, before "bring" by inserting "join or"; and the resolution be adopted as amended.

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

# AFTERNOON SESSION

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

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Yoder in the chair.

### COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules be suspended for the purpose of considering **HB 2549**; **H. Sub. for SB 572**.

On motion of Rep. A. Brown, **HB 2549** (see previous action, HJ page 1121) be amended as amended by House Committee of the Whole, with amendments adopted on March 16, 2010, and printed as such, on page 11, by striking all in lines 31 through 43;

By striking all on pages 12 through 17;

On page 18, by striking all in lines 8 through 20;

On page 89, in line 16, by striking "and 79-3603"; in line 17, by striking "are" and inserting "is":

On page 1, in the title, in line 13, by striking the comma; also in line 13, by striking "coinoperated laundry services"; in line 15, by striking "and 79-3603 and"; also in line 15, by striking "sections" and inserting "section";

Also, roll call was demanded on further motion of Rep. A. Brown to amend **HB 2549** as amended by House Committee of the Whole, with amendments adopted March 16, 2010, and printed as such, on page 1, after line 17, by inserting the following:

"Section I. 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.
- (d) (e) "Consumer" means the person purchasing or receiving cigarettes or tobacco products for final use.
- (e) (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.
- (f) (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.
  - (g) (h) "Director" means the director of taxation.

 $\frac{\text{(h)}}{\text{(i)}}$  "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 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 this state who ships or transports tobacco products to any person in the business of selling tobacco products in this state.

 $\frac{\langle i \rangle}{\langle j \rangle}$  "Division" means the division of taxation.

- (j) (k) "License" means, in addition to the privilege of a licensee to sell cigarettes or tobacco products in the state of Kansas, the written evidence of such authority or privilege to so operate as evidenced by any license issued by the director of taxation.
- (k)  $(\tilde{l})$  "Licensee" means any person holding a current license issued pursuant to this act. (1) (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. (m) (o) "Meter imprints" means tax indicia applied by means of ink printing machines.
- $\frac{\langle n \rangle}{\langle p \rangle}$  (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).
- $(\sigma)$  (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.
- $\overline{(p)}$  (r) "Received" means the coming to rest of cigarettes for sale by any dealer in the state of Kansas.
- $\frac{\langle \mathbf{q} \rangle}{\langle \mathbf{s} \rangle}$  "Retail dealer" means a person, other than a vending machine operator, in possession of cigarettes for the purpose of sale to a consumer.
- $\frac{\langle \mathbf{r} \rangle}{\langle t \rangle}$  "Sale" means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration.
- $\overline{\text{(s)}}$  (u) "Sample" means cigarettes or tobacco products distributed to members of the general public at no cost for purposes of promoting the product.
- (t) (v) "Stamps" means tax indicia applied either by means of water applied gummed paper or heat process.
- $\frac{1}{2}$  (w) "Tax indicia" means visible evidence of tax payment in the form of stamps or meter imprints.
- (v) (x) "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 not include cigarettes or little cigars.
- (w) (y) "Vending machine" means any coin operated machine, contrivance or device, by means of which merchandise may be sold.
- (x) (z) "Vending machine distributor" means any person who sells cigarette vending machines to a vending machine operator operating vending machines in the state of Kansas.
- (y) (aa) "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 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.

(z) (bb) "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.

 $\frac{\hat{a}a}{a}$  (cc) "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.

(bb) (dd) "Importer" shall have the same meaning ascribed thereto means the same as provided in 26 U.S.C.  $\S5702(1)(k)$ .

(cc) (ee) "Manufacturer" shall have the same meaning ascribed thereto means the same as provided in 26 U.S.C. §5702(d).

Sec. 2. 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 \$1.34 on each 20 cigarettes or fractional part thereof or \$.99 \$1.675 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. 3. K.S.A. 2009 Supp. 79-3310c is hereby amended to read as follows: 79-3310c. (1) 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 \$.55 on each 20 cigarettes or fractional part thereof or \$.575 \$.6875 on each 25 cigarettes, as the case requires and \$.46 or \$.575 \$.55 or \$.6875, 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. 4. 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 1,90% 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 therefor 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. 5. 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 \$\frac{.90\%}{2}\$ 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. 6. 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%) 40% 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. 7. 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 30% of the wholesale sales price of such tobacco products, and for a retail business selling tobacco products, a tax at a rate of 30% 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. 8. 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.

Sec. 9. K.S.A. 2009 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas

adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

- (ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.
  - (iii) The federal net operating loss deduction.
- (iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.
- (v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.
- (vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments to such sections.
- (vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.
- (viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2009 Supp. 79-32,204 and amendments thereto.
- (ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203 and amendments thereto.
- (x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2009 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xv) of subsection (c) of K.S.A. 79-32,117, and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.
- (xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2009 Supp. 74-50,154, and amendments thereto.
- (xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2009 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xiii) of subsection (c), or if such amounts are not already included in the federal adjusted gross income.
- (xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2009 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

- (xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2009 Supp. 79-32,221, and amendments thereto.
- (xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2009 Supp. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.
- (xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2009 Supp. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.
- (xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2009 Supp. 79-32,256, and amendments thereto.
- (xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.
- (xvix) The amount of any deduction claimed and allowed for qualified domestic production activities pursuant to section 199 of the internal revenue code of 1986, as amended, to the extent that such deductions are claimed as a deduction for federal income tax purposes.
  - (c) There shall be subtracted from federal adjusted gross income:
- (i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.
- (ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.
- (iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.
- (iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.
- (v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.
- (vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.
- (vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

- (viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. 228b (a) and 228c (a)(1) et seq.
- (ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.
- (x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. 280 C.
- (xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.
- (xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249 and amendments thereto.
- (xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2009 Supp. 74-50,201, et seq., and amendments thereto.
- (xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation.
- (xv) For all taxable years beginning after December 31, 2006, amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2009 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.
- (xvi) For the tax year beginning after December 31, 2004, an amount not exceeding \$500; for the tax year beginning after December 31, 2005, an amount not exceeding \$600; for the tax year beginning after December 31, 2006, an amount not exceeding \$700; for the tax year beginning after December 31, 2007, an amount not exceeding \$800; for the tax year beginning December 31, 2008, an amount not exceeding \$900; and for all taxable years commencing after December 31, 2009, an amount not exceeding \$1,000 of the premium costs for qualified long-term care insurance contracts, as defined by subsection (b) of section 7702B of public law 104-191.
- (xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.
- (xviii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for

death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 session laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

- (xix) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.
- (xx) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.
- (d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.
- (e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.
- Sec. 10. K.S.A. 2009 Supp. 79-32,138 is hereby amended to read as follows: 79-32,138. (a) Kansas taxable income of a corporation taxable under this act shall be the corporation's federal taxable income for the taxable year with the modifications specified in this section.
- (b) There shall be added to federal taxable income: (i) The same modifications as are set forth in subsection (b) of K.S.A. 79-32,117, and amendments thereto, with respect to resident individuals.
- (ii) The amount of all depreciation deductions claimed for any property upon which the deduction allowed by K.S.A. 2009 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto, is claimed.
- (iii) The amount of any charitable contribution deduction claimed for any contribution or gift to or for the use of any racially segregated educational institution.
- (iv) The amount of any deduction claimed and allowed for qualified domestic production activities pursuant to section 199 of the internal revenue code of 1986, as amended, to the extent that such deductions are claimed as a deduction for federal income tax purposes.
- (c) There shall be subtracted from federal taxable income: (i) The same modifications as are set forth in subsection (c) of K.S.A. 79-32,117, and amendments thereto, with respect to resident individuals.
- (ii) The federal income tax liability for any taxable year commencing prior to December 31, 1971, for which a Kansas return was filed after reduction for all credits thereon, except credits for payments on estimates of federal income tax, credits for gasoline and lubricating oil tax, and for foreign tax credits if, on the Kansas income tax return for such prior year, the federal income tax deduction was computed on the basis of the federal income tax paid in such prior year, rather than as accrued. Notwithstanding the foregoing, the deduction for federal income tax liability for any year shall not exceed that portion of the total federal income tax liability for such year which bears the same ratio to the total federal income tax liability for such year as the Kansas taxable income, as computed before any deductions for federal income taxes and after application of subsections (d) and (e) of this section as existing for such year, bears to the federal taxable income for the same year.
- (iii) An amount for the amortization deduction allowed pursuant to K.S.A. 2009 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto.
- (iv) For all taxable years commencing after December 31, 1987, the amount included in federal taxable income pursuant to the provisions of section 78 of the internal revenue code.
- (v) For all taxable years commencing after December 31, 1987, 80% of dividends from corporations incorporated outside of the United States or the District of Columbia which are included in federal taxable income.

- (d) If any corporation derives all of its income from sources within Kansas in any taxable year commencing after December 31, 1979, its Kansas taxable income shall be the sum resulting after application of subsections (a) through (c) hereof. Otherwise, such corporation's Kansas taxable income in any such taxable year, after excluding any refunds of federal income tax and before the deduction of federal income taxes provided by subsection (c)(ii) shall be allocated as provided in K.S.A. 79-3271 to K.S.A. 79-3293, inclusive, and amendments thereto, plus any refund of federal income tax as determined under paragraph (iv) of subsection (b) of K.S.A. 79-32,117, and amendments thereto, and minus the deduction for federal income taxes as provided by subsection (c)(ii) shall be such corporation's Kansas taxable income.
- (e) A corporation may make an election with respect to its first taxable year commencing after December 31, 1982, whereby no addition modifications as provided for in subsection (b)(ii) of K.S.A. 79-32,138 and subtraction modifications as provided for in subsection (c)(iii) of K.S.A. 79-32,138, as those subsections existed prior to their amendment by this act, shall be required to be made for such taxable year.
- Sec. 11. 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 June 1, 2010, at the rate of 6.3%, 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 washing 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, 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
- (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.
- Sec. 12. 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 5%s 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  $\frac{5}{106}$  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 <sup>19</sup>/<sub>65</sub> 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 <sup>13</sup>/<sub>106</sub> 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 June 1, 2010, the state treasurer shall credit 11.333% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, 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 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, 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 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, 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 6.3%, after June 30, 2013.
- (8) On July 1, 2013, and thereafter, the state treasurer shall credit 16.964% 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 truck-
- Sec. 13. 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 June 1, 2010, at the rate of 6.3%, 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. 14. 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  ${}^{5}\!$ /s 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  $\frac{5}{106}$  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 <sup>19</sup>/<sub>265</sub> 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 <sup>13</sup>/<sub>106</sub> 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 June 1, 2010, the state treasurer shall credit 11.333% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, 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 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, 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 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, 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 6.3%, after June 30, 2013.
- (8) On July 1, 2013, and thereafter, the state treasurer shall credit 16.964% 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.

New Sec. 15. Any business owning, operating, or leasing any facility located within the intermodal facility district described in subsection (e) of K.S.A. 79-3620, and amendments thereto, during the time period that the provisions of subsection (e) of K.S.A. 79-3620 and subsection (e) of K.S.A. 79-3710, and amendments thereto, are in effect, shall be ineligible to claim any tax credits or other incentives or benefits with respect to capital investment or jobs in such facility during such time period under the following programs: K.S.A.79-32,153, 79-32,160a, but not including subsection (e) of that statute, 74-50,210 et seq. or 74-50,102 et seq., and amendments thereto.

Sec. 16. K.S.A. 2009 Supp. 79-3633 is hereby amended to read as follows: 79-3633. As used in K.S.A. 79-3620 and 79-3632 to 79-3639 and amendments thereto, unless the context clearly indicates otherwise:

- (a) "Income" means adjusted gross income determined under the Kansas income tax act without regard to the modifications specified by subsections (c)(i), (ii) regarding Kansas public employee retirement system retirement benefits, (vii), (ix) and (xii) of K.S.A. 79-32,117, and amendments thereto.
- (b) "Household" means a claimant and all other persons for whom a personal exemption is claimed who together occupy a common residence.

- (c) "Claimant" means a person who has filed a claim for a refund or credit under the provisions of this act and was, during the entire calendar year preceding the year in which the claim was filed for relief under this act, domiciled in this state, was a member of a household, for tax years commencing after December 31, 2009, had income of not more than \$\frac{\text{\$\text{\$\geq 25,000}}}{\text{\$\sigma 3},000}\$ in the calendar year for which a claim is filed and was: (1) A person having a disability; (2) a person other than a person included under (1), who has attained 55 years of age in the calendar year for which a claim is filed or (3) a person other than a person included under (1) or (2) having one or more dependent children under 18 years of age residing at the person's homestead during the calendar year for which a claim is filed.
  - (d) "Head of household" means the person filing a claim under the provisions of this act.
- (e) "Disability" means (1) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, and an individual shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that the individual is not only unable to do the individual's previous work but cannot, considering age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the individual lives or whether a specific job vacancy exists for the individual, or whether the individual would be hired if application was made for work. For purposes of the preceding sentence (with respect to any individual), "work which exists in the national economy" means work which exists in significant numbers either in the region where the individual lives or in several regions of the country; for purposes of this subsection, a "physical or mental impairment" is an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques; or

(2) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity and over a substantial period of time.

(f) "Blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of 20/200 or less.

Sec. 17. K.S.A. 2009 Supp. 79-3635 is hereby amended to read as follows: 79-3635. (a) (1) A claimant shall be entitled to a refund of retailers' sales taxes paid upon food during the calendar year  $\frac{1998}{2010}$  and each year thereafter in the amount hereinafter provided. There shall be allowed for each member of a household of a claimant having income of  $\frac{\$12,500}{\$16,500}$  or less, an amount equal to  $\frac{\$72}{\$78}$ . There shall be allowed for each member of a household of a claimant having income of more than  $\frac{\$12,500}{\$25,000}$  \$33,000, an amount equal to  $\frac{\$36}{\$34}$ . There shall be allowed for a claimant who qualifies for an additional personal exemption amount pursuant to K.S.A. 79-32,121, and amendments thereto, an additional amount of  $\frac{\$36}{\$36}$  or  $\frac{\$72}{\$72}$  \$44 or \$88, as the case requires. All such claims 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 by a person or persons designated by the director.

(2) As an alternative to the procedure described by subsection (a)(1), for all taxable years commencing after December 31, 2001 2009, 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 \$36 or \$72 \$44 or \$88, as the case requires, for each member of a household. There shall be allowed for a claimant who qualifies for an additional personal exemption amount pursuant to K.S.A. 79-32,121, and amendments thereto, an additional amount of \$36 or \$72 \$44 or \$88, as the case requires. If the amount of such tax credit exceeds the claimant's income tax liability for such taxable year, such excess amount shall be refunded to the claimant.

- (b) A head of household shall make application for refunds for all members of the same household upon a common form provided for the making of joint claims. All claims paid to members of the same household shall be paid as a joint claim by means of a single warrant.
- (c) No claim for a refund of taxes under the provisions of K.S.A. 79-3632 et seq., and amendments thereto, shall be paid or allowed unless such claim is actually filed with and in the possession of the department of revenue on or before April 15 of the year next succeeding the year in which such taxes were paid. The director of taxation may: (1) Extend the time for filing any claim under the provisions of this act when good cause exists therefor; or (2) accept a claim filed after the deadline for filing in the case of sickness, absence or disability of the claimant if such claim has been filed within four years of such deadline.
- (d) In the case of all tax years commencing after December 31,  $\frac{2005}{2010}$ , the threshold income amounts prescribed in this section and subsection (c) of K.S.A. 79-3633, and amendments thereto, and the amounts of refund of taxes and the amounts of the tax credit, both as prescribed in this section, shall be increased by an amount equal to such threshold amount multiplied by the cost-of-living adjustment determined under section 1 (f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.

Sec. 18. K.S.A. 2009 Supp. 79-3666, as amended by section 15 of 2010 Senate Bill No. 430, is hereby amended to read as follows: 79-3666. State sales tax rate changes For any state sales tax rate that will first take effect after July 1, 2010, such state sales tax rate change 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 proceeding 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. 19. K.S.A. 79-3371 and 79-3378 and K.S.A. 2009 Supp. 79-32,117, 79-32,138, 79-3301, 79-3310, 79-33110, 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 are hereby repealed.

Sec. 20. This act shall take effect and be in force from and after its publication in the Kansas register.";

Also on page 1, by striking all in lines 33 through 43;

By striking all on pages 2 through 18;

By striking all on page 89;

On page 1, in the title, by striking all in lines 12 through 15 and inserting the following: "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.":

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

Yeas: None.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Carlin, Fund, Hawk.

The motion of Rep. A. Brown did not prevail.

Also, on motion of Rep. Otto to amend **HB 2549**, the motion did not prevail. Also, on further motion of Rep. Otto to amend, the motion did not prevail. Also, on further motion of Rep. Otto to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Kinzer to amend **HB 2549** as amended by House Committee of the Whole, with amendments adopted on March 16, 2010, and printed as such, on page 1, after line 32, by inserting the following:

"Section 1. K.S.A. 2009 Supp. 12-187, as amended by section 1 of 2010 House Substitute for Senate Bill No. 255, is hereby amended to read as follows: 12-187. (a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

- (b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than % of the membership of the governing body of each of one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by % of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.
- (2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

- (3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.
- (B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.
- (C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.
- (D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of *ad valorem* tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.
- (E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by .75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.
- (F) The result of the election held on December 1, 2009, on the question submitted by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.
- (4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of paragraph (5) of subsection (b) of K.S.A. 68-2314, and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments

thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

- (5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to paragraph (2) of subsection (a) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.
- (6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189 and amendments thereto.
- (7) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of .50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.
- (8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.
- (9) The board of county commissioners of Cowley, Crawford, Russell and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% in the case of Crawford, Russell and Woodson county and at a rate of up to .25%, in

the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

- (10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.
- (11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purposes of preservation, access and management of open space, and for industrial and business park related economic development.
- (12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.
- (13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of .4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected.
- (14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.
- (15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.
- (16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.
- (17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.
- (18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected.
- (19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this

paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

- (21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.
- (22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.
- (23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.
- (24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.
- (25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.
- (26) The board of county commissioners of Pottawatomie county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, or public infrastructure improvements, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project or projects.
- (27) The board of county commissioners of Kingman county may submit the question of imposing a countywide retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging

the revenue received therefrom for the purpose of financing the costs of constructing and furnishing a law enforcement center and jail facility and the costs of roadway and bridge improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire not later than 20 years from the date such tax is first collected.

- (28) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of donations to meet the education needs of all unified school districts within any such county, to the electors at an election called and held thereon.
- (c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{3}{2}$ 3 of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by  $\frac{3}{2}$ 3 of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.
- (d) Any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of .5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.
- (e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.
- (f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.
- (g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.
- Sec. 2. K.S.A. 2009 Supp. 12-189, as amended by section 2 of 2010 House Substitute for Senate Bill No. 255, is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in increments of .05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special purposes which shall be determined by the governing body of the city. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount

not to exceed 1% and shall be fixed in increments of .25%, and which amount shall be determined by the board of county commissioners, except that:

- (a) The board of county commissioners of Wabaunsee county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, the board of county commissioners of Atchison county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 2%;
- (b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;
- (c) the boards of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25%:
- (d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus .25%, .5%, .75% or 1%, as the case requires:
- (e) the board of county commissioners of Dickinson county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;
- (f) the board of county commissioners of Sherman county, for the purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;
- (g) the board of county commissioners of Crawford or Russell county for the purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%;
- (h) the board of county commissioners of Franklin county, for the purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%;
- (i) the board of county commissioners of Douglas county, for the purposes of paragraph (11) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%;
- (j) the board of county commissioners of Jackson county, for the purposes of subsection (b)(13) of K.S.A. 12-187 and amendments thereto, may fix such rate at 1.4%;
- (k) the board of county commissioners of Sedgwick county, for the purposes of paragraph (3)(C) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;
- (l) the board of county commissioners of Neosho county, for the purposes of paragraph (14) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.0% or 1.5%;
- (m) the board of county commissioners of Saline county, for the purposes of subsection (15) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%:

- (n) the board of county commissioners of Harvey county, for the purposes of paragraph (16) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%;
- (o) the board of county commissioners of Atchison county, for the purpose of paragraph (17) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus .25%;
- (p) the board of county commissioners of Wabaunsee county, for the purpose of paragraph (18) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus 5%;
- (q) the board of county commissioners of Jefferson county, for the purpose of paragraphs (19) and (25) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;
- (r) the board of county commissioners of Riley county, for the purpose of paragraph (20) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;
- (s) the board of county commissioners of Johnson county for the purposes of paragraph (21) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus .25%;
- (t) the board of county commissioners of Wilson county for the purposes of paragraph (22) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 2%:
- (u) the board of county commissioners of Butler county for the purposes of paragraph (23) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus .25%, .5%, .75% or 1%;
- (v) the board of county commissioners of Barton county, for the purposes of paragraph (24) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%:
- (w) the board of county commissioners of Lyon county, for the purposes of paragraph (3)(D) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%:
- (x) the board of county commissioners of Rawlins county, for the purposes of paragraph (3)(E) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%;
- (y) the board of county commissioners of Chautauqua county, for the purposes of paragraph (3)(F) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%:
- (z) the board of county commissioners of Pottawatomie county, for the purposes of subsection (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%; and
- (aa) the board of county commissioners of Kingman county, for the purposes of paragraph (27) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus .25%, .5%, .75%, or 1%; and
- (bb) the board of county commissioners of any county for purposes of paragraph (28) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners as otherwise provided by this section on the effective date of this act plus .25%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers'

sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected by the director of taxation pursuant to the authority granted in paragraph (22) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or

Revenue that is received from the imposition of a local retailers' sales tax which exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 3. K.S.A. 2009 Supp. 12-192, as amended by section 3 of 2010 House Substitute for Senate Bill No. 255, is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, and (2) ½ of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

- (b) (1) In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of .75%, 1% or 1.25% after July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner: (A) The revenue received from the first .5% rate of tax shall be apportioned in the manner prescribed by subsection (a) and (B) the revenue received from the rate of tax exceeding .5% shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year and (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county and (iii) one-half shall be retained by the county for its sole use and benefit.
- (2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

- (c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.
- (2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.
- (d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraphs (2), (3)(C), (3)(F), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25) and, (27) and (28) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.
- (2) Except as otherwise provided in paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.
- (3) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraph (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted

to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged unless the question of imposing a countywide retailers' sales tax authorized by paragraph (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, includes the apportionment of revenue prescribed in subsection (a).

- (e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.
- (f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.
- (g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.
- (h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.

New Sec. 4. All amounts received from a county which imposed a countywide retailers' sales tax imposed pursuant to paragraph (28) of subsection (b) of K.S.A. 12-187, and amendments thereto, by a school or unified school district shall be deemed a donation pursuant to the provisions of K.S.A. 72-8210, and amendments thereto.";

And by renumbering sections accordingly;

On page 89, in line 16, after "Supp." by inserting "12-187, as amended by section 1 of 2010 House Substitute for Senate Bill No. 255, 12-189, as amended by section 2 of 2010 House Substitute for Senate Bill No. 255, and 12-192, as amended by section 3 of 2010 House Substitute for Senate Bill No. 255,";

On page 1, in the title, in line 13, before "exemptions" by inserting "countywide retailers' sales tax, donations to schools;"; in line 14, after "Supp." by inserting "12-187, as amended by section 1 of 2010 House Substitute for Senate Bill No. 255, 12-189, as amended by section 2 of 2010 House Substitute for Senate Bill No. 255, and 12-192, as amended by section 3 of 2010 House Substitute for Senate Bill No. 255,";

On roll call, the vote was: Yeas 55; Nays 67; Present but not voting: 0; Absent or not voting: 3.

Yeas: Benlon, Bollier, Brookens, A. Brown, Brunk, Carlson, Colloton, Craft, Donohoe, Frownfelter, Furtado, George, Goico, Gordon, Hermanson, Hill, C. Holmes, Huebert, Kerschen, Kiegerl, Kinzer, Kleeb, Landwehr, Light, Lukert, Mah, McLeland, Menghini, Merrick, Moxley, Neighbor, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schwab, Shultz, Siegfreid, Slattery, Spalding, Suellentrop, Swanson, Talia, Vickrey, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Barnes, Bethell, Bowers, T. Brown, Burgess, Burroughs, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Garcia, D. Gatewood, S. Gatewood, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hineman, M. Holmes, Horst, Jack, Johnson, Kelley, King, Knox, Kuether, Lane, Loganbill, Long, Maloney, Mast, McCray-Miller, Meier, Morrison, Myers, Neufeld, Otto, Palmer, Pauls, Peterson, Phelps, Powell, Ruiz, Schroeder, Schwartz, Seiwert, Sloan, D. Svaty, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf.

Present but not voting: None.

Absent or not voting: Carlin, Fund, Hawk.

The motion of Rep. Kinzer did not prevail.

Also, roll call was demanded on motion of Rep. Olson to amend **HB 2549** as amended by House Committee of the Whole, on page 89, after line 15, by inserting the following:

"New Sec. 3. As used in sections 3 through 8, and amendments thereto, the following words and phrases shall mean:

- (a) "API gravity" means gravity, weight per unit volume, of oils as measured by the American petroleum institute, or API, scale whereby API gravity equals 141.5.
- (b) "First purchaser" means the first person purchasing crude oil directly from the operator or producer.
- (c) "Hauler" means any common carrier, as defined in K.S.A. 2009 Supp. 66-105, and amendments thereto, or any other person, responsible for the transportation of crude oil to a refinery.
- (d) "Light crude" means crude oil with a low specific gravity and high API gravity due to the presence of a high proportion of light hydrocarbon fractions.
- (e) "Market rate" means the listed daily spot price on the New York mercantile exchange, or NYMEX, for one barrel of 40 light gravity sweet crude oil.
- (f) "Operator" means the person responsible for the actual physical operation of the crude oil producing property.
- (g) "Producer" means any interest owner in the crude oil producing property including a royalty interest owner.
- ( $\acute{h}$ ) "Refinery" has the meaning provided by K.S.A. 2009 Supp. 79-32,217, and amendments thereto.
- (i) "Specific gravity" means the ratio of the density of a substance at 60 degrees Fahrenheit to the density of water at the same temperature, where specific gravity equals negative 131.5.
- (j) "Spot price" means the one-time market case transaction, where a commodity is purchased on-the-spot at current market rates.

New Sec. 4. Åny refinery required to purchase crude oil produced in Kansas, if available, to be eligible to receive an income tax credit under K.S.A. 2009 Supp. 79-32,218, and amendments thereto, the accelerated depreciation deduction provided under K.S.A. 2009 Supp. 79-32,221, and amendments thereto, or the environmental compliance income tax credit provided under K.S.A. 2009 Supp. 79-32,222, and amendments thereto, shall have the right to reject any crude oil which is not of merchantable quality or is altered or contaminated by foreign substances or for other quality purposes as stated in the terms and conditions of any contract or division order between any such refinery and producer. Refineries shall provide written or electronic information detailing the requirements haulers must meet prior to delivering crude oil to the refinery, as well as written or electronic notice of all API gravity, specific gravity, basic sediments and water or any other standards that crude oil must meet to be delivered to the refinery. Each refinery shall post the relative amounts of different types of crude oil that the refinery generally purchases.

New Sec. 5. A first purchaser of crude oil shall disclose to the operator or producer a detailed statement of the reason for any deduction of the purchase price below the market rate for such crude oil. Any such deduction of the purchase price paid for crude oil shall be based on an industry standard such as API gravity, specific gravity, temperature or basic sediments and water.

- Sec. 6. K.S.A. 2009 Supp. 79-32,218 is hereby amended to read as follows: 79-32,218. (a) For taxable years commencing after December 31, 2005 2009, and before January 1, 2011, any taxpayer who is awarded a tax credit under this act by the secretary of commerce and complies with the conditions set forth in this act and the agreement entered into by the secretary and the taxpayer under this act shall be allowed a credit against the taxpayer's tax liability under the Kansas income tax act as provided in subsection (b). Expenditures used to qualify for this credit shall not be used to qualify for any other type of Kansas income tax credit.
- (b) The amount of the credit to which a taxpayer is entitled shall be equal to the sum of: (1) An amount equal to 10% of the taxpayer's qualified investment for the first \$250,000,000 invested and (2) an amount equal to 5% of the amount of the taxpayer's qualified investment that exceeds \$250,000,000. Such credit shall be taken in 10 equal, annual installments, beginning with the year in which the taxpayer places into service the new refinery, the

expansion of an existing refinery or the restoration of production of a refinery as provided in this section.

- (c) If the amount of an annual installment of a tax credit allowed under this section exceeds the taxpayer's income tax liability for the taxable year in which the annual installment is allowed, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the annual installment of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the 14th taxable year succeeding the taxable year in which the first annual installment is allowed.
- (d) (1) Before making a qualified investment, a taxpayer shall apply to the secretary of commerce to enter into an agreement for a tax credit under this act. The secretary shall prescribe the form of the application. After receipt of such application, the secretary may enter into an agreement with the applicant for a credit under this act if the secretary determines that the taxpayer's proposed investment satisfies the requirements of this act. The secretary shall enter into an agreement with an applicant which is awarded a credit under this act. The agreement shall include: (A) A detailed description of the refinery project that is the subject of the agreement, (B) the first taxable year for which the credit may be claimed, (C) the maximum amount of tax credit that will be allowed for each taxable year and, (D) a requirement that the taxpayer shall maintain operation of the new, expanded or restored refinery for at least 10 years during the term that the tax credit is available, and (E) documentation that the refinery has purchased crude oil produced in Kansas, if available, pursuant to section 4, and amendments thereto.
- (2) A taxpayer must comply with the terms of the agreement described in subsection (d)(1) to receive an annual installment of the tax credit awarded under this act. The secretary of commerce, in accordance with rules and regulations of the secretary, shall annually determine whether the taxpayer is in compliance with the agreement. Such determination of compliance shall include, but not be limited to, operation of the new, expanded or restored refinery and the purchase of available crude oil produced in Kansas during the tax years when any installments of tax credits are claimed by the taxpayer. If the secretary determines that the taxpayer is in compliance, the secretary shall issue a certificate of compliance to the taxpayer. If the secretary determines that the taxpayer is not in compliance with the agreement, the secretary shall notify the taxpayer and the secretary of revenue of such determination of noncompliance, and any tax credits claimed pursuant to this section for any tax year shall be forfeited.
- (3) The secretary of commerce may adopt rules and regulations to administer the provisions of this subsection.
- Sec. 7. K.S.A. 2009 Supp. 79-32,221 is hereby amended to read as follows: 79-32,221. (a) In addition to the income tax credit allowable pursuant to K.S.A. 2009 Supp. 79-32,217 through 79-32,220, and amendments thereto, a taxpayer shall be entitled to a deduction from Kansas adjusted gross income with respect to the amortization of the amortizable costs of a new refinery, an expansion of an existing refinery or restoration of production of a refinery which has been out of production for five or more years based upon a period of 10 years if the refinery purchases crude oil produced in Kansas, if available, pursuant to section 4, and amendments thereto. Such amortization deduction shall be an amount equal to 55% of the amortizable costs of such new refinery, such expansion of an existing refinery or such restoration of production of a refinery for the first taxable year in which such refinery, such expansion of an existing refinery or such restoration of production of a refinery is in production and 5% of the amortizable costs of such new refinery, such expansion of an existing refinery or such restoration of production of a refinery is in production and 5% of the amortizable costs of such new refinery, such expansion of an existing refinery or such restoration of production of a refinery for each of the next nine taxable vears.
- (b) The election of the taxpayer to claim the deduction allowed by subsection (a) shall be made by filing a statement of such election with the secretary of revenue in the manner and form and within the time prescribed by rules and regulations adopted by the secretary.
- (c) The provisions of this section shall apply to all taxable years commencing after December 31, <del>2005</del> 2009.
- (d) The secretary of revenue shall adopt such rules and regulations as deemed necessary to carry out the provisions of this section.

(e) As used in this section, terms have the meanings provided by K.S.A. 2009 Supp. 79-32,217, and amendments thereto.

Sec. 8. K.S.A. 2009 Supp. 79-32,222 is hereby amended to read as follows: 79-32,222. (a) As used in this section:

- (1) "Refinery" has the meaning provided by K.S.A. 2009 Supp. 79-32,217, and amendments thereto.
- (2) "Qualified expenditures" means expenditures which the secretary of health and environment certifies to the director of taxation are required for an existing refinery to comply with environmental standards or requirements established pursuant to federal statute or regulation, or state statute or rules and regulation, adopted after December 31, 2006.
- (b) There shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act an amount equal to the taxpayer's qualified expenditures. The tax credit allowed by this subsection shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the taxpayer may carry over the amount thereof that exceeds such tax liability for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the year in which the costs are incurred.
- (c) (1) To qualify the expenditures of the tax credit allowed by this section, a taxpayer shall apply to the secretary of health and environment for a certification that the costs were incurred to comply with environmental standards or requirements as specified in subsection (a). The secretary shall prescribe the form of the application, which shall include, but not be limited to, the following information: (A) A detailed description of the refinery project that is the subject of the expenditure; (B) a citation to the applicable federal or state statutes, regulations or rules and regulations which require the environmental compliance; (C) a detailed accounting of the costs incurred for the environmental compliance; (D) documentation that the refinery purchased crude oil produced in Kansas, if available, pursuant to section 4, and amendments thereto, during all tax years for which the tax credit is sought; and  $\overline{(\mathbf{P})}$  (E) a certification by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate and complete.
- (2) If the secretary of health and environment determines that the expenditures were incurred to comply with environmental standards or requirements as specified in subsection (a) and the refinery has purchased crude oil produced in Kansas, if available, the secretary shall issue a certificate of compliance to the director of taxation.
- (3) The secretary of health and environment may adopt rules and regulations to administer the provisions of this subsection, including rules and regulations to fix, charge and collect an application fee to cover all or any part of the department of health and environment's cost of certifying the taxpayer's qualified expenditures under this subsection.
- (d) The provisions of this section shall be applicable to all taxable years commencing after December 31, <del>2006</del> 2009.";

And by renumbering the remaining sections accordingly;

Also on page 89, in line 16, before "79-3602" by inserting "79-32,218, 79-32,221, 79-32,222";

In the title, in line 12, after "concerning" by striking "sales"; also in line 12, after "to" by inserting "income tax, credits, deductions; sales tax,"; in line 14, after "Supp." by inserting "79-32,218, 79-32,221, 79-32,222,"; in line 15, by striking "and" where it appears for the second time;

On roll call, the vote was: Yeas 70; Nays 50; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Bethell, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Crow, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Garcia, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Horst, Huebert, Johnson, Kiegerl, King, Kleeb, Knox, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Merrick, Neighbor, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Proehl,

Quigley, Rardin, Ruiz, Schwartz, Siegfreid, Slattery, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, Worley.

Nays: Aurand, Benlon, Bollier, Brunk, Carlson, Colloton, Craft, Donohoe, Faber, Furtado, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Jack, Kelley, Kerschen, Kinzer, Kuether, Landwehr, Light, Mast, McLeland, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Patton, Pottorff, Powell, Prescott, Rhoades, Roth, Schroeder, Schwab, Seiwert, Shultz, Sloan, Suellentrop, Whitham, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Carlin, Crum, Fund, George, Hawk.

The motion of Rep. Olson prevailed.

Also, on motion of Rep. King to postpone consideration of **HB 2549** until Tuesday, May 4, 2010, the motion prevailed.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Neufeld, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **H. Sub. for SB 306**.

# 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 J. NEUFELD S. 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 Rep. Neufeld, the conference committee report on **H. Sub. for SB 306** was adopted.

Speaker O'Neal thereupon appointed Reps. Neufeld, Kiegerl and Loganbill as second conferees on the part of the House.

#### MESSAGE FROM THE SENATE

The Senate concurs in House amendments to SB 54.

The Senate concurs in House amendments to **H. Sub. for Sub. SB 214**, and requests return of the bill.

# INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6045-

By Representatives Craft, Meier and Goyle

A RESOLUTION designating October as "Agent Orange Recognition Month."

WHEREAS, With actual military conflict occurring from 1965 to 1973, and U.S. involvement spanning nearly 25 years, the Vietnam War is the longest conflict in our nation's history; and

WHEREAS, During a military operation known as "Operation Ranch Hand," the Federal Government used more than 10.6 million gallons of a potent defoliant known as Agent Orange to destroy dense vegetation used as enemy hideouts; and

WHEREAS, Agent Orange contained a powerful chemical called dioxin, which is extremely toxic to humans; and

WHEREAS, Vietnam era veterans exposed to Agent Orange experience higher instances of cancer, immune system disorders, liver problems and genetic maladies which lead to birth defects in their children and higher rates of sudden infant death syndrome; and

WHEREAS, Many of the Vietnam era veterans who were exposed to Agent Orange and continue to suffer from its harmful effects are from the State of Kansas: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we designate the month of October as "Agent Orange Recognition Month" to draw awareness to the devastating effects of Agent Orange on Vietnam era veterans in an effort to further the support of these brave individuals and their sacrifices; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide enrolled copies of this resolution to the American Legion, 1314 SW Topeka Blvd., Topeka, KS 66612; Veterans of Foreign Wars, P.O. Box 1008, Topeka, KS 66601; Disabled American Veterans, 3601 SW 29th St., Ste 115, Topeka, KS 66614; Kansas Commission on Veterans Affairs, 700 SW Jackson Ave., Ste 701, Topeka, KS 66603; Vietnam Veterans of America, 927 Minnesota Ave., Kansas City, KS 66101; Representative Barbara Craft, Representative Melanie Meier and Representative Raj Goyle.

# HOUSE RESOLUTION No. 6046-

By Representatives Bollier, Aurand, Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley and Yoder

A RESOLUTION honoring former Representative Al Lane.

WHEREAS, Al Lane, former State Representative for the Kansas 25th District, passed away on October 3, 2009; and

WHEREAS, Mr. Lane was born July 7, 1932, in Columbus, Ohio; and

WHEREAS, He graduated from the Ohio State University with a Bachelor of Science degree in 1955. He enlisted in the United States Air Force, where he became a pilot. He then worked for Trans World Airlines for 25 years as both a domestic and international pilot. He retired from TWA in 1988; and

WHEREAS, Mr. Lane began his political career in 1981, serving as a Mission Hills City Councilman until 1985 and Mayor of Mission Hills from 1985-1989. In 1989 he was elected as a Kansas State Representative of the 25th District. He served as the Chairman of the Business, Labor and Industry Committee until his retirement in 2003; and

WHEREAS, In the Kansas House, Mr. Lane was well-known to be a true gentleman. His positive attitude went a long way during tense discussions and helped to forge friendships across the aisle. It has been said that his smile was contagious. He was a dedicated public servant who had a strong commitment to his district and fought hard for public education and creating a solid climate for business growth and development; and

WHEREAS, In addition to his civic service, Mr. Lane was also involved with many other organizations, including serving on the vestry at St. Andrew's Episcopal Church and being involved with the Sigma Alpha Epsilon Fraternity, who elected him "Man of the Year" in 1993. Despite all of his commitments, his family always came first; and

WHEREAS, Mr. Lane is survived by his wife, Peggy (Wright) Lane; three daughters, Sheryl Turner and her husband, Rod, of Mission Hills, Kansas, Leslie Bryant of Mission, Kansas, and Linda Coskun and her husband, Battal, of Moorpark, California; a son, Al Lane,

Jr. and his wife, Kim, of Louisburg, Kansas; a brother, Daniel F. Lane, Jr. and his wife, Alice, of Columbus, Ohio; six grandchildren, Michael and Megan Turner, Joshua, Ellis and Rachel Bryant and Kaitlyn Coskun; and two step-grandchildren, Jamie and Jason Coskun: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we commend and honor Representative Al Lane for his service to his community, and the state of Kansas. He was selfless with his time and touched the lives of many people. Kansas is a better place because he cared. We extend our deepest sympathy to his family and friends; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send five enrolled copies of this resolution to Representative Bollier.

#### CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Reps. Aurand, Horst and Winn as members of the conference committee on **SB 131** to replace former Rep. Huntington and Reps. Rhoades and Mah.

#### REPORTS OF STANDING COMMITTEES

Education Budget Committee recommends SB 74 be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 74," as follows:

"HOUSE Substitute for SENATE BILL No. 74

By Committee on Education Budget Committee

"AN ACT concerning school districts; relating to the use of moneys by school districts; amending K.S.A. 72-3607, 72-4523, 72-4525, 72-6420, 72-6423, 72-6424, 72-6433d, 72-8237, 72-8238 and 72-8804 and K.S.A. 2009 Supp. 72-965, 72-3715, 72-6407, 72-6414a, 72-6414b, 72-6421, 72-8223, 72-8248, 72-8249, 72-8250, 72-9509, 72-9609 and 74-4939a and repealing the existing sections; also repealing K.S.A. 72-6422."; and the substitute bill be passed.

(H. Sub. for SB 74 was thereupon introduced and read by title.)

# REPORT ON ENGROSSED BILLS

HB 2561, HB 2656 reported correctly engrossed April 30, 2010.

# REPORT ON ENROLLED BILLS

S. Sub. for Sub. HB 2509; Sub. HB 2528 reported correctly enrolled, properly signed and presented to the governor on May 3, 2010.

# REPORT ON ENROLLED RESOLUTIONS

HR 6030, HR 6040 reported correctly enrolled and properly signed on May 3, 2010.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Tuesday, May 4, 2010.

# Journal of the House

# FIFTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, May 4, 2010, 10:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair. The roll was called with 125 members present.

Rep. Fund was excused later in the day on verified illness.

Rep. Hawk was excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, In the Apostle Paul's letter to the Corinthians, we read words of encouragement to "finish what you have started . . . and not let those good intentions grow stale . . . You've got what it takes to finish it up, so go to it. Once the commitment is clear, you do what you can, not what you can't. The heart regulates the hands . . . You are shoulder to shoulder . . . all the way, Your surplus matching their deficit, their surplus matching your deficit. In the end you come out even. As it is written. 'Nothing left over to the one with the most, Nothing lacking to the one with the least." (2Corinthians 8:11-15, The Message) Although we recognize that this session is almost over, Help us to keep focused and to the task of accomplishing what needs to be done. In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Prescott.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2691**; **H. Sub. for SB 74**; **SB 520**, **SB 568**, **SB 581**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2691**, submits the following report:

The Senate 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

On motion of Rep. Whitham, the conference committee report on **HB 2691** was adopted. On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None. Present but not voting: None. Absent or not voting: George.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Hayzlett, Committee of the Whole report, as follows, was adopted: Recommended that on motion of Rep. Merrick, pursuant to House Rule 2311, that House Rule 1704 be suspended for the purpose of allowing designated members to speak more than once on **H. Sub. for SB 572**.

Committee report recommending a substitute bill and committee report recommending amendments to **H. Sub. for SB 572** be adopted; also, roll call was demanded on motion of Rep. Siegfreid to amend **H. Sub. for SB 572**, as amended by House Committee, on page 68, following line 32, by inserting the following:

"(t) (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 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 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.

the estimated 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 use or need 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 use or need of such state real property, to the governor-elect, 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 January 15, 2011, the secretary of administration, or the secretary's designee, 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 of each such tract of state real property is in the best interest of the state, and (5) establish contract safeguards and transaction parameters for the sale of such state real property: And provided further, That, on or before January 15, 2011, the secretary of administration shall provide a copy of such evaluation and determination 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 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 and the senate ways and means 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 roll call, the vote was: Yeas 79; Nays 44; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, Hill, Hineman, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Lukert, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Spalding, Suellentrop, Swanson, Tafanelli, Talia, Vickrey, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, Grant, Hawk, Henderson, Henry, C. Holmes, Kuether, Lane, Light, Loganbill, Long, Mah, Meier, Menghini, Otto, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Schroeder, Sloan, D. Svaty, Swenson, Tietze, Trimmer, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Kiegerl, Pottorff.

The motion of Rep. Siegfreid prevailed.

Also, rose and reported progress (see further action, HJ, page 1453).

# REPORTS OF STANDING COMMITTEES

Committee on **Local Government** recommends **SB 561** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 561," as follows: "HOUSE Substitute for SENATE BILL No. 561

By Committee on Local Government

"AN ACT concerning cities; relating to annexation."; and the substitute bill be passed. (**H. Sub. for SB 561** was thereupon introduced and read by title.)

On motion of Rep. Merrick, the House recessed until 1:30 p.m.

# AFTERNOON SESSION

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

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

# COMMITTEE OF THE WHOLE

On motion of Rep. Hayzlett, Committee of the Whole report, as follows, was adopted: Recommended that discussion resume on **H. Sub. for SB 572**; also, on motion of Rep. Powell to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Kiegerl to amend **H. Sub. for SB 572**, as amended by House Committee, on page 114, in line 13, by adding \$4,000,000 to the dollar amount and by adjusting the dollar amount in line 13 accordingly;

On page 116, in line 2, by subtracting \$8,000,000 from the dollar amount and by adjusting the dollar amount in line 2 accordingly; in line 5, preceding the period, by inserting ":Provided further, That the secretary of social and rehabilitation services shall make expenditures from this account or any other moneys appropriated for the above agency for the fiscal year ending June 30, 2011, from the state general fund or any special revenue fund or funds to renegotiate the current contract for provision of services to youth in custody of the state: And provided further, That the revised contract shall decrease expenditures from the youth services aid and assistance account for these services by at least \$8,000,000, for the fiscal year ending June 30, 2011: And provided further, That the current contract shall remain in effect until the renegotiated contract is entered into"; in line 22, by adding \$4,000,000 to the dollar amount and by adjusting the dollar amount in line 22 accordingly;

On roll call, the vote was: Yeas 41; Nays 72; Present but not voting: 0; Absent or not voting: 12.

Yeas: Bowers, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Finney, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Mast, McLeland, Morrison, Myers, O'Brien, Olson, Otto, Patton, Peck, Powell, Prescott, Rhoades, Schwab, Seiwert, Siegfreid, Suellentrop, Vickrey.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Carlin, Colloton, Craft, Crow, Dillmore, Feuerborn, Flaharty, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henry, Hill, Hineman, M. Holmes, Johnson, King, Kleeb, Kuether, Lane, Light, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Meier, Moxley, Neighbor, Neufeld, O'Neal, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Schroeder, Schwartz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: A. Brown, Burroughs, Davis, Frownfelter, Fund, Henderson, Long, Menghini, Merrick, Peterson, Ruiz, Winn.

The motion of Rep. Kiegerl did not prevail.

Also, on motion of Rep. Otto to amend **H. Sub. for SB 572**, the motion did not prevail. Also, roll call was demanded on motion of Rep. Kinzer to amend **H. Sub. for SB 572**, as amended by House Committee, on page 304, preceding line 35, by inserting the following:

"Sec. 174. (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;

On roll call, the vote was: Yeas 81; Nays 34; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, D. Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, D. Svaty, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Wetta, Whitham, Williams, B. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Crow, Dillmore, Finney, Flaharty, Furtado, Garcia, Goyle, Hawk, Henderson, Hill, Johnson, Loganbill, McCray-Miller, Neighbor, Peterson, Pottorff, Quigley, Rardin, Ruiz, Slattery, Sloan, Spalding, Swenson, Ward, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: Davis, Fund, S. Gatewood, Gordon, Kuether, Lane, Mah, Menghini, Roth, Tietze.

The motion of Rep. Kinzer prevailed.

Also, roll call was demanded on further motion of Rep. Kinzer to amend **H. Sub. for SB 572**, as amended by House Committee, on page 161, in line 4, by adding \$400,000 to the dollar amount and by adjusting the dollar amount in line 4 accordingly; in line 28, by subtracting \$200,000 from the dollar amount and by adjusting the dollar amount in line 28 accordingly;

On page 168, in line 8, by subtracting \$200,000 from the dollar amount and by adjusting the dollar amount in line 8 accordingly; after line 34, by inserting the following:

"(l) During the fiscal year ending June 30, 2011, notwithstanding the provisions of K.S.A. 2009 Supp. 76-731a, and amendments thereto, an individual defined in K.S.A. 2009 Supp. 76-731a, and amendments thereto, shall not be deemed to be a resident of Kansas for the purpose of tuition and fees for attendance at such postsecondary educational institution. During the fiscal year ending June 30, 2011, nothing in this subsection shall prohibit an individual from being determined to be a resident pursuant to K.S.A. 76-729, and amendments thereto, if such individual meets the statutory requirements of K.S.A. 76-729, and amendments thereto, concerning residence.";

On roll call, the vote was: Yeas 50; Nays 70; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Gordon, Grange, Hayzlett, Hermanson, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Proehl, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Talia, Vickrey, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Burroughs, Fund, Goico, Rhoades.

The motion of Rep. Kinzer did not prevail.

Also, roll call was demanded on motion of Rep. Mast to amend H. Sub. for SB 572, as amended by House Committee, on page 304, following line 34, by inserting the following:

"Sec. 174. No moneys appropriated to any state agency, as defined by K.S.A. 75-3701, and amendments thereto, shall be expended for the agreement between the American federation of state, county and municipal employees/child care providers together Kansas and

the state of Kansas departments of health and environment and social and rehabilitation services relating to registrants and licensees of family day care homes, licensed day care homes and group day care homes, and the working together by parties to the agreement on child care quality standards, provider training and professional development opportunities, rates for subsidized child care benefits, payment methods, health and safety conditions, monitoring and evaluation of providers, recruitment and retention of qualified providers and the overall quality of child care programs in this state, which agreement was entered into during February of 2009, nor shall any other funds of any agency of state government be utilized for such agreement. It is the intent of this section to invoke and exercise the "termination for fiscal necessity" clause of such agreement or that part or parts of the agreement which provide that the agreement is subject to appropriations, or both, and upon the enactment of this section into law such agreement shall be null and void.";

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 47; Nays 70; Present but not voting: 0; Absent or not voting: 8.

Yeas: Bowers, A. Brown, Brunk, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Mast, McLeland, Morrison, Myers, Neufeld, O'Brien, Olson, Otto, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bollier, Fund, George, Kleeb, Merrick, O'Neal, Shultz, Tafanelli. The motion of Rep. Mast did not prevail.

Also, on motion of Rep. Kleeb, **H. Sub. for SB 572** be amended as amended by House Committee, on page 304, after line 34, by inserting the following:

"Sec. 174.

# COUNCIL ON EFFICIENT GOVERNMENT

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

Provided, That all expenditures from the operating expenses account shall be for the operating expenses for the council on efficient government, which is hereby created: Provided further, That the council on efficient government shall consist of 11 members as follows: (1) One member, who shall be either the lieutenant governor or the chief executive of a state agency, who shall be appointed by the governor; (2) two members, who shall be engaged in private business and are not members of the legislature, appointed by the governor; (3) three members, who shall be engaged in private business and only one of whom may be a member of the legislature, appointed by the president of the senate; (4) three members, who shall be engaged in private business and only one of whom may be a member of the legislature, appointed by the speaker of the house of representatives; (5) one member, who shall be engaged in private business and who shall not be a member of the legislature, appointed by the minority leader of the senate; and (6) one member, who shall be engaged in private business and who shall not be a member of the legislature, appointed by the minority leader of the house of representatives: And provided further, That such members shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed to the council shall exercise any power, duty or function as a member of the council until confirmed by the senate: And provided further, That such members shall serve for a term of two years, and that the terms of members appointed pursuant to this

section shall expire on March 15, and that in the case of the member who is a state official, such member shall serve for a term of two years, or until such member ceases to hold public office, whichever occurs first: And provided further, That such members shall serve until a successor is appointed and confirmed, and that after the expiration of a member's term, or whenever a vacancy occurs a member shall be appointed as set forth in this section, and that in the event of a vacancy the appointment shall be for the remainder of the unexpired portion of the term, and that any member is eligible for reappointment for successive twoyear terms: And provided further, That no such member shall appoint a designee to serve in such member's place on the council: And provided further, That the council shall annually elect a member as chairperson; and that the member appointed pursuant to paragraph (1) above, and any member who is a member of the legislature is not eligible to serve as chairperson: And provided further, That the council shall meet at least four times a year at the call of the chairperson, and that a quorum shall consist of a majority of the members of the council: And provided further, That such members attending council meetings shall be entitled to compensation and expenses as provided in K.S.A. 75- 3223, and amendments thereto: And provided further, That the council on efficient government shall: (1) Review and evaluate the possibility of outsourcing goods or services provided by a state agency to a private business or not-for-profit organization that is able to provide the same type of good or service and whether such action would result in cost savings to the state; (2) review and evaluate the possibility of outsourcing operations or functions of a state agency to a private business or not-for- profit organization that is able to more efficiently and cost-effectively perform such operation or function; (3) review and evaluate instances where a state agency is providing goods or services in competition with one or more private businesses to determine ways to eliminate such competition; (4) review and evaluate instances where a state agency is providing goods or services that replicate, duplicate or compete with one or more not-for-profit organizations or federal or local units of government; (5) make any requests it deems necessary to state agencies for an inventory of such agency's activities that may be outsourced, or that compete with, replicate or duplicate activities provided by private entities or federal or local units of government; (6) make recommendations to state agencies regarding the outsourcing of operations, functions and the provision of goods and services; (7) identify and distribute information regarding the best practices in outsourcing efforts to state agencies; (8) have the discretion to appoint advisory groups, provided, at least one member of the council is appointed to each such group; and (9) annually prepare and submit a report, which shall be submitted no later than January 15, to the governor, the committee on ways and means of the senate and the committee on appropriations of the house of representatives, and which shall contain details of the council's activities for the immediately preceding year and include the following: (A) Recommendations on methods of delivering government services that would improve the efficiency, effectiveness and delivery of government services; (B) outsourcing efforts of state agencies; and (C) information on all outsourcing contracts entered into the preceding year, including, the dollar value of each outsourcing contract, descriptions of performance results, any breach of contract or inadequate performance, and the status of extensions, renewals and amendments of outsourcing

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Schroeder to amend **H. Sub. for SB 572**, the motion did not prevail. Also, on motion of Rep. Olson to amend, the motion did not prevail. Also, on motion of Rep. Schwartz to amend, the motion did not prevail.

Also, rose and reported progress (see further action, HJ, page 1458).

On motion of Rep. Merrick, the House recessed until 5:00 p.m.

# EARLY EVENING SESSION

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

# INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2749**, An act concerning challenging the constitutionality of a legislative action or enactment by legislators; amending K.S.A. 2009 Supp. 46-233 and repealing the existing section, by Committee on Federal and State Affairs.

#### MESSAGE FROM THE SENATE

Announcing passage of SB 586.

The Senate adopts conference committee report on **HB 2454**.

The Senate adopts conference committee report on S. Sub. for HB 2582.

The Senate adopts conference committee report to agree to disagree on **H. Sub. for SB 306**, and has appointed Senators Brungardt, Reitz and Faust-Goudeau as second conferees on the part of the Senate.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 586.

On motion of Rep. Merrick, the House recessed until 7:30 p.m.

# **EVENING SESSION**

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

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6047-

By Representatives Grange, Burroughs, Mah, Mast and Peck

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 House of Representatives 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 in her career. We extend our best wishes for her continued success and happiness in the future; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send five enrolled copies of this resolution to Representative Grange, to be given to Barb and her family.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Hayzlett, Committee of the Whole report, as follows, was adopted: Recommended that discussion resume on H. Sub. for SB 572; also, roll call was demanded on motion of Rep. Kleeb to amend as amended by House Committee of the Whole on motion of Representative Siegfreid, on page 68, in subsection (t)(1), in the 14th line of such subsection (t)(1), after "insurance value of each tract of state real property," by inserting "if insured,"; in the 15th line of such subsection (t)(1), after "estimated" by inserting "market"; in the 16th line of such subsection (t)(1), by striking "use or need" and inserting "current use"; in the 19th line of such subsection (t)(1), before "governor-elect" by inserting "governor,"; in the 21st line of such subsection (t)(1), after "And provided further," by inserting "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, or such leader's designee, the minority leader of the senate, or such leader's designee, the chairperson of the house appropriations committee, or such chairperson's designee, the chairperson of the senate ways and means committee, or such chairperson's designee, the chairperson of the house assessment and taxation committee, or such chairperson's designee, the chairperson of the senate taxation committee, 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,"; in the 25th line of such subsection (t)(1), after "liquidation" by inserting ", privatization, or leveraging"; in the 26th line of such subsection (t)(1), by striking "and (5)" and inserting "(5)"; in the 27th line of such subsection (t)(1), after "such state real property" by inserting ", and (6) compile a prioritized list of such state real property which could be sold or liquidated in an amount equal to or greater than \$175,000,000 in transaction value: And provided further, That the secretary of administration shall consult with the legislative state property evaluation committee prior to making any evaluation or determination due on or before January 15, 2011"; in the 30th line of such subsection (t)(1), after "committee" by inserting "and the legislative state property evaluation committee"; in the 36th line of such subsection (t)(1), after "coordinating council," by inserting "the legislative state property evaluation committee,";

On roll call, the vote was: Yeas 56; Nays 64; Present but not voting: 0; Absent or not voting: 5.

Yeas: Bollier, Bowers, A. Brown, Brunk, Carlson, Colloton, Craft, Crum, DeGraaf, Faber, S. Gatewood, George, Goico, Gordon, Grange, Hayzlett, Hermanson, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Rhoades, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Spalding, Suellentrop, Talia, Vickrey, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Barnes, Benlón, Bethell, Brookens, T. Brown, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Johnson, King, Kuether, Lane, Light, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Otto, Palmer, Pauls, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Slattery, Sloan, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Fund, Hawk, Long, Peterson, Whitham.

The motion of Rep. Kleeb did not prevail.

Also, on motion of Rep. O'Neal, **H. Sub. for SB 572** be amended as amended by HouseCommittee, on page 15, preceding line 40, by inserting the following:

"Sec. 45.

#### LEGISLATURE

(a) On and after the effective date of this act, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto, or any other statute, no expenditures shall be made from any moneys appropriated for the legislature for the fiscal year ending June 30, 2010, by chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by any other appropriation act of the 2010 regular session of the legislature from the state general fund for the purposes of paying the members of the legislature compensation for two days when the senate and house of representatives were in session during the period from April 28, 2010, through May 28, 2010: *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 compensation for such two days when the senate and house of representatives were in session during the period from April 28, 2010, through May 28, 2010, under K.S.A. 46-137a, and amendments thereto.";

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Patton to amend **H. Sub. for SB 572**, the motion did not prevail. Also, on further motion of Rep. Patton to amend, the motion did not prevail.

Also, roll call was demanded on motion to recommend **H. Sub. for SB 572** favorably for passage.

On roll call, the vote was: Yeas 45; Nays 74; Present but not voting: 1; Absent or not voting: 5.

Yeas: Aurand, A. Brown, Brunk, Carlson, Craft, Crum, DeGraaf, Faber, Goico, Hayzlett, C. Holmes, M. Holmes, Huebert, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Colloton, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grange, Grant, Henderson, Henry, Hermanson, Hill, Himeman, Horst, Jack, Kuether, Lane, Light, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Schwartz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: Neufeld.

Absent or not voting: Carlin, Fund, Hawk, Long, Peterson.

The motion to recommend H. Sub. for SB 572 favorably for passage did not prevail.

# REPORT ON ENROLLED BILLS

 ${\bf HB~2668}$  reported correctly enrolled, properly signed and presented to the governor on May 4, 2010.

# REPORT ON ENROLLED RESOLUTIONS

HR 6038, HB 6041 reported correctly enrolled and properly signed on May 4, 2010.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Wednesday, May 5, 2010.

# Journal of the House

# FIFTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, May 5, 2010, 10:00 a.m.

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

The roll was called with 123 members present.

Rep. Fund was excused on verified illness.

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

Present later: Rep. Fund.

Prayer by Chaplain Brubaker:

Our Heavenly Father, Yesterday was a long day and many are ready to be on their way. However, we still have crucial decisions to make that will have long-lasting effects. It is obvious that everyone wants a piece of the pie. It is up to these leaders to discern whether the piece requested is a "want" or a "need." Your Word tells us that You will supply our every need. We just require Your wisdom to know the true legitimate needs. In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Garcia.

#### INTRODUCTION OF GUESTS

Reps. Otto and Feuerborn introduced Chase Brown of Richland who is the Kansas Regional Spelling Bee Champion for 2010. Chase was accompanied to the House by his parents.

### PERSONAL PRIVILEGE

There being no objection, the following remarks by Rep. Dillmore, on behalf of Rep. Lane, are spread upon the journal:

Thank you, Mr. Speaker, for this opportunity to set the record straight. On May 3, the day before yesterday, this body considered a motion to override the Governor's veto of **S. Sub. for HB 2115**. When the roll was opened for that Final Action vote, Rep. Lane and I pressed the Nay button on the console and verified that our votes appeared on the voting board. However, when the vote was tallied and recorded in the journal, we were recorded as having not voted.

Mr. Speaker, our constituents do not always agree with us, but they should know where we stand on the issues before this institution. We have never ducked a tough vote in the past and we do not want anyone to think we ducked this vote.

Therefore, my point today is to state clearly and for the record that we vote NO on S. Sub. for HB 2115.

Again, I thank the Speaker for the opportunity to correct the record.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were referred to committees as indicated:

Economic Development and Tourism: SCR 1630.

Judiciary: HB 2749.

# REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill appearing on the calendar as "To be referred" was referred to committee as indicated:

Committee of the Whole: SB 586.

#### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. O'Neal, **HR 6044**, A resolution honoring John F. Hayes on his lifelong public and legal service to his community and state, was adopted.

# MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Craft, **HR 6045**, A resolution designating October as "Agent Orange Recognition Month," was adopted.

There being no objection, the following remarks of Reps. Craft and Meier are spread upon the journal:

Rep Craft: HR 6045 designates October as "Agent Orange Recognition Month." It was requested by a constituent of mine, Bruce Jasinski, who was exposed to the toxic herbicide, Agent Orange, when he served at the Air Force base in Udorn, Thailand, during the Vietnam War. Herbicides were used to spray along the base perimeter at Udorn. Bruce worked on RF-4-C and F-4-D fighters on the flight line that was located in the perimeter. He remembers seeing tractors towing 55 gallon drums through the area where he worked and spraying during the daytime. Bruce has been diagnosed with Type 2 diabetes and suffers from secondary issues in addition.

Bruce is here with us today, accompanied by his wife Chris, to represent the scores of military veterans who served in Southeast Asia during the Vietnam War era and were exposed to Agent Orange, and who are afflicted today with medical problems they developed many years later, more than likely due to their exposure during the war. There are no doubt others here today who also served in Southeast Asia during this time. I would ask that they stand, too, during the reading of the resolution and be recognized.

Rep. Meier: Agent Orange was one of the weed-killing chemicals, know as a "herbicide," used by the U.S. military in the Vietnam War. It was sprayed to remove leaves from trees that enemy troops hid behind. So much Agent Orange was applied by airplanes, helicopters, trucks and backpack sprayers during the Vietnam War, that all Vietnam Veterans are considered to have been exposed. Certain other veterans who served in other countries of Southeast Asia and the Demilitarized Zone in Korea were also exposed.

In the 1970's some veterans became concerned that exposure to Agent Orange might cause delayed health effects. One of the chemicals in Agent Orange contained small amounts of dioxin, which had been found to cause a variety of illnesses in laboratory animals. More recent studies have suggested that dioxin may be related to several types of cancer and other disorders.

In 1996, President Clinton and VA Secretary Jesse Brown asked Congress to pass legislation providing health care, monthly disability compensation, and vocational rehabilitation to the children of Vietnam veterans suffering from the serious birth defect spina bifida, which has been linked to the veterans' exposure to Agent Orange. Congress passed the legislation, marking the first time our nation had ever compensated the children of veterans for a birth defect associated with their parent's exposure to toxic chemicals during their

military service. The VA is now providing benefits to over 800 children, including minors and adults.

Additionally, effective December 16, 2003, Congress authorized benefits to children with spina bifida of certain veterans who served at or near the demilitarized zone in Korea between September 1, 1967 and August 31, 1971, because Agent Orange is known to have been sprayed in that area.

I had hoped my good friend and Vietnam veteran, Retired Sergeant Major Rick McCall could have been here today. He lost a lung to Agent Orange and therefore is unable to drive the distance to Topeka. Despite his serious health concerns, SGM McCall still serves his country today, working at Fort Leavenworth as a Department of the Army Civilian who writes doctrine.

As we go about our busy lives, worrying about our own routines, it is easy to take our freedoms for granted. It is my hope that as Kansans slow down a bit to observe "Agent Orange Recognition Month" that they are reminded of the sacrifices of our Vietnam veterans, the price they paid for the lives we are able to lead, and be grateful for their service.

Rep. Craft: In sponsoring this resolution, it is the hope of Rep. Meier, Rep. Goyle, and myself that the designation of October as "Agent Orange Recognition Month" will create more awareness about the devastating effects of Agent Orange on Vietnam era veterans in an effort to further the support of these brave individuals. Please help me to show our appreciation to all those who served.

#### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Bollier, **HR 6046**, A resolution honoring former Representative Al Lane, was adopted.

There being no objection, the following remarks of Rep. Bollier are spread upon the journal:

I come before you today asking you to join me in honoring former Representative Al Lane with **HR 6046**. Al passed away this past fall. Joining me today is Al's wife, Peggy, and Senator Terrie Huntington, your former colleague here in the House.

I grew up just down the street from Al and his family, and spent time as a young girl playing in his yard with his children or waving to him as I drove by while he was out moving his yard. As I grew up, Al began his commitment to public service. He served on the Mission Hills City Council from 1981 to 1985, became Mayor and served from 1985 to 1989. He was elected Representative of the 25th District in 1989. My mother, who served as his Precinct Committee Chairwoman, went door to door, working hard to get Al elected into the House. He retired in 2003.

This past year he became ill and passed away in the fall of 2009. It is a true privilege to be standing here today as a Representative honoring Al for his service.

I would now like to share some words from Senator Huntington as she remembers and honors Al.

"It was an honor to have Al Lane as my mentor and friend. When Rep. Lane decided to retire, I talked to him about filing for his seat in the Kansas House. He not only endorsed me, but he and his wife Peggy offered to serve as my campaign chairmen. And he went the extra mile, literally, by walking door to door with me. It was a primary election, so I was only going to knock on the doors of registered Republicans, but Rep. Lane said no — knock on every door. Your neighbors will want to know who is going to represent them. That's when I knew what a special man he was — a friend and representative to everyone, not just his fellow Republicans.

"He enjoyed his retirement, finally catching up on the home projects he had postponed for many years, but remained engaged in politics — returning to the annual Shrimp Peel Dinner, and serving on the PAC board of a local organization.

"When he learned he had cancer, his spirits were not dampened. He remained positive and upbeat through his many medical treatments — maintaining the smile and positive attitude that had served him so well during his years of community and state service. "The resolution said it well — he was a true gentleman. I will miss his wide smile, his words of encouragement and his friendship, and I'm sure those of you who served with him in the Kansas House of Representatives feel the same."

# INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 434**; **S. Sub. for HB 2310**.

#### 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 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		В			C		D			Ε		F			Ð			Н			I
Severity Level	I	3+ Person Felonies		2 Person Felonies	es u	TI	1 Person & 1 Nonperson Felonies		1 Person Felony		S.	3 + Nonperson Felonies		2 Nonperson Felonies	rson iies	-	1 Nonperson Felony	u <sub>c</sub>	Misc	2 + Misdemeanors	ķ	1 Misdemeanor No Record	1 Aisdemeano No Record
I	653	620	592	586	554	285	272 258	267	253	240	246	234	226	26 214	4 203	203	195	184	186	176	166	165	155
п	493	467	442	460 438	416	216	205	200	190	181	184	174	91 165	168	0 152	154	146	138	138	131	1 123	123	117
ш	247	233	22	228 216	206	107	102	100	94	68	92	88	83	3 79	74	77	72	89	71	99	9 19	19	59
VI	172	162	154	162 154	144	75	71 68	69	99	62	49	09	59	95 6	52	52	50	47	48	45	42	43	41
Λ	136	130	122	128 120	114	09	57 53	25	52	50	51	49	46	44	4	43	41	38					
IA	46	43	40	1 39	37	38	36 34	36	34	32	32	30	28	27	25					20	1 61	6	<u>8</u>
ПЛ	34	32	30	1 29	27	29	27 25	26	24	22	23	21	61 61	18	17	17	16	15	14	13	12	13	12
им	23	21	20	0 19	18	19	18 17	17	16	15	15	14	13	3 12	11	Ξ	10	6	Ξ	10	6		∞
IX	17	16	15	5 14	13	13	12 11	13	12	11	11	10	9	6 (	80	6	8	7	∞	7	6		9
Х	13	12	11	2 111	10	11	9	10	6	∞	6	∞	7	7	9	7	9	S	7	9	5		9



- (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

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	I	1 Misdemeanor No Record	155 147	117	59 55	41 38		18	12 11	∞	9	9
		Misd	165	123	19	43		61	13	6	7	7
		ors	166	123	61	42		19	12	6	9	5
	н	2 + Misdemeanors	176	131	99	45		20	13	10	7	9
		Misde	186	138	7.1	48		21	14	11	∞	L
		ū	184	138	89	47	38		15	6	7	5
	Ð	1 Nonperson Felony	561	146	72	50	14		16	10	∞	9
		N F	203	154	77	52	43		17	11	6	7
			203	152	74	52	14	25	17	11	∞	9
	Ŧ	2 Nonperson Felonies	214	160	62	99	4	27	18	12	6	7
			226	168	83	59	47	29	19	13	01	∞
		_	221	165	82	57	46	78	19	13	6	7
	E	3+ Nonperson Felonies	234	174	88	09	49	30	21	14	10	∞
		Non Fel	246	481	92	64	51	32	23	15	11	6
		1 Person Felony	240	181	68	62	20	32	. 22	15	=	∞
	D		253	061	94	99	52	34	24	16	12	6
		¥₹	267	200	100	69	55	36	26	17	3	10
			258	194	1 96	9 89	53	34	25	17	1 11	9
	C	1 Person & 1 Nonperson Felonies	272	205	102	71	57	36	27	18	12	10
		1 Per 1 Non Fel	285	216	107	75	9	38		1 61		_
			28	2.	206	7. 41	9114	38	29	18	13	10
	В	2 Person Felonies	586	438 4	216	154	120	39	29	19	41	11
		Per Felo				162	128					
	V	3+ Person Felonies	592	442	228	16	122	41 40	30	20	15	11
						62 15	130					
			3 620	3 467	7 233	_		43	32	21	16	12
			653	493	247	172	136	46	34	23	17	13
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	Category	Severity Level	I	п	Ш	IV	Λ	IA	И	им	IX	X
								L				

- (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

<sup>(</sup>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 <del>and</del> 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;
- $\frac{(14)}{(15)}$  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

On motion of Rep. Colloton, the conference committee report on **SB 434** was adopted. On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Hawk.

# MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Bethell, the House concurred in Senate amendments to **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.

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

On roll call, the vote was: Yeas 99; Nays 24; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grant, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Johnson, Kerschen, King, Kleeb, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, A. Brown, Brunk, Carlson, DeGraaf, Faber, Grange, Hayzlett, Huebert, Kelley, Kiegerl, Kinzer, Kuether, Mast, Merrick, Patton, Peck, Powell, Rhoades, Schwab, Shultz, Ward, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Hawk.

On motion of Rep. Merrick, the House recessed until 3:30 p.m.

# AFTERNOON SESSION

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2750**, An act concerning the state health care benefits program; relating to subrogation rights and coordination of benefits thereunder; amending K.S.A. 75-6504 and repealing the existing section, by Committee on Appropriations.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6048-

By Representatives Yoder, Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf and Worley

# A RESOLUTION in memory of Isaac "Kelso" Deer.

WHEREAS, Isaac "Kelso" Deer passed away on December 20, 2009; and

WHEREAS, Kelso was born on January 2, 1916, the son of William and Adah (Clayton) Deer. He was born in Farlington and grew up in Altoona. He attended Kansas State Teacher's College of Pittsburg, where he earned a Bachelor's degree and a Master's degree in Education; and

WHEREAS, For over 43 years, Kelso worked as a school counselor, teacher, coach, principal and superintendent in Augusta and Hoisington; and

WHEREAS, From 1955 to 1959, Kelso served in the Army Reserves, earning the rank of master sergeant. He was a full citizen of the Muscogee Nation in Oklahoma; and

WHEREAS, Kelso was elected to the Kansas Legislature in 1952, representing the Augusta area in Butler County. He served four terms as a Representative before relocating to Hoisington to continue working in education until his retirement. He also served in the Kansas Silver Haired Legislature and was active in politics for over 70 years; and

WHEREAS, Kelso married Wanda Lee Sypolt on March 13, 1960. He is survived by his wife, two sons, Montie Deer and his wife Jan of Topeka and David Deer and his wife Camille of Loch Lloyd, Missouri; one granddaughter, Sarah Deer and her husband Neal of St. Paul, Minnesota; three grandsons, William Deer of Wichita, Matthew Deer of Montrose, Colorado and Brian Deer and wife Anjanette of Gardner; three great-grandchildren, Isaac, Lauren and Jessica Deer, all of Gardner; and one sister, Dorothy Sell of Wichita: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor Isaac "Kelso" Deer for his lifetime of service to his community and the state of Kansas and extend our deepest sympathy to his family and friends; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send 12 enrolled copies of this resolution to Representative Yoder.

# INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2454**; **S. Sub. for HB 2582**; **SB 368**.

#### 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;
- $\frac{\text{(d)}}{\text{(e)}}$  "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;
- $\stackrel{\text{(e)}}{\leftarrow}$  (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;
- (f) (g) "governing body" means the board of county commissioners of a county or the governing body of a city;
- (g) (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;
- (h) (i) "service supplier" means any person providing exchange telephone services or wireless service to any service user in this state:
- $\stackrel{\mbox{\scriptsize (i)}}{}(j)$  "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;
- $\frac{(j)}{(l)}$  "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;

- $\frac{\langle k \rangle}{\langle m \rangle}$  "wireless service" means a two-way voice or text radio service provided by a wireless carrier; and
  - (1) (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 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.
- $\frac{\langle w \rangle}{(x)}$  "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.
- $\langle \mathbf{x} \rangle$  (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).
- $\frac{\langle y \rangle}{(z)}$  "Wholesaler of prepaid wireless service" means a person who purchases at wholesale wireless service from a wireless carrier for resale as prepaid wireless service.
- $\frac{\langle z \rangle}{(aa)}$  "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.
- $\frac{\langle aa \rangle}{\langle bb \rangle}$  "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.
- $\frac{\text{(bb)}}{\text{(cc)}}$  "Wireless enhanced 911 grant fee" means the fee imposed under K.S.A. 2009 Supp. 12-5324, and amendments thereto.
- $\frac{\hat{c}c}{(cc)}$  (dd) "Wireless enhanced 911 local fee" means the fee imposed under K.S.A. 2009 Supp. 12-5330, and amendments thereto.
- (dd) (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.
- (ee) (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, <del>2010</del> 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,  $\frac{2010}{2011}$ , 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,  $\frac{2010}{2011}$ :
  - (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 J. KNOX
ANNIE KUETHER
Conferees on part of House

On motion of Rep. C. Holmes, the conference committee report on S. Sub. for HB 2582 was adopted.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Landwehr, Merrick. Present but not voting: None.

Absent or not voting: Hawk, Light.

# 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

On motion of Rep. Kinzer, the conference committee report on **SB 368** was adopted. On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Schwartz.

Present but not voting: None.

Absent or not voting: Hawk.

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

Speaker O'Neal called the House to order.

On motion of Rep. Merrick, the House recessed until 5:45 p.m.

# **EVENING SESSION**

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

### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 452**.

#### 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. 41-348 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  $\frac{1}{2}$  manufacture of a manufacture is 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 <del>annual</del> fee for a manufacturer's license to manufacture wine shall be \$500 \$1.000.
- (e) (1) The  $\frac{1}{2}$  fee for a microbrewery license or a farm winery license shall be  $\frac{250}{500}$ .
  - (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 <del>annual</del> 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
- (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, or retailer, farm winery or microbrewery licensed under this act.
  - (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 terms 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;
- (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.
- $\frac{\text{(b)}}{\text{(g)}}$  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  $\frac{\text{(b)}(6)}{\text{(g)}(6)}$ .

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.

 $\frac{\hat{c}}{\langle c \rangle}(h)$  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 licensee 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
- (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.
- $(\check{h})$  "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.
  - (1) "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 co-habitation; adultery; bigamy; or a crime against nature.
  - (o) "Municipal corporation" means the governing body of any county or city.
  - (o) (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.
- $\frac{\langle \mathbf{p} \rangle}{\langle \mathbf{q} \rangle}$  "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.
  - $\frac{\langle q \rangle}{\langle r \rangle}$  "Secretary" means the secretary of revenue.
- $(\overrightarrow{r})$  (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.
- (c) (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  $\frac{1}{2}$  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.
- $\frac{(\mathbf{c})}{(d)}$  No occupational or excise tax or license fee other than that authorized by subsection  $\frac{(\mathbf{b})}{(c)}$  shall be levied by any city or county against or collected from a licensed club or drinking establishment.
- $\frac{\text{(d)}(e)}{\text{(e)}}$  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.
- $(\vec{D})$  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 sus-

pended 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 ware-housing 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 J. NEUFELD
S. 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 Rep. Neufeld to adopt the conference committee report on **SB 452**, Rep. Siegfreid offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion prevailed.

Speaker O'Neal thereupon appointed Reps. Neufeld, Kiegerl and Loganbill as second conferees on the part of the House.

#### 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 pre-

ceding 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

On motion of Rep. Colloton, the conference committee report on **HB 2454** was adopted. On roll call, the vote was: Yeas 114; Nays 7; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson,

Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: DeGraaf, Knox, Landwehr, Merrick, Powell, Schwartz, Suellentrop.

Present but not voting: None.

Absent or not voting: Fund, Hawk, Schwab, Tafanelli.

# REPORT ON ENROLLED RESOLUTIONS

 $\boldsymbol{HR}$   $\boldsymbol{6043}$  reported correctly enrolled and properly signed on May 5, 2010.

On motion of Rep. Merrick, the House adjourned until 8:00 a.m., Thursday, May 6, 2010.

# Journal of the House

## SIXTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, May 6, 2010, 8:00 a.m.

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

The roll was called with 119 members present.

Rep. Fund was excused on verified illness.

Reps. Hawk, Kiegerl, Landwehr, Rhoades and Schwab were excused on excused absence by the Speaker.

Present later: Reps. Fund, Kiegerl, Landwehr and Schwab.

Rep Vickrey was excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
The good thing about starting this early
is that so far today
everything has gone well.
We've been friendly, courteous, and patient (well, sort of) —
we haven't felt stressed, upset or pressured.
But, here in a few moments
our work day will begin,
and we need all the help we can get.
So, thank you for meeting with us today —
and for Your strength and faithfulness
in guiding our words, actions and deeds.
In Your Son's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Proehl.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Appropriations: HB 2750.

#### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2733** from Committee on Elections and referral to Committee on Judiciary.

## 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 "75-704," by inserting "75-704, as amended by section 16 of 2010 House Bill No. 2661,"; also in line 4, after "75-707," by inserting "75-707, as amended by section 193 of 2010 Senate Bill No. 376,"; in line 5, after "75-7012" by inserting ", 75-7013, 75-7015, 75-7017";

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 J. NEUFELD S. MIKE KIEGERL Conferees on part of House

Pete Brungardt Roger P. Reitz Oletha Faust-Goudeau Conferees on part of Senate

On motion of Rep. Neufeld, the conference committee report on  ${\bf H.~Sub.~for~SB~306}$  was adopted.

On roll call, the vote was: Yeas 103; Nays 15; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Barnes, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlson, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Frownfelter, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Carlin, Colloton, Crow, Davis, Flaharty, Garcia, Henderson, Kuether, Loganbill, McCray-Miller, Tietze, Trimmer, Winn.

Present but not voting: None.

Absent or not voting: Fund, Hawk, Hineman, Kiegerl, Landwehr, Rhoades, Schwab.

# INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S. Sub. for HB 2226**.

## MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House concurred in Senate amendments to **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.

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

On roll call, the vote was: Yeas 104; Nays 16; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Grange, Grant, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Johnson, Kelley, Kerschen, Kinzer, Kleeb, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brunk, Burgess, Carlson, Górdon, Goyle, Hayzlett, Huebert, King, Knox, Light, McLeland, Merrick, Peck, Powell, Schwartz, Suellentrop.

Present but not voting: None.

Absent or not voting: Fund, Hawk, Kiegerl, Landwehr, Rhoades. On motion of Rep. Merrick, the House recessed until 11:00 a.m.

# LATE MORNING SESSION

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

On motion of Rep. Merrick, the House recessed until 1:30 p.m.

# AFTERNOON SESSION

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

## COMMUNICATIONS FROM STATE OFFICERS

From Jim Garner, Secretary, Kansas Department of Labor, Workers compensation 35th Annual Statistical Report, 2009 Kansas Economic Report, 2010 Workplace Safety Annual Report; Unemployment Insurance Reference Guide, Kansas Department of Labor 2009 Annual Report.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

#### MESSAGE FROM THE GOVERNOR

May 5, 2010

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

Enclosed herewith is Executive Order No. 10-03 for your information.

## EXECUTIVE ORDER No. 10-03

Offer of Reward

Mark Parkinson Governor

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

# MESSAGE FROM THE SENATE

The Senate adopts conference committee report on H. Sub. for SB 306.

The Senate not adopts the conference committee report on **SB** 368, requests a new conference committee be appointed and has appointed Senators Owens, Vratil and Kelly as third conferees on the part of the Senate.

The Senate adopts conference committee report on **HB 2482**.

The Senate adopts conference committee report on HB 2486.

The Senate adopts conference committee report on HB 2554.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Peck in the chair.

# COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Merrick, in accordance with subsection (a) of House Rule 1503, that the order on General Orders of **H. Sub. for SB 572** be changed to the first measure of business to be considered on General Orders today.

Roll call was demanded on motion of Rep. Aurand to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, on page 127, in line 14, by adding \$85,949,000 to the dollar amount and by adjusting the dollar amount in line 14 accordingly;

On roll call, the vote was: Yeas 55; Nays 62; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, DeGraaf, Faber, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Whitham, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Fund, Garcia, George, Hawk, Henry, Rhoades, Swenson, Vickrey. The motion of Rep. Aurand did not prevail.

Also, roll call was demanded on further motion of Rep. Aurand to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, on page 127, in line 18, by adding \$24,000,000 to the dollar amount and by adjusting the dollar amount in line 18 accordingly;

On roll call, the auto was Youn 56. Name 64. Present but not using 0. Absent or not

On roll call, the vote was: Yeas 56; Nays 64; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, D. Gatewood, S. Gatewood, George, Goyle, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Garcia, Hawk, Rhoades, Vickrey.

The motion of Rep. Aurand did not prevail.

Also, on motion of Rep. Feuerborn to amend **H. Sub. for SB 572**, Rep. Kinzer requested the question be divided. The question was divided.

On Part A of the motion of Rep. Feuerborn to amend **H. Sub. for SB 572**, Rep. Merrick offered a motion to rise and report progress. The motion prevailed.

# INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on SB 368.

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

# MESSAGES FROM THE SENATE

Announcing adoption of SCR 1631.

Announcing passage of **HB 2595**, as amended; **HB 2631**, as amended by **S. Sub. for HB 2631**.

The Senate adopts conference committee report on **SB 434**.

The Senate accedes to the request of the House for a conference on  $SB\ 452$  and has appointed Senators Brungardt, Reitz and Faust-Goudeau as second conferees on the part of the Senate.

Also, the President announced the appointment of Senator Haley as a member of the conference committee on  ${\bf SB~368}$  to replace Senator Kelly.

# INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was thereupon introduced and read by title: SCR 1631.

# REPORT ON ENROLLED RESOLUTIONS

HR 6039, HR 6042, HR 6044, HR 6045, HR 6046 reported correctly enrolled and properly signed on May 6, 2010.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Friday, May 7, 2010.

# Journal of the House

## SIXTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, May 7, 2010, 9:00 a.m.

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

The roll was called with 121 members present.

Reps. Aurand, Brunk, Hawk and Rhoades were excused on excused absence by the Speaker.

Present later: Reps. Aurand, Brunk and Hawk.

Rep. Fund was excused later in the day on verified illness.

Prayer by Chaplain Brubaker:

Dear Lord, I am reminded of the words given to Esther that she was placed in her royal position for such a time as that. This 2010 State Legislature is unique in that You have placed these people here at this particular time. This legislature is different than any that has come before, and no future legislature will be just like this one. People change views change the issues change. I am convinced this legislature has been put into place for a specific purpose. May they prove faithful and diligent to the task given to them. May they recognize their decisions will have long-lasting effects. So speak loudly and clearly Your words of wisdom for such a time as this. In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Crow.

## PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Phelps are spread upon the journal:

Thank you Mr. Speaker and good morning to the members of the body. As the session has moved along we have had many points of personal privilege at which time we have honored national champions, state champions, individuals for their long-time service to the State of Kansas and our men and women in the military.

Today I would like to recognize and congratulate Mr. Dennis Hodgins who many members recognize as a member of the Legislative Research Department. He has staffed several House and Senate committees over the past 17 years.

Dennis was born in Winnipeg, Manitoba, Canada. On March 19, 2010, Dennis became an American citizen by taking the Oath of Citizenship. By my calculation I believe Dennis is approximately the 309,200,000th citizen in the country. I would ask the members of the House to join me in congratulating Dennis Hodgins, U.S. Citizen.

Rep. Phelps presented Mr. Hodgins with a framed House certificate.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was referred to committee as indicated:

Insurance: SCR 1631.

#### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Grange, **HR 6047**, 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, was adopted.

There being no objection, the following remarks of Rep. Grange are spread upon the journal:

Next month the State will be losing a long-time employee to retirement. I am speaking of Barbara Hinton the leader of the Legislative Post Audit Division. Barb is the woman behind all those blue booklets and highlights you see so often. We thank her for her guidance, leadership and professional non-partisan service to the Legislature and the citizens of Kansas.

Remarks were also made by Reps. Burroughs and Mast.

#### MESSAGE FROM THE SENATE

Announcing passage of HB 2360, as amended by S. Sub. for HB 2360.

# INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S. Sub. for HB 2360; HB 2482, HB 2486**.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Carlson to nonconcur in Senate amendments to **S. Sub. for HB 2360** and that a new conference committee be appointed, Rep. Kinzer offered a substitute motion that the House concur in the Senate amendments.

Also, roll call was demanded on motion of Rep. Ward to lay  ${\bf S.~Sub.~for~HB~2360}$  on the table.

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

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Vickrey, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Hawk, Rhoades.

The motion of Rep. Ward prevailed and S. Sub. for HB 2360 is laid on the table.

#### 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. 41-346 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 <del>annual</del> 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, \$\frac{\$400}{0}\$\$ \$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 <del>annual</del> fee for a manufacturer's license to manufacture wine shall be \$500 \$1,000.
- (e) (1) The  $\frac{1}{2}$  fee for a microbrewery license or a farm winery license shall be  $\frac{250}{2}$
- (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 <del>annual</del> 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 <del>year</del> term for a license shall commence on the date the license is issued by the director and shall end <del>one year</del> 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 terms 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.
- $\frac{\text{(b)}}{\text{(g)}}$  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  $\frac{\text{(b)(6)}}{\text{(g)(6)}}$ .

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.

 $\frac{1}{(c)}(h)$  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 licensee 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

- (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 co-habitation; adultery; bigamy; or a crime against nature.
  - (o) "Municipal corporation" means the governing body of any county or city.

(o) (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.

- $\frac{\langle \mathbf{p} \rangle}{\langle \mathbf{q} \rangle}$  "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.
  - $\frac{\langle q \rangle}{\langle r \rangle}$  "Secretary" means the secretary of revenue.
- $\frac{(1)}{(1)}$  (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  $\frac{an \ annual}{a}$  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.

(c) (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 licensee fee paid when the licensee does not use such licensee for the entire second year of the license term as a result of the cancellation of the licensee 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 <del>annual</del> 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.
- $\frac{\langle \mathbf{c} \rangle}{\langle d \rangle}$  No occupational or excise tax or license fee other than that authorized by subsection  $\frac{\langle \mathbf{b} \rangle}{\langle c \rangle}$  shall be levied by any city or county against or collected from a licensed club or drinking establishment.
- $\frac{\rm (d)}{(e)}$  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.
- $(\vec{D})$  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.Ś.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 ware-housing 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 J. NEUFELD S. 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 Rep. Neufeld, the conference committee report on SB 452 was adopted.

On roll call, the vote was: Yeas 116; Nays 5; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: C. Holmes, Mast, Neufeld, Peck, Schroeder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Hawk, Rhoades.

#### 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.

 $\frac{\langle \mathbf{g} \rangle}{(j)}$  "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 performing functions directly related to a relocating, expanding, or new business facility, office, department or other operation shall be considered as new employees.

 $\frac{1}{1}$  (k) "Non-metropolitan county" means any county that is not a metropolitan county.

- (i) (l) "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.
  - (i) (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 IM-PACT 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. 46-1116, 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, 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
- (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. 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.Ā. 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  $\frac{\partial}{\partial x}(a)(a)(a)(a)(b)$ .

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

On motion of Rep. Gordon, the conference committee report on **HB 2554** was adopted. On roll call, the vote was: Yeas 109; Nays 12; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Dillmore, Flaharty, Frownfelter, Garcia, Henderson, Landwehr, Menghini, Ruiz, Swenson, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Hawk, Rhoades.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Peck in the chair.

#### COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **H. Sub. for SB 572** (see previous action, HJ page 1508); also roll call was demanded on Part A of the motion of Rep. Feuerborn to amend, as amended by House Committee of the Whole, on page 1, in line 27, by striking "and June 30, 2015" and inserting ", June 30, 2015, and June 30, 2016";

By striking all on pages 2 through 308;

On page 309, by striking all in lines 1 through 12 and inserting the following material to read as follows:

On roll call, the vote was: Yeas 71; Nays 49; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Neufeld, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Hawk, Kiegerl, Rhoades.

The motion of Rep. Feuerborn on Part A prevailed.

Also, roll call was demanded on Part B of the motion of Rep. Feuerborn to amend on page 5,

Sec. 14.

# OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On July 1, 2010, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 17-12a601, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$1,250,000 from the investor education fund of the office of the securities commissioner of Kansas to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the investor education fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the investor education 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 office of the securities commissioner of Kansas by other state agencies which receive appropriations from the state general fund to provide such services

On roll call, the vote was: Yeas 65; Nays 50; Present but not voting: 0; Absent or not voting: 10.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, D. Svaty, Swanson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Colloton, Crum, DeGraaf, Donohoe, Fund, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder,

Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Faber, S. Gatewood, Hawk, Huebert, Kiegerl, Rhoades, Sloan, Swenson.

The motion of Rep. Feuerborn on Part B prevailed.

Also, roll call was demanded on Part C of the motion of Rep. Feuerborn to amend on page 31, Sec. 47,

(d) Expenditures may be made by the above agency for official hospitality and contingencies from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2011, in the operations account without limit at the discretion of the lieutenant governor.

On roll call, the vote was: Yeas 70; Nays 48; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Fund, Hawk, Kiegerl, Rhoades, Shultz.

The motion of Rep. Feuerborn on Part C prevailed.

Also, roll call was demanded on Part D of the motion of Rep. Feuerborn to amend on page 38, Sec. 49,

(j) During the fiscal year ending June 30, 2011, the attorney general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2011 from the state general fund for the attorney general to another item of appropriation for fiscal year 2011 from the state general fund for the attorney general. The attorney general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

On roll call, the vote was: Yeas 69; Nays 48; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Vickrey, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Fund, Hawk, Kiegerl, Rhoades, Tafanelli, Whitham. The motion of Rep. Feuerborn on Part D prevailed.

Also, roll call was demanded on Part E of the motion Rep. Feuerborn to amend on page 62, Sec. 59,

(g) On July 1, 2010, or as soon thereafter as moneys are available, the state corporation commission shall certify to the director of the budget and director of accounts and reports an amount or amounts to be transferred on July 1, 2010, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 55-143, 55-167, 55-168, 55-180, 55-1,116, 66-1,142 or 66-1a01, and amendments thereto, or any other statute, from the public service regulation fund, the motor carrier license fees fund, the conservation fee fund, the gas pipeline fee fund, the in-service education fund, and the petroleum violation escrow fund of the state corporation commission to the state general fund during fiscal year 2011: Provided, That the aggregate of the amounts specified in such certification to be transferred from such funds during fiscal year 2011 shall be \$1,500,000: Provided further, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount or amounts specified to be transferred from the public service regulation fund, the motor carrier license fees fund, the conservation fee fund, the gas pipeline fee fund, the in-service education fund, and the petroleum violation escrow fund of the state corporation commission to the state general fund on the date or dates specified in such certification therefor, or as soon thereafter as moneys are available: Provided, however, That the aggregate of the amounts transferred in accordance with this subsection to the state general fund from the public service regulation fund, the motor carrier license fees fund, the conservation fee fund, the gas pipeline fee fund, the in-service education fund, and the petroleum violation escrow fund during fiscal year 2011 shall not exceed \$1,500,000: And provided further, That the transfer of each such amount from the public service regulation fund, the motor carrier license fees fund, the conservation fee fund, the gas pipeline fee fund, the in-service education fund, and the petroleum violation escrow fund to the state general fund pursuant to this subsection shall be in addition to any other transfer from the public service regulation fund, the motor carrier license fees fund, the conservation fee fund, the gas pipeline fee fund, the in-service education fund, and the petroleum violation escrow fund to the state general fund as prescribed by law: And provided further, That the transfer of each such amount from the public service regulation fund, the motor carrier license fees fund, the conservation fee fund, the gas pipeline fee fund, the in-service education fund, and the petroleum violation escrow 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 state corporation commission by other state agencies which receive appropriations from the state general fund to provide such services.

On roll call, the vote was: Yeas 62; Nays 57; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Colloton, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Maloney, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Fund, Hawk, Rhoades, K. Wolf.

The motion of Rep. Feuerborn on Part E prevailed.

Also, roll call was demanded on motion of Rep. Feuerborn to amend on Part F on page 87, Sec. 61,

(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 roll call, the vote was: Yeas 69; Nays 44; Present but not voting: 1; Absent or not voting: 11.

Yeas: Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grange, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Schwartz, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Goyle, Hayzlett, Hermanson, C. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Suellentrop, Vickrey, Williams, B. Wolf, Yoder.

Present but not voting: Slattery.

Absent or not voting: Aurand, Bethell, Brunk, Fund, Gordon, Hawk, M. Holmes, Horst, Myers, Neufeld, Rhoades.

The motion of Rep. Feuerborn on Part F prevailed.

Also, roll call was demanded on motion of Rep. Feuerborn on Part G, on page 88, Sec. 62,

(b) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,000 from the administrative hearings office fund of the office of administrative hearings to the state general fund: *Provided* That the transfer of such amount shall be in addition to any other transfer from the administrative hearings office fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the administrative hearings office 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 office of administrative hearings by other state agencies which receive appropriations from the state general fund to provide such services.

On roll call, the vote was: Yeas 63; Nays 52; Present but not voting: 0; Absent or not voting: 10.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, Brookens, A. Brown, Burgess, Carlson, Colloton, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Craft, Fund, Hawk, Hineman, Morrison, Myers, Rhoades, Spalding.

The motion of Rep. Feuerborn on Part G prevailed.

Also, roll call was demanded on motion of Rep. Feuerborn on Part H, page 116, Sec. 71, (f) On July 1, 2010, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-715, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$800,000 from the workmen's compensation fee fund of the department of labor to the state general fund: *Provided* That the transfer of such amount shall be in addition to any other transfer from the workmen's compensation fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the workmen's compensation fee 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 labor by other state agencies which receive appropriations from the state general fund to provide such services.

On roll call, the vote was: Yeas 64; Nays 54; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, Brookens, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Colloton, Fund, Hawk, Myers, Rhoades.

The motion of Rep. Feuerborn on Part H prevailed.

Also, roll call was demanded on motion of Rep. Feuerborn on Part I, page 173, Sec. 79, (e) On July 1, 2010, and quarterly thereafter, the director of accounts and reports shall transfer \$12,074 from the school bus safety fund to the state general fund: *Provided*, That the transfer of each such amount shall be in addition to any other transfer from the school bus safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the school bus safety 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 education by other state agencies which receive appropriations from the state general fund to provide such services.

- (f) On September 30, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$600,000 from the state safety fund to the state general fund: *Provided* That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety 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 education by other state agencies which receive appropriations from the state general fund to provide such services.
- (g) On December 31, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$700,000 from the state safety fund to the state general fund: *Provided* That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety 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 education by other state agencies which receive appropriations from the state general fund to provide such services.
- (h) On March 30, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$750,000 from the state safety fund to the state general fund: *Provided* That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety 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 education by other state agencies which receive appropriations from the state general fund to provide such services.
- (i) On June 30, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,100,000 from the state safety fund to the state general fund: *Provided* That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety 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 education by other state agencies which receive appropriations from the state general fund to provide such services.

On roll call, the vote was: Yeas 65; Nays 51; Present but not voting: 0; Absent or not voting: 9.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Neufeld, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Winn, K. Wolf, Worley.

Nays: Bowers, Brookens, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Long, Mast, McLeland, Morrison, Myers, O'Brien, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Vickrey, Whitham, Williams, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Fund, Hawk, Hermanson, Merrick, O'Neal, Rhoades, Tafanelli.

The motion of Rep. Feuerborn on Part I prevailed.

Also, roll call was demanded on motion of Rep. Feuerborn on Part J on page 262, Sec. 104.

(b) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the Kansas commission on peace officers' standards and training fund of the Kansas commission on peace officers' standards and training to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the Kansas commission on peace officers' standards and training fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the Kansas commission on peace officers' standards and training 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 Kansas commission on peace officers' standards and training by other state agencies which receive appropriations from the state general fund to provide such services.

On roll call, the vote was: Yeas 67; Nays 50; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, Brookens, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Fund, Hawk, Hermanson, Kleeb, Rhoades, Schwab. The motion of Rep. Feuerborn on Part J prevailed.

Also, roll call was demanded on motion of Rep. Feuerborn on Part K on page 392,

Sec. 154 On July 1, 2010, K.S.A. 2009 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. (a) On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; and (2) the amount of moneys transferred from the state general fund to the special city and county highway fund during state fiscal year 2009 on each such date shall not exceed \$3,330,543.50; and (3) no moneys shall be transferred from the state general fund to the special city and county highway fund during state fiscal year 2010, and (4) notwithstanding the provisions of K.S.A. 79-3425c and 79-3425i, and amendments thereto, or any other statute, the aggregate amount of \$6,661,087 of the moneys credited to the special city and county highway fund shall be paid on or before April 14, 2009, by the state treasurer in accordance with the following to the following counties in the amounts specified respectively therefor with the requirement that the moneys received by each such county shall be deposited and administered in accordance with K.S.A. 79-3425c, and amendments thereto, including any redistributions provided for by that statute: Barton county, \$174,544.98; Butler county, \$890,898.90; Chautauqua county, \$7,293.76; Clay county, \$15,533.75; Comanche county, \$15,525.56; Cowley county, \$151,493.36; Douglas county, \$1,152,561.96; Finney county, \$38,376.16; Geary county, \$41,101.83; Grant county, \$11,827.23; Lane county, \$6,986.21; Leavenworth county, \$655,874.14; Ness county, \$13,000.51; Rice \$9,780.91, Russell county, \$18,610.55, Shawnee county, \$3,299,659.69, Sherman county, \$29,689.72; Stevens county, \$7,532.41; Trego county, \$4,257.37; and Wyandotte county, \$116,537.47, which shall be for the purpose of providing such counties, cities and other local governmental entities the amounts that were not paid as directed by statute during state fiscal years 2006, 2007 and 2008 state fiscal year 2011 or state fiscal year 2012. All

transfers under this section shall be considered to be demand transfers from the state general fund except that all such transfers during the fiscal years ending June 30, 2010, and June 30, 2011, shall be considered to be revenue transfers from the state general fund. Any transfers of moneys from the state general fund to the special city and county highway fund during the state fiscal year ending June 30, 2009, pursuant to the provisions of K.S.A. 79-3425i, and amendments thereto, or any other statute, that have been made prior to the effective date of this act shall be reversed by the director of accounts and reports and reversing entries shall be entered upon the accounting records of the state treasurer therefor and (3) (A) on each January 14, April 14, July 14 and October 14 of state fiscal years 2012, 2013, 2014, 2015 and 2016 the state treasurer shall determine the amount of money to be paid the counties and cities on such dates of such year, pursuant to K.S.A. 79-3425c, and amendments thereto, and make the following adjustments prior to the apportionment and payment specified in K.S.A. 79-3425c, and amendments thereto: (i) The following amounts shall be added to the apportionment and payment to be paid to the following counties: Barton county, \$7,984.99; Butler county, \$96,937.27; Douglas county, \$128,245.99; Leavenworth county, \$55,766.22; Shawnee county, \$267,356.20; and (ii) the following amounts shall be deducted from the apportionment and payment to the following counties: Allen county, \$3,839.12; Anderson county, \$2,957.98; Atchison county, \$4,345.79; Barber county, \$1,813.76; Bourbon county, \$2,945.98; Brown county, \$1,590.14; Chase county, \$1,364.54; Chautauqua county, \$539.42; Cherokee county, \$5,874.25; Cheyenne county, \$1,317.84; Clark county, \$757.32; Clay county, \$968.54; Cloud county, \$2,774.68; Coffey county, \$2,894.76; Comanche county, \$446.63; Cowley county, \$2,116.31; Crawford county, \$5,558.19; Decatur county, \$1,615.15; Dickinson county, \$6,024.00; Doniphan county, \$2,626.24; Edwards county, \$1,580.33; Elk county, \$525.08; Ellis county, \$8,774.46; Ellsworth county, \$2,334.37; Finney county, \$5,837.57; Ford county, \$7,048.03; Franklin county, \$6,898.28; Geary county, \$976.57; Gove county, \$1,058.76; Graham county, \$1,409.48; Grant county, \$1,936.03; Gray county, \$2,355.25; Greeley county, \$941.53; Greenwood county, \$2,701.29; Hamilton county, \$1,060.71; Harper county, \$1,466.35; Harvey county, \$7,863.46; Haskell county, \$1,335.39; Hodgeman county, \$959.20; Jackson county, \$4,647.68; Jefferson county, \$6,701.43; Jewell county, \$1,211.66; Johnson county, \$115,947.72; Kearny county, \$1,160.82; Kingman county, \$2,801.87; Kiowa county, \$1,441.36; Labette county, \$5,563.25; Lane county, \$652.48; Lincoln county, \$1,203.05; Linn county, \$3,772.22; Logan county, \$1,169.58; Lyon county, \$8,236.73; Marion county, \$3,681.52; Marshall county, \$3,878.17; McPherson county, \$8,652.66; Meade county, \$1,048.56; Miami county, \$10,701.45; Mitchell county, \$3,466.79; Montgomery county, \$8,377.29; Morris county, \$1,955.91; Morton county, \$1,200.61; Nemaha county, \$3,774.74; Neosho county, \$5,507.28; Ness county, \$991.77; Norton county, \$1,800.14; Osage county, \$2,327.93; Osborne county, \$1,882.73; Ottawa county, \$2,063.91; Pawnee county, \$1,802.09; Phillips county, \$2,622.20; Pottawatomie county, \$6,512.08; Pratt county, \$2,187.16; Rawlins county, \$1,119.60; Reno county, \$12,935.71; Republic county, \$2,272.31; Rice county, \$1,722.51; Riley county, \$11,149.53; Rooks county, \$2,252.51; Rush county, \$1,235.76; Russell county, \$577.59; Saline county, \$14,049.86; Scott county, \$1,340.37; Sedgwick county, \$117,126.91; Seward county, \$4,488.67; Sheridan county, \$1,786.11; Sherman county, \$194.37; Smith county, \$1,993.99; Stafford county, \$2,029.27; Stanton county, \$991.97; Stevens county, \$638.08; Sumner county, \$5,908.68; Thomas county, \$3,388.44; Trego county, \$1,781.87; Wabaunsee county, \$2,354.10; Wallace county, \$994.33; Washington county, \$2,554.75; Wichita county, \$1,333.92; Wilson county, \$3,659.10; Woodson county, \$1,214.90; Wyandotte county, \$16,818.00; (B) after determining and including such additions and deductions, the resulting apportionment and payment shall be paid by the state treasurer to the counties and cities prescribed therefor, notwithstanding the provisions of K.S.A. 79-3425c, and amendments thereto, or any other statute, each January 14, April 14, July 14 and October 14 of state fiscal years 2012, 2013, 2014, 2015 and 2016, with the requirement that the additional moneys received by each such county shall be deposited and administered in accordance with K.S.A. 79-3425c, and amendments thereto, including any redistributions provided for by that statute, except that the state treasurer shall calculate the annual equalization payment to each county without considering the deductions or additions to quarterly distributions required by subsection (a)(3)(A); and (C) acceptance of the payments made pursuant to this subsection (a)(3) shall be deemed as payment in full and a release of any liability from the county to the state treasurer for payments from the special city and county highway fund for state fiscal years 2000 through 2009.

(b) During the state fiscal year ending June 30, 2010, on July 15, 2009, and January 15, 2010, the director of accounts and reports shall transfer \$2,515,916 from the state highway fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto.

On roll call, the vote was: Yeas 72; Nays 48; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Grange, Grant, Henderson, Henry, Hill, Hineman, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Patton, Pauls, Peterson, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Carlson, DeGraaf, Donohoe, Faber, Goico, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Peck, Pottorff, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Fund, Hawk, Rhoades.

The motion of Rep. Feuerborn on Part K prevailed.

Also, roll call was demanded on motion of Rep. Feuerborn on Part L on page 413,

Sec. 166. (a) (1) 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: *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.
- (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 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, 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: *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.

- (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: 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.
- (b) (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 (b)(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: *Provided*, *however*, That the provisions of this sub-

section 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 2011 of the state board of regents, or any state educational institution under the control and supervision of the state board of regents.";

On roll call, the vote was: Yeas 68; Nays 52; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Vickrey, Williams, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Fund, Hawk, Rhoades.

The motion of Rep. Feuerborn on Part L prevailed

Also, on motion of Rep. Feuerborn on Part M (the remainder of the amendment), H. Sub. for SB 572 be amended

"Sec. 2.

#### DEPARTMENT OF COMMERCE

- (a) On the effective date of this act, of the \$14,019,902 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 54(b) of chapter 124 of the 2009 Session Laws of Kansas from the state economic development initiatives fund in the operating grant (including official hospitality) account, the sum of \$5,001 is hereby lapsed.
- (b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2010, the following:

Senior community service employment program — ARRA match...... \$5,000

Sec. 3.

## KANSAS LOTTERY

- (a) On the effective date of this act, the amount authorized by section 9(b) of chapter 144 of the 2009 Session Laws of Kansas to be transferred from the lottery operating fund to the state gaming revenues fund during the fiscal year ending June 30, 2010, is hereby decreased from \$70,540,000 to \$67,650,000.
- (b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2010, by section 99(a) of chapter 124 of the 2009 Session Laws of Kansas for the Kansas lottery is hereby decreased from 99.00 to 89.00.

# KANSAS RACING AND GAMING COMMISSION

(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:

Gaming background investigation fund..... Education and training fund..... Provided, That expenditures may be made from the education and training fund for oper-

ating expenditures, including official hospitality, incurred for hosting or providing training, in-service workshops and conferences: Provided further, That the Kansas racing and gaming commission is hereby authorized to fix, charge and collect fees for hosting or providing training, in-service workshops and conferences: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for hosting or providing such training, in-service workshops and conferences: And provided further,

That all fees received for hosting or providing such training, in-service workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the education and training fund. Sec. 5.

# STATE CORPORATION COMMISSION

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 46(b) of chapter 124 of the 2009 Session Laws of Kansas on the aggregate limit of the public service regulation fund, the motor carrier license fees fund and the conservation fee fund is hereby increased from \$16,290,795 to \$16,900,839.
- (b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2010, by section 99(a) of chapter 124 of the 2009 Session Laws of Kansas for the state corporation commission is hereby increased from 214.00 to 216.00.

Sec. 6

#### DEPARTMENT OF REVENUE

(a) On the effective date of this act, the director of accounts and reports shall transfer \$195,395 from the Kansas qualified biodiesel fuel producer incentive fund of the state department of revenue to the state general fund.

Sec. 7.

### STATE COURT OF TAX APPEALS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by the state finance council on the COTA filing fee fund of the state court of tax appeals is hereby increased from \$546,492 to \$607,299.

Sec. 8.

#### ABSTRACTERS' BOARD OF EXAMINERS

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 8(a) of chapter 124 of the 2009 Session Laws of Kansas on the abstracters' fee fund is hereby increased from \$21,207 to \$23,407.
- (b) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 8(a) of chapter 124 of the 2009 Session Laws of Kansas on the abstracters' fee fund is hereby increased from \$21,207 to \$23,407.

Sec. 9.

# BOARD OF ACCOUNTANCY

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 9(a) of chapter 124 of the 2009 Session Laws of Kansas on the board of accountancy fee fund is hereby increased from \$309,832 to \$311,611.

Sec. 10.

## GOVERNMENTAL ETHICS COMMISSION

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 43(b) of chapter 144 of the 2009 Session Laws of Kansas on the governmental ethics commission fee fund of the governmental ethics commission is hereby increased from \$238,394 to \$251,282.
- (b) On July 1, 2010, of the \$472,411 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 27(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$51,061 is hereby lapsed.
- (c) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 27(b) of chapter 124 of the 2009 Session Laws of Kansas on the governmental ethics commission fee fund of the governmental ethics commission is hereby increased from \$227,417 to \$292,010.

Sec. 11.

## KANSAS HOME INSPECTORS REGISTRATION BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 28(a) of chapter 124 of the 2009 Session Laws of Kansas on the home inspectors registration fee fund of the Kansas home inspectors registration board is hereby decreased from no limit to \$36,020.

(b) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 28(a) of chapter 124 of the 2009 Session Laws of Kansas on the home inspectors registration fee fund of the Kansas home inspectors registration board is hereby decreased from no limit to \$35,750.

Sec. 12.

#### STATE BOARD OF MORTUARY ARTS

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 17(a) of chapter 124 of the 2009 Session Laws of Kansas on the mortuary arts fee fund of the state board of mortuary arts is hereby increased from \$270,657 to \$271,510.

Sec. 13.

#### BOARD OF NURSING

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 19(a) of chapter 124 of the 2009 Session Laws of Kansas on the board of nursing fee fund of the board of nursing is hereby increased from \$1,812,999 to \$1,887,059.

Sec. 15.

# STATE BOARD OF TECHNICAL PROFESSIONS

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 25(a) of chapter 124 of the 2009 Session Laws of Kansas on the technical professions fee fund is hereby increased from \$583,468 to \$586,103.

Sec. 16.

# STATE BOARD OF VETERINARY EXAMINERS

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 17(a) of chapter 144 of the 2009 Session Laws of Kansas on the veterinary examiners fee fund of the state board of veterinary examiners is hereby decreased from \$266,706 to \$264,908.
- (b) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 26(a) of chapter 124 of the 2009 Session Laws of Kansas on the veterinary examiners fee fund of the state board of veterinary examiners is hereby increased from \$266,706 to \$268,382.

Sec. 17.

# ATTORNEY GENERAL

- (a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$232,432 from the Kansas endowment for youth fund to the tobacco master settlement agreement compliance fund of the attorney general.
- (b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$686,998 from the medicaid fraud prosecution revolving fund of the attorney general to the interstate water litigation fund of the attorney general.

Sec. 18.

#### JUDICIAL BRANCH

(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:

District magistrate judge supplemental compensation fund . . . . . . No limit Sec. 19.

# DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 64(b) of chapter 124 of the 2009 Session Laws of Kansas on the social welfare fund is hereby increased from \$29,496,729 to \$30,639,326.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 64(b) of chapter 124 of the 2009 Session Laws of Kansas on the title XIX fund is hereby increased from \$45,210,781 to \$52,258,499.

- (c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 64(b) of chapter 124 of the 2009 Session Laws of Kansas on the Kansas neurological institute fee fund is hereby increased from \$1,178,211 to \$1,272,665.
- (d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 64(b) of chapter 124 of the 2009 Session Laws of Kansas on the Osawatomie state hospital fee fund is hereby increased from \$5,225,669 to \$7,578,727.
- (e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 64(b) of chapter 124 of the 2009 Session Laws of Kansas on the Parsons state hospital and training center fee fund is hereby increased from \$1,229,990 to \$1,297,748.
- (f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 64(b) of chapter 124 of the 2009 Session Laws of Kansas on the Rainbow mental health facility fee fund is hereby increased from \$1,063,053 to \$1,375,252.
- (g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 64(b) of chapter 124 of the 2009 Session Laws of Kansas on the Larned state hospital fee fund is hereby increased from \$3,897,760 to \$4,428,237.
- (h) On the effective date of this act, of the \$115,673,237 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 youth services aid and assistance account, the sum of \$16,840,057 is hereby lapsed.
- (i) 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.
- (j) 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

(k) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Sec. 20.

#### KANSAS HEALTH POLICY AUTHORITY

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 63(b) of chapter 124 of the 2009 Session Laws of Kansas on the medical programs fee fund is hereby decreased from \$49,200,000 to \$46,567,543.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by the state finance council on expenditures from the state workers compensation self-insurance fund for salaries and wages and other operating expenditures is hereby increased from \$3,347,628 to \$3,711,658.
- (c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by the state finance council on expenditures from the cafeteria benefits fund for salaries and wages and other operating expenditures is hereby decreased from \$2,327,068 to \$2,324,288.
- (d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 63(b) of chapter 124 of the 2009 Session Laws of Kansas on expenditures from the dependent care assistance program fund for salaries and wages and other operating expenditures is hereby increased from \$133,902 to \$225,935.
- (e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 63(b) of chapter 124 of the 2009 Session Laws of Kansas on the preventative health care program fund is hereby increased from \$333,815 to \$1,324,421.

- (f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 63(b) of chapter 124 of the 2009 Session Laws of Kansas on the other state fees fund is hereby increased from \$252,644 to \$336,456.
- (g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 63(b) of chapter 124 of the 2009 Session Laws of Kansas on the health committee insurance fund is hereby decreased from \$339,223 to \$253.788.
- (h) On the effective date of this act, the position limitation established by section 99(a) of chapter 124 of the 2009 Session Laws of Kansas for the Kansas health policy authority is hereby increased from 272.70 to 279.65.
- (i) On the effective date of this act, of the \$369,220,105 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 63(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the other medical assistance account, the sum of \$16,400,000 is hereby lapsed.

Sec. 21.

# KANSAS COMMISSION ON VETERANS AFFAIRS

(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:

Sec. 22.

#### DEPARTMENT OF EDUCATION

(a) On the effective date of this act, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund of the department of education to the motorcycle safety fund of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of the education based on the amounts required to be paid pursuant to subsection (b)(2) of K.S.A. 8-272, and amendments thereto.

Sec. 23.

# STATE BOARD OF REGENTS

- (a) On and after the effective date of this act, during the fiscal year ending June 30, 2010, no expenditures shall be made by the state board of regents from any moneys appropriated from the state general fund or from any special revenue fund 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, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, K.S.A. 2009 Supp. 76-7,120, and amendments thereto, or any other statute, for any projects under the postsecondary educational institution infrastructure finance program: Provided further, That, notwithstanding the provisions of K.S.A. 74-8905, and amendments thereto, K.S.A. 2009 Supp. 76-7,120, and amendments thereto, or any other statute, no projects under the postsecondary educational institution infrastructure finance program are approved for the state board of regents 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, K.S.A. 2009 Supp. 76-7,120, and amendments thereto, or any other statute for any project under the postsecondary educational institution infrastructure finance program: And provided further. That, on and after the effective date of this act, during the fiscal year ending June 30, 2010, no bonds shall be issued by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, K.S.A. 2009 Supp. 76-7,120, and amendments thereto, or any other statute, for any projects under the postsecondary educational institution infrastructure finance program for the state board of regents.
- (b) On and after the effective date of this act, during the fiscal year ending June 30, 2010, in addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund for fiscal year 2010 in the PEI infrastructure debt service account of the state general fund for fiscal year 2010

after the principal payment has been received for fiscal year 2010 by the state treasurer from the postsecondary institutions that were recipients of the PEI infrastructure bond proceeds, (1) the state board of regents may expend the amount of moneys appropriated for fiscal year 2010 in the PEI infrastructure — debt service account for the principal payment from the PEI infrastructure — debt service account for any other purpose for which moneys are appropriated for fiscal year 2010 from the state general fund for the state board of regents; or (2) the state board of regents may transfer such amount of moneys from the PEI infrastructure — debt service account of the state general fund for fiscal year 2010 to an account or accounts of the state general fund of any institution under the control and supervision of the state board of regents to be expended by the institution for a purpose for which expenditures may be made for fiscal year 2010 from such account or accounts and which is approved by the state board of regents: Provided, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the PEI infrastructure — debt service account of the state general fund for fiscal year 2010: Provided further, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

Sec. 24.

# KANSAS STATE UNIVERSITY

(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 an available in such fund or funds, except that expenditures shall not exceed the following:

Energy conservation improvements fund.....

No limit

Sec. 25.

#### DEPARTMENT OF CORRECTIONS

(a) On the effective date of this act, of the \$3,231,303 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 122(b) of chapter 124 of the 2009 Session Laws of Kansas from the correctional institutions building fund in the capital improvements — rehabilitation and repair of correctional institutions account, the sum of \$108,687 is hereby lapsed.

Sec. 26.

# JUVENILE JUSTICE AUTHORITY

- (a) On the effective date of this act, of the \$687,500 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 83(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the incentive funding account, the sum of \$162,301 is hereby lapsed.
- (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.

Sec. 27.

## ADJUTANT GENERAL

- (a) On the effective date of this act, of the \$4,893,433 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 84(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$26,089 is hereby lapsed.
- (b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Civil air patrol — operating expenditures\$4,231Military activation payments\$21,858

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$180,000 from the adjutant general's expense fund of the adjutant general to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the adjutant general expense fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the adjutant general expense 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 adjutant general by other state agencies which receive appropriations from the state general fund to provide such services.

(d) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$459,357 from the state general fund to the national guard museum assistance fund.

Sec. 28.

## STATE FIRE MARSHAL

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by the state finance council on the fire marshal fee fund is hereby decreased from \$3,650.981 to \$3,628.716.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 85(a) of chapter 124 of the 2009 Session Laws of Kansas on the hazardous materials emergency fund is hereby increased from \$238,000 to \$250,000.

Sec. 29.

#### KANSAS HIGHWAY PATROL

(a) On the effective date of this act, the Kansas highway patrol is authorized to make expenditures for fiscal year 2010 from the amount in excess of \$100 as of June 30, 2009, in the operating expenditures account of the state general fund that was reappropriated for fiscal year 2010 by section 87(a) of chapter 124 of the 2009 Session Laws of Kansas: Provided, That the Kansas highway patrol may make such expenditures for fiscal year 2010 from such reappropriated balance without first obtaining the approval of the state finance council pursuant to the second proviso to the appropriation of such reappropriated balance: Provided further, That the provisions of such proviso requiring the prior approval by the state finance council to make expenditures for fiscal year 2010 from such reappropriated balance are hereby declared to be null and void and shall be of no force and effect.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$220,025 from the highway patrol training center clearing fund to the highway patrol training center fund of the Kansas highway patrol.

Sec. 30.

# KANSAS PAROLE BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Sec. 31.

## STATE FAIR BOARD

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$186,283 from the state emergency fund — building damage May 23/25 2008 account of the state fair board to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state emergency fund — building damage May 23/25 2008 account to the state general fund as prescribed by law.

Sec. 32.

# DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, for the capital improvement project or projects specified, the following:

(b) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2010, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2010 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

(c) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2010, expenditures may be made by the

above agency from the following capital improvement account or accounts of the wildlife fee fund for fiscal year 2010 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

(d) In addition to the other purposes for which expenditures may be made by the department of wildlife and parks from the moneys appropriated from the state general fund or from any special revenue fund for fiscal years ending June 30, 2010, and June 30, 2011, expenditures shall be made by the department of wildlife and parks to open and maintain the west gate entrance at Tuttle Creek state park: *Provided*, That such gate shall be open on or before the effective date of this act.

Sec. 33.

## DEPARTMENT OF TRANSPORTATION

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by the state finance council on the agency operations account of the state highway fund is hereby decreased from \$278,651,194 to \$253,732,286.
- (b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$28,000,000 from the state highway fund of the department of transportation to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state highway fund of the department of transportation to the state general fund as prescribed by law: *Provided further*, That, in addition to other purposes for which transfers and expenditures may be made from the state highway fund during fiscal year 2010 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers may be made from the state highway fund to the state general fund under this subsection during fiscal year 2010: *And provided further*, That all moneys transferred from the state highway fund to the state general fund under this subsection shall be moneys credited to the state highway fund pursuant to K.S.A. 79-3620 or 79-3710, and amendments thereto.
- (c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$10,000,000 from the state highway fund of the department of transportation to the state general fund, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state highway fund of the department of transportation to the state general fund as prescribed by law: *Provided further*, That, if 2010 House Bill No. 2130, 2010 House Bill No. 2437, 2010 Senate Bill No. 59 or 2010 Senate Bill No. 483, or any other legislation which requires primary seatbelt usage is not passed by the legislature during the 2010 regular session and enacted into law, then, (1) the director of accounts and reports shall not transfer \$10,000,000 from the state highway fund of the department of transportation to the state general fund, pursuant to this subsection, and (2) on July 1, 2010, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect.

Sec. 34.

## KANSAS STATE BOARD OF COSMETOLOGY

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 14(a) of chapter 124 of the 2009 Session Laws of Kansas on the board of cosmetology fee fund is hereby increased from \$772,817 to \$788,017.

Sec. 35.

# GOVERNOR'S DEPARTMENT

(a) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2010, in the governor's department account of the state general fund, 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 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 certifi-

cation to the director of accounts and reports, the amount equal to 5% of the amount so determined is hereby lapsed.

Sec. 36.

## 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. 37.

## STATE BANK COMMISSIONER

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 10(a) of chapter 124 of the 2009 Session Laws of Kansas on the bank commissioner fee fund of the state bank commissioner is hereby increased from \$8,231,690 to \$8,613,243.

Sec. 38.

## STATE DEPARTMENT OF CREDIT UNIONS

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by the state finance council on the credit union fee fund of the state department of credit unions is hereby increased from \$934,524 to \$949,324.
- (b) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 15(a) of chapter 124 of the 2009 Session Laws of Kansas on the credit union fee fund of the state department of credit unions is hereby increased from \$895,096 to \$910,296.

Sec. 39.

## STATE BOARD OF HEALING ARTS

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 13(a) of chapter 124 of the 2009 Session Laws of Kansas on the healing arts fee fund of the state board of healing arts is hereby increased from 3,836,348 to 4,027,385.

Sec. 40.

## KANSAS DENTAL BOARD

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 16(a) of chapter 124 of the 2009 Session Laws of Kansas on the dental board fee fund of the Kansas dental board is hereby increased from \$366,774 to \$370,799. Sec. 41.

# BOARD OF EXAMINERS IN OPTOMETRY

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 20(a) of chapter 124 of the 2009 Session Laws of Kansas on the optometry fee fund of the board of examiners in optometry is hereby increased from \$139,977 to \$140,310.

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 \$642,848. Sec. 43.

# STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Sec. 44.

# LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:  $\frac{1}{2}$ 

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

(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.

Sec. 45

vear ending June 30, 2011, the following:

# LEGISLATURE (a) There is appropriated for the above agency from the state general fund for the fiscal

Operations (including official hospitality).....

Provided, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That expenditures may be made from this account, pursuant to vouchers approved by the chairperson or vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: And provided further, That expenditures may be made from this account for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: And provided further, That no expenditures shall be made from this account for any meeting of any joint committee, or of any subcommittee of any joint committee, during fiscal year 2011 unless such meeting is approved by the legislative coordinating council: Provided, however, That the aggregate amount of expenditures for meetings of any joint committee, or of any subcommittee of any joint committee, approved by the legislative coordinating council shall not exceed the costs

of 80 days of such meetings as determined and approved by the legislative coordinating council: And provided further, That, notwithstanding the provisions of K.S.A. 46-137b, and amendments thereto, or any other statute, no expenditures shall be made from this account for allowances under K.S.A. 46-137b, and amendments thereto, for more than the following number of days in connection with discharging the duties assigned to the respective legislative officers in addition to days during the regular session or any special session, or for days for attendance at interim committee meetings during fiscal year 2011: The president

of the senate and speaker of the house of representatives, not more than 30 days for each such officer; the majority and minority leaders of the senate and the house of representatives, not more than 20 days for each such officer; the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations, not more than 15 days for each such officer; the speaker pro tem of the house of representatives and vice-president of the senate, not more than 10 days for each such officer; the assistant majority and minority leaders of the senate and house of representatives, not more than 5 days for each such officer; and no days for any other legislator in a leadership position of the senate or house of representatives: And provided further, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2011: And provided further, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2011: And provided further, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2011: And provided further, That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2011: And provided further, That the director of the legislative administrative services shall seek private donations for the finishing of the statehouse visitors center once the director of legislative administrative services has been informed of the date that the statehouse renovation project is to be completed.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Legislative special revenue fund ..... No limit Provided, That expenditures may be made from the legislative special revenue fund, pursuant to vouchers approved by the chairperson or the vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: Provided further, That expenditures may be made from this fund for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: And provided further, That amounts are hereby authorized to be collected for such

services, facilities and supplies in accordance with policies of the council: And provided further, That such amounts shall be fixed in order to recover all or part of the expenses incurred for providing such services, facilities and supplies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a, and amendments thereto: And provided further, That all such amounts received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the legislative special revenue fund: And provided further, That all donations, gifts or bequests of money for the legislative branch of government which are received and accepted by the legislative coordinating council shall be deposited in the state treasury and credited to an account of the legislative special revenue fund: And provided further, That no expenditures shall be made from this fund for any meeting of any joint committee, or of any subcommittee of any joint committee, during fiscal year 2011 unless such meeting is approved by the legislative coordinating council: Provided, however, That the aggregate amount of expenditures for meetings of any joint committee, or of any subcommittee of any joint committee, approved by the legislative coordinating council shall not exceed the costs of 80 days of such meetings as determined and approved by the legislative coordinating council: And provided further, That, notwithstanding the provisions of K.S.A. 46-137b, and amendments thereto, or any other statute, no expenditures shall be made from this fund for allowances under K.S.A. 46-137b, and amendments thereto, for more than the following number of days in connection with discharging the duties assigned to the respective legislative officers in addition to days during the regular session or any special session, or for days for attendance at interim committee meetings during fiscal year 2011: The president of the senate and speaker of the house of representatives, not more than 30 days for each such officer; the majority and minority leaders of the senate and the house of representatives, not more than 20 days for each such officer; the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations, not more than 15 days for each such officer; the speaker pro tem of the house of representatives and vice-president of the senate, not more than 10 days for each such officer; the assistant majority and minority leaders of the senate and house of representatives, not more than 5 days for each such officer; and no days for any other legislator in a leadership position of the senate or house of representatives: And provided further, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2011: And provided further, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2011: And provided further, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2011: And provided further, That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2011: And provided further, That the director of the legislative administrative services shall seek private donations for the finishing of the statehouse visitors center once the director of legislative administrative services has been informed of the date that the statehouse renovation project is to be completed.

technology, joint committee on pensions, investments and benefits, joint committee on state-tribal relations, workers compensation fund oversight committee, confirmation oversight committee, joint committee on corrections and juvenile justice oversight, joint committee on children's issues, compensation commission, joint committee on Kansas security, 2010 commission, joint committee on health policy oversight, state employee pay plan oversight committee, joint committee on energy and environmental policy, joint committee on home and community based services oversight, capitol restoration commission, Kansas criminal code recodification commission, Kansas DUI commission, redistricting advisory group, and any other committee, commission or other body for which expenditures are to be paid from moneys appropriated for the legislature for the expenses of any meeting of any such body or for the expenses of any member thereof.

Sec. 46.

of the governor.

Child advocacy centers .....

## DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following: Operations (including legislative post audit committee) ..... \$2,136,995 Provided, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following: Audit services fund. Provided, That the division of post audit is hereby authorized to fix, charge and collect fees for copies of public records of the division, including distribution of such copies: Provided further, That such fees shall be fixed to recover all or part of the expenses incurred for reproducing and distributing such copies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a, and amendments thereto: 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: And provided further, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the audit services fund. Conversion of materials and equipment fund ..... No limit No limit State agency audits fund..... Sec. 47. GOVERNOR'S DEPARTMENT (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following: Governor's department ..... Provided, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That expenditures may be made from this account for official hospitality and contingencies without limitation at the discretion of the governor. Domestic violence prevention grants ..... Provided, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That expenditures may be made from the domestic violence prevention grants account for official hospitality and contingencies without limitation at the discretion

Provided, That any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further,

That expenditures may be made from the child advocacy centers account for official hospitality and contingencies without limitation at the discretion of the governor.

- (b) Expenditures may be made by the above agency for travel expenses of the governor's spouse when accompanying the governor or when representing the governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2011, by subsection (a) from the state general fund in the governor's department account.
- (c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Provided, That expenditures may be made from the wireless enhanced 911 grant fund for operating expenditures for the governor's department, including conferences and official hospitality: Provided further, That the governor is hereby authorized to fix, charge and collect fees for such conferences: And provided further, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: And provided further, That all fees received for such conferences and all fees received by the governor's department under the open records act for providing access to or furnishing copies of public records, shall be remitted to the state

treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: And provided further, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the wireless enhanced 911 grant fund.

Sec. 48.

### LIEUTENANT GOVERNOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following: Operations..... Provided, That any unencumbered balance in the operations account in excess of \$100 as

credited to and available in such fund or funds, except that expenditures other than refunds

of June 30, 2010, is hereby reappropriated for fiscal year 2011. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully

- authorized by law shall not exceed the following: Special programs fund..... Provided, That expenditures may be made from the special programs fund for operating expenditures for the lieutenant governor, including conferences and official hospitality: Provided further, That the lieutenant governor is hereby authorized to fix, charge and collect fees for such conferences: And provided further, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: And provided further, That all fees received for such conferences and all fees received by the lieutenant governor under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special programs fund.
- (c) Expenditures may be made by the above agency for travel expenses of the lieutenant governor's spouse when accompanying the lieutenant governor on official state business and for travel and subsistence expenditures for security personnel when traveling with the lieutenant governor on official state business from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2011, in the operations account.
- (d) Expenditures may be made by the above agency for official hospitality and contingencies from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2011, in the operations account without limit at the discretion of the lieutenant governor.

Sec. 49.

# ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following: Operating expenditures..... Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided, however, That expenditures from this account for official hospitality shall not exceed \$2,000. Litigation costs ..... Provided, That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. Internet training education for Kansas kids ..... Provided, That any unencumbered balance in excess of \$100 as of June 30, 2010, in the internet training education for Kansas kids account is hereby reappropriated for fiscal year 2011. Abuse, neglect and exploitation unit .....

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2010, in the abuse, neglect and exploitation unit account is hereby reappropriated for fiscal year 2011: Provided further, That expenditures may be made by the attorney general from the abuse, neglect and exploitation unit account pursuant to contracts with other agencies or organi-

zations to provide services related to the investigation or litigation of findings	related to
abuse, neglect or exploitation.	
Domestic violence prevention grants	\$200,000
(b) There is appropriated for the above agency from the following special rev	enue fund
or funds for the fiscal year ending June 30, 2011, all moneys now or hereafte	er lawfully
credited to and available in such fund or funds, except that expenditures other th	an refunds
authorized by law shall not exceed the following:	
Court cost fund	No limit
Bond transcript review fee fund	No limit
Conversion of materials and equipment fund	No limit
Attorney general's antitrust special revenue fund	No limit
Private gifts fund	No limit
Medicaid fraud reimbursement fund	No limit
Attorney general's antitrust suspense fund	No limit
Attorney general's consumer protection clearing fund	No limit
Attorney general's committee on crime prevention fee fund	No limit
Provided, That expenditures may be made from the attorney general's committee	
prevention fee fund for operating expenditures directly or indirectly related to o	
training seminars organized by the attorney general's committee on crime prev	
cluding official hospitality: <i>Provided further</i> , That the attorney general is hereby	
to fix, charge and collect fees for conducting training seminars organized by the	
general's committee on crime prevention: And provided further, That such fee	
fixed in order to recover all or part of the direct and indirect operating expense for conducting such seminars, including official hospitality: And provided further	
fees received for conducting such seminars shall be deposited in the state treat	
cordance with the provisions of K.S.A. 75-4215, and amendments thereto, an	
credited to the attorney general's committee on crime prevention fee fund.	d shan be
Tort claims fund	No limit
Crime victims compensation fund	No limit
Provided, That expenditures from the crime victims compensation fund for state	
shall not exceed \$434,368: <i>Provided further</i> , That any expenditures for payment	
pensation to crime victims are authorized to be made from this fund regardless o	
claim was awarded.	
Crime victims assistance fund	No limit
Protection from abuse fund	No limit
Victims of crime assistance act — federal fund	No limit
Crime victims grants and gifts fund	No limit
<i>Provided</i> , That all private grants and gifts received by the crime victims compensation	ition board
shall be deposited to the credit of the crime victims grants and gifts fund.	
Attorney general's medicaid fraud control fund	No limit
Other federal grants and reimbursement fund	No limit
Debt collection administration cost recovery fund	No limit
<i>Provided</i> , That the attorney general shall deposit in the state treasury to the cr	
debt collection administration cost recovery fund all moneys remitted to the attorn	
as administrative costs under contracts entered into pursuant to K.S.A. 75-719, as	nd amend-
ments thereto.	
Medicaid fraud prosecution revolving fund	No limit
Provided, That all moneys recovered by the medicaid fraud and abuse division of	
ney general's office in the enforcement of state and federal law which are in exceptivities for a seal and interest in all lines all as a seal and seal are seal as a seal and seal are seal as a se	
restitution for overcharges and interest, including all moneys recovered as reco	
expenses of investigation and prosecution, shall be deposited in the state treas	
credit of the medicaid fraud prosecution revolving fund: Provided further, Tha	
standing the provisions of K.S.A. 21-3851, and amendments thereto, or any oth	
expenditures may be made from the medicaid fraud prosecution revolving func- operating expenditures of the attorney general's office other than for medicaid f	
equition costs	raud pros-

ecution costs.

Interstate water litigation fund	No limit
Provided, That, in addition to the other purposes authorized by K.S.A. 82a-1802,	and amend-
ments thereto, expenditures may be made from the interstate water litigation f	und for: (1)
Litigation costs for the case of Kansas v. Colorado No. 105, Original in the Supr	reme Court
of the United States, including repayment of past contributions; (2) expenses re	lated to the
appointment of a river master or such other official as may be appointed by the	ne Supreme
Court to administer, implement or enforce its decree or other orders of the Sup-	reme Court
related to this case; and (3) expenses incurred by agencies of the state of Kansas	to monitor
actions of the state of Colorado and its water users and to enforce any settlem	ent, decree
or order of the Supreme Court related to this case.	
Suspense fund	No limit
Children's advocacy center fund	No limit

Children's advocacy center fund	No limit
Abuse, neglect and exploitation of people with disabilities unit grant ac-	
ceptance fund	No limit
Concealed weapon licensure fund	No limit
Tobacco master settlement agreement compliance fund	No limit
Sexually violent predator expense fund	No limit
False claims litigation revolving fund	No limit
<i>Provided</i> , That expenditures may be made from the false claims litigation revolving fund for	
costs associated with litigation under the Kansas false claims act, K.S.A. 2009 Supp	o. 75-7501

costs associated with higheren ander the Hansas raise claims act, Houri 2000 b	app. 10 1001
et seq., and amendments thereto.	
VAWA ARRA federal fund	No limit
Victims of crime act ARRA federal fund	No limit
JAG ARRA federal fund	No limit
Project safe neighborhood 2009 federal fund	No limit
Project safe neighborhood multi federal fund	No limit
Project safe neighborhood 2006 federal fund	No limit
Project safe neighborhood 2007 federal fund	No limit
Congressional earmark COPS meth initiative federal fund	No limit
KDOT DUI prosecutor federal fund	No limit
GTEAP federal fund	No limit
Criminal justice federal fund	No limit

- (c) During the fiscal year ending June 30, 2011, grants made pursuant to K.S.A. 74-7325, and amendments thereto, from the protection from abuse fund and grants made pursuant to K.S.A. 74-7334, and amendments thereto, from the crime victims assistance fund shall be made after consideration of the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control as the official domestic violence or sexual assault coalition.
- (d) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$475,985 from the Kansas endowment for youth fund to the tobacco master settlement agreement compliance fund of the attorney general.
- (e) On July 1, 2010, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 21-3851, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$578,605 from the medicaid fraud prosecution revolving fund of the attorney general to the interstate water litigation fund of the attorney general.
- (f) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$578,605 from the court cost fund of the attorney general to the interstate water litigation fund of the attorney general.
- (g) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$20,000 from the court cost fund of the attorney general to the sexually violent predator expense fund of the attorney general.
- (h) On July 1, 2010, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 21-3851, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$1,450,000 from the medicaid fraud prosecution revolving fund of the attorney general to the court cost fund of the attorney general.
- (i) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special

No limit

revenue fund or funds for fiscal year 2011 for the above agency, expenditures may be made by the attorney general from moneys appropriated from the state general fund or from any special revenue fund or funds 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, for the purposes of financing interstate water litigation activities: Provided, That such interstate water litigation activities are hereby approved for the attorney general for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of issuance of one or more series of bonds by the Kansas development finance authority in accordance with that statute from time to time during fiscal year 2011: Provided, however, That the amount of the bond proceeds that may be utilized for any such interstate water litigation activities shall be subject to approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session: And provided further, That expenditures from the bond proceeds shall not exceed \$19,000,000 for such water litigation activities, plus costs of issuance, capitalized interest and any required reserves for the payment of principal and interest on such 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 payments relating to principal and interest on such bonds shall be subject to and dependent upon annual appropriations therefor to the above agency for which the bonds are issued: And provided further, That payments relating to principal and interest on such bonds should first be made from proceeds received from such interstate water litigation activities.

Sec. 50.

## SECRETARY OF STATE

HAVA ELVIS fund

Conversion of materials and equipment fund	No limit
Information and services fee fund	No limit
Provided, That expenditures from the information and services fee fund for off	icial hospi-
tality shall not exceed \$2,500.	•
State register fee fund	No limit
Uniform commercial code fee fund	No limit
State flag and banner fund	No limit
Secretary of state fee refund fund	No limit
Electronic voting machine examination fund	No limit
Credit card clearing fund	No limit
Suspense fund	No limit
Prepaid services fund	No limit
Athlete agent registration fee fund	No limit
Democracy fund	No limit

*Provided*, That all expenditures from the democracy fund shall be to provide matching funds to implement Title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act.

(b) During the fiscal year ending June 30, 2011, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from any special revenue fund or funds for fiscal year 2011 by the above agency by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the above agency from such special revenue fund or funds to provide a report to the house appropriations committee and the senate ways and means committee detailing the costs of publication in a newspaper in each county pursuant to K.S.A. 64-103, and amend-

ments thereto, of any constitutional amendment that is introduced by the legislature during the 2011 regular session of the legislature.

Sec. 51.

# STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following: State treasurer operating fund..... Provided, That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, during fiscal year 2011, the state treasurer is hereby authorized and directed to credit the first \$1,558,756 received and deposited in the state treasury to the state treasurer operating fund: Provided further, That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2011 shall be credited as prescribed under the unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto: Provided further, That all moneys credited to the state treasurer operating fund during fiscal year 2011 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed to administer the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, that are not otherwise reimbursed under any other provision of law. Fiscal agency fund ..... Bond services fee fund ..... No limit City bond finance fund ..... No limit Local ad valorem tax reduction fund..... No limit County and city revenue sharing fund..... No limit Suspense fund..... No limit County and city retailers' sales tax fund ..... No limit County and city compensating use tax fund..... No limit Local alcoholic liquor fund..... No limit Local alcoholic liquor equalization fund..... No limit Unclaimed property claims fund..... No limit Unclaimed property expense fund ..... No limit Provided, That expenditures from the unclaimed property expense fund for official hospitality shall not exceed \$2,000. County and city transient guest tax fund..... No limit No limit Racing admissions tax fund..... Rental motor vehicle excise tax fund. No limit Transportation development district sales tax fund ..... No limit Redevelopment bond fund ..... No limit Municipal investment pool fund ..... No limit Pooled money investment portfolio fee fund..... No limit Provided, That on or before the fifth day of each month of the fiscal year ending June 30, 2011, the state treasurer shall certify to the pooled money investment board an accounting of the banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during such

Provided, That on or before the fifth day of each month of the fiscal year ending June 30, 2011, the state treasurer shall certify to the pooled money investment board an accounting of the banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during such month: Provided further, That, prior to the 10th day of each month during the fiscal year ending June 30, 2011, the pooled money investment board shall review the certification from the state treasurer and shall make expenditures from the pooled money investment portfolio fee fund to pay the amount of banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during the second preceding month, as determined by the pooled money investment board: And provided further, That expenditures from the pooled money investment portfolio fee fund for official hospitality shall not exceed \$800.

Special qualified industrial manufacturer fund ..... No limit Provided, That, notwithstanding the provisions of K.S.A. 2009 Supp. 74-50,122, and amendments thereto, or any other statute, the special qualified industrial manufacturer fund shall be maintained in the state treasury and shall be administered by the state treasurer for the purposes of the qualified industrial manufacturer act: Provided further, That on the 15th day of each month that commences during fiscal year 2011, the secretary of commerce and the secretary of revenue shall consult and determine the amount of revenue received by the state from withholding taxes paid by each taxpayer that is a qualified industrial manufacturer during the preceding month and then, jointly, shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: And provided further, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the special qualified industrial manufacturer fund established by this subsection: And provided further, That, on or before the 10th day of each month commencing during fiscal year 2011, the director of accounts and reports shall transfer from the state general fund to the special qualified industrial manufacturer fund interest earnings based on: (1) The average daily balance of moneys in the special qualified industrial manufacturer fund established by this subsection for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further, That the moneys credited to the special qualified industrial manufacturer fund from the withholding taxes paid by a qualified industrial manufacturer shall be paid by the state treasurer to such qualified industrial manufacturer on such dates as are mutually agreed to by the secretary of commerce and the state treasurer, serving as paying agent in accordance with the terms of the agreement entered into pursuant to K.S.A. 2009 Supp. 74-50,122, and amendments thereto, by the secretary of commerce and such qualified industrial manufacturer: And provided further, That not more than \$2,000,000 shall be paid from the special qualified industrial manufacturer fund established by this subsection by the state treasurer to a qualified industrial manufacturer: And provided further, That the words and phrases used in these provisos to appropriation of moneys in the special qualified industrial manufacturer fund shall have the meanings respectively ascribed thereto by K.S.A. 2009 Supp. 74-50,121, and amendments thereto, unless the context requires otherwise.

Kansas postsecondary education savings program expense fund \$346,043
Conversion of materials and equipment fund No limit
Tax increment financing revenue replacement fund No limit
Spirit bonds fund No limit

Provided, That, on the 15th day of each month that commences during fiscal year 2011, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2009 Supp. 74-50,136, and amendments thereto, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: Provided further, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the spirit bonds fund: And provided further, That, on or before the 10th day of each month commencing during fiscal year 2011, the director of accounts and reports shall transfer from the state general fund to the spirit bonds fund interest earnings based on: (1) The average daily balance of moneys in the spirit bonds fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further, That the moneys credited to the

spirit bonds fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the spirit bonds fund to the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2009 Supp. 74-50,136, and amendments thereto.

Business machinery and equipment tax reduction assistance fund......

Telecommunications and railroad machinery and equipment tax reduction assistance fund

No limit

Community improvement district sales tax fund ..... (b) During the fiscal year ending June 30, 2011, notwithstanding the provisions of K.S.A. 75-1514, and amendments thereto, or any other statute, the commissioner of insurance shall remit all moneys received by the commissioner under K.S.A. 75-1508, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: Provided, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury: Provided, however, That, for each such remittance deposited in the state treasury during fiscal year 2011, the state treasure surer shall not credit such deposit pursuant to K.S.A. 75-1514, and amendments thereto, but shall credit such deposit in accordance with the provisions of this subsection: Provided further, That the state treasurer shall credit 20% of each such deposit to the state general fund and the state treasurer shall credit the remainder of each such deposit as follows: (1) The amount equal to 64% of the remainder of such deposit shall be credited to the fire marshal fee fund of the state fire marshal; (2) the amount equal to 20% of the remainder of such deposit shall be credited to the emergency medical services board operating fund of the emergency medical services board; and (3) the amount equal to 16% of the remainder of such deposit shall be credited to the fire service training program fund of the university of Kansas: And provided further, That the amount of each such deposit that is credited 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 state fire marshal, the emergency medical services board, and the fire service training program of the university of Kansas by other state agencies which receive appropriations from the state general fund to provide such services: And provided further, That, whenever in fiscal year 2011 the aggregate amount that the 20% credit to the state general fund prescribed by this subsection is equal to \$200,000, then (1) the provisions of this subsection prescribing the 20% credit to the state general fund no longer shall apply to moneys received pursuant to K.S.A. 75-1508, and amendments thereto, and (2) for the remainder of fiscal year 2011, the state treasurer shall credit the full 100% so received of each such deposit as follows: (A) The amount equal to 64% of such deposit shall be credited to the fire marshal fee fund of the state fire marshal; (B) the amount equal to 20% of such deposit shall be credited to the

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program fund of the university of Kansas.

# INSURANCE DEPARTMENT

emergency medical services board operating fund of the emergency medical services board; and (C) the amount equal to 16% of such deposit shall be credited to the fire service training

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Insurance department service regulation fund ..... No limit Provided, That expenditures from the insurance department service regulation fund for official hospitality shall not exceed \$2,500: Provided further, That transfers may be made from this fund to the insurance department rehabilitation and repair fund of the insurance

Insurance company examination fund ..... Provided, That transfers may be made from the insurance company examination fund to the insurance department rehabilitation and repair fund of the insurance department.

Insurance company annual statement examination fund..... No limit Insurance company examiner training fund ...... No limit

Conversion of materials and equipment fund
amount from the state firefighters relief fund to the insurance department service regulation
insurance shall transmit a copy of such certification to the director of the budget and to the director of legislative research.
Insurance company tax and fee refund fund
Municipal group-funded pools fee fund

or part of the operating expenses incurred for such training programs, including official hospitality: And provided further, That all fees received for such training programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the insurance education and training fund. Other federal grants fund..... Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant: (1) Is less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2011 other than moneys appropriated by this or other appropriation act of the 2010 regular session of the legislature: Provided, however, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2011, other than moneys appropriated by this or other appropriation act of the 2010 regular session of the legislature. Monumental life settlement fund Provided. That all expenditures from the monumental life settlement fund shall be made for scholarship purposes: Provided further, That the scholarship recipients shall be African-American students who are currently enrolled and are attending an accredited higher education institution in the state of Kansas and who have designated a major in mathematics, computer science or business.

- (b) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2011 as authorized by K.S.A. 40-223, and amendments thereto, notwithstanding the provisions of K.S.A. 40-223 or 75-3721, and amendments thereto, or any other statute, expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2011 for the examination of annual statements filed with the commissioner of insurance, regardless of when the services were rendered, when the expenses were incurred or when any claim was submitted or processed for payment and regardless of whether or not the services were rendered or the expenses were incurred prior to the effective date of this act.
- (c) On July 1, 2010, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 40-112, and amendments thereto, or of any other statute, the director of accounts and reports shall transfer \$5,000,000 from the insurance department service regulation fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the insurance department service regulation fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the insurance department service regulation 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 insurance department by other state agencies which receive appropriations from the state general fund to provide such services.

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## HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(b) Expenditures from the health care stabilization fund for the fiscal year ending June 30, 2011, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures \$1,658,928

Provided, That expenditures from the operating expenditures account for official hospitality shall not exceed \$500.

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# JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

 Judicial council fund
 No limit

 Grants and gifts fund
 No limit

 Provided, That all private grants and gifts received by the judicial council, other than moneys

Provided, That all private grants and gifts received by the judicial council, other than moneys received as grants, gifts or donations for the preparation, publication or distribution of legal publications, shall be deposited to the credit of the grants and gifts fund.

(b) On June 30, 2011, notwithstanding the provisions of K.S.A. 20-2207, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the publications fee fund as of June 30, 2011, in excess of \$175,000 from the publications fee fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the publications fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the publications fee 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 judicial council by other state agencies which receive appropriations from the state general fund to provide such services: *And provided further*, That when the judicial council must expend moneys for unforeseen and unbudgeted items, that such moneys shall be paid first from the judicial council fund and then from the publication fees fund.

Sec. 55.

## STATE BOARD OF INDIGENTS' DEFENSE SERVICES

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

amendments thereto, and shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto.

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2010, in the capital defense operations account is hereby reappropriated for fiscal year 2011: Provided further, That expenditures for indigents' defense services are authorized to be made from the capital defense operations account regardless of when services were rendered.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

(c) During the fiscal year ending June 30, 2011, the executive director of the state board of indigents' defense services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2011, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2011 from the state general fund for the state board of indigents' defense services. The executive director shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

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# JUDICIAL BRANCH (a) There is appropriated for the above agency from the state general fund for the fiscal

of appeals for travel to cities across the state to hear appealed cases: And provided further, That for the fiscal year ending June 30, 2011, the costs of printing advance sheets and bound

volumes of opinions of the supreme court and the court of appeals shall first be paid from the fees collected for the sale of advance sheets and the bound volumes of opinions and after all such fees are expended for such purpose, any remaining costs of printing shall be paid from moneys appropriated in the judiciary operations account of the state general fund for fiscal year ending June 30, 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Library report fee fund	No limit
Judiciary technology fund	No limit
Judicial branch gifts fund	No limit
Dispute resolution fund	No limit
Iudicial branch education fund	No limit

Provided, That expenditures may be made from the judicial branch education fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, educating and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system, as provided by law, including official hospitality: Provided further, That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: And provided further, That such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: And provided further, That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch education fund.

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Conversion of materials and equipment fund	No limit
Child welfare federal grant fund	No limit
Child support enforcement contractual agreement fund	No limit
Bar admission fee fund	No limit
Permanent families account — family and children investment fund	No limit
Duplicate law book fund	No limit
Court reporter fund	No limit
Access to justice fund	No limit
Judicial technology and building and grounds fund	No limit
Judicial branch nonjudicial salary initiative fund	No limit
Judicial branch nonjudicial salary adjustment fund	No limit
Federal grants fund	No limit
District magistrate judge supplemental compensation fund	No limit
Judicial branch surcharge fund	No limit
Correctional supervision fund	No limit

Sec. 57.

# KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Optional death benefit plan reserve fund	No limit No limit No limit
ment fund	from the
endowment account — family and children investment fund, and the unclaimed account of the state general fund for the purpose of reimbursing the costs of non-related administrative activities and investment-related expenses for managing suin accordance with K.S.A. 74-4909b, and amendments thereto.  KDFA series 2003H bond debt service fund	property etirement
Provided, That notwithstanding the provisions of K.S.A. 74-4921 et seq., and ame thereto, any employer contributions remitted in accordance with the provisions 20-2605, and amendments thereto, K.S.A. 74-4920, and amendments thereto, K.939, and amendments thereto, and K.S.A. 74-4967, and amendments thereto, for	endments of K.S.A. L.S.A. 74-
pose of paying the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and ments thereto, shall be deposited in the KDFA series 2003H bond debt serve <i>Provided further</i> , That the executive director of the Kansas public employees resystem shall certify to the director of accounts and reports an amount to reimburse	ice fund: etirement the state
general fund for bond debt service payments authorized in fiscal year 2011: And further, That the director of accounts and reports shall transfer to the state generated amount certified as provided by the executive director no later than June 30 (c) Expenditures may be made from the expense reserve of the Kansas public erretirement fund for the fiscal year ending June 30, 2011, for the following specified provided in the first payments and the first payments and the first payments are serviced in fiscal year 2011; and the first payments are serviced in fiscal year 2011; and the first payments are serviced in fiscal year 2011; and first payments are serviced in	eral fund , 2011. mployees purposes:
Agency operations	8,803,613 or official No limit
KPERS technology project	No limit the fiscal
Agency operations	endments
Kansas endowment for youth fund to the children's initiatives fund is hereby inc	

\$58,118,748. Sec. 58.

# KANSAS HUMAN RIGHTS COMMISSION

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Federal fund	mit mit ing ded for l or and
provided further, That all fees received for such banquet shall be deposited in the stateasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, a shall be credited to the annual banquet fund.	
Education and training fund	eral eby hat red ees the

Sec. 59.

# STATE CORPORATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Provided, That any expenditure made from the conservation fee fund for plugging abandoned wells, cleanup of pollution from oil and gas activities and testing of wells shall be in addition to any expenditure limitation imposed on this fund: Provided further, That expenditures may be made from this fund for debt collection and set-off administration: And provided further, That a percentage of the fees collected, not to exceed 27%, shall be transferred from the conservation fee fund to the accounting services recovery fund of the department of administration for services rendered in collection efforts: And provided further, That all expenditures made from the conservation fee fund for debt collection and set-off administration shall be in addition to any expenditure limitation imposed on this fund: And provided further, That the state corporation commission shall include as part of the fiscal year 2012 budget estimates for the state corporation commission submitted pursuant to K.S.A. 75-3717, and amendments thereto, a three-year projection of receipts to and expenditures from the conservation fee fund for fiscal years 2012, 2013 and 2014.

— ARRA federal fund for the energy efficiency revolving loan program pursuant to vouchers approved by the chairperson of the state corporation commission or by a person or persons designated by the chairperson: Provided further, That the state corporation commission is hereby authorized to establish the energy efficiency revolving loan program for the purpose of making loans for energy conservation and other energy-related activities: And provided further, That loans under such program shall be made at an interest rate established by the state corporation commission: And provided further, That the state corporation commission is hereby authorized to enter into contracts with other state agencies and with persons as may be necessary to administer the energy efficiency revolving loan program: And provided further, That any person who agrees to receive money from the energy efficiency revolving loan program — ARRA federal fund shall enter into an agreement requiring such person to submit a written report to the state corporation commission detailing and accounting for all expenditures and receipts related to the use of the moneys received from the energy efficiency revolving loan program — ARRA federal fund: And provided further, That moneys repaid to the energy efficiency revolving loan program moneys shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the energy efficiency revolving loan program — ARRA federal fund: And provided further, That, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the energy efficiency revolving loan program — ARRA federal fund interest earnings based on: (1) The average daily balance of repaid moneys in the energy efficiency revolving loan program — ARRA federal fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Natural gas underground storage fee fund	No limit
Gas pipeline inspection fee fund	No limit
Abandoned oil and gas well fund	No limit
Well plugging assurance fund	No limit
Facility conservation improvement program fund	No limit
Gas pipeline safety program — federal fund	No limit
Carbon dioxide injection well and underground storage fund	No limit
Energy related grants — federal fund	No limit
Energy grants management fund	No limit
Energy conservation plan — federal fund	No limit
Underground injection control class II — federal fund	No limit
Pipeline damage prevention grant program — federal fund	No limit
Other federal grants fund	No limit
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Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences conducted by the state corporation commission for staff and members of the state corporation commission: Provided further, That the state corporation commission is hereby authorized to fix, charge and collect fees for such inservice workshops and conferences: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for conducting such inservice workshops and conferences: And provided further, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Base state registration clearing fund	No limit
Credit card clearing fund	No limit
Suspense fund	No limit
KETA development fund	No limit

- (b) Expenditures for the fiscal year ending June 30, 2011, by the state corporation commission from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund shall not exceed, in the aggregate, \$16,468,621: Provided, That, within such limitation on the aggregate of expenditures, expenditures made for fiscal year 2011 from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund for official hospitality shall not exceed, in the aggregate, \$2,000.
- (c) Expenditures for the fiscal year ending June 30, 2011, by the state corporation commission from the conservation fee fund or the abandoned oil and gas well fund may be made for the service of independent on-site supervision of well plugging contracts: *Provided*, That all expenditures from the conservation fee fund or the abandoned oil and gas well fund for the purpose of plugging of abandoned oil and gas wells shall be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto, and shall not be exempt from such competitive bidding requirements on the basis of the estimated amount of such purchases.
- (d) During the fiscal year ending June 30, 2011, the executive director of the state corporation commission, with the approval of the director of the budget, may transfer additional moneys from the conservation fee fund of the state corporation commission, which are in excess of \$400,000 prescribed by K.S.A. 2009 Supp. 55-193, and amendments thereto, to the abandoned oil and gas well plugging fund of the state corporation commission: *Provided*, That the executive director of the state corporation commission shall certify each such transfer of additional moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (e) During the fiscal year ending June 30, 2011, notwithstanding the provisions of any other statute, the executive director of the state corporation commission, with the approval of the director of the budget, may transfer funds from any special revenue fund or funds of the state corporation commission to any other special revenue fund or funds of the state corporation commission. The executive director of the state corporation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (f) (1) In addition to other purposes for which expenditures may be made by the state corporation commission from the public service regulation fund for fiscal year 2011 for the state corporation commission as authorized by this or other appropriation act of the 2010 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the state corporation commission may make expenditures from the public service regulation fund for fiscal year 2011 for expenses incurred by the Kansas electric transmission authority: *Provided*, That expenditures from the public service regulation fund for the expenses of the Kansas electric transmission authority for fiscal year 2011 shall not exceed \$100,000.
- (2) In addition to other purposes for which expenditures may be made by the state corporation commission from the public service regulation fund for fiscal year 2012 for the state corporation commission as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the state corporation commission may make expenditures from the public service regulation fund for fiscal year 2012 for expenses incurred by the Kansas electric transmission authority, if the total expenditures for such purpose authorized by the expenditure limitation prescribed by this subsection (f) for fiscal year 2011 are not expended or encumbered for fiscal year 2011, then the amount equal to the amount of such unexpended or encumbered expenditure authority for fiscal year 2011 remaining may be expended by the state corporation commission from the public service regulation fund for fiscal year 2012 for expenses incurred by the Kansas electric transmission authority and any such expenditures for fiscal year 2012 shall be in addition to any expenditure limitation imposed on the public service regulation fund for expenses incurred by the Kansas electric transmission authority for fiscal year 2012.

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# CITIZENS' UTILITY RATEPAYER BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

- (b) On July 1, 2010, October 1, 2010, January 1, 2011, and April 1, 2011, or as soon after each such date as moneys are available, and upon receipt of certification by the state corporation commission of the amount to be transferred, the director of accounts and reports shall transfer from the public service regulation fund of the state corporation commission to the utility regulatory fee fund of the citizens' utility ratepayer board all moneys assessed by the state corporation commission for the citizens' utility ratepayer board under K.S.A. 66-1502 or 66-1503, and amendments thereto, and deposited in the state treasury to the credit of the public service regulation fund.
- (c) During the fiscal year ending June 30, 2012, in addition to other purposes for which expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund for fiscal year 2012 for the citizens' utility ratepayer board as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, if the total expenditures authorized by the expenditure limitation prescribed by subsection (a) are not expended or encumbered for fiscal year 2011, then the amount equal to the amount of such expenditure authority for fiscal year 2011 remaining may be expended from the utility regulatory fee fund for fiscal year 2012 pursuant to contracts for professional services and any such expenditure for fiscal year 2012 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2012.

Sec. 61.

# DEPARTMENT OF ADMINISTRATION

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

Provided, That any unencumbered balance in the general administration account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the general administration account for three employees in the unclassified service under the Kansas civil service act: And provided further, That expenditures from this account for official hospitality shall not exceed \$1,000.

Provided, That any unencumbered balance in the department of administration systems account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That expenditures from the department of administration systems account for official hospitality shall not exceed \$1,000.

Provided, That any unencumbered balance in the personnel services account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

*Provided*, That any unencumbered balance in the purchasing account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Budget analysis. \$1,278,517

Provided, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the budget analysis account for eight employees in the unclassified service under the Kansas civil service act: And pro-

vided further, That expenditures from this account for official hospitality shall not exceed
\$1,000.
Facilities management \$55,037
Provided, That any unencumbered balance in the facilities management account in excess
of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.  Accounts and reports
Provided, That any unencumbered balance in the accounts and reports account in excess of
\$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Public broadcasting council grants \$1,806,322
Provided, That any unencumbered balance in the public broadcasting council grants account
in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided
further, That all expenditures from the public broadcasting council grants account for capital equipment shall be made to provide matching funds for federal capital equipment grants
awarded to eligible public broadcasting stations: And provided further, That expenditures
from this account may be made to provide matching funds for capital equipment projects
funded from any nonstate source in the event federal capital equipment grants are not
awarded: And provided further, That in the event the federal facility programs cease to exist
or fail to conduct grant solicitations, expenditures may be made from this account to provide matching funds for capital equipment projects funded from any nonstate source without
first applying for federal capital equipment grants.
KPERS bonds debt service
Public broadcasting digital conversion debt service
Policy analysis initiatives \$156,122
Provided, That any unencumbered balance in the policy analysis initiatives account in excess
of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That expenditures from this account for official hospitality shall not exceed \$5,000.
Long-term care ombudsman
Provided, That any unencumbered balance in the long-term care ombudsman account in
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided
further, That expenditures from this account for official hospitality shall not exceed \$1,000.
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully
credited to and available in such fund or funds, except that expenditures other than refunds
or indirect cost recoveries authorized by law shall not exceed the following:
Federal cash management fund
State leave payment reserve fund
Building and ground fund
<i>Provided</i> , That expenditures may be made from the building and ground fund for operating and other expenses for the Hiram Price Dillon House.
General fees fund
Provided, That expenditures may be made from the general fees fund for operating ex-
penditures for the division of personnel services, including human resources programs and
official hospitality: <i>Provided further</i> , That the director of personnel services is hereby au-
thorized to fix, charge and collect fees: And provided further, That fees shall be fixed in order to recover all or part of the operating expenses incurred, including official hospitality:
And provided further, That all fees received, including fees received under the open records
act for providing access to or furnishing copies of public records, shall be deposited in the
state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto,
and shall be credited to the general fees fund of the department of administration.
Human resource information systems cost recovery fund
Budget fees fund
itures for the division of the budget, including training programs, special projects and official
hospitality: Provided further, That the director of the budget is hereby authorized to fix,
charge and collect fees for such training programs: And provided further, That fees for such
training programs and special projects shall be fixed in order to recover all or part of the operating expenses incurred for such training programs and special projects, including of-
operating expenses mentred for such training programs and special projects, including or-

ficial hospitality: And provided further, That all fees received for such training programs and special projects and all fees received by the division of the budget under the open records act for providing access to or furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the budget fees fund.

Budget equipment conversion fund..... No limit Conversion of materials and equipment fund ..... No limit No limit Architectural services equipment conversion fund..... Property contingency fund ..... No limit No limit Flood control emergency — federal fund ..... No limit CJIS Byrne Grant — federal fund ..... FICA reimbursements medical residents fund..... No limit No limit Information technology fund.....

*Provided*, That any moneys collected from a fee increase for information services recommended by the governor shall be deposited in the state treasury to the credit of the information technology fund.

Information technology reserve fund No limit
State buildings operating fund No limit

Provided. That expenditures may be made from the state buildings operating fund for operating and other expenses for the Hiram Price Dillon House: Provided further, That the secretary of administration is hereby authorized to fix, charge and collect fees for use of the rooms and other facilities of the Hiram Price Dillon House in accordance with policies adopted by the legislative coordinating council under K.S.A. 75-3682, and amendments thereto, for approving the use of such property: And provided further, That fees for approved use of such property shall be reasonable and directly related to the costs of such use and shall be fixed in order to recover all or part of the operating expenses incurred for such use: And provided further, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: And provided further, That the secretary of administration is hereby authorized to fix, charge and collect a real estate property leasing services fee at a reasonable rate per square foot of space leased by state agencies as approved by the secretary of administration under K.S.A. 75-3739, and amendments thereto, to recover the costs incurred by the department of administration in providing services to state agencies relating to leases of real property: And provided further, That each state agency that is party to a lease of real property that is approved by the secretary of administration under K.S.A. 75-3739, and amendments thereto, shall remit to the secretary of administration the real estate property leasing services fee upon receipt of the billing therefor: And provided further, That all moneys received for real estate property

leasing services fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: And provided further, That the net proceeds from the sale of all or any part of the Topeka state hospital property, as defined by subsection (a) of K.S.A. 2009 Supp. 75-37,123, and amendments thereto, shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: And provided further, That the secretary of administration is hereby authorized to fix, charge and collect a surcharge against all state agency leased square footage in Shawnee County including both state-owned and privatelyowned buildings: And provided further, That all moneys received for such surcharge shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration. Accounting services recovery fund..... Provided, That expenditures may be made from the accounting services recovery fund for the operating expenditures, including official hospitality, of the department of administra-

Provided, That expenditures may be made from the accounting services recovery fund for the operating expenditures, including official hospitality, of the department of administration: Provided further, That the secretary of administration is hereby authorized to fix, charge and collect fees for services or sales provided by the department of administration which are not specifically authorized by any other statute: And provided further, That all fees received for such services or sales shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the accounting services recovery fund.

Motor pool service fund	No limit
Intragovernmental printing service fund	No limit
Intragovernmental printing service depreciation reserve fund	No limit
Municipal accounting and training services recovery fund	No limit

Provided, That expenditures may be made from the municipal accounting and training services recovery fund to provide general ledger, payroll reporting, utilities billing, data processing, and accounting services to municipalities and to provide training programs conducted for municipal government personnel, including official hospitality: Provided further, That the director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: And provided further, That such fees shall be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: And provided further, That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the municipal accounting and training services recovery fund.

credited to the municipal accounting and training services recovery fund.	
Canceled warrants payment fund	No limit
State emergency fund	No limit
Bid and contract deposit fund	No limit
Federal withholding tax clearing fund	No limit
Financial management system development fund	No limit

Provided, That the secretary of administration may establish fees and make special assessments in order to finance the costs of developing the financial management system: Provided further, That all moneys received for such fees and special assessments shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial management system development fund of the department of administration.

State gaming revenues fund	No limit
Financial management system development fund — on budget	No limit
Construction defects recovery fund	No limit
Facilities conservation improvement fund	No limit
State revolving fund services fee fund	No limit
Conversion of materials and equipment — recycling program fund	No limit
Curtis office building maintenance reserve fund	No limit
Equipment lease purchase program administration clearing fund	No limit
Suspense fund	No limit
Electronic funds transfer suspense fund	No limit
Surplus property program fund — on budget	No limit
Surplus property program fund — off budget	No limit
Older Americans act long-term care ombudsman federal fund	No limit
Long-term care ombudsman gift and grant fund	No limit
Title XIX — long-term care ombudsman medicaid federal grant fund	No limit
Wireless enhanced 911 grant fund	No limit
Landon state office building repair expense fund	No limit
MacVicar avenue assessment expense fund	No limit
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- (c) On July 1, 2010, the director of accounts and reports shall transfer \$210,000 from the state highway fund to the state general fund for the purpose of reimbursing the state general fund for the cost of providing purchasing services to the department of transportation.
- (d) During the fiscal year ending June 30, 2011, the secretary of administration is hereby authorized to approve refinancing of equipment being financed by state agencies through the department's equipment financing program. Such refinancing project is hereby approved for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto.
- (e) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in any capital improvement account of any special revenue fund or in any capital improvement account of the state general fund for the above agency for fiscal year 2011 by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made by the above agency from any such capital improvement account of any special revenue fund or any such capital improvement account of the state general fund for fiscal year 2011 for the purpose of making emergency repairs to any facility that is under the charge, care, management or control of the department of administration as provided by law: *Provided*, That the secretary of administration shall make a full report on such repairs and expenditures to the director of the budget and the director of legislative research.
- (f) (1) On July 1, 2010, the director of accounts and reports shall record a debit to the state treasurer's receivables for the children's initiatives fund and shall record a corresponding credit to the children's initiatives fund in an amount certified by the director of the budget which shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the children's initiatives fund during the fiscal year ending June 30, 2011, except that such amount shall be proportionally adjusted during fiscal year 2011 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2011. Among other appropriate factors, the director of the budget shall take into consideration the estimated and actual receipts and interest earnings of the Kansas endowment for youth fund for fiscal year 2010 and fiscal year 2011 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2011 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.
- (2) On June 30, 2011, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the children's initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the children's initiatives fund during fiscal year 2011.
- (3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the children's initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments

thereto on the books and records kept and maintained for the children's initiatives fund by the state treasurer in accordance with the notice thereof.

- (4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund shall be made after the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (i) for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund.
- (g) (1) On July 1, 2010, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state economic development initiatives fund and shall record a corresponding credit to the state economic development initiatives fund in an amount certified by the director of the budget which shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the state economic development initiatives fund during the fiscal year ending June 30, 2011, except that such amount shall be proportionally adjusted during fiscal year 2011 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2011. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2011 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.
- (2) On June 30, 2011, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state economic development initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the state economic development initiatives fund during fiscal year 2011.
- (3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the state economic development initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state economic development initiatives fund by the state treasurer in accordance with the notice thereof.
- (h) (1) On July 1, 2010, the director of accounts and reports shall record a debit to the state treasurer's receivables for the correctional institutions building fund and shall record a corresponding credit to the correctional institutions building fund in an amount certified by the director of the budget which shall be equal to 80% of the amount estimated by the director of the budget to be transferred and credited to the correctional institutions building fund during the fiscal year ending June 30, 2011, except that such amount shall be proportionally adjusted during fiscal year 2011 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2011. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2011 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.
- (2) On June 30, 2011, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the correctional institutions building fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the correctional institutions building fund during fiscal year 2011.
- (3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the correctional institutions building fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the correctional institutions building fund by the state treasurer in accordance with the notice thereof.
- (i) (1) On July 1, 2010, the director of accounts and reports shall record a debit to the state treasurer's receivables for the Kansas endowment for youth fund and shall record a corresponding credit to the Kansas endowment for youth fund in an amount certified by the director of the budget which shall be equal to 80% of the amount approved for ex-

penditure by the children's cabinet during the fiscal year ending June 30, 2011, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2011 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

- (2) On June 30, 2011, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the Kansas endowment for youth fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the Kansas endowment for youth fund during fiscal year 2011.
- (3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the Kansas endowment for youth fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the Kansas endowment for youth fund by the state treasurer in accordance with the notice thereof.
- (4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund shall be made before the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (f) for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund.
- (j) During the fiscal year ending June 30, 2011, the secretary of administration, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2011, from the state general fund for the department of administration to another item of appropriation for fiscal year 2011 from the state general fund for the department of administration. The secretary of administration shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (k) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, the following:

- (l) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2011, the following:
- (m) On July 1, 2010, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2011, the director of accounts and reports shall transfer an amount or amounts from the appropriate federal fund or funds of the department on aging to the older Americans act long-term care ombudsman federal fund of the department of administration: *Provided*, That the aggregate of such amount or amounts transferred during fiscal year 2011 shall be equal to and shall not exceed the Older Americans Act Title VII: Ombudsman Award and 4.38% of the Kansas Older Americans Act Title III: Part B Supportive Services Award.
- (n) (1) On July 1, 2010, notwithstanding the provisions of any other statute, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state general fund and shall record a corresponding credit to the state general fund in the net amount equal to \$32,689,900 minus the amount credited and debited on or before June 30, 2010, pursuant to section 76(p)(9)(D) of chapter 142 of the 2006 Session Laws of Kansas, to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2006, for state agencies.

- (2) On or before September 1, 2010, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state general fund pursuant to this subsection (n), to reflect all moneys actually transferred and credited to the state general fund during fiscal year 2011.
- (3) (A) (i) Prior to August 15, 2010, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has a specific expenditure limitation prescribed for fiscal year 2011 and that is in excess of the amount authorized under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2011.
- (ii) On or before June 30, 2011, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has no specific expenditure limitation prescribed for the fiscal year, that is in excess of the amount estimated under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2011, and that is determined by the director of the budget not to be needed for the purpose for which such amount was originally budgeted, including, but not limited to, actual or projected cost savings as a result of completed, cancelled or modified projects, programs or operations.
- (iii) As used in paragraphs (i) and (ii) of this subsection (n)(3)(A), "specific expenditure limitation prescribed for the fiscal year" includes any case in which no expenditures may be made from such reappropriated balance except upon approval by the state finance council.
- (B) Prior to August 15, 2010, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all unanticipated lapses of moneys which were appropriated or reappropriated from the state general fund for fiscal year 2010 and which were not reappropriated for fiscal year 2011, as determined by the director of the budget: *Provided*, That, as used in this subsection (n)(3)(B), "unanticipated lapses of moneys" shall not include any amount lapsed from the state general fund pursuant to explicit language in an appropriation act of the 2010 regular session of the legislature or any amount lapsed from the state general fund for which specific reappropriation language was deliberately not included in any appropriation act of the 2010 regular session of the legislature.
- (C) Prior to August 15, 2010, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all amounts of unencumbered balances in accounts of the state general fund that were first encumbered during a fiscal year commencing prior to July 1, 2009, that were released during fiscal year 2010, and that were not specifically reappropriated by an appropriation act of the 2010 regular session of the legislature.
- (4) (A) On August 15, 2010, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (n)(3)(A)(i), the appropriation for fiscal year 2011 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2011, by this or other appropriation act of the 2010 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (n)(3)(A)(i).
- (B) On June 30, 2011, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (n)(3)(A)(ii), the appropriation for fiscal year 2011 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2011, by this or other appropriation act of the 2010 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (n)(3)(A)(ii).
- (5) At the same time as the director of the budget transmits each certification to the director of accounts and reports pursuant to subsection (n)(3), the director of the budget shall transmit a copy of such certification to the director of legislative research.
- (6) (A) Prior to August 15, 2010, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports

pursuant to this subsection (n): Provided That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than \$1,184,054. The certification by the state board of regents shall specify the amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account in the state general fund by the director of accounts and reports pursuant to this subsection (n). At the same time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.

- (B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board of regents to the director of accounts and reports. 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 each such certification to the director of legislative research.
- (C) On August 15, 2010, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection (n)(6), the appropriation for fiscal year 2011 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children's initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2011, by this or other appropriation act of the 2010 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection (n)(6).
- (7) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection (n), the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the state agencies for fiscal year 2011.
- (8) (A) On or before September 1, 2010, after receipt of each certification by the director of the budget pursuant to this subsection (n), the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, by an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to subsection (n)(3) and subsection (n)(6) in accordance with such certifications.
- (B) On September 1, 2010, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: *Provided, however*, That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer's receivables for the state general fund.
- (C) On September 1, 2010, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n) during fiscal year 2011.
- (D) On or before June 30, 2011, after receipt of each certification by the director of the budget pursuant to subsection (n)(3)(A)(ii), the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to subsection (n)(3)(A)(ii) in accordance with such certifications.
- (E) On June 30, 2011, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: *Provided, however*, That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer's receivables for the state general fund.
- (F) On June 30, 2011, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n) during fiscal year 2011.

- (G) On June 30, 2011, the director of accounts and reports shall record a credit to the state treasurer's receivables for the state general fund and shall record a corresponding debit to the state general fund in the amount of the outstanding receivable created to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2006.
- (H) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n) and all reductions and adjustments thereto made pursuant to this subsection (n). The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state general fund by the state treasurer in accordance with the notice thereof
- (9) As used in this subsection (n), "regents agency" means the state board of regents, Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, and Wichita state university.
  - (10) The provisions of this subsection (n) shall not apply to:
- (A) The health care stabilization fund of the health care stabilization fund board of governors:
- (B) any money held in trust in a trust fund or held in trust in any other special revenue fund of any state agency;
- (C) any moneys received from any agency or authority of the federal government or from any other federal source, other than any such federal moneys that are credited to or may be received and credited to special revenue funds of a regents agency and that are determined by the state board of regents to be federal moneys that may be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection (n);
- (D) any account of the Kansas educational building fund or the state institutions building fund; or
- (E) any fund in the state treasury, as determined by the director of the budget, that would experience financial or administrative difficulties as a result of executing the provisions of this subsection (n), including, but not limited to, cash-flow problems, the inability to meet ordinary expenditure obligations, or any conflicts with prevailing contracts, compacts or other provisions of law.
- (11) Each amount transferred from any special revenue fund of any state agency, including any regents agency, to the state general fund pursuant to this subsection (n), is transferred 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.
- (12) On or after July 1, 2010, notwithstanding the provisions of K.S.A. 75-4209, and amendments thereto, or any other statute, upon specific authorization in an appropriation act of the legislature, the pooled money investment board is authorized and directed to loan an amount of not more than \$6,000,000 to the state general fund to provide financing for any additional amounts required above the moneys otherwise provided by law to repay amounts provided by law to finance the cost of the 27th payroll chargeable to the fiscal year 2006 and to provide for an adequate reserve in the 27th payroll adjustment account. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for such loan. Such loan shall not bear interest and shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Any such loan shall be repaid from the state general fund and any appropriate special revenue funds in the state treasury.
- (o) During the fiscal year ending June 30, 2011, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2011 by this or other appropriation act of the 2010 regular session of the legislature, expenditures

may be made by the above agency from the state general fund or from any special revenue fund for fiscal year 2011, for the secretary of administration to fix, charge and collect fees for architectural, engineering and management services provided for capital improvement projects of the state board of regents or any state educational institution, as defined by K.S.A. 76-711, and amendments thereto, for which the department of administration provides such services and which are financed in whole or in part by gifts, bequests or donations made by one or more private individuals or other private entities: *Provided*, That such fees for such services are hereby authorized to be fixed, charged and collected in accordance with the provisions of K.S.A. 2009 Supp. 75-1269, and amendments thereto, notwithstanding any provisions of K.S.A. 2009 Supp. 75-1269, and amendments thereto, to the contrary: *Provided further*, That all such fees received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.

(p) During the fiscal year ending June 30, 2011, notwithstanding the provisions of any statute or any rules and regulations to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2011 as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund for fiscal year 2011, for the secretary of administration to provide parking for state employees on state-owned parking lots located within the state capitol area, as defined by subsection (c) of K.S.A. 75-2240a, and amendments thereto, without charge or cost to such employees for such parking: Provided, That this subsection shall not apply to parking garages or other parking structures in such state capitol area or to any stateowned parking lots for which revenues have been pledged to repay bonds issued for the construction of any of such parking garages, structures or lots: Provided further, That the secretary of administration shall continue otherwise to administer access to state-owned parking lots in accordance with policies and procedures adopted as provided by law, including use of hang tags and waiting lists for specific parking lots, in order to ensure orderly parking procedures: And provided further, That the secretary of administration shall make expenditures from moneys appropriated from the state buildings operating fund or any other special revenue funds for the purpose of maintaining the state-owned parking lots.

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.

Sec. 62.

## OFFICE OF ADMINISTRATIVE HEARINGS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

## STATE COURT OF TAX APPEALS

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Duplicating fees fund. \$5,000 COTA filing fee fund. \$681,777 Sec. 64.

## DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE	
(a) There is appropriated for the above agency from the state general fund	for the fiscal
year ending June 30, 2011, the following:	
Operating expenditures	\$15,922,517
Provided, That any unencumbered balance in the operating expenditures acco	ount in excess
of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provide	led, however,
That expenditures from this account for official hospitality shall not exceed \$1	
(b) There is appropriated for the above agency from the following special	
or funds for the fiscal year ending June 30, 2011, all moneys now or herea	
credited to and available in such fund or funds, except that expenditures other	
authorized by law shall not exceed the following:	than retunds
Sand royalty fund	No limit
Division of vehicles operating fund	\$46,611,647
Provided, That all receipts collected under authority of K.S.A. 74-2012, and	
thereto, shall be credited to the division of vehicles operating fund: <i>Provided</i>	
any expenditure from the division of vehicles operating fund of the department	
to reimburse the audit services fund of the division of post audit for a financia	
audit in an amount certified by the legislative post auditor shall be in additionally in the control of the con	
penditure limitation imposed on the division of vehicles operating fund for the	ne fiscal year
ending June 30, 2011: And provided further, That, notwithstanding the provisi	ons of K.S.A.
68-416, and amendments thereto, or of any other statute, expenditures may be	e made from
this fund for the administration and operation of the department of revenue.	
Vehicle dealers and manufacturers fee fund	No limit
Kansas qualified agricultural ethyl alcohol producer incentive fund	No limit
Kansas qualified biodiesel fuel producer incentive fund	No limit
Division of vehicles modernization fund	No limit
Kansas retail dealer incentive fund.	No limit
Local report fee fund	No limit
Military retirees income tax refund fund	No limit
Conversion of materials and equipment fund	No limit
Forfeited property fee fund	No limit
Setoff services revenue fund	No limit
Publications fee fund	No limit
State bingo regulation fund	No limit
Child support enforcement contractual agreement fund	No limit
County treasurers' vehicle licensing fee fund	No limit
Tax amnesty recovery fund	No limit
Reappraisal reimbursement fund	No limit
Provided, That all moneys received for the costs incurred for conducting appr	aisals for any
county shall be deposited in the state treasury and credited to the reappraisal re-	imbursement
fund: Provided further, That expenditures may be made from this fund for the	e purpose of
conducting appraisals pursuant to orders of the court of tax appeals under K.S.	S.A. 79-1479,
and amendments thereto.	
Special training fund	No limit
<i>Provided</i> , That expenditures may be made from the special training fund	
expenditures, including official hospitality, incurred for conferences, traini	ng seminars,
workshops and examinations: Provided further, That the secretary of reven	
authorized to fix, charge and collect fees for conferences, training seminars, w	orkshops and
examinations sponsored or cosponsored by the department of revenue: And p	
ther. That such fees shall be fived in order to recover all or part of the operating	

ther, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for such conferences, training seminars, workshops and examinations or for qualifying applicants for such conferences, training seminars, workshops and examinations: And provided further, That all fees received for conferences, training seminars, workshops and

examinations shall be deposited in the state treasury in accordance with the pro-	ovisions of
K.S.A. 75-4215, and amendments thereto, and shall be credited to the special train	ning fund.
Recovery fund for enforcement actions and attorney fees	No limit
Federal commercial motor vehicle safety fund	No limit
Homeland security reimbursement fund	No limit
Earned income tax credits — TANF — federal fund	No limit
Central stores fund.	No limit
Provided, That expenditures may be made from the central stores fund to op	erate and
maintain a central stores activity to sell supplies to other state agencies: Provide	
That all moneys received for such supplies shall be deposited in the state treas	ury in ac-
cordance with the provisions of K.S.A. 75-4215, and amendments thereto, and	d shall be
credited to the central stores fund.	
Microfilming fund	No limit
<i>Provided</i> , That expenditures may be made from the microfilming fund to operate	and main-
tain a microfilming activity to sell microfilming services to other state agencies:	
further, That all moneys received for such services shall be deposited in the stat	
in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, ar	nd shall be
credited to the microfilming fund.	ia onan be
Miscellaneous trust bonds fund	No limit
Liquor excise tax guarantee bond fund	No limit
Non-resident contractors cash bond fund	No limit
Bond guaranty fund	No limit
Interstate motor fuel user cash bond fund	No limit
Motor fuel distributor cash bond fund	No limit
Special county mineral production tax fund	No limit
County drug for fund	No limit
County drug tax fund	No limit
Escheat proceeds suspense fund	No limit
Privilege tax refund fund	No limit
Cigarette tax refund fund.	No limit
Motor-vehicle fuel tax refund fund	No limit
Cereal malt beverage tax refund fund	No limit
Income tax refund fund	No limit
Sales tax refund fund	No limit
	No limit
Compensating tax refund fund	
Alcoholic liquor tax refund fund	No limit No limit
Cigarette/tobacco products regulation fund	No limit
Motor carrier tax refund fund	No limit
Protested motor carrier taxes fund	No limit
	No limit
Tobacco products refund fund	
Transient guest tax refund fund established by K.S.A. 12-1694a	No limit
Interstate motor fuel taxes clearing fund	No limit
Bingo refund fund	No limit
Transient guest tax refund fund established by K.S.A. 12-16,100	No limit
Interstate motor fuel taxes refund fund	No limit
Interfund clearing fund	No limit
Local alcoholic liquor clearing fund	No limit
International registration plan distribution clearing fund	No limit
Rental motor vehicle excise tax refund fund	No limit
International fuel tax agreement clearing fund	No limit
Mineral production tax refund fund	No limit
Special fuels tax refund fund	No limit
LP-gas motor fuels refund fund	No limit
Local alcoholic liquor refund fund	No limit

Sales tax clearing fund

No limit

Sales tax clearing rund	mit
Rental motor vehicle excise tax clearing fund	mit
VIPS/CAMA technology hardware fund	mit
Provided, That, notwithstanding the provisions of K.S.A. 74-2021, and amendments there	eto,
or of any other statute, expenditures may be made from the VIPS/CAMA technology ha	ırd-
ware fund for the purposes of upgrading the VIPS/CAMA computer hardware and software	are
for the state or for the counties and for administration and operation of the department	t of
revenue.	
County and city retailers sales tax clearing fund — county and city sales	
tax	mit
City and county compensating use tax clearing fund No lin	mit
County and city transient guest tax clearing fund	mit
Automated tax systems fund	mit
Dyed diesel fuel fee fund	mit
Electronic databases fee fund	mit
Provided, That, notwithstanding the provisions of K.S.A. 74-2022, and amendments there	eto,
or of any other statute, expenditures may be made from electronic databases fee fund	for
the purposes of operating expenditures, including expenditures for capital outlay; of op	er-
ating, maintaining or improving the vehicle information processing system (VIPS), the Ka	an-
sas computer assisted mass appraisal system (CAMA) and other electronic database syste	ms
of the department of revenue, including the costs incurred to provide access to or to furn	
copies of public records in such database systems and for the administration and operati	ion
of the department of revenue.	
Photo fee fund	
Provided, That expenditures may be made from the photo fee fund for administration a	
operation of the driver license program and related support operations in the division	
administration of the department of revenue, including costs of implementing Chapte	r 5
and Chapter 63 of the 2003 Session Laws of Kansas.	
Estate tax abatement refund fund	
Distinctive license plate fund	
Repossessed certificates of title fee fund	
Hazmat fee fund	
Intra-governmental service fund	
Community improvement district sales tax administration fund No lin	
Community improvement district sales tax refund fund	
Community improvement district sales tax clearing fund	
Drivers license first responders indicator federal fund	
(c) On July 1, 2010, October 1, 2010, January 1, 2011, and April 1, 2011, the director	
accounts and reports shall transfer \$11,266,597 from the state highway fund of the dena	art_

- accounts and reports shall transfer \$11,266,597 from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.
- (d) On August 1, 2010, the director of accounts and reports shall transfer \$77,250 from the accounting services recovery fund of the department of administration to the setoff services revenue fund of the department of revenue for reimbursing costs of recovering amounts owed state agencies under K.S.A. 75-6201 et seq., and amendments thereto.
- (e) On August 1, 2010, the director of accounts and reports shall transfer \$20,400 from the social welfare fund and \$39,600 from the federal child support enforcement fund of the department of social and rehabilitation services to the child support enforcement contractual agreement fund of the department of revenue to reimburse costs of administrative expenses of child support enforcement activities under the agreement.
- (f) On July 1, 2010, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$1,000,000 from the state emergency fund southeast Kansas business recovery account of the department of revenue to the state general fund.

(g) During the fiscal year ending June 30, 2011, after consultation with the state treasurer and the secretary of revenue, the director of the budget shall determine when \$350,000 has been recovered under the tax amnesty program of the department of revenue and deposited in the state treasury to the credit of the state general fund: *Provided*, That, upon determining that \$350,000 has been recovered under the tax amnesty program and deposited to the credit of the state general fund, the director of the budget shall certify that finding to the director of accounts and reports and shall transmit a copy of such certification to the director of legislative research: *Provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer \$350,000 from the state general fund to the tax amnesty recovery fund for operating expenditures for the tax amnesty program of the department of revenue: *And provided further*, That, expenditures from the tax amnesty recovery fund for new personnel for the tax amnesty program of the department of revenue shall not exceed 7.00 full-time equivalent positions.

Sec. 65.

#### 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, 2011, 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:

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 July 15, 2010, and on or before the 15th of each month thereafter through June 15, 2011: 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, 2011: 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 2011 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 June 15, 2011, 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 2011 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 2011 is equal to or more than \$70,400,000: And provided further, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2011 pursuant to this subsection shall be equal to or more than \$70,400,000: 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 2011.
- (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, 2011, 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. 2009 Supp. 74-8724, and amendments thereto, during fiscal year 2011: *Pro-*

vided, 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 25, 2011, 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. 2009 Supp. 74-8724, and amendments thereto, during fiscal year 2011: 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. 2009 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, 2011, 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 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 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. 66.

### KANSAS RACING AND GAMING COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

No limit

Racing reimbursable expense fund.No limitRacing applicant deposit fund.No limitKansas horse breeding development fund.No limitKansas greyhound breeding development fund.No limit

Provided, That notwithstanding K.S.A. 74-8831, and amendments thereto, all moneys transferred into this fund pursuant to subsection (b) of K.S.A. 2009 Supp. 74-8767, and amendments thereto, shall be deposited to a separate account established for the purpose described herein and moneys in this account shall be expended only to supplement special stake races and to enhance the amount per point paid to owners of Kansas-whelped greyhounds which win live races at Kansas greyhound tracks and pursuant to rules and regulations adopted by the Kansas racing and gaming commission: Provided further, That transfers from this account to the live greyhound racing purse supplement fund may be made in accordance with subsection (b) of K.S.A. 2009 Supp. 74-8767, and amendments thereto.

2011, for official hospitality shall not exceed \$1,500.

*Provided*, That expenditures from the expanded lottery act regulation fund for the fiscal year ending June 30, 2011, for official hospitality shall not exceed \$2,500.

Live horse racing purse supplement fund	No limit
Live greyhound racing purse supplement fund	No limit
Greyhound promotion and development fund	No limit
Gaming machine examination fund	No limit
Gaming background investigation fund	No limit
Horse purse fund	No limit
Education and training fund	No limit

Provided, That expenditures may be made from the education and training fund for operating expenditures, including official hospitality, incurred for hosting or providing training, in-service workshops and conferences: Provided further, That the Kansas racing and gaming commission is hereby authorized to fix, charge and collect fees for hosting or providing training, in-service workshops and conferences: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for hosting or providing such training, in-service workshops and conferences: And provided further, That all fees received for hosting or providing such training, in-service workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the education and training fund.

- (b) On July 1, 2010, the director of accounts and reports shall transfer \$450,000 from the state general fund to the tribal gaming fund of the Kansas racing and gaming commission.
- (c) During the fiscal year ending June 30, 2011, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency from the tribal gaming fund to the state general fund: *Provided*, That all such transfers shall be for the purpose of reimbursing the state general fund for the amount equal to the net amount obtained by subtracting (1) the aggregate of any costs incurred by the state gaming agency during fiscal year 2011 for any arbitration or litigation in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, from (2) the aggregate of the amounts transferred to the tribal gaming fund of the Kansas racing and gaming commission during fiscal year 2011 for the operating expenditures for the state gaming agency and any other expenses incurred in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act.
- (d) During the fiscal year ending June 30, 2011, all payments for services provided by the Kansas bureau of investigation shall be paid by the Kansas racing and gaming commission in accordance with subsection (b) of K.S.A. 75-5516, and amendments thereto, pursuant to bills which are presented in a timely manner by the Kansas bureau of investigation for services rendered.
- (e) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the tribal gaming fund for fiscal year 2011 for the Kansas racing and gaming commission by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made from the tribal gaming fund for fiscal year 2011 for the state gaming agency regulatory oversight of class III gaming, including but not limited to the regulatory oversight and law enforcement activities of monitoring compliance with tribal-state gaming compacts and conducting investigations of violations of tribal-state gaming compacts, investigations of criminal violations of the laws of this state at tribal gaming facilities, criminal violations of the tribal gaming oversight act, background investigations of applicants and vendors and investigations of other criminal activities related to tribal gaming, which are hereby authorized.
- (f) Notwithstanding the provisions of K.S.A. 74-8831, and amendments thereto, or any other statute, the director of accounts and reports (1) shall not make the transfer from the Kansas greyhound breeding development fund of the Kansas racing and gaming commission to the greyhound tourism fund of the department of commerce that is directed to be made on or before June 30, 2011, by subsection (b)(1) of K.S.A. 74-8831, and amendments thereto, and (2) shall transfer on or before June 30, 2011, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending

June 30, 2011, from the Kansas greyhound breeding development fund to the greyhound promotion and development fund of the Kansas racing and gaming commission.

(g) During the fiscal year ending June 30, 2011, notwithstanding the provisions of any other statute, the Kansas racing and gaming commission is hereby authorized to fix, charge and collect additional fees to recover all or part of the direct and indirect costs or operating expenses incurred by the Kansas racing and gaming commission for the regulation of racing activities that are not otherwise recovered from the parimutuel facility licensee under authority of any other statute: Provided, That such fees shall be in addition to all taxes and other fees authorized by law: Provided further, That such costs or operating expenses shall include all or part of any auditing, drug testing, accounting, security and law enforcement, licensing of any office or other facility for use by a parimutuel facility licensee, projects to update and upgrade information technology software or facilities of the commission and shall specifically include any general operating expenses that are associated with regulatory activities attributable to the entity upon which any such fee is imposed and all expenses related to reopening any race track or other racing facility: And provided further, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state racing fund.

Sec. 67.

#### DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2011, the following: \$294,651 Provided, That any unencumbered balance in excess of \$100 as of June 30, 2010, in the older Kansans employment program account is hereby reappropriated for fiscal year 2011. Rural opportunity program..... Provided, That any unencumbered balance in excess of \$100 as of June 30, 2010, in the rural opportunity program account is hereby reappropriated for fiscal year 2011. Senior community service employment program..... \$3,941 Provided, That any unencumbered balance in excess of \$100 as of June 30, 2010, in the senior community service employment program account is hereby reappropriated for fiscal Senior community service employment program — ARRA match...... \$5,200 Kansas commission on disability concerns..... \$192,292 Provided, That any unencumbered balance in excess of \$100 as of June 30, 2010, in the Kansas commission on disability concerns account is hereby reappropriated for fiscal year 2011. \$307.050 Strong military bases program..... Operating grant (including official hospitality) ...... \$13.038.871 Provided, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That expenditures may be made from the operating grant (including official hospitality) account for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the agricultural value added center program: And provided further, That expenditures may be made from the operating grant (including official hospitality) account for certified development companies that have been determined to be qualified for grants by the secretary of commerce, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce: And provided further, That during fiscal year 2011, all expenditures made by the department of commerce from moneys appropriated in the state treasury for the department, including moneys appropriated in the operating grant (including official hospitality) account of the state economic development initiatives fund,

shall be made for the purpose of achieving the following outcome measures:

Measure	Budget Year Projection FY 2011
Jobs created or retained by projects utilizing KDOC assistance	29,125
Payroll generated by projects utilizing KDOC assistance	\$660,103,373
Capital investment in Kansas resulting from projects utilizing KDOC assistance	\$1,115,861,204
Funds leveraged through match in projects utilizing KDOC assistance	\$300,346,932
Individuals trained through workforce development programs	57,200
Sales generated by projects utilizing KDOC assistance	\$131,822,742
Visitations at state managed travel information centers	205,000
Kansans served with counseling, technical assistance or business services	152,575
Number of communities receiving community assistance services	101
Number of grants provided to Kansas businesses, communities, and families	215
Number of businesses impacted by funding from KDOC	3,975

1 deficación and other states rand	1 to mine
Conversion of equipment and materials fund	No limit
Conference registration and disbursement fund	No limit
Trademark fund	No limit
Greyhound tourism fund	No limit
Reimbursement and recovery fund	No limit
Community development block grant — federal fund	No limit
Community development block grant — federal fund — revolving loan	
account	No limit
Community development block grant administration ARRA — federal	
fund	No limit
Other federal grants fund	No limit
Provided, That the above agency is authorized to make expenditures from the other	er federal
grants fund of any moneys credited to this fund from any individual grant if the g	
Less than or equal to \$250,000 in the aggregate, and (2) does not require the	
expenditure of any other moneys in the state treasury during fiscal year 2011 of	
moneys appropriated by this or other appropriation act of the 2010 regular sess	
legislature: Provided, however, That, upon application to and authorization by the	
the above agency may make expenditures of moneys credited to this fund from any	
federal grant which is more than \$250,000 in the aggregate or which requires the	
expenditure of moneys in the state treasury during the fiscal year 2011, other that	
appropriated by this or other appropriation act of the 2010 regular session of the le	
National main street center fund.	No limit
IMPACT program services fund	No limit
IMPACT program repayment fund	No limit
Kansas partnership fund	No limit
Provided, That the interest rate on any loan made from the Kansas partnership	
be annually indexed to the federal discount rate.	
General fees fund	No limit
Concrete 1000 Tana	

Provided, That expenditures may be made from the general fees fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of com-

merce in accordance with repayment provisions and other terms and conditi	ions as may he
prescribed by the secretary therefor under programs of the department.	ons as may be
Market development fund	No limit
Provided, That expenditures may be made from the market development	fund for loans
pursuant to loan agreements which are hereby authorized to be entered into b	y the secretary
of commerce in accordance with repayment provisions and other terms and	l conditions as
may be prescribed by the secretary therefor under the agricultural value	added center
program: Provided further, That all moneys received by the department of	
repayment of loans made under the agricultural value added center program	m shall be de-
posited in the state treasury in accordance with the provisions of K.S.A. 75-421	5, and amend-
ments thereto, and shall be credited to the market development fund.	_
Kansas economic opportunity initiatives fund	No limit
Kansas existing industry expansion fund	No limit
Provided, That expenditures may be made from the Kansas existing industry e	
for loans pursuant to loan agreements which are hereby authorized to be e	
the secretary of commerce in accordance with repayment provisions and ot	
conditions as may be prescribed by the secretary therefor under the Kansas ex	
expansion program: <i>Provided further</i> , That all moneys received by the depart	
merce for repayment of loans made under the Kansas existing industry expa	
shall be deposited in the state treasury in accordance with the provisions of K and amendments thereto, and shall be credited to the Kansas existing indu	
fund.	stry expansion
Athletic fee fund	No limit
WIA adult — federal fund	No limit
WIA youth — federal fund	No limit
WIA dislocated worker — federal fund.	No limit
Trade adjustment assistance — federal fund	No limit
Trade adjustment assistance — federal fund	No limit
Local veterans employment representative — federal fund	No limit
Disabled veterans outreach program — federal fund	No limit
Wagner Peyser — federal fund	No limit
Senior community service employment program — federal fund	No limit
Indirect cost — federal fund	No limit
Kansas commission on disability concerns fee fund	No limit
Kansas commission on disability concerns — gifts, grants and donations	
fund	No limit
State affordable airfare fund.	\$5,000,000
Labor certification foreign workers — federal fund	No limit
USDA cooperative — federal fund	No limit
Work opportunity tax credit — federal fund	No limit
American job link alliance — federal fund	No limit
Early childhood associate apprenticeship program — federal fund	No limit No limit
USDA rural business opportunity — federal fund	No limit
Modernization apprentice — federal fund	No limit
Greensburg — NEG — federal fund	No limit
Workforce development — WIRED — federal fund	No limit
Disability Program Navigator — federal fund	No limit
Registered apprenticeship works — federal fund	No limit
Neighborhood stabilization program — federal fund	No limit
Green jobs grant ARRA — federal fund	No limit
Enterprise facilitation fund	No limit
Connected nation ARRA — federal fund	No limit
(c) The secretary of commerce is hereby authorized to fix, charge and colle	ect fees during
the fiscal year ending June 30, 2011, for (1) the provision and administration	of conferences
held for the purposes of programs and activities of the department of com-	merce and for
which fees are not specifically prescribed by statute, (2) sale of Kansas! maga	zine and other

publications of the department of commerce and for sale of educational and other promotional items and for which fees are not specifically prescribed by statute, and (3) promotional and other advertising and related economic development activities and services provided under economic development programs and activities of the department of commerce, including those provided at tourist information centers: Provided, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services, conferences, publications and items, advertising and other economic development activities and services provided under economic development programs and activities of the department of commerce for which fees are not specifically prescribed by statute: Provided further, That all such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to one or more special revenue funds of the department of commerce as specified by the secretary of commerce: And provided further, That expenditures may be made from such special revenue funds of the department of commerce for fiscal year 2011, in accordance with the provisions of this or other appropriation act of the 2010 regular session of the legislature, for operating expenses incurred in providing such services, conferences, publications and items, advertising, programs and activities and for operating expenses incurred in providing similar economic development activities and services provided under economic development programs and activities of the department of commerce.

- (d) In addition to the other purposes for which expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2011 for the department of commerce as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2011 for official hospitality.
- (e) On August 15, 2010, and December 15, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$625,000 from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce.
- (f) On July 1, 2010, the WIA federal fund of the department of commerce is hereby redesignated as the WIA adult federal fund of the department of commerce.
- (g) On July 1, 2010, the veterans assistance programs federal fund of the department of commerce is hereby redesignated as the veterans assistance program federal fund of the department of commerce.

Sec. 68.

# KANSAS, INC.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

# KANSAS TECHNOLOGY ENTERPRISE CORPORATION

2011: Provided further, That expenditures from the operations, assistance and grants (in-

cluding official hospitality) account for the fiscal year 2011 for salary and wages shall not exceed \$834,475.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

- (c) No moneys appropriated for the fiscal year ending June 30, 2011, by this or other appropriation act of the 2010 regular session of the legislature for the Kansas technology enterprise corporation shall be expended for any bonus or other payment of additional compensation for any officer or employee of the Kansas technology enterprise corporation, or any subsidiary corporation, agency or instrumentality thereof, except longevity bonus payments pursuant to K.S.A. 75-5541, and amendments thereto, or as otherwise specifically authorized by statute or other bonus payments that are in conformance with the governor's executive order no. 09-04, which was filed with the secretary of state and was effective on June 26, 2009, or a succeeding executive order of the governor for fiscal year 2011.
- (d) In addition to the other purposes for which expenditures may be made by the Kansas technology enterprise corporation from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 for the Kansas technology enterprise corporation as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the Kansas technology enterprise corporation from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011, notwithstanding the provisions of any other statute, to adopt, implement and administer policies limiting bonus payments that are applicable to all officers and employees of the Kansas technology enterprise corporation for fiscal year 2011, that are equivalent to the provisions of the governor's executive order no. 09-04, or a succeeding executive order of the governor for fiscal year 2011, and that, in addition, include a prohibition on payment of any employee bonuses from any moneys of KTEC Holding, Inc., and to take all administrative and other actions as may be required, including adopting additional policies and entering into such new agreements, or modifications of existing agreements as may be required for the implementation and administration of such policies limiting bonus payments to officers and employees of Kansas technology enterprise corporation for fiscal year 2011. Sec. 70.

#### KANSAS HOUSING RESOURCES CORPORATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Sec. 71.

# DEPARTMENT OF LABOR

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

made from this account for the costs incurred for court reporting under K.S.A. 72-5413 et seq., and 75-4321 et seq., and amendments thereto: *And provided further*, That expenditures from this account for official hospitality by the secretary of labor shall not exceed \$2,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Workmen's compensation fee fund	\$13,623,116
Occupational health and safety — federal fund	No limit
Boiler inspection fee fund	No limit
General fees fund	No limit
Special employment security fund	No limit
Provided, That expenditures may be made from the special employment secu	irity fund for

Provided, That expenditures may be made from the special employment security fund for payment of communications costs: And provided further, That expenditures from this fund for payment of communications costs shall not exceed \$10,000.

Employment security administration fund.

State workplace health and safety fund.

Wage claims assignment fee fund.

No limit

Employment security computer systems institute fund.

No limit

Department of labor special projects fund.

No limit

Federal indirect cost offset fund.

Sag4,095

Dispute resolution fund.

No limit

Provided, That all moneys received by the secretary of labor for reimbursement of expenditures for the costs incurred for mediation under K.S.A. 72-5427, and amendments thereto, and for fact-finding under K.S.A. 72-5428, and amendments thereto, shall be deposited in the state treasury and credited to the dispute resolution fund: Provided further, That expenditures may be made from this fund to pay the costs incurred for mediation under K.S.A. 72-5427, and amendments thereto, and for fact-finding under K.S.A. 72-5428, and amendments thereto, subject to full reimbursement therefor by the board of education and the professional employees' organization involved in such mediation and fact-finding procedures.

- (c) In addition to the other purposes for which expenditures may be made by the department of labor from the employment security fund for fiscal year 2011 as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2011 from the employment security fund from moneys made available to the state under section 903(d) of the federal social security act, as amended, for payment of debt service on a bond issued for the rewrite of the unemployment insurance benefit system: *Provided*, That expenditures from the employment security fund during fiscal year 2011 of moneys made available to the state under section 903(d) of the federal social security act, as amended, for payment of such debt service shall not exceed \$2,646,150.
- (d) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for fiscal year 2011, expenditures may be made by the above agency from the special employment security fund for fiscal year 2011 for the following capital improvement purposes: Payment on the master lease agreement for the renovation of the Eastman building on the Topeka west complex: Provided, That expenditures from this fund for fiscal year 2011 for such capital improvement purposes shall not exceed \$99,625: Provided further, That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 2011.
- (e) During the fiscal year ending June 30, 2011, and the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the department of labor from moneys appropriated from the state general fund or any special revenue fund for the department of labor for fiscal year 2011 or fiscal year 2012 by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of

labor from the state general fund or from any special revenue fund for fiscal year 2011 and for fiscal year 2012, to establish a pilot program of alternatives to layoffs, in accordance with the provisions of Kansas Administrative Regulation No. 1-1-5, which establishes alternatives to layoffs: *Provided*, That such pilot program may be implemented and pursued only after the development and approval of a layoff plan for the department of labor pursuant to the provisions of the administrative regulations contained in Article 14 of the Kansas Administrative Regulations: *Provided further*, That on or before June 30, 2012, the secretary of labor shall submit a report to the secretary of administration detailing the impacts, outcomes, results, lessons learned and any recommendations regarding the future use of the policies developed and tested through use of the pilot project of alternatives to layoffs.

Sec. 72.

#### KANSAS COMMISSION ON VETERANS AFFAIRS

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

*Provided*, That any unencumbered balance in the operating expenditures — veterans services account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Scratch lotto — Kansas veterans' home \$123,055 Scratch lotto — veterans services \$488,687

*Provided*, That, notwithstanding the provisions of K.S.A. 74-8724, and amendments thereto, expenditures from the scratch lotto — veterans services account may be used for normal program operations and implementation of the enhanced services delivery program for the fiscal year ending June 30, 2011.

Scratch lotto — Kansas soldiers' home\$90,361Scratch lotto — veterans cemeteries\$210,394Operating expenditures — administration\$469,119

Provided, That any unencumbered balance in the veterans claim assistance program — service grants account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That expenditures from the veterans claim assistance program — service grants account shall be made only for the purpose of awarding service grants to veterans service organizations for the purpose of aiding veterans in obtaining federal benefits: Provided however, That no expenditures shall be made by the Kansas commission on veterans affairs from the veterans claim assistance program — service grants account for operating expenditures or overhead for administering the grants in accordance with the provisions of K.S.A. 73-1234, and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Soldiers' home fee fund	\$1,644,916
Soldiers' home benefit fund	No limit
Soldiers' home work therapy fund	No limit
Soldiers' home medicare fund	\$288,000
Soldiers' home medicaid fund	\$270,000
Soldiers' home canteen fund	No limit
Veterans' home medicare fund	\$188,000
Veterans' home medicaid fund	\$360,000
Veterans' home fee fund	\$3,495,481
Persian Gulf War veterans health initiative fund	No limit
Veterans' home canteen fund	No limit
Veterans' home benefit fund	No limit
Soldiers' home outpatient clinic fund	No limit
State veterans cemeteries fee fund.	No limit
State veterans cemeteries donations and contributions fund	No limit
Outpatient clinic patient federal reimbursement fund — federal	No limit
VA burial reimbursement fund — federal	\$56,400
Veterans home federal fund	\$2,958,598
Soldiers home federal fund	\$2,382,332
Commission on veterans affairs federal fund	\$206,208
Kansas veterans memorials fund	No limit
Vietnam war era veterans' recognition award fund	No limit
Sec. 73.	
DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION	
(a) There is appropriated for the above agency from the state general fu	nd for the fiscal
year ending June 30, 2011, the following:	
Operating expenditures (including official hospitality)	\$3,739,891
Provided, That any unencumbered balance in the operating expenditures (i	
hospitality) account of the department of health and environment — divis	
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year	
Operating expenditures (including official hospitality) — health	\$4,456,157
<i>Provided</i> , That any unencumbered balance in the operating expenditures (i	
hospitality) — health account in excess of \$100 as of June 30, 2010, is hereby	reappropriated
for fiscal year 2011.	
Vaccine purchases	\$837,022
Provided, That any unencumbered balance in the vaccine purchases according	unt in excess of
\$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Aid to local units	\$4,805,709
Provided, That any unencumbered balance in the aid to local units account	
\$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Pro-	rovided further,
That all expenditures from this account for state financial assistance to local	
ments shall be in accordance with the formula prescribed by K.S.A. 65-241	through 65-246,
and amendments thereto.	
Aid to local units — primary health projects	\$7,243,065
Provided, That any unencumbered balance in the aid to local units — primary	y health projects
account in excess of \$100 as of June 30, 2010, is hereby reappropriated for	fiscal year 2011:
Provided further, That prescription support expenditures shall be made from	n the aid to local
units — primary health projects account for: (1) Purchase of drug inventor	
340B of the federal public health service act for community health cent	
federally qualified health center look-alikes who qualify; (2) increasing acces	
drugs by subsidizing a portion of the costs for the benefit of patients at se	
ticipating clinics on a sliding fee scale; and (3) expanding access to prescrip	
assistance programs by making expenditures to support operating costs of	assistance pro-
grams at not-for-profit or publicly-funded primary care clinics, including fee	derally qualified
community health centers and federally qualified community health center	
defined by 42 U.S.C. 330, that provide comprehensive primary health car	
sliding fee discounts based upon household income and serve any person reg	ardless of ability

to pay: And provided further, That policies determining patient eligibility due to insurance status may be determined by each community but must be clearly do and posted.	
Aid to local units — family planning	\$97,400
Provided, That any unencumbered balance in the aid to local units — family	
account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal	
Provided further, That all expenditures from the aid to local units — family plannir	
shall be in accordance with grant agreements entered into by the secretary of h	
environment and grant recipients.	
Immunization programs	\$462,146
Provided, That any unencumbered balance in the immunization programs account of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Breast cancer screening program	\$226,557
Provided, That any unencumbered balance in the breast cancer screening program	m account
in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 20	
Ryan White matching funds	\$49,252
Provided, That any unencumbered balance in the Ryan White matching funds a	account in
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Youth mentoring program	\$50,368
Provided, That any unencumbered balance in the youth mentoring program a	
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
Coordinated school health program	\$467,202
Provided, That any unencumbered balance in the coordinated school health provided the coordinate	ogram ac-
count in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal years and the second sections are the second sections.	
Cerebral palsy posture seating	\$105,537
Provided, That any unencumbered balance in the cerebral palsy posture seating a	account in
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	
PKU treatment	\$207,480
as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	35 OI \$100
Teen pregnancy prevention activities	\$199,113
(b) There is appropriated for the above agency from the following special revo	
or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter	
credited to and available in such fund or funds, except that expenditures other that	
authorized by law shall not exceed the following:	urrerunas
Primary care safety net clinic loan guarantee fund	No limit
Title XIX fund.	No limit
Breast and cervical cancer program and detection — federal fund	No limit
Health and environment training fee fund — health	No limit
Provided, That expenditures may be made from the health and environment tr	
fund — health for acquisition and distribution of division of health program liter	
films and for participation in or conducting training seminars for training employ	
division of health of the department of health and environment, for training red	
state aid from the division of health of the department of health and environme	
training representatives of industries affected by rules and regulations of the department of the depa	artment of
health and environment relating to the division of health: Provided further, The	at the sec-
retary of health and environment is hereby authorized to fix, charge and collect fee	
to recover costs incurred for such acquisition and distribution of literature and	
for the operation of such seminars: And provided further, That such fees may be	
order to recover all or part of such costs: And provided further, That all moneys	s received
from such fees shall be deposited in the state treasury in accordance with the pro-	ovisions of
K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and	
ment training fee fund — health: And provided further, That, in addition to	
purposes for which expenditures may be made by the department of health and en	
for the division of health from moneys appropriated from the health and environm	
ing fee fund — health for fiscal year 2011, expenditures may be made by the de	epartment

of health and environment from the health and environment training fee fund — h	ealth for
fiscal year 2011 for agency operations for the division of health.	
Health facilities review fund.	No limit
Insurance statistical plan fund	No limit
Health and environment publication fee fund — health	No limit
<i>Provided</i> , That expenditures from the health and environment publication fee fund-	—health
shall be made only for the purpose of paying the expenses of publishing docu	ments as
required by K.S.A. 75-5662, and amendments thereto.	
District coroners fund	No limit
Sponsored project overhead fund — health	No limit
Child care facilities licensure — federal fund	No limit
Cancer registry — federal fund	No limit
Child care and development block grant — federal fund	No limit
Office of rural health — federal fund	No limit
Medicare — federal fund.	No limit
Provided, That transfers of moneys from the medicare — federal fund to the	
marshal may be made during fiscal year 2011 pursuant to a contract which is he	
thorized to be entered into by the secretary of health and environment and the	state fire
marshal to provide fire and safety inspections for hospitals.	NT 1: 1:
Migrant health program — federal fund	No limit
Venereal disease control project — federal fund	No limit
Disease prevention and health promotion grants — federal fund	No limit
Provided, That no moneys from any grant that requires the matching expenditure	
other moneys in the state treasury during the current or any ensuing fiscal year	
deposited to the credit of the disease prevention and health promotion grants – fund.	- rederai
Women, infants and children health program — federal fund	No limit
Occupational health and safety statistics program — federal fund	No limit
Other federal grants fund — health	No limit
Provided, That the department of health and environment is authorized to make	
tures for the division of health from the other federal grants fund — health of any	
credited to this fund from any individual grant if the grant is: (1) Less than or	
\$650,000 in the aggregate, and (2) does not require the matching expenditure of a	
moneys in the state treasury during fiscal year 2011 other than moneys appropriate	
or other appropriation act of the 2010 regular session of the legislature: <i>Provided</i> ,	
That, upon application to and authorization by the governor, the division of he	alth may
make expenditures for the division of health of moneys credited to this fund if	
individual federal grant which is more than \$650,000 in the aggregate or which req	
matching expenditure of moneys in the state treasury during the current or any	
fiscal year.	0
Immunization grant funds — federal fund	No limit
Title I — P.L. 99-457 child development — federal fund	No limit
Preventive health and health services block grant — federal fund	No limit
Maternal and child health services block grant — federal fund	No limit
National center for health statistics — federal fund	No limit
Title X family planning — federal fund.	No limit
Early childhood developmental services — federal fund	No limit
Commodity supplemental food program — federal fund	No limit
Special child clinic program — federal fund	No limit
Make a difference information network — federal fund	No limit
Ryan White Title II — federal fund	No limit
Bicycle helmet revolving fund	No limit
SSA fee fund	No limit
Lead poisoning prevention — federal fund	No limit
Title ÎV-E — federal fund	No limit
Environment public health — federal fund	No limit
Surveillance and epidemiology — federal fund	No limit

Universal newborn hearing screening — federal fund	No limit
Trauma fund	No limit
Provided, That expenditures may be made by the department of health and env	
for fiscal year 2011 from the trauma fund of the department of health and environ	nment for
the stroke prevention project: <i>Provided further</i> , That expenditures from the tra	uma fund
for official hospitality shall not exceed \$2,000.	ama rana
Homeland security — federal fund	No limit
AIDS project — education and risk reduction — federal fund	No limit
Medical student loan repayment — federal fund	No limit
HRSA grant — federal fund	No limit
Lead based paint hazardous grant program — federal fund	No limit
Gifts, grants and donations fund — health	No limit
Special bequest fund — health	No limit
Civil registration and health statistics fee fund	No limit
Vital statistics system project fund	No limit
Tobacco use prevention and control program — federal fund	No limit
Lead-based paint hazard fee fund	No limit
Census of traumatic occupational fatalities — federal fund	No limit
Avian flu vaccine — federal fund	No limit
Real ID — federal fund	No limit
Health information exchange — federal fund	No limit
(c) There is appropriated for the above agency from the children's initiatives fu	
fiscal year ending June 30, 2011, the following:	na ioi aic
Healthy start	\$250,000
Provided, That any unencumbered balance in the healthy start account in excess of	
of June 30, 2010, is hereby reappropriated for fiscal year 2011.	οι φ100 α5
	5,700,000
Provided, That any unencumbered balance in the infants and toddlers program a	
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	iccount in
Smoking prevention	1,000,000
Provided, That any unencumbered balance in the smoking prevention account in	
\$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	CACCSS OF
Newborn hearing aid loaner program	\$50,000
Provided, That any unencumbered balance in the newborn hearing aid loaner	
account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal y	
SIDS network grant	\$75,000
Provided, That any unencumbered balance in the SIDS network grant account in	
\$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	CACCSS OF
Newborn screening	\$321,309
Provided, That any unencumbered balance in the newborn screening account in	
\$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	. 0.10033 01
(d) On July 1, 2010, and on other occasions during fiscal year 2011 when ne	cessary as
(d) On July 1, 2010, and on other occasions during fiscal year 2011 when he	1 .

- (d) On July 1, 2010, and on other occasions during fiscal year 2011 when necessary as determined by the secretary of health and environment, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of health and environment division of health or of the department of health and environment, to the sponsored project overhead fund health of the department of health and environment division of health.
- (e) On July 1, 2010, October 1, 2010, January 1, 2011, and April 1, 2011, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$559,307 from the child care and development federal fund of the department of social and rehabilitation services to the child care and development block grant federal fund of the department of health and environment.
- (f) During the fiscal year ending June 30, 2011, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment —

division of health, which have available moneys, to the sponsored project overhead fund — health of the department of health and environment — division of health for expenditures, as the case may be, for administrative expenses.

- (g) In addition to the other purposes for which expenditures may be made by the department of health and environment from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made by the department of health and environment from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 for up to four full-time equivalent positions in the unclassified service under the Kansas civil service act: Provided, That all such additional full-time equivalent positions in the unclassified service under the Kansas civil service act shall be in addition to other positions within the department of health and environment in the unclassified service as prescribed by law and shall be established by the secretary of health and environment within the position limitation established for the department of health and environment on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2011 made by this or other appropriation act of the 2010 regular session of the legislature: Provided, however, That the authority to establish such additional positions in the unclassified service shall not affect the classified service status of any person who is an employee of the department of health and environment in the classified service under the Kansas civil service act.
- (h) During the fiscal year ending June 30, 2011, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment division of health to the sponsored project overhead fund health of the department of health and environment division of health pursuant to this section may include amounts equal to up to 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.
- (i) During the fiscal year ending June 30, 2011, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2011 from the state general fund for the department of health and environment division of health or the department of health and environment to another item of appropriation for fiscal year 2011 from the state general fund for the department of health and environment division of health or the department of health and environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (j) In addition to the other purposes for which expenditures may be made by the department of health and environment division of health from moneys appropriated from the district coroners fund for fiscal year 2011, as authorized by this or other appropriation act of the 2010 regular session of the legislature, and notwithstanding the provisions of K.S.A. 22a-245, and amendments thereto, or any other statute, expenditures may be made by the department of health and environment division of health from such moneys appropriated from the district coroners fund for fiscal year 2011 pursuant to K.S.A. 22a-242, and amendments thereto.
- (k) On July 1, 2010, the director of accounts and reports shall transfer \$200,000 from the health care stabilization fund of the health care stabilization fund board of governors to the health facilities review fund of the department of health and environment for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 et seq., and amendments thereto.
- (l) In addition to the other purposes for which expenditures may be made by the department of health and environment from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011, expenditures shall be made by the department of health and environment from such moneys to provide funding for the

Senator Stan Clark pregnancy maintenance initiative: Provided, That expenditures for this purpose shall be made in the amount of \$199,113. Sec. 74.

# DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF ENVIRONMENT

DIVISION OF ENVIRONMENT	
(a) There is appropriated for the above agency from the state general fund for year ending June 30, 2011, the following:	the fiscal
Operating expenditures (including official hospitality)	34,164,182
Provided, That any unencumbered balance in the operating expenditures (included)	ing official
hospitality) account of the department of health and environment — division of en	vironment
in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 20	
	33,424,393
Provided, That any unencumbered balance in the operating expenditures (included)	
hospitality) — laboratories account in excess of \$100 as of June 30, 2010, is her	reby reap-
propriated for fiscal year 2011.	
(b) There is appropriated for the above agency from the following special rev	
or funds for the fiscal year ending June 30, 2011, all moneys now or hereafte	er lawfully
credited to and available in such fund or funds, except that expenditures other that	an refunds
authorized by law shall not exceed the following:	N7 1: 1:
Radiation control operations fee fund	No limit
Mined-land conservation and reclamation fee fund	No limit
Solid waste management fund	No limit
Provided, That expenditures may be made from the solid waste management fu	
the fiscal year ending June 30, 2011, for official hospitality: Provided further,	That such
expenditures for official hospitality shall not exceed \$2,500.	NI . 1: :
Public water supply fee fund	No limit No limit
Voluntary cleanup fund	No limit
Storage tank fee fund	No limit
Hazardous waste collection fund	No limit
Power generating facility fee fund	No limit
Health and environment training fee fund — environment	No limit
Provided, That expenditures may be made from the health and environment tr	
fund — environment for acquisition and distribution of division of environmen	
literature and films and for participation in or conducting training seminars for	
employees of the division of environment of the department of health and environ	
training recipients of state aid from the division of environment of the departmen	
and environment and for training representatives of industries affected by rules	
lations of the department of health and environment relating to the division of env	
Provided further, That the secretary of health and environment is hereby author	
charge and collect fees in order to recover costs incurred for such acquisition	
bution of literature and films and for the operation of such seminars: And provide	ed further,
That such fees may be fixed in order to recover all or part of such costs: And	l provided
further, That all moneys received from such fees shall be deposited in the state to	
accordance with the provisions of K.S.A. 75-4215, and amendments thereto, an	ıd shall be
credited to the health and environment training fee fund — environment: And	
<i>further</i> , That, in addition to the other purposes for which expenditures may be m	
department of health and environment for the division of environment from m	
propriated from the health and environment training fee fund — environment	
year 2011, expenditures may be made by the department of health and environment of health and	
the health and environment training fee fund — environment for fiscal year 2011	ior agency
operations for the division of environment.	Mar line
Driving under the influence equipment fund	No limit No limit
Nuclear safety emergency preparedness special revenue fund	
gency management fee fund of the adjutant general shall be credited to the nuc	
gency management recruited of the adjutant general shall be credited to the nuc	icai saicty

emergency preparedness special revenue fund of the department of health and en	nvironment
— division of environment.	
Waste tire management fund	No limit
Health and environment publication fee fund — environment	No limit
<i>Provided</i> , That expenditures from the health and environment publication fee f	
vironment shall be made only for the purpose of paying the expenses of publis	shing docu-
ments as required by K.S.A. 75-5662, and amendments thereto.	NT 10 00
Local air quality control authority regulation services fund	No limit
Environmental response fund	No limit
Sponsored project overhead fund — environment	No limit
QuantiFERON TB laboratory fund	No limit No limit
Resource conservation and recovery act — federal fund  Enhancing radiological incident response — federal fund	No limit
Water supply — federal fund	No limit
EPA voluntary cleanup federal fund	No limit
Provided, That all expenditures from the EPA voluntary cleanup federal fund d	
year 2011 shall be supplemental to fees collected for direct or indirect costs of ad-	
the voluntary cleanup and property redevelopment act: Provided, however, Th	
penditures shall be in accordance with the federal agreement entered into by the	
of health and environment for the grant moneys.	,
Clinical laboratory improvement amendments — federal fund	No limit
EPA — core support — federal fund	No limit
Other federal grants fund — environment	No limit
Provided, That the department of health and environment is authorized to make	ke expendi-
tures for the division of environment from the other federal grants fund — envi	
any moneys credited to this fund from any individual grant if the grant: (1) Is l	
equal to \$650,000 in the aggregate, and (2) does not require the matching exp	
any other moneys in the state treasury during fiscal year 2011 other than mor	neys appro-
priated by this or other appropriation act of the 2010 regular session of the	
Provided, however, That, upon application to and authorization by the govern	
partment of health and environment may make expenditures for the division of en	
of moneys credited to this fund from any individual federal grant which is	
\$650,000 in the aggregate or which requires the matching expenditure of more state traceury during the current or any opening fixed year. Provided further. The	
state treasury during the current or any ensuing fiscal year: <i>Provided further</i> , Th or payments from this fund to other state agencies shall be in addition to any e	
limitation placed on this fund.	xpenditure
Air quality program — federal fund	No limit
Leaking underground storage tank trust — federal fund	No limit
National surface mining control and reclamation act — federal fund	No limit
Abandoned mined-land — federal fund	No limit
State indoor radon grant — federal fund	No limit
EPA non-point source implementation — federal fund	No limit
Pollution prevention program — federal fund	No limit
Gifts, grants and donations fund — environment	No limit
Special bequest fund — environment	No limit
Aboveground petroleum storage tank release trust fund	No limit
Underground petroleum storage tank release trust fund	No limit
Drycleaning facility release trust fund	No limit
Public water supply loan fund	No limit
Public water supply loan operations fund	No limit
Kansas water pollution control revolving fund	No limit
Provided, That the proceeds from revenue bonds issued by the Kansas developm	
authority to provide matching grant payments under the federal clean water a	
(P.L.92-500) shall be credited to the Kansas water pollution control revolving fundamental and the state of t	
further, That expenditures from this fund shall be made to provide for the paym	ent of such
matching grants.	

Kansas water pollution control operations fund	No limit
Cost of issuance fund for Kansas water pollution control revolving fund	NT 1:
revenue bonds	No limit
Surcharge fund for Kansas water pollution control revolving fund revenue	Nt. 1::
bonds	No limit
Surcharge operations fund for Kansas water pollution control revolving fund revenue bonds	No limit
Debt service reserve fund	No limit
EPA water related grants — federal fund	No limit
Provided, That no moneys from any grant that requires the matching ex	
other moneys in the state treasury during the current or any ensuing fis	scal vear shall be
deposited to the credit of the EPA water related grants — federal fund.	year grain se
Chemical control — federal fund	No limit
Subsurface hydrocarbon storage fund	No limit
Clean air leadership — federal fund	No limit
Natural resources damages trust fund	No limit
Hazardous waste management fund	No limit
Brownfields revolving loan program — federal fund	No limit
Mined—land reclamation fund	No limit
104 (6)(1) outreach operator training program — federal fund	No limit
Underground storage tank — federal fund	No limit
EPA underground injection control — federal fund	No limit
Laboratory medicaid cost recovery fund — environment	No limit
Diagnostic X-ray program — federal fund	No limit
Environmental control use fund	No limit
Environmental response remedial activity specific site — lead site federal	
fundfund	No limit
$\label{thm:energy:environmental} Emergency\ environmental\ response\ \ nonspecific\ sites\ federal\ fund.\dots$	No limit
Chemical control fund	No limit
Medicare program — environment — federal fund	No limit
EPA 106 water pollution control — federal fund	No limit
Salt solution mining well plugging fund	No limit
Kansas essential fuels supply trust fund	No limit
(c) There is appropriated for the above agency from the state water p	
fiscal year ending June 30, 2011, for the state water plan project or profollows:	jects specified as
	\$753,870
Contamination remediation	' '
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year	2011
TMDL initiatives and use attainability analysis	\$166,821
Provided, That any unencumbered balance in the TMDL initiatives and	l use attainahility
analysis account in excess of \$100 as of June 30, 2010, is hereby reappro	
year 2011.	princed for fiscur
Watershed restoration and protection plan	\$548,696
<i>Provided</i> , That any unencumbered balance in the watershed restoration an	
account in excess of \$100 as of June 30, 2010, is hereby reappropriated for	r fiscal vear 2011.
Local environmental protection program	\$980,000
Provided, That any unencumbered balance in the local environmental pr	
account in excess of \$100 as of June 30, 2010, is hereby reappropriated for	r fiscal year 2011.
Nonpoint source program	\$246,072
<i>Provided</i> , That any unencumbered balance in the nonpoint source pro	gram account in
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year	r 2011.
Treece superfund match.	\$350,000
(d) There is appropriated for the above agency from the children's initia	tives fund for the
fiscal year ending June 30, 2011, for the project specified as follows:	
Newborn screening	\$1,898,457
(e) During the fiscal year ending June 30, 2011, the secretary of health a	and environment,

with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2011 from the state water plan fund for the department of health and environment — division of environment to another item of appropriation for fiscal year 2011 from the state water plan fund for the department of health and environment — division of environment: *Provided*, That the secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research, the chairperson of the house of representatives agriculture and natural resources budget committee and the chairperson of the subcommittee on health and environment/human resources of the senate committee on ways and means.

- (f) During the fiscal year ending June 30, 2011, notwithstanding the provisions of K.S.A. 65-3024, and amendments thereto, the director of accounts and reports shall not make the transfers of amounts of interest earnings from the state general fund to the air quality fee fund of the department of health and environment which are directed to be made on or before the 10th day of each month by K.S.A. 65-3024, and amendments thereto.
- (g) On July 1, 2010, and on other occasions during fiscal year 2011 when necessary, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of health and environment division of health or of the department of health and environment division of environment, to the sponsored project overhead fund environment of the department of health and environment division of environment.
- (h) During the fiscal year ending June 30, 2011, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment division of environment, which have available moneys, to the sponsored project overhead fund environment of the department of health and environment division of environment or to the sponsored project overhead fund health of the department of health and environment division of health, as the case may be, for expenditures for administrative expenses.
- (i) During the fiscal year ending June 30, 2011, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2011 from the state general fund for the department of health and environment division of health or the department of health and environment division of environment to another item of appropriation for fiscal year 2011 from the state general fund for the department of health and environment division of health or the department of health and environment division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (j) During the fiscal year ending June 30, 2011, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment division of environment to the sponsored project overhead fund environment of the department of health and environment division of environment pursuant to this section may include amounts equal to up to 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

Sec. 75.

#### DEPARTMENT ON AGING

Administration — assessments — Level II care
Provided, That any unencumbered balance in the administration — assessments — Level
II care account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal
year 2011.
Administration — assessments — Level I care
Provided, That any unencumbered balance in the administration — assessments — Level I care account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year
2011.
Administration — medicaid
Provided, That any unencumbered balance in the administration — medicaid account in
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Administration — medicaid MFP - admin match
Provided, That any unencumbered balance in the administration — medicaid MFP - admin
match account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year
2011.
Administration — older Americans act match
Provided, That any unencumbered balance in the administration — older Americans act
match account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year
2011.
Senior care act \$1,785,928 Provided, That any unencumbered balance in the senior care act account in excess of \$100
as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided further</i> , That
each grant agreement with an area agency on aging for a grant from the senior care act
account shall require the area agency on aging to submit to the secretary of aging a report
for fiscal year 2010 by the area agency on aging which shall include information about the
kinds of services provided and the number of persons receiving each kind of service during
fiscal year 2010: And provided further, That the secretary of aging shall submit to the senate
committee on ways and means and the house of representatives committee on appropria-
tions at the beginning of the 2011 regular session of the legislature a report of the infor-
mation contained in such reports from the area agencies on aging on expenditures for fiscal year 2010: <i>And provided further</i> , That all people receiving or applying for services that are
funded, either partially or entirely, through expenditures from this account shall be placed
in appropriate services which are determined to be the most economical services available
with regard to state general fund expenditures.
Program grants — nutrition — state match
<i>Provided</i> , That any unencumbered balance in the program grants — nutrition — state match
account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011:
Provided further, That each grant agreement with an area agency on aging for a grant from
the program grants — nutrition — state match account shall require the area agency on
aging to submit to the secretary of aging a report for federal fiscal year 2010 by the area agency on aging which shall include information about the kinds of services provided and
the number of persons receiving each kind of service during federal fiscal year 2010: And
provided further, That the secretary of aging shall submit to the senate committee on ways
and means and the house of representatives committee on appropriations at the beginning
of the 2011 regular session of the legislature a report of the information contained in such
reports from the area agencies on aging on expenditures for federal fiscal year 2010: And
provided further, That all people receiving or applying for services that are funded, either
partially or entirely, through expenditures from this account shall be placed in appropriate
services which are determined to be the most economical services available with regard to
state general fund expenditures.
LTC — medicaid assistance — TCM/FE
Provided, That any unencumbered balance in the LTC — medicaid assistance — TCM/FE account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011:
Provided further, That all people receiving or applying for services that are funded, either
partially or entirely, through expenditures from the LTC — medicaid assistance — TCM/
FE account shall be placed in appropriate services which are determined to be the most
economical services available with regard to state general fund expenditures: 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. LTC — medicaid assistance — HCBS/FE ..... \$21.554.366 Provided, That any unencumbered balance in the LTC — medicaid assistance — HCBS/ FE account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from the LTC — medicaid assistance — HCBS/FE account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures. LTC — medicaid assistance — NF..... \$112,857,112 Provided, That any unencumbered balance in the LTC — medicaid assistance — NF account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures: And provided further, That notwithstanding the provisions of K.S.A. 2009 Supp. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary of aging shall institute trending methods to provide rate increases for nursing facilities for fiscal year 2011. LTC — medicaid assistance — PACE..... \$1,541,078 Provided, That any unencumbered balance in the LTC — medicaid assistance — PACE account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That all expenditures made from the LTC \_\_ medicaid assistance \_\_ PACE account shall be for the PACE program: Provided further, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures. Nursing facilities regulation ..... \$1,608,029 Provided, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. Nursing facilities regulation — title XIX..... Provided, That any unencumbered balance in the nursing facilities regulation — title XIX account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. Any unencumbered balance in the LTC — medicaid assistance — MFP account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following: Older Americans act — federal fund ..... No limit Title XIX fund — federal..... No limit Provided, That transfers of moneys from the title XIX fund — federal to the state fire marshal may be made during fiscal year 2011 pursuant to a contract which is hereby authorized to be entered into by the secretary of aging with the state fire marshal to provide fire and safety inspections for adult care homes and hospitals. Senior care act — social service block grant fund..... Provided, That each grant agreement with an area agency on aging for a grant from the senior care act — social service block grant fund shall require the area agency on aging to submit to the secretary of aging a report for fiscal year 2010 by the area agency on aging which shall include information about the kinds of services provided and the number of

persons receiving each kind of service during fiscal year 2010: Provided further, That the secretary of aging shall submit to the senate committee on ways and means and the house

of representatives committee on appropriations at the beginning of the 2011 regular session	
of the legislature a report of the information contained in such reports from the area agencies	
on aging on expenditures for fiscal year 2010: And provided further, That all people receiving	
or applying for services that are funded, either partially or entirely, through expenditures	
from this fund shall be placed in appropriate services which are determined to be the most	
economical services available.	
Nutrition fund — federal	

Provided, That the secretary of aging is hereby authorized to collect (1) fees from the sale of surplus property, (2) fees charged for searching, copying and transmitting copies of public records, (3) fees paid by employees for personal long distance calls, postage, faxed messages, copies and other authorized uses of state property, and (4) other miscellaneous fees: Provided further, That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: And provided further, That expenditures shall be made from this fund to meet the obligations of the department on aging, or to benefit and meet the mission of the department on aging.

the gifts and donations fund.

SHICK fund — grants — federal	No limit
SHICK fund — state operations — federal	No limit
Other CMS demo grants — federal fund	No limit
Other AoA demo grants — federal fund	No limit
Senior services fund	No limit
Long-term care loan and grant fund	No limit
Intergovernmental transfer administration fund	\$0
Non-government grant fund	No limit
Other federal grants and assistance fund	No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants and assistance fund of any moneys credited to this fund from any individual grant if the grant: (1) Is less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2011 other than moneys appropriated by this or other appropriation act of the 2010 regular session of the legislature: Provided, however, That, upon application to and authorization by the

governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.

 Health facilities review fund.
 No limit

 Medicare fund — federal.
 No limit

- (c) During the fiscal year ending June 30, 2011, the secretary of aging, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2011 from the state general fund for the department on aging to another item of appropriation for fiscal year 2011 from the state general fund for the department on aging. The secretary of aging shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (d) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 for the department of social and rehabilitation services and in addition to the other purposes for which expenditures may be made by the department of health and environment — division of health from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 for the department of health and environment — division of health, as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made by the secretary of social and rehabilitation services and the secretary of health and environment for fiscal year 2011 to enter into a contract with the secretary of aging, which is hereby authorized and directed to be entered into by such secretaries, to provide for the secretary of aging to perform the powers, duties, functions and responsibilities prescribed by and to conduct investigations pursuant to K.S.A. 39-1404, and amendments thereto, in conjunction with the performance of such powers, duties, functions, responsibilities and investigations by the secretary of social and rehabilitation services and the secretary of health and environment under such statute, with respect to reports of abuse, neglect or exploitation of residents or reports of residents in need of protective services on behalf of the secretary of social and rehabilitation services or the secretary of health and environment, as the case may be, in accordance with and pursuant to K.S.A. 39-1404, and amendments thereto, during fiscal year 2011: Provided, That, in addition to the other purposes for which expenditures may be made by the department on aging from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 for the department on aging, as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the secretary of aging for fiscal year 2011 to provide for the performance of such powers, duties, functions and responsibilities and to conduct such investigations: Provided further, That, the words and phrases used in this subsection shall have the meanings respectively ascribed thereto by K.S.A. 39-1401, and amendments thereto.
- (e) During the fiscal year ending June 30, 2010, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC — medicaid assistance — NF account of the state general fund of the department on aging to the LTC medicaid assistance — HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: Provided, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2010, and on June 1, 2011, to reflect the nursing facility rate paid for persons moving from a nursing facility to the home and communitybased services waiver for the physically disabled or the frail elderly for the six months preceding the date of certification: Provided further, That each of the individuals transferred must meet the requirements described in a policy jointly developed by the secretary of aging and the secretary of social and rehabilitation services governing the operations of this transfer: And provided further, That the director of the budget shall transmit a copy of each such certification to the director of legislative research: And provided further, That the department of social and rehabilitation services shall report to the legislature at the beginning of the regular session in 2011 with expenditure data regarding this program.

Sec. 76.

# KANSAS HEALTH POLICY AUTHORITY

KANSAS HEALTH POLICY AUTHORITY
(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:
Operating expenditures
Provided, That any unencumbered balance in the operating expenditures account in excess
of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided further</i> ,
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.
Office of the inspector general \$95,543
Provided, That any unencumbered balance in the office of the inspector general account in
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Other medical assistance \$351,204,882
Provided, That any unencumbered balance in the other medical assistance account in excess
of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: 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.
Children's health insurance program
Provided, That any unencumbered balance in the children's health insurance program ac-
count in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011:
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.
(b) There is appropriated for the above agency from the following special revenue fund
or funds for the fiscal year ending June 30, 2011, 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:
Preventive health care program fund
Cafeteria benefits fund
Provided, That expenditures from the cafeteria benefits fund for the fiscal year ending June
30, 2011, for salaries and wages and other operating expenditures shall not exceed
\$2,324,908.
State workers compensation self-insurance fund
Provided, That expenditures from the state workers compensation self-insurance fund for
the fiscal year ending June 30, 2011, for salaries and wages and other operating expenditures
shall not exceed \$3,725,998.
Dependent care assistance program fund
<i>Provided</i> , That expenditures from the dependent care assistance program fund for the fiscal
year ending June 30, 2011, for salaries and wages and other operating expenditures shall
not exceed \$226,372.
Non-state employer group benefit fund
Kansas health policy authority special revenue fund
Provided, That expenditures from the Kansas health policy authority special revenue fund
for the fiscal year ending June 30, 2011, for official hospitality shall not exceed \$1,000.
Health committee insurance fund\$248,870
Health care database fee fund
Medical programs fee fund\$54,284,610
Health and hospitalization insurance clearing fund
<i>Provided</i> , That expenditures from the health and hospitalization insurance clearing fund for
<i>Provided</i> , That expenditures from the health and hospitalization insurance clearing fund for
<i>Provided</i> , That expenditures from the health and hospitalization insurance clearing fund for the fiscal year ending June 30, 2011, for salaries and wages and other operating expenditures shall not exceed \$7,854,305.
<i>Provided</i> , That expenditures from the health and hospitalization insurance clearing fund for the fiscal year ending June 30, 2011, for salaries and wages and other operating expenditures shall not exceed \$7,854,305.

Health care access improvement fund	\$37,390,236
Other federal grants and assistance fund	No limit
Medical assistance federal fund	No limit
Children's health insurance federal fund	No limit
Ticket to work infrastructure grant federal fund	No limit
Health policy and finance — PERM grant federal fund	No limit
Ryan White title II federal fund	No limit

- (c) During the fiscal year ending June 30, 2011, the executive director of the Kansas health policy authority, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2011, from the state general fund for the Kansas health policy authority to another item of appropriation for fiscal year 2011 from the state general fund for the Kansas health policy authority. The executive director of the Kansas health policy authority shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (d) Any moneys donated or granted to the Kansas health policy authority, and any federal funds received as match to such donations or grants, for the fiscal year ending June 30, 2011, shall only be expended by the Kansas health policy authority to assist the clearinghouse in reducing any backlogs or waiting lists, unless otherwise specified by the donor or grantor: Provided, That any donated or granted moneys, and the matching moneys received therefor from the federal centers for medicare and medicaid services, shall not be used to supplant or replace funds already budgeted for the clearinghouse, or to restore any other reductions in funding to the clearinghouse or the agency, unless otherwise specified by the donor or grantor.
- (e) During the fiscal year ending June 30, 2011, notwithstanding the provisions of this or any other appropriation act of the 2010 regular session of the legislature, or any other statute, no moneys appropriated for the Kansas health policy authority from the state general fund or from any special revenue fund or funds for fiscal year 2011 shall be expended by the Kansas health policy authority for the purposes of requiring, and the Kansas health policy authority shall not require, an individual, who is currently prescribed medications for mental health purposes in the MediKan program, to change prescriptions under a preferred drug formulary during the fiscal year ending June 30, 2011: Provided, That all prescriptions paid for by the MediKan program during fiscal year 2011 shall be filled pursuant to subsection (a) of K.S.A. 65-1637, and amendments thereto: Provided further, That the Kansas health policy authority shall follow the existing prior authorization protocol for reimbursement of prescriptions for the MediKan program for fiscal year 2011: And provided further, That the Kansas health policy authority shall not expend any moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2011, as authorized by this or other appropriation act of the 2010 regular session of the legislature, to implement or maintain a preferred drug formulary for medications prescribed for mental health purposes to individuals in the MediKan program during fiscal year 2011.
- (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.

(h) During the fiscal year ending June 30, 2011, 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 2011 for the Kansas health policy authority as authorized 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 2011 to conduct a study on the topic of requiring insurance companies to reimburse clinical marriage and family therapists, clinical professional counselors and clinical psychotherapists: Provided, That, such study shall be designed to: (1) Determine the impact that coverage for such therapists, counselors and psychotherapists has had on the state health care benefits program as described in article 65 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto; (2) provide data on utilization of such therapists, counselors and psychotherapists by individuals covered for direct reimbursements for services provided by such therapists, counselors and psychotherapists; (3) determine the cost of providing coverage for such therapists, counselors and psychotherapists; (4) compare the costs of coverage between individuals under the state health care benefits program covered by insurance companies which provide direct reimbursement for services provided by such therapists, counselors and psychotherapists to individuals under the state health care benefits program covered by insurance companies which do not provide such direct reimbursement; (5) compare the amount of premiums charged by insurance companies which provide reimbursement for services provided by such therapists, counselors and psychotherapists to the amount of premiums charged by insurance companies which do not provide such direct reimbursement; and (6) determine whether mandated direct reimbursement for such therapists, counselors and psychotherapists should be continued under the state health care benefits program: *Provided further*, That, in addition, the Kansas health policy authority shall conduct an analysis to determine if proactive mental health care treatment results in reduced expenditures for future mental and physical health care services, by comparing expenditures of patients who receive such proactive mental health care treatments with those patients who do not during the regular session of the legislature in 2010: And provided further, That, such studies shall be completed no later than December 31, 2010, and shall be made available to all members of the house committee on insurance, the senate committee on financial institutions and insurance and all parties seeking passage of such legislation no later than the first day of the 2011

Kansas legislative session: And provided further, That, the insurance department and all other departments, boards, agencies, officers and institutions and subdivisions thereof shall cooperate with the Kansas health policy authority in carrying out all duties prescribed pursuant to this section.

(i) During the fiscal year ending June 30, 2011, no expenditures shall be made by the above agency from any moneys appropriated from the state general fund or any special revenue fund or funds for the fiscal year ending June 30, 2011, to implement any policy or procedure which would restrict or limit beneficiaries of medicaid access to medications for mental health purposes, including, but not limited to, restricting the number of name brand or single source mental health medications for any beneficiary and all expenditures made by the above agency for the fiscal year 2011 shall be made in compliance with the provisions of K.S.A. 39-7,121b, and amendments thereto.

Sec. 77.

# 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, 2011, the following:

State operations \$111,089,328

Provided, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01, and amendments thereto: And provided further, That expenditures from this account for official hospitality by the secretary of social and rehabilitation services shall not exceed \$500: 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.

Osawatomie state hospital — operating expenditures ..... \$14,342,009 Provided, That any unencumbered balance in the Osawatomie state hospital — operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That expenditures from the Osawatomie state hospital — operating expenditures account for official hospitality by the superintendent shall not exceed \$150. Parsons state hospital and training center — operating expenditures..... Provided, That any unencumbered balance in the Parsons state hospital and training center operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That expenditures from the Parsons state hospital and training center — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: And provided further, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: And provided further, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto: And provided further, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities. Rainbow mental health facility — operating expenditures..... Provided, That any unencumbered balance in the Rainbow mental health facility — operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That expenditures from the Rainbow mental health facility — operating expenditures account for official hospitality by the superintendent shall not exceed \$150. Children's mental health initiative Provided, That any unencumbered balance in the children's mental health initiative account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided, however, That no expenditures shall be made from the children's mental health initiative account for inpatient hospital beds for children. Youth services aid and assistance..... \$111,023,868 Provided, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. Vocational rehabilitation aid and assistance..... Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: Provided, however, That all such expenditures for durable equipment or assistive technology devices shall require a \$1 for \$1 match from non-state sources: And provided further, That expenditures may be made from this account by the secretary of social and rehabilitation services for the purchase of worker's compensation insurance for consumers of vocational rehabilitation services and assessments at work site and job tryout sites throughout the state. Cash assistance..... \$53,603,404 Provided, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. Community based services ..... \$61,787,993 Provided, That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. Other medical assistance Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. Community mental health centers supplemental funding ..... \$2,500,000 Provided, That any unencumbered balance in the community mental health centers supplemental funding account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Provided, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and retardation services may be credited to the title XIX fund: Provided further, That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act, for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance, and for transfers to the other federal grants and assistance fund.

Provided, That all moneys received as fees for conference activities by Kansas neurological institute shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas neurological institute — conferences fees fund: Provided further, That the superintendent of Kansas neurological institute is hereby authorized to fix, charge and collect fees for conference activities sponsored by Kansas neurological institute: And provided further, That expenditures may be made from this fund to defray the costs of such conference activities.

Larned state hospital fee fund	\$4,459,008
Larned state hospital — elementary and secondary education fund —	37 J

Provided, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomie state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the video teleconferencing fee account of the Osawatomie state hospital fee fund: Provided further, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, technical and program support, maintenance and replacement of associated equipment at Osawatomie state hospital: And provided further, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomie state hospital fee fund.

Osawatomie state hospital — patient benefit fund	No limit
Osawatomie state hospital — patient benefit fund Osawatomie state hospital — work therapy patient benefit fund	No limit
Osawatomie state hospital — motor pool revolving fund	No limit
Osawatomie state hospital — training fee revolving fund	No limit
<i>Provided</i> , That all moneys received as fees for training activities for Osawato	
pital shall be deposited in the state treasury in accordance with the provision	
4215, and amendments thereto, and shall be credited to the Osawatomie sta	
training fee revolving fund: <i>Provided further</i> , That the superintendent of Osa	
hospital is hereby authorized to fix, charge and collect fees for training act	
watomie state hospital: And provided further, That such fees shall be fixed	ed in order to
recover all or part of the expenses of such training activities for Osawatomie	
Osawatomie state hospital fee fund	\$9,007,325
Parsons state hospital and training center — canteen fund	No limit
Parsons state hospital and training center — canteen fund	No limit
Parsons state hospital and training center — work therapy patient benefit	
fund	No limit
Parsons state hospital and training center fee fund	\$1,329,990
Provided, That all moneys received as fees for the use of video teleconference	
at Parsons state hospital and training center shall be deposited in the sta	ite treasury in
accordance with the provisions of K.S.A. 75-4215, and amendments thereto	
credited to the video teleconferencing fee account of the Parsons state hospit	al and training
center fee fund: Provided further, That all moneys credited to the video tel	
fee account shall be used solely for the servicing, maintenance and replace	ment of video
teleconferencing equipment at Parsons state hospital and training center:	And provided
further, That any expenditures from the video teleconferencing fee account	ınt shall be in
addition to any expenditure limitation imposed on the Parsons state hospita	al and training
center fee fund.	
Rainbow mental health facility fee fund	\$2,463,173
Rainbow mental health facility — patient benefit fund	No limit
Rainbow mental health facility — work therapy patient benefit fund	No limit
Social services clearing fund.	No limit
Social welfare fund.	\$39,303,198
Other state fees fund	No limit
Alcohol and drug abuse block grant federal fund	No limit
Child welfare services block grant federal fund	No limit
Mental health block grant federal fund	No limit
Social services block grant — federal fund	No limit
Child care and development federal fund	No limit
Children's cabinet grants federal fund	No limit
Temporary assistance to needy families federal fund	No limit
Disability determination services federal fund	No limit
Food stamp assistance federal fund	No limit
Foster care assistance federal fund	No limit
Medical assistance federal fund	No limit
Rehabilitation services federal fund	No limit
Other federal grants and assistance fund	No limit
SRS enterprise fund	No limit
SRS trust fund	No limit
Problem gambling and addictions grant fund	No limit
Child support enforcement administration fund	No limit
Energy assistance block grant federal fund	No limit
Family and children trust account — family and children investment	Ma 1:
fund	No limit
Provided, That expenditures from the family and children trust account — for investment fund for efficial hospitality shall not proceed \$1.500.	anny and enil-
dren investment fund for official hospitality shall not exceed \$1,500.	C 1C .1

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2011, the following:

Children's cabinet accountability fund
Provided, That any unencumbered balance in the children's cabinet accountability fund
account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Children's mental health waiver
Provided, That any unencumbered balance in the children's mental health waiver account
in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Family centered system of care
Provided, That any unencumbered balance in the family centered system of care account
in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Child care
Provided, That any unencumbered balance in the child care account in excess of \$100 as of
June 30, 2010, is hereby reappropriated for fiscal year 2011.
Children's cabinet early childhood discretionary grant program
Provided, That any unencumbered balance in the children's cabinet early childhood discre-
tionary grant program account in excess of \$100 as of June 30, 2010, is hereby reappropriated
for fiscal year 2011.
Family preservation
Provided, That any unencumbered balance in the family preservation account in excess of
\$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Early headstart
Provided, That any unencumbered balance in the early headstart account in excess of \$100
as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Quality initiative infants & toddlers
Provided, That any unencumbered balance in the quality initiative infants and toddlers
account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Early childhood block grant
Provided, That any unencumbered balance in the early childhood block grant account in
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
(d) There is appropriated for the above agency from the Kansas endowment for youth
fund for the fiscal year ending June 30, 2011, the following:
Children's cabinet administration \$259,093
(e) There is appropriated for the above agency from the state institutions building fund
for the fiscal year ending June 30, 2011, the following:
Larned state hospital — city of Larned wastewater treatment
Provided, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto,
expenditures may be made by the above agency from the Larned state hospital — city of
Larned wastewater treatment account of the state institutions building fund for payment of
Larned state hospital's portion of the city of Larned's wastewater treatment system.
(f) During the fiscal year ending June 30, 2011, the secretary of social and rehabilitation
(1) During the fiscal year chaing june 60, 2011, the secretary of social and reliabilitation

- (f) During the fiscal year ending June 30, 2011, the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2011, from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services to another item of appropriation for fiscal year 2011 from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (g) During the fiscal year ending June 30, 2011, the secretary of social and rehabilitation services, with the approval of the director of the budget and subject to the provisions of federal grant agreements, may transfer moneys received under a federal grant that are credited to a federal fund of the department of social and rehabilitation services, or of any institution or facility under the general supervision and management of the secretary of social and rehabilitation services, or of another institution or facility under the general supervision and management of the secretary of social and rehabilitation services, or of another institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social

and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

- (h) On July 1, 2010, the superintendent of Osawatomie state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomie state hospital canteen fund to the Osawatomie state hospital patient benefit fund.
- (i) On July 1, 2010, the superintendent of Parsons state hospital and training center, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Parsons state hospital and training center canteen fund to the Parsons state hospital and training center patient benefit fund.
- (j) On July 1, 2010, the superintendent of Larned state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Larned state hospital canteen fund to the Larned state hospital patient benefit fund.
- (k) (1) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the title XIX fund to the other federal grants and assistance fund the amount specified by the secretary of social and rehabilitation services.
- (2) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the nonfederal reimbursements fund to the social welfare fund the amount specified by the secretary of social and rehabilitation services.
- (l) During the fiscal year ending June 30, 2011, all moneys received by the secretary of social and rehabilitation services, to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund, shall be deposited in the state treasury to the credit of the family and children endowment account of the family and children investment fund.
- (m) During the fiscal year ending June 30, 2011, to the extent it is determined by the secretary of social and rehabilitation services to be cost effective, the secretary of social and rehabilitation services shall apply for and accept donations from private sources to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund. During the fiscal year ending June 30, 2011, upon receipt of one or more donations of moneys from private sources for deposit to the credit of the family and children endowment account of the family and children investment fund, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from any moneys appropriated from the state general fund or any special revenue fund or funds for the fiscal year 2011, as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from any such moneys appropriated for fiscal year 2011 for payments into the family and children endowment account of the family and children investment fund that match the aggregate amount of all such donations and that are equal to the aggregate amount of moneys donated to and credited to the family and children endowment account of the family and children investment fund during fiscal year 2011.
- (n) During the fiscal year ending June 30, 2011, no moneys paid by the department of social and rehabilitation services from the mental health and retardation services aid and assistance account of the state general fund shall be expended by the entity receiving such moneys to pay membership dues and fees to any entity that does not provide the department of social and rehabilitation services, the legislative division of post audit, or another state agency with access to its financial records upon request for such access.
- (o) During the fiscal year ending June 30, 2011, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be

made by the secretary of social and rehabilitation services for fiscal year 2011 to fix, charge and collect fees from parents for services provided to their children by an institution or program of the department of social and rehabilitation services: *Provided*, That in accordance with the provisions of federal law, the secretary of social and rehabilitation services shall not deny services to children under the home and community based services programs based on the failure of any parent to pay such fees: *Provided further*, That such fees shall be fixed by adoption of a sliding fee scale established by the secretary of social and rehabilitation services and such fees shall recover all or part of the expenses incurred in providing such services: *And provided further*, That such fees shall be reduced or waived in cases of demonstrable hardship and for families who are at or below 200% of the federal poverty level and who are receiving home and community based services: *And provided further*, That all moneys received by the department of social and rehabilitation services for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the social welfare fund.

(p) During the fiscal year ending June 30, 2011, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC — medicaid assistance — NF account of the state general fund of the department on aging to the LTC — medicaid assistance — HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: Provided, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2010, and on June 1, 2011, to reflect the nursing facility rate paid for persons moving from a nursing facility to the home and communitybased services waiver for the physically disabled or the frail elderly for the six months preceding the date of certification: Provided further, That each of the individuals transferred must meet the requirements described in a policy jointly developed by the secretary of aging and the secretary of social and rehabilitation services governing the operations of this transfer: And provided further, That the director of the budget shall transmit a copy of each such certification to the director of legislative research: And provided further, That the department of social and rehabilitation services shall report to the legislature at the beginning of the regular session in 2011 with expenditure data regarding this program.

Sec. 78.

# KANSAS GUARDIANSHIP PROGRAM

Provided, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Sec. 79.

# DEPARTMENT OF EDUCATION

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

Operating expenditures (including official hospitality) \$10,717,436 Provided, That any unencumbered balance in the operating expenditures (including official

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

arships shall be deposited in the state treasury and credited to the governor's teaching
excellence scholarships program repayment fund.
Mentor teacher program grants
Special education services aid
<i>Provided</i> , That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided</i>
further, That expenditures shall not be made from the special education services aid account
for the provision of instruction for any homebound or hospitalized child unless the cate-
gorization of such child as exceptional is conjoined with the categorization of the child within
one or more of the other categories of exceptionality: <i>Provided further</i> , That expenditures
shall be made from this account for grants to school districts in amounts determined pur-
suant to and in accordance with the provisions of K.S.A. 72-983, and amendments thereto:
And provided further, That expenditures shall be made from the amount remaining in this
account, after deduction of the expenditures specified in the foregoing proviso, for payments
to school districts in amounts determined pursuant to and in accordance with the provisions
of K.S.A. 72-978, and amendments thereto.
General state aid
Provided, That an unencumbered balance in the general state aid account in excess of \$100
as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Supplemental general state aid
in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Kansas foundation for agriculture project grant
Provided, That expenditures from the Kansas foundation for agriculture project grant ac-
count shall be used for agriculture in the classroom programs to supplement existing ele-
mentary and secondary curricula with agricultural information: Provided further, That ex-
penditures from this account shall be made only if private funding sources are available to
match such state grants on a 60% state and 40% private basis.
Discretionary grants
Provided, That the above agency shall make expenditures from the discretionary grants
account during the fiscal year 2011, in an amount not less than \$250,000 for after school programs for middle school students in the sixth, seventh and eighth grades: <i>Provided fur-</i>
ther, 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.
School food assistance \$2,435,171
School safety hotline \$10,000
KPERS — employer contributions
count in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011:
Provided further, That all expenditures from the KPERS — employer contributions account
shall be for payment of participating employers' contributions to the Kansas public em-
ployees retirement system as provided in K.S.A. 74-4939, and amendments thereto: And
provided further, That expenditures from this account for the payment of participating
employers' contributions to the Kansas public employees retirement system may be made
regardless of when the liability was incurred.
Educable deaf-blind and severely handicapped children's programs
aid
School district juvenile detention facilities and Flint Hills job corps center grants
Provided, That any unencumbered balance in the school district juvenile detention facilities
and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2010, is

hereby reappropriated for fiscal year 2011: *Provided further*, That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-8187, and amendments thereto.

grants account for grants to school districts in amounts determined pursu	
accordance with the provisions of K.S.A. 72-8187, and amendments thereto.	
(b) There is appropriated for the above agency from the following specia	
or funds for the fiscal year ending June 30, 2011, all moneys now or her	
credited to and available in such fund or funds, except that expenditures other	
authorized by law and transfers to other state agencies shall not exceed the	
State school district finance fund	No limit
School district capital improvements fund	No limit
Provided, That expenditures from the school district capital improvements	s fund shall be
made only for the payment of general obligation bonds approved by voters	
thority of K.S.A. 72-6761, and amendments thereto.	
School district capital outlay state aid fund	No limit
Conversion of materials and equipment fund	No limit
State safety fund	No limit
School bus safety fund	No limit
Motorcycle safety fund	No limit
Federal indirect cost reimbursement fund	No limit
Certificate fee fund	No limit
Food assistance — federal fund	No limit
Food assistance — school breakfast program — federal fund	No limit
Food assistance — national school lunch program — federal fund	No limit
Food assistance — child and adult care food program — federal fund	No limit
Elementary and secondary school aid — federal fund	No limit
Elementary and secondary school aid — educationally deprived children	110 IIIII
— federal fund	No limit
Educationally deprived children — state operations — federal fund	No limit
Elementary and secondary school — educationally deprived children —	NO IIIIIC
LEA's fund	No limit
ESEA chapter II — state operations — federal fund	No limit
Education of handicapped children fund — federal	No limit
Education of handisamed skildren find state areastions	NO IIIIII
Education of handicapped children fund — state operations —	No limit
federal	No limit
Education of handicapped children fund — preschool state operations —	NO IIIIII
Education of nandicapped children fund — preschool state operations —	Nia limit
federal	No limit
Elementary and secondary school aid — federal fund — migrant educa-	No limit
tion fund	NO IIIIII
tion at the arrantions	Nia limit
tion — state operations	No limit
Vocational education amendments of 1968 — federal fund	No limit
Vocational education title II — federal fund	No limit
Vocational education title II — federal fund — state operations	No limit
Educational research grants and projects fund	No limit
Drug abuse fund — department of education — federal	No limit
Drug abuse funds — federal — state operations fund	No limit
Federal K-12 fiscal stabilization fund	No limit
Inservice education workshop fee fund	No limit
<i>Provided</i> , That expenditures may be made from the inservice education wor	
for operating expenditures, including official hospitality, incurred for inserv	zice workshops
and conferences: Provided further, That the state board of education is here	eby authorized

Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: Provided further, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: And provided further, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: And provided further, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in

accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be

accordance with the provisions of K.S.A. 15-4215, and amendments thereto, and shall be
credited to the inservice education workshop fee fund.
Private donations, gifts, grants and bequests fund
Interactive video fee fund
Provided, That expenditures may be made from the interactive video fee fund for operating
expenditures incurred in conjunction with the operation and use of the interactive video
conference facility of the department of education: Provided further, That the state board
of education is hereby authorized to fix, charge and collect fees for the operation and use
of such interactive video conference facility. And provided further, That all fees received
for the operation and use of such interactive video conference facility shall be deposited in
the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments
thereto, and shall be credited to the interactive video fee fund.
Reimbursement for services fund
Communities in schools program fund
Governor's teaching excellence scholarships program repayment fund No limit
Provided, That all expenditures from the governor's teaching excellence scholarships pro-
gram repayment fund shall be made in accordance with K.S.A. 72-1398, and amendments
thereto: Provided further, That each such grant shall be required to be matched on a \$1 for
\$1 basis from nonstate sources: And provided further, That award of each such grant shall
be conditioned upon the recipient entering into an agreement requiring the grant to be
repaid if the recipient fails to complete the course of training under the national board for
professional teaching standards certification program: And provided further, That all moneys
received by the department of education for repayment of grants made under the governor's
teaching excellence scholarships program shall be deposited in the state treasury in accord-
ance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited
to the governor's teaching excellence scholarships program repayment fund.
Elementary and secondary school aid — federal fund — reading first No limit
Elementary and secondary school aid — federal fund — reading first —
state operations
State grants for improving teacher quality — federal fund No limit
State grants for improving teacher quality — federal fund — state
operations
21st century community learning centers — federal fund
State assessments — federal fund
Rural and low-income schools program — federal fund No limit
Language assistance state grants — federal fund
Service clearing fund
Helping schools license plate program fund
(c) There is appropriated for the above agency from the children's initiatives fund for the
fiscal year ending June 30, 2011, the following:
Pre-K program
Parent education program \$7,539,500
Provided, That expenditures from the parent education program account for each such grant
shall be matched by the school district in an amount which is equal to not less than 65% or
the grant.
(d) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts

- (d) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund of the department of social and rehabilitation services to the communities in schools program fund of the department of education.
- (j) On July 1, 2010, and quarterly thereafter, the director of accounts and reports shall transfer \$70,722 from the state highway fund of the department of transportation to the school bus safety fund of the department of education.
- (k) On July 1, 2010, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund of the department of education to the motorcycle safety fund of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on

the amounts required to be paid pursuant to subsection (b)(2) of K.S.A. 8-272, and amendments thereto.

Sec. 80.

### STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following: Operating expenditures..... Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided, however, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000. Grants to libraries and library systems..... \$2,652,819 Provided, That any unencumbered balance in the grants to libraries and library systems account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That, of the moneys appropriated in the grants to libraries and library systems account, \$1,755,428 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555, and amendments thereto, \$473,446 shall be distributed for interlibrary loan development grants and \$423,945 shall be paid according to contracts with the subregional libraries of the Kansas talking book services.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

State library fund ..... No limit Federal library services and technology act — fund ..... No limit No limit Grants and gifts fund ..... Sec. 81.

## KANSAS ARTS COMMISSION

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

\$256,684

Operating expenditures ..... Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided, however, That expenditures from the operating expenditures account for official hospitality shall not exceed \$4,000: Provided further, That expenditures may be made by the above agency from any amount of savings in the operating expenditures account shall be utilized for the purpose of matching federal grant moneys, local grant moneys, or local in-kind contributions, or any combination thereof, for arts programming projects.

Arts programming grants and challenge grants.....

Provided, That expenditures from the arts programming grants and challenge grants account shall be made in a manner to benefit the maximum number of Kansas communities in the development of Kansas talent and art: Provided further, That expenditures from this account shall be utilized for the purpose of matching federal grant moneys, local grant moneys, or local in-kind contributions, or any combination thereof, for arts programming projects.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Kansas arts commission gifts, grants and bequests — federal fund ...... No limit Kansas arts commission fee fund..... No limit Kansas arts commission special gifts fund..... No limit Arts programming grants fund .....

Provided, That moneys received by the Kansas arts commission from the remittance of the unexpended balance of arts programming grants to the commission shall be deposited in the state treasury and credited to the arts programming grants fund: *Provided further*, That expenditures from this fund shall be utilized for the purpose of matching federal grant

moneys, local grant moneys, or local in-kind contributions, or any combination thereof, for arts programming projects.

Sec. 82.

## KANSAS STATE SCHOOL FOR THE BLIND

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.

created to the focus services remindred near rand.	
Student activity fees fund	No limit
Special bequest fund	No limit
Adaptive technology resource center fund	No limit
Technology lending library — federal fund	No limit
Nine month payroll clearing fund	No limit
Food assistance — cash for commodities — federal fund	No limit
Food assistance — breakfast — federal fund	No limit
Food assistance — lunch — federal fund	No limit
Chapter I handicapped — federal fund	No limit
Education improvement — federal fund	No limit
Elementary and secondary education act — federal fund	No limit
Special education assistance — ARRA — federal fund	No limit
E-rate grant — federal fund	No limit
Preparation and mentoring of teachers of the blind and visually impaired	
— federal fund	No limit

(c) On July 1, 2010, the gift fund of the Kansas state school of the blind is hereby redesignated as the adaptive technology resource center fund of the Kansas state school for the

blind

(d) On July 1, 2010, the director of accounts and reports shall transfer all moneys in the math and science improvement — federal fund to the elementary and secondary education act — federal fund. On July 1, 2010, all liabilities of the math and science improvement — federal fund are hereby transferred to and imposed on the elementary and secondary education act — federal fund and the math and science improvement — federal fund is hereby abolished.

(e) On July 1, 2010, the director of accounts and reports shall transfer all moneys in the supported employment initiative — federal fund to the elementary and secondary education act — federal fund. On July 1, 2010, all liabilities of the supported employment initiative — federal fund are hereby transferred to and imposed on the elementary and secondary education act — federal fund and the supported employment initiative — federal fund is hereby abolished.

Sec. 83.

## KANSAS STATE SCHOOL FOR THE DEAF

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

Operating emenditures	\$8,890,257
Operating expenditures	
of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	iit iii excess
(b) There is appropriated for the above agency from the following special re	vonue fund
or funds for the fiscal year ending June 30, 2011, all moneys now or hereaft credited to and available in such fund or funds, except that expenditures other the	
authorized by law shall not exceed the following:	ian reiunus
General fees fund	No limit
Local services reimbursement fund.	No limit
Provided, That the Kansas state school for the deaf is hereby authorized to assess	
a fee of 20% of the total cost of services provided to local school districts: <i>Provide</i>	
That all moneys received from such fees shall be deposited in the state treasury	
ance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall	
to the local services reimbursement fund.	be credited
Student activity fees fund	No limit
Elementary and secondary education act — federal fund	No limit
Elementary and secondary education act 2009 ARRA — federal fund	No limit
Vocational education fund — federal	No limit
School lunch program — federal fund	No limit
Special bequest fund.	No limit
Special workshop fund	No limit
Gift fund.	No limit
Nine month payroll clearing fund.	No limit
Sec. 84.	
STATE HISTORICAL SOCIETY	
(a) There is appropriated for the above agency from the state general fund for	or the fiscal
year ending June 30, 2011, the following:	
Operating expenditures	\$5,145,994
Provided, That any unencumbered balance in the operating expenditures accou	nt in excess
of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provide	d, however,
That expenditures from the operating expenditures account for official hospitali	ty shall not
exceed \$2,463.	
Kansas humanities council	\$68,586
(b) There is appropriated for the above agency from the following special re	
or funds for the fiscal year ending June 30, 2011, all moneys now or hereaft	
credited to and available in such fund or funds, except that expenditures other the	nan refunds
authorized by law shall not exceed the following:	NT 10 00
Credit card clearing fund	No limit
Vehicle repair and replacement fund	No limit No limit
General fees fund	No limit
<i>Provided</i> , That expenditures may be made from the archeology fee fund for oppenses for providing archeological services by contract: <i>Provided further</i> , That	
historical society is hereby authorized to fix, charge and collect fees for the s	
services: And provided further, That such fees shall be fixed in order to recover	
of the operating expenses incurred in providing archeological services by con-	
provided further, That all fees received for such services shall be deposited in	
treasury in accordance with the provisions of K.S.A. 75-4215, and amendments t	hereto and
shall be credited to the archeology fee fund.	nereto, una
Archeology federal fund	
Microfilm fees fund	No limit
Provided, That expenditures may be made from the microfilm fees fund for op-	No limit No limit
	No limit
penses for providing microfilming services: <i>Provided further</i> , That the state history	No limit perating ex-
penses for providing microfilming services: <i>Provided further</i> , That the state historis hereby authorized to fix, charge and collect fees for the sale of such services: <i>Ar</i>	No limit perating ex- rical society
	No limit perating ex- rical society and provided
is hereby authorized to fix, charge and collect fees for the sale of such services: Ar	No limit perating excical society ad provided ag expenses
is hereby authorized to fix, charge and collect fees for the sale of such services: Ar further, That such fees shall be fixed in order to recover all or part of the operation	No limit perating excical society ad provided ag expenses es received

of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilm fees
fund.  Records center fee fund
Historic properties fee fund
National historic preservation act fund — state
Historic preservation overhead fees fund
National historic preservation act fund — local No limit
Private gifts, grants and bequests fund
Museum and historic sites visitor donation fund
Heritage trust fund
Provided, That expenditures from the heritage trust fund for state operations shall not exceed \$94,112.
Land survey fee fund
Provided, That, notwithstanding the provisions of K.S.A. 58-2012, and amendments thereto,
expenditures may be made by the above agency from the land survey fee fund for the fiscal
year 2011 for operating expenditures that are not related to administering the land survey
program. State historical society facilities fund
Historic properties fund
Law enforcement memorial fund
Other federal grants fund.
Provided, That the above agency is authorized to make expenditures from the other federal
grants fund of any moneys credited to this fund from any individual grant if the grant: (1)
Is less than or equal to \$250,000 in the aggregate, and (2) does not require the matching
expenditure of any other moneys in the state treasury during fiscal year 2011 other than moneys appropriated by this or other appropriation act of the 2010 regular session of the
legislature: <i>Provided</i> , <i>however</i> , That, upon application to and authorization by the governor,
the above agency may make expenditures of moneys credited to this fund from any individual
federal grant which is more than \$250,000 in the aggregate or which requires the matching
expenditure of moneys in the state treasury during the current or any ensuing fiscal year.
Property sale proceeds fund
Provided, That proceeds from the sale of property pursuant to K.S.A. 75-2701, and amend-
ments thereto, shall be deposited in the state treasury and credited to the property sale
proceeds fund.  Amelia Earhart bridge mitigation project fund
Sec. 85.
FORT HAYS STATE UNIVERSITY
(a) There is appropriated for the above agency from the state general fund for the fiscal
year ending June 30, 2011, the following:
Operating expenditures (including official hospitality)
Provided, That any unencumbered balance in the operating expenditures (including official
hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Master's-level nursing capacity
Kansas wetlands education center at Cheyenne bottoms
Provided, That any unencumbered balance in the Kansas wetlands education center at
Cheyenne bottoms account in excess of \$100 as of June 30, 2010, is hereby reappropriated
for fiscal year 2011.

Kansas academy of math and science	\$553,857 in excess
(b) There is appropriated for the above agency from the following special reve or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter credited to and available in such fund or funds, except that expenditures shall no	· lawfully
the following: Parking fees fund	No limit improve-
ment project for parking lot improvements.  General fees fund	
official hospitality.  Restricted fees fund	No limit s: Special services;
farm income; choral music clinic; yearbook; off-campus tours; memorial union a student activity (unallocated); Leader (newspaper); conferences, clinics and work noncredit; summer laboratory school; little theater; library services; student affair and debate; student government; counseling center services; interest on local funds	activities; shops — s; speech s; student
identification cards; nurse education programs; athletics; placement fees; virtual classes; speech and hearing; child care services for dependent students; computer interactive television contributions; midwestern student exchange; departmental reall sales, refunds and other collections not specifically enumerated above: <i>Provident</i>	services; ceipts for
ever, That the state board of regents, with the approval of the state finance coun on this matter which is hereby characterized as a matter of legislative delegation and to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments may amend or change this list of restricted fees: Provided further, That all restri	cil acting d subject s thereto,
shall be deposited in the state treasury in accordance with the provisions of K.S.A. and amendments thereto, and shall be credited to the appropriate account of the refees fund and shall be used solely for the specific purpose or purposes for which of	75-4215, restricted collected:
And provided further, That expenditures may be made from this fund to purchase i for equipment purchased through research and training grants only if such grant money for and authorize the purchase of such insurance: And provided further amounts of tuition received from students participating in the midwestern student	s include , That all exchange
program shall be deposited in the state treasury in accordance with the provisions 75-4215, and amendments thereto, and shall be credited to the midwestern exchange account of the restricted fees fund: <i>And provided further</i> , That expendit be made from the restricted fees fund for official hospitality.	student
Education opportunity act — federal fund	No limit
Service clearing fund	products,
munications and such other internal service activities as are authorized by the sta of regents under K.S.A. 76-755, and amendments thereto.	ate board
Commencement fees fund	No limit
Health fees fund	
Student union fees fund	No limit
Kansas career work study program fund	No limit
Economic opportunity act — federal fund	No limit No limit
Faculty of distinction matching fund	No limit

Nine month payroll clearing account fund	No limit
Federal Perkins student loan fund	No limit
Housing system revenue fund	No limit
Institutional overhead fund	No limit
Oil and gas royalties fund	No limit
Housing system suspense fund	No limit
Housing system operations fund	No limit
Housing system repairs, equipment and improvement fund	No limit
Sponsored research overhead fund	No limit
Kansas distinguished scholarship fund	No limit
University federal fund	No limit
Provided That expenditures may be made by the above agency from the univ	ersity federal

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: Provided further, That expenditures may be made by the above agency from this fund to procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in the senior companion program against loss in accordance with specifications of federal grant guidelines as provided in K.S.A. 75-4101, and amendments

Federal higher education fiscal stabilization fund — Fort Hays state

university ..... No limit

- (c) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Fort Hays state university of not to exceed \$125,000 from the general fees fund to the federal Perkins student loan fund.
- (d) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2011, the following:

Kansas academy of math and science..... Any unencumbered balance in the Kansas academy of math and science account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Sec. 86.

KANSAS STATE UNIVERSITY	
(a) There is appropriated for the above agency from the state general fund for the fise	eal
year ending June 30, 2011, the following:	
Operating expenditures (including official hospitality)	
Provided, That any unencumbered balance in the operating expenditures (including office	ial
hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fise	al
year 2011.	
Midwest institute for comparative stem cell biology	99
Provided, That any unencumbered balance in the midwest institute for comparative ste	m
cell biology account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fise	eal
year 2011.	
(b) There is appropriated for the above agency from the following special revenue fu	nd
or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfu	lly
credited to and available in such fund or funds, except that expenditures shall not exce	ed

the following: Parking fees fund ..... No limit

Faculty of distinction matching fund.....

No limit

General fees fund.....

Provided, That expenditures may be made from the general fees fund to match federal grant

moneys: Provided further, That expenditures may be made from the general fees fund for official hospitality. Interest on endowment fund.....

Restricted fees fund. No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Technology equipment; flight services; human resources management system; computer services; copy centers; standardized test fees; placement center; recreational services; college of technology and aviation; motor pool; music; professorships; student activities fees; army and aerospace uniforms; aerospace uniform augmentation; biology sales and services; chemistry; field camps; state department of education; physics storeroom; sponsored research, instruction, public service, equipment and facility grants; chemical engineering; nuclear engineering; contract-post office; library collections; civil engineering; continuing education; sponsored construction or improvement projects; attorney, educational and personal development, human resources; student financial assistance; application for undergraduate programs; speech and hearing fees; gifts; human development and family research and training; college of education — publications and services; guaranteed student loan application processing; student identification card; auditorium receipts; catalog sales; emission spectroscopy fees; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; human ecology storeroom; college of human ecology sales; family resource center fees; human movement performance; application for post baccalaureate programs; art exhibit fees; college of education — Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous renovations — construction; speech receipts; art museum; exchange program; flight training lab fees; administrative reimbursements; parking fees; postage center; printing; short courses and conferences; student government association receipts; regents educational communications center; late registration fee; engineering equipment fee; architecture equipment fee; biotechnology facility; English language program; international programs; Bramlage coliseum; planning and analysis; telecommunications; comparative medicine; other specifically designated receipts not available for general operations of the university: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: And provided further, That expenditures from the restricted fees fund may be made for the purchase of insurance for operation and testing of completed project aircraft and for operation of aircraft used in professional pilot training, including coverage for public liability, physical damage, medical payments and voluntary settlement coverages

voluntary settlement coverages.	
Kansas career work study program fund	No limit
Service clearing fund	No limit
Provided, That the service clearing fund shall be used for the following service	activities:
Supplies stores; telecommunications services; photographic services; K-State prin	ting serv-
ices; postage; facilities services; facilities carpool; public safety services; facility	planning
services; facilities storeroom; computing services; and such other internal service	activities
as are authorized by the state board of regents under K.S.A. 76-755, and ame	endments
thereto.	
Sponsored research overhead fund	No limit

Housing system suspense fund	No limit
Housing system operations fund	No limit
Provided, That expenditures may be made from the housing system operations	fund for
official hospitality.	

Housing system repairs, equipment and improvement fund	No limit
Mandatory retirement annuity clearing fund	No limit
Student health fees fund	No limit

Provided, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Scholarship funds fund	No limit
Perkins student loan fund	No limit
Board of regents — U.S. department of education awards fund	No limit
State agricultural university fund	No limit
Federal extension civil service retirement clearing fund	No limit
Salina — student union fees fund	No limit
Salina — housing system operation fund	No limit
Kansas distinguished scholarship fund	No limit
Kansas comprehensive grant fund	No limit
Temporary deposit fund	No limit
Business procurement card clearing fund	No limit
Suspense fund	No limit
Voluntary tax shelter annuity clearing fund	No limit
Agency payroll deduction clearing fund	No limit
Payroll clearing fund	No limit
Pre-tax parking clearing fund	No limit
University federal fund	No limit
<i>Provided</i> , That expenditures may be made by the above agency from the university	ity federal
fund to purchase insurance for equipment purchased through research and train	
only if such grants include money for and authorize the purchase of such insuran	ice.
Johnson county education research triangle fund	No limit
Federal higher education fiscal stabilization fund — Kansas state	
university	No limit
Energy conservation improvements fund	No limit
(c) On July 1, 2010, or as soon thereafter as moneys are available, the director o	f accounts
and reports shall transfer an amount specified by the president of Kansas state university of	
not to exceed \$100,000 from the general fees fund to the Perkins student loan fu	
. , ,	

# KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

Sec. 87.

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

equipment/pesticide storage building; miscellaneous renovation — construction; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures may be made from the Kansas agricultural mediation service account of the restricted fees fund during fiscal year 2011.

Fertilizer research fund	No limit
Sponsored research overhead fund	No limit
Federal extension fund	No limit
Federal experimental station fund	No limit
Federal awards — advance payment fund	No limit
Smith-Lever special program grant — federal fund	No limit
Faculty of distinction matching fund	No limit
Agricultural land use-value fund	No limit
University federal fund	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Federal higher education fiscal stabilization fund — Kansas state univer-

(d) During the fiscal years ending June 30, 2010, and June 30, 2011, no moneys appropriated from the state general fund or any special revenue fund for Kansas state university or Kansas state university extension systems and agriculture research programs shall be expended on or after the effective date of this act by Kansas state university or Kansas state university extension systems and agriculture research programs, directly or indirectly, for (1) any financial aid or other support for any 4-H competitive events or activities at county fairs for which the minimum age for participants is increased from 7 years of age to 9 years of age, or (2) any financial aid or other support for any 4-H organization or unit that sponsors competitive events at county fairs and that is planning to increase or has increased the minimum age for participants in such events from 7 years of age to 9 years of age.

Sec. 88.

## KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund	
Veterinary medicine teaching hospital revenue fund.  No lir Faculty of distinction matching fund.  No lir Hospital and diagnostic laboratory improvement fund.  No lir Restricted fees fund.  No lir Provided, That restricted fees shall be limited to receipts for the following accounts: Spc sored research, instruction, public service, equipment and facility grants; sponsored construction or improvement projects; technology equipment; pathology fees; laboratory to fees; miscellaneous renovations or construction; dean of veterinary medicine receipts; gif application for postbaccalaureate programs; professorship; embryo transfer unit; swine seems of the state of the	mit mit on- on- test fts;
rology; rapid focal fluorescent inhibition test; comparative medicine; storerooms; depa mental receipts for all sales refunds and other collections; other specifically designat receipts not available for general operation of the Kansas state university veterinary medic center: <i>Provided, however</i> , That the state board of regents, with the approval of the stafinance council acting on this matter which is hereby characterized as a matter of legislatic delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-371 and amendments thereto, may amend or change this list of restricted fees: <i>Provided furth</i> . That all restricted fees shall be deposited in the state treasury in accordance with the prescribed in the state treasury in	art- ted ical ate ive lc, uer,
visions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropria account of the restricted fees fund and shall be used solely for the specific purpose purposes for which collected: <i>And provided further</i> , That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance Sponsored research overhead fund	ate or om ing ice. mit mit
University federal fund	eral ints mit
and reports shall transfer an amount specified by the president of Kansas state university not to exceed a total of \$15,000 from the general fees fund to the health professions stude loan fund.  Sec. 89.  EMPORIA STATE UNIVERSITY	y of ent
(a) There is appropriated for the above agency from the state general fund for the fist year ending June 30, 2011, the following:  Operating expenditures (including official hospitality)	853 cial
Reading recovery program	050 ind illy
Parking fees fund	ve- mit

Interest on state normal school fund fund.	No limit
Restricted fees fund.	No limit
Provided, That restricted fees shall be limited to receipts for the following account	nts: Com-
puter services, student activity; technology equipment; student union; sponsored	
computer services; extension classes; gifts and grants (for teaching, research a	
improvements); business school contributions; state department of education (vo	
library services; library collections; interest on local funds; receipts from conference	
and workshops held on campus for which no college credit is given; physical p	
bursements from auxiliary enterprises; midwestern student exchange; department	
— for all sales, refunds and other collections or receipts not specifically enumerate	
Provided, however, That the state board of regents, with the approval of the sta	
council acting on this matter which is hereby characterized as a matter of legisla	
gation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3	
amendments thereto, may amend or change this list of restricted fees: Provide	
That all restricted fees shall be deposited in the state treasury in accordance with	
visions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the ap	
account of the restricted fees fund and shall be used solely for the specific p	
purposes for which collected: And provided further, That expenditures may be n	
this fund to purchase insurance for equipment purchased through research an	
grants only if such grants include money for and authorize the purchase of such	
And provided further, That all amounts of tuition received from students partic	ipating in
the midwestern student exchange program shall be deposited in the state treas	ury in ac-
cordance with the provisions of K.S.A. 75-4215, and amendments thereto, and	
credited to the midwestern student exchange account of the restricted fees fund.	
Service clearing fund	No limit
Provided, That the service clearing fund shall be used for the following service	activities:
Telecommunications services; office supplies inventory; state car operation; ESU	press in-
cluding duplicating and reproducing; postage; physical plant storeroom including a	
inventory; data processing center; and such other internal service activities as are a	uthorized
by the state board of regents under K.S.A. 76-755, and amendments thereto.	
Commencement fees fund	No limit
Kansas career work study program fund	No limit
Student health fees fund.	No limit
Provided, That expenditures from the student health fees fund may be made fo	
chase of medical malpractice liability coverage for individuals employed on the	e medical
staff, including pharmacists and physical therapists, at the student health center.	NT. 1111
Faculty of distinction matching fund	No limit
Bureau of educational measurements fund	No limit No limit
National direct student loan fund	No limit
Educational opportunity grants — federal fund	No limit
Basic opportunity grant program — federal fund	No limit
Research and institutional overhead fund	No limit
Kansas comprehensive grant fund	No limit
Housing system suspense fund	No limit
Housing system operations fund	No limit
Housing system repairs, equipment and improvement fund	No limit
Kansas distinguished scholarship fund	No limit
University federal fund	No limit
Provided, That expenditures may be made by the above agency from the university	
fund to purchase insurance for equipment purchased through research and train	ing grants
only if such grants include money for and authorize the purchase of such insurar	
Leveraging educational assistance partnership federal fund	No limit
Federal higher education fiscal stabilization fund — Emporia state uni-	
versity	No limit
(c) On July 1, 2010, or as soon thereafter as moneys are available, the director of	faccounts

and reports shall transfer an amount specified by the president of Emporia state university of not to exceed \$30,000 from the general fees fund to the national direct student loan fund. Sec. 90.

# PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal
year ending June 30, 2011, the following:
Operating expenditures (including official hospitality)
Provided, That any unencumbered balance in the operating expenditures (including official
hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal
year 2011.
(b) There is appropriated for the above agency from the following special revenue fund
or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully
credited to and available in such fund or funds, except that expenditures shall not exceed
the following:
Parking fees fund
Provided, That expenditures may be made from the parking fees fund for capital improve-
ment projects for parking lot improvements.
General fees fund
Provided, That all moneys received for tuition received from students participating in the
gorilla advantage program or the midwestern student exchange program shall be deposited
in the state treasury to the credit of the general fees fund: Provided further, That expend-
itures may be made from the general fees fund to match federal grant moneys: And provided
further, That expenditures may be made from the general fees fund for official hospitality.
Restricted fees fund
Provided, That restricted fees shall be limited to receipts for the following accounts: Com-
puter services; instructional technology fee; technology equipment; student activity fee ac-
counts; commencement fees; ROTC activities; continuing education receipts; vocational
auto parts and service fees; receipts from camps, conferences and meetings held on campus;
library service collections and fines; and grants from other state agencies; Midwest Quar-
terly; chamber music series; contract — post office; gifts and grants; intensive English pro-
gram; business and technology institute; public sector radio station activities; economic op-
portunity — state match; Kansas career work study; regents supplemental grants;
departmental receipts, and other specifically designated receipts not available for general
operations of the university: Provided, however, That the state board of regents, with the
approval of the state finance council acting on this matter which is hereby characterized as
a matter of legislative delegation and subject to the guidelines prescribed in subsection (c)
of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted
fees: Provided further, That all restricted fees shall be deposited in the state treasury in
accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be
credited to the appropriate account of the restricted fees fund and shall be used solely for
the specific purpose or purposes for which collected: And provided further, That expendi-
tures may be made from this fund to purchase insurance for equipment purchased through
research and training grants only if such grants include money for and authorize the purchase
of such insurance: And provided further, That surplus restricted fees moneys generated by
the music department may be transferred to the Pittsburg state university foundation, inc.,
for the express purpose of awarding music scholarships: And provided further, That ex-
penditures may be made from this fund for official hospitality.
Service clearing fund
Provided, That the service clearing fund shall be used for the following service activities:
Duplicating and printing services; instructional media division; office stationery and supplies;
motor carpool; postage services; photo services; telephone services; and such other internal
service activities as are authorized by the state board of regents under K.S.A. 76-755, and
amendments thereto.
Hospital and student health fees fund
Provided, That expenditures from the hospital and student health fees fund may be made
for the purchase of medical malpractice liability coverage for individuals employed on the
medical staff, including pharmacists and physical therapists, at the student health center:

Provided further That amonditures may be made from this find for conital improvement	ont
<i>Provided further</i> , That expenditures may be made from this fund for capital improvement projects for hospital and student health center improvements.	ent
Suspense fund	mit
Faculty of distinction matching fund	
Perkins student loan fund	
Sponsored research overhead fund No lii	
College work study fund	
Nursing student loan fund	
Housing system suspense fund	
Housing system operations fund	
Housing system repairs, equipment and improvement fund	
Kansas comprehensive grant fund	
Kansas distinguished scholarship program fund	mit
University federal fund	mit
Provided, That expenditures may be made by the above agency from the university feder	eral
fund to purchase insurance for equipment purchased through research and training gra	nts
only if such grants include money for and authorize the purchase of such insurance.	
Federal higher education fiscal stabilization fund — Pittsburg state uni-	
versity	
(c) During the fiscal year ending June 30, 2011, the director of accounts and reports sl	
transfer amounts specified by the president of Pittsburg state university of not to excee	d a
total of \$125,000 for all such amounts, from the general fees fund to the following specif	ied
funds and accounts of funds: Perkins student loan fund; nursing student loan fund.	
Sec. 91.	
UNIVERSITY OF KANSAS	
(a) There is appropriated for the above agency from the state general fund for the fis	cal
year ending June 30, 2011, the following:	
Operating expenditures (including official hospitality)	193
Provided, That any unencumbered balance in the operating expenditures (including office	nal
hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fis	cai
year 2011. Geological survey	000
Geological survey	
\$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	OI
Umbilical cord matrix project	374
Provided, That any unencumbered balance in the umbilical cord matrix project account	
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	, 111
(b) There is appropriated for the above agency from the following special revenue for	ınd
or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfu	
credited to and available in such fund or funds, except that expenditures shall not exce	ed
the following:	
Parking facilities revenue fund	mit
Faculty of distinction matching fund. No lin	
C 1f f 1	unt
General fees fund	
	mit
Provided, That expenditures may be made from the general fees fund to match federal gramoneys: Provided further, That all moneys received for tuition for students enrolled	mit ant in
Provided, That expenditures may be made from the general fees fund to match federal gramoneys: Provided further, That all moneys received for tuition for students enrolled	mit ant in
Provided, That expenditures may be made from the general fees fund to match federal grant	mit ant in ate
<i>Provided</i> , That expenditures may be made from the general fees fund to match federal gramoneys: <i>Provided further</i> , That all moneys received for tuition for students enrolled courses offered at the regents center on the Edwards campus shall be deposited in the st treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, a shall be credited to this fund.	mit ant in ate
Provided, That expenditures may be made from the general fees fund to match federal gr. moneys: Provided further, That all moneys received for tuition for students enrolled courses offered at the regents center on the Edwards campus shall be deposited in the st treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, a shall be credited to this fund.  Regents center development fund	mit ant in ate and
Provided, That expenditures may be made from the general fees fund to match federal gr. moneys: Provided further, That all moneys received for tuition for students enrolled courses offered at the regents center on the Edwards campus shall be deposited in the st treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, a shall be credited to this fund.  Regents center development fund	mit ant in ate and mit for
Provided, That expenditures may be made from the general fees fund to match federal gr. moneys: Provided further, That all moneys received for tuition for students enrolled courses offered at the regents center on the Edwards campus shall be deposited in the st treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, a shall be credited to this fund.  Regents center development fund	mit ant in ate and mit for ous.
Provided, That expenditures may be made from the general fees fund to match federal gr. moneys: Provided further, That all moneys received for tuition for students enrolled courses offered at the regents center on the Edwards campus shall be deposited in the st treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, a shall be credited to this fund.  Regents center development fund	mit ant in ate and mit for ous.
Provided, That expenditures may be made from the general fees fund to match federal gr. moneys: Provided further, That all moneys received for tuition for students enrolled courses offered at the regents center on the Edwards campus shall be deposited in the st treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, a shall be credited to this fund.  Regents center development fund	mit ant in ate and mit for ous. mit mit
Provided, That expenditures may be made from the general fees fund to match federal gr. moneys: Provided further, That all moneys received for tuition for students enrolled courses offered at the regents center on the Edwards campus shall be deposited in the st treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, a shall be credited to this fund.  Regents center development fund	mit ant in ate and mit for ous. mit mit mit
Provided, That expenditures may be made from the general fees fund to match federal gr. moneys: Provided further, That all moneys received for tuition for students enrolled courses offered at the regents center on the Edwards campus shall be deposited in the st treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, a shall be credited to this fund.  Regents center development fund	mit ant in ate and mit for ous. mit mit mit mit

No limit

in addition to the costs of salaries and wages and other operating expenditure	es for the
program: Provided further, That expenditures may be made from this fund for t	
sition of tracts of land.	1
Law enforcement training center fees fund	No limit
Provided, That all moneys received for tuition from students enrolling in the	basic law
enforcement training program for undergraduate or graduate credit shall be dep	
the state treasury and credited to the law enforcement training center fees fund.	
Local law enforcement training reimbursement fund	No limit
Restricted fees fund	No limit
Provided, That restricted fees shall be limited to receipts for the following accounts	: Institute
for public policy and business research; technology equipment; clinical psychology	
ence; concert course; speech, language and hearing clinic; perceptual motor clir	
cation for admission fees; named professorships; summer institutes and worksh	
matics; economic opportunity act; executive management; continuing education p	
geology field trips; gifts and grants; extension services; counseling center; investmen	
from bequests; reimbursable salaries; music and art camp; child development lab pr	
orientation center; educational placement; press publications; Rice estate education	
ject; sponsored research; student activities; sale of surplus books and art objects.	
use charges; Kansas applied remote sensing program; executive master's degree in	
administration; applied English center; cartographic services; economic educati	
abroad programs; computer services; recreational activities; animal care activities;	
survey; engineering equipment fee; midwestern student exchange; department co	
receipts for all sales, refunds, and all other collections or receipts not specifically en	umerated
above: <i>Provided, however</i> , That the state board of regents, with the approval of	
finance council acting on this matter which is hereby characterized as a matter of l	
delegation and subject to the guidelines prescribed in subsection (c) of K.S.A.	75-3711c
and amendments thereto, may amend or change this list of restricted fees: <i>Provide</i>	d further
That all restricted fees shall be deposited in the state treasury in accordance with	
visions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the ap	
account of the restricted fees fund and shall be used solely for the specific pu	
purposes for which collected: And provided further, That moneys received for stu	
in any account of the restricted fees fund may be transferred to one or more other	
of the restricted fees fund.	
Service clearing fund	No limit
Provided, That the service clearing fund shall be used for the following service	
Residence hall food stores; university motor pool; military uniforms; telecommu	
service; and such other internal service activities as are authorized by the state	
regents under K.S.A. 76-755, and amendments thereto.	
Health service fund	No limit
Kansas career work study program fund	No limit
Student union fund	No limit
Federal Perkins loan fund	No limit
Health professions student loan fund	No limit
Housing system suspense fund	No limit
Scientific research and development project — special revenue fund	No limit
Housing system operations fund	No limit
Housing system repairs, equipment and improvement fund	No limit
Educational opportunity act — federal fund	No limit
Loans for disadvantaged students fund	No limit
Prepaid tuition fees clearing fund	No limit
Kansas comprehensive grant fund	No limit
Fire service training fund	No limit
University federal fund	No limit
Tahasan asanta adasatian massanah triangla fand	Mr. linnin

Federal higher education fiscal stabilization fund — university of Kansas ... No limit (c) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of

Johnson county education research triangle fund ......

not to exceed a total of \$325,000 for all such amounts, from the general fees fund to the following specified funds and accounts of funds: Federal Perkins student loan program account of the national direct student loan fund; federal supplemental educational opportunity program account of the national direct student loan fund; federal disadvantaged student loan program account of the national direct student loan fund; health professions student loan fund.

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2011, for the water plan project or projects specified, the follow-

ing:

Sec. 92.

## UNIVERSITY OF KANSAS MEDICAL CENTER

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Faculty of distinction matching fund. No limit Restricted fees fund. No limit

Provided, That restricted fees shall be limited to the following accounts: Technology equipment; computer services; expenses reimbursed by the Kansas university endowment association; postgraduate fees; pathology fees; student health insurance premiums; gift receipts; designated research collaboration; facilities use; photography; continuing education; student activity fees; student application fees; department duplicating; student health services; student identification badges; student transcript fees; loan administration fees; fitness center fees; occupational health fees; computer remote access; employee health; telekid care fees; area outreach fees; police fees; endowment payroll reimbursement; rental property; e-learning fees; surplus property sales; student union fees; outreach air travel; student loan legal fees; hospital authority salary reimbursements; graduate medical education contracts; Kansas university physicians inc., salaries reimbursements; housestaff activity fees; anatomy cadavers; biotechnology services; energy center funded depreciation; fungal sales; biostatistics; electron microscope services; Wichita faculty contracts; physical therapy services; legal fee reimbursements; sponsored research; departmental commercial receipts for all sales, refunds and all other collections of receipts not specifically enumerated above; department of social and rehabilitation services cost-sharing: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby

characterized as a matter of legislative delegation and subject to the guidelines pr	
in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or characteristics	ange this
list of restricted fees: Provided further, That all restricted fees shall be deposited in	
treasury in accordance with the provisions of K.S.A. 75-4215, and amendments the	
shall be credited to the appropriate account of the restricted fees fund and shall	
solely for the specific purpose or purposes for which collected: And provided furth	
expenditures may be made from this fund to purchase health insurance coverage	re for all
students enrolled in the school of allied health, school of nursing and school of me	
Scientific research and development — special revenue fund	No limit
Kansas breast cancer research fund	No limit
Sponsored research overhead fund	No limit
Parking fund — Wichita campus	No limit
Services to hospital authority fund	No limit
Direct medical education reimbursement fund	No limit
Service clearing fund	No limit
Provided, That the service clearing fund shall be used for the following service a	
Printing services; purchasing storeroom; university motor pool; clothing (uniforms).	
plant storeroom; photo services; telecommunications services; facilities operation	; physicai
tionary repairs; animal care; graphic services; instructional services; biomedical eng	
audiovisual services; computing services; and such other internal service activities	es as are
authorized by the state board of regents under K.S.A. 76-755, and amendments the	
Educational nurse faculty loan program fund	No limit
Federal college work study fund	No limit
AMA education and research grant fund	No limit
Federal health professions/primary care student loan fund	No limit
Federal nursing student loan fund	No limit
Suspense fund	No limit
Federal student educational opportunity grant fund	No limit
Federal Pell grant fund	No limit
Federal Perkins student loan fund	No limit
Medical loan repayment fund	No limit
Provided, That expenditures from the medical loan repayment fund for attorney	fees and
litigation costs associated with the administration of the medical scholarship and	
gram shall be in addition to any expenditure limitation imposed on the operating	expendi-
tures account of the medical loan repayment fund or on the total expenditures	from the
medical loan repayment fund.	
Medical student loan programs provider assessment fund	No limit
Graduate medical education administration reserve fund	No limit
University of Kansas medical center private practice foundation reserve	
fund	No limit
Robert Wood Johnson award fund	No limit
Federal scholarship for disadvantaged students fund	No limit
University federal fund	No limit
Leveraging educational assistance partnership federal fund	No limit
Graduate medical education support fund	No limit
Johnson county education research triangle fund	No limit
Federal higher education fiscal stabilization fund — university of Kansas	
medical center	No limit
Wichita center for graduate medical education federal fiscal stabilization	
fund	No limit
(c) On July 1, 2010, or as soon thereafter as moneys are available, the director of	accounts

(c) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$125,000 for all such amounts, from the general fees fund to the following funds: Federal Perkins student loan fund; federal nursing student loan fund; federal student education opportunity grant fund; federal college work study fund; educational nurse faculty loan program fund; federal health professions/primary care student loan fund.

- (d) During the fiscal year ending June 30, 2011, and within the limits of appropriations therefor, the university of Kansas medical center may enter into contracts to purchase additional malpractice insurance for medical students enrolled at the university of Kansas medical center while in clinical training at the university of Kansas medical center or at other health care institutions.
- (e) During the fiscal year ending June 30, 2011, the director of accounts and reports shall transfer an amount specified by the chancellor from the general fees fund to the student health insurance premiums account of the restricted fees fund.

Sec. 93.

### WICHITA STATE UNIVERSITY

- (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following: Operating expenditures (including official hospitality)..... Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
- (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund..... No limit Provided, That expenditures may be made from the general fees fund to match federal grant moneys: Provided further, That expenditures may be made from the general fees fund for

No limit

Restricted fees fund. Provided, That restricted fees shall be limited to receipts for the following accounts: Summer school workshops; technology equipment; concert course; dramatics; continuing education; flight training; gifts and grants (for teaching, research, and capital improvements); testing service; state department of education (vocational); investment income from bequests; sale of surplus books and art objects; public service; veterans counseling and educational benefits; sponsored research; campus privilege fee; student activities; national defense education programs; engineering equipment fee; midwestern student exchange; departmental receipts for all sales, refunds and other collections or receipts not specifically enumerated above: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: And provided further, That expenditures from this fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff at the student health center: And provided further, That expenditures may be made from this fund for official hospitality.

Service clearing fund ..... No limit Provided. That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunication; computer service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Faculty of distinction matching fund..... No limit Kansas career work study program fund..... No limit Scholarship funds fund No limit No limit Sponsored research overhead fund ..... Economic opportunity act — federal fund ..... No limit

Education opportunity grant — federal fund	No limit
Matching education opportunity grant fund	No limit
Health professions student assistance program — loans fund	No limit
Nine month payroll clearing account fund	No limit
Pell grants fund	No limit
Housing system suspense fund	No limit
Housing system operations fund	No limit
Housing system renovation principal and interest fund	No limit
Housing system renovation and bond reserve fund	No limit
WSU housing system depreciation and replacement fund	No limit
Perkins loan fund	No limit
Kansas distinguished scholarship fund	No limit
Kansas comprehensive grant fund	No limit
WSU housing systems revenue fund	No limit
University federal fund	No limit
Provided, That expenditures may be made by the above agency from the univer-	rsity federal
fund to purchase insurance for equipment purchased through research and tra	
only if such grants include money for and authorize the purchase of such insur-	ance.
Leveraging educational assistance partnership — federal fund	No limit
Federal higher education fiscal stabilization fund — Wichita state uni-	
versity	No limit
(c) There is appropriated for the above agency from the state economic d	
initiatives fund for the fiscal year ending June 30, 2011, the following:	o. o.o.P
Aviation research	\$5,000,000
Provided, That any unencumbered balance in the aviation research account in	
\$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.	11 0110000 01
Aviation infrastructure	\$5,000,000
Provided, That any unencumbered balance in the aviation infrastructure accou	
of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided further</i> ,	
That during the fiscal year ending June 30, 2011, notwithstanding the provisions	of any other
statute, in addition to the other purposes for which expenditures may be made	le from the
statute, in addition to the other purposes for which experienceres may be made	. 1 ( ( 1

That during the fiscal year ending June 30, 2011, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2011 by Wichita state university by this or other appropriation act of the 2010 regular session of the legislature, the moneys appropriated in the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2011 may only be expended for training equipment expenditures of the national center for aviation training.

(d) During the fiscal years ending June 30, 2010, and June 30, 2011 in addition to the

(d) During the fiscal years ending June 30, 2010, and June 30, 2011, in addition to the other purposes for which expenditures may be made by Wichita state university from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2010 or fiscal year 2011 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  $\widehat{W}$  ichita state university from the state general fund or from any special revenue fund for fiscal year 2010 and fiscal year 2011, after consultation with the national institute for aviation research, to provide for the establishment of a technical training board: *Provided*, That, except as otherwise provided in this subsection (d), such board shall be similar in composition to the aviation research board and shall advise the president of Wichita state university, and others representing Wichita state university, on all expenditures from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2010 and fiscal year 2011: Provided further, That such board shall review and evaluate all such expenditures: And provided further, That the executive director of the national institute for aviation research shall be the administrator for the technical training board: And provided further, That the membership of the technical training board shall include representatives of Sedgwick county and representatives of the Wichita area technical college as ex-officio, nonvoting members: And provided further, That the technical training board shall prepare and submit a report to the legislature, which shall be presented to the education budget committee of the house of representatives and to the appropriate subcommittee of the ways and means committee of the senate, not later than

the 10th calendar day of the 2011 regular session of the legislature, detailing the findings of the technical training board regarding the expenditures by Wichita state university from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2010 and fiscal year 2011.

Sec. 94.

### STATE BOARD OF REGENTS

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

Operating expenditures (including official hospitality)..... Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That, during fiscal year 2011, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2011 by the state board of regents as authorized by this or other appropriation act of the 2010 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2011 for attendance at an in-state meeting by members of the state board of regents for participation in matters of educational interest to the state of Kansas, upon approval of such attendance and participation by the state board of regents: And provided further, That each member of the state board of regents attending an in-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: And provided further, That, during fiscal year 2011, notwithstanding the provisions of any other statute and in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2011 by the state board of regents as authorized by this or other appropriation act of the 2010 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2011 for attendance at an out-of-state meeting by members of the state board of regents whenever under any provision of law such members of the state board of regents are authorized to attend the out-of-state meeting or whenever the state board of regents authorizes such members to attend the out-of-state meeting for participation in matters of educational interest to the state of Kansas: And provided further, That each member of the state board of regents attending an out-of-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: 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.

Comprehensive grant program \$14,936,208 Provided, That any unencumbered balance in the comprehensive grant program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Kansas work-study program
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: <i>Provided further</i> , That all expenditures from the military service scholarships account shall be made for scholarships awarded under the military service scholarship program act.
Teachers scholarship program
National guard educational assistance
Provided, That any unencumbered balance in the vocational scholarships account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.  Nursing student scholarship program
Provided, That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.  Optometry education program \$108,380  Provided, That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Municipal university operating grant. \$11,087,963 Technical college aid for technical education \$18,892,718 Other institutions aid for technical education \$12,205,692 Adult basic education \$1,474,591 Community college operating grant. \$97,166,602 Technology equipment at community colleges and Washburn
university
Vocational education capital outlay aid \$72,448 Payment to KPERS \$1,753,701 Tuition waivers \$85,677 Nurse educator grant program \$190,393 Provided, That any unencumbered balance in the nurse educator grant program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That all expenditures from the nurse educator grant program account shall be made for scholarships awarded under the nurse educator service scholarship program act. Nursing faculty and supplies grant program \$1,808,733 Provided, That any unencumbered balance in the nursing faculty and supplies grant program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That the state board of regents is hereby authorized to make grants to Kansas postsecondary education institutions from the nursing faculty and supplies grant

program account for expansion of nursing faculty and consumable laborator	y supplies: And
provided further, That such grants shall be either need-based or competiti	
matched on the basis of \$1 from the nurse faculty and supplies grant progr	am account for
\$1 from the state educational institution receiving the grant: And provided fu	<i>ırther</i> , That not
less than \$95,196 in such grants shall be made to accredited private post	secondary edu-
cational institutions in Kansas.	•

Postsecondary technical education authority	\$731,716
Midwest higher education commission	\$95,000
Any unencumbered balance in each of the following accounts in excess of \$100	as of June
30, 2010, is hereby reappropriated for fiscal year 2011: Southwest Kansas access	s project.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Osteopathic medical service scholarship repayment fund	No limit
Vocational education scholarship discontinued attendance fund	No limit
Leveraging educational assistance program fund — federal	No limit
Regents' scholarship gift fund	No limit

Provided, That expenditures may be made from the regents' scholarship gift fund for scholarships awarded to Kansas residents who are attending institutions of postsecondary education in Kansas which are authorized under the laws of this state to award academic degrees and who meet academic and other eligibility criteria established by the state board of regents by rules and regulations: Provided, however, That a financial needs test shall not be one of the eligibility criteria established by the state board of regents for such scholarships: Provided further, That no scholarship awarded from this fund shall exceed \$2,000 per academic year: And provided further, That any recipient of a scholarship awarded from this fund may also receive either a state scholarship under K.S.A. 72-6810 through 72-6816, and amendments thereto, or a tuition grant under K.S.A. 72-6107 through 72-6111, and amendments thereto, or both: And provided further, That there shall be no reduction of any scholarship awarded from this fund for the amount of any such state scholarship or tuition grant received.

KAN-ED fund	No limit
Provided, That expenditures may be made from the KAN-ED fund for official	l hospitality
for the purposes of the KAN-ED act.	1 ,

for the purposes of the KAN-ED act.	
KAN-ED federal fund	No limit
Earned indirect costs fund — federal	No limit
Faculty of distinction program fund	No limit
Paul Douglas teacher scholarship fund — federal	No limit
GED credentials processing fees fund	No limit
Proprietary school fee fund	No limit
Tuition waiver gifts, grants and reimbursements fund	No limit
Adult basic education — federal fund	No limit
Truck driver training fund	No limit
No child left behind federal fund	No limit
Comprehensive grant program discontinued attendance fund	No limit
State scholarship discontinued attendance fund	No limit
Kansas ethnic minority fellowship program fund	No limit
Private postsecondary educational institution degree authorization ex-	
pense reimbursement fee fund	No limit
Substance abuse education fund — federal	No limit
Nursing service scholarship program fund	No limit
Clearing fund	No limit
Conversion of materials and equipment fund	No limit
Teacher scholarship program fund	No limit

No limit

Motorcycle safety fund .....

erating expenditures directly or indirectly related to the operating costs associated with student financial assistance programs administered by the state board of regents: *Provided further*, That the chief executive officer of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of applications and other activities related to student financial assistance programs administered by the state board of regents: *And provided further*, That such fees shall be fixed in order to recover all or a part of the direct and indirect operating expenses incurred for administering such programs: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial aid services fee fund.

accordance with the provisions of K.S.A. 13-4213, and amendments thereto, and	i snan be
credited to the financial aid services fee fund.	
Inservice education workshop fee fund	No limit
Optometry education repayment fund	No limit
Teacher scholarship repayment fund	No limit
Advanced registered nurse practitioner service scholarship program	
fund	No limit
Nursing service scholarship repayment fund	No limit
Nurse educator service scholarship repayment fund	No limit
ROTC service scholarship program fund	No limit
ROTC service scholarship repayment fund	No limit
Carl D. Perkins vocational and technical education — federal fund	No limit
Carl D. Perkins vocational and technical education — federal fund —	
state operations	No limit
College access challenge grant program	No limit
Other federal grants fund.	No limit
Provided, That the above agency is authorized to make expenditures from the other	er federal
grants fund of any moneys credited to this fund from any individual grant if the	grant: (1)
Is less than or equal to \$750,000 in the aggregate, and (2) does not require the	matching
expenditure of any other moneys in the state treasury during fiscal year 2011 o	ther than
moneys appropriated by this or other appropriation act of the 2010 regular sessi	on of the
legislature: Provided, however, That, upon application to and authorization by the	
the above agency may make expenditures of moneys credited to this fund from any i	
federal grant which is more than \$750,000 in the aggregate or which requires the	matching
expenditure of moneys in the state treasury during fiscal year 2011, other than	
appropriated by this or other appropriation act of the 2010 regular session of the le	gislature.
Kansas national guard educational assistance program repayment fund	No limit
Carl D. Perkins technical preparation — federal fund	No limit
Grants fund.	No limit
Workforce development loan fund	No limit
Regents clearing fund	No limit
Private and out-of-state postsecondary educational institution fee fund	No limit
Federal higher education fiscal stabilization fund	No limit
Federal higher education fiscal stabilization fund — community	
colleges	No limit
Federal higher education fiscal stabilization fund — municipal	
university	No limit
Federal higher education fiscal stabilization fund — postsecondary tech-	
nical education	No limit
(c) During the fiscal year ending June 30, 2011, the chief executive officer of	the state
	C

sion systems and agriculture research programs, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university; and (2) includes each other account of the state general fund of the state board of regents.

(d) During the fiscal year ending June 30, 2011, the chief executive officer of the state board of regents, subject to the applicable restrictions and limitations or other provisions of federal grant agreements, is hereby authorized to transfer moneys that are received under a federal grant and that are credited to a federal fund of the state board of regents to a federal fund of an institution under the supervision and management of the state board of regents during the fiscal year ending June 30, 2011. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and to the director of legislative research. As used in this subsection (d), "federal fund" means (1) the federal flexible fiscal stabilization fund, the federal higher education fiscal stabilization fund community colleges, the federal higher education fiscal stabilization fund — municipal university, or the federal higher education fiscal stabilization fund — postsecondary technical education of the state board of regents, (2) the federal flexible fiscal stabilization fund university of Kansas, the federal flexible fiscal stabilization fund — university of Kansas medical center, the federal flexible fiscal stabilization fund — Kansas state university, the federal flexible fiscal stabilization fund — Kansas state university veterinary medical center, the federal flexible fiscal stabilization fund — Kansas state university extension systems and agriculture research programs, the federal flexible fiscal stabilization fund — Wichita state university, the federal flexible fiscal stabilization fund — Emporia state university, the federal flexible fiscal stabilization fund — Pittsburg state university, and the federal flexible fiscal stabilization fund — Fort Hays state university of such institutions, or (3) a federal fiscal stabilization fund of a community college, the municipal university or an institution of postsecondary technical education.

(e) (1) In addition to the other purposes for which expenditures may be made by any state educational institution from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 for such state educational institution as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made by such state educational institution from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 for the purposes of capital improvement projects making energy and other conservation improvements: Provided, That such capital improvement projects are hereby approved for such state educational institution for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of issuance of one or more series of bonds by the Kansas development finance authority in accordance with that statute from time to time during fiscal year 2011: Provided, however, That no such bonds shall be issued until the state board of regents has first advised and consulted on any such project with the joint committee on state building construction: Provided further, That the amount of the bond proceeds that may be utilized for any such capital improvement project shall be subject to approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session: And provided further, That, in addition to such project costs, any such amount of bond proceeds may include costs of issuance, capitalized interest and any required reserves for the payment of principal and interest on such 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 payments relating to principal and interest on such bonds shall be subject to and dependent upon annual appropriations therefor to the state educational institution for which the bonds are issued: And provided further, That each energy conservation capital improvement project for which bonds are issued for financing under this subsection shall be designed and completed in order to have cost savings sufficient to be equal or greater than the cost of debt service on such bonds: And provided further, That the state board of regents shall prepare and submit a report to the committee on appropriations of the house of representatives and the committee on ways and means of the senate on the savings

attributable to energy conservation capital improvements for which bonds are issued for financing under this subsection at the beginning of the 2011 regular session of the legislature.

- (2) As used in this subsection, "state educational institution" includes each state educational institution as defined in K.S.A. 76-711, and amendments thereto.
- (f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2011, the following:

(g) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2011, the following:

account of the Kansas educational building fund for state building insurance premiums.

- (h) During the fiscal year ending June 30, 2011, notwithstanding any provisions of subsection (f) of K.S.A. 2009 Supp. 66-2010, and amendments thereto, as such subsection existed prior to June 30, 2009, to the contrary, the amount of \$10,000,000 shall be certified before July 1, 2011, by the chief executive officer of the state board of regents to the administrator of the KUSF and the administrator of the KUSF shall pay such amount from the Kansas universal service fund of the state corporation commission to the KAN-ED fund of the state board of regents during the fiscal year 2011 in accordance with the provisions of subsections (f)(1) and (f)(2) of K.S.A. 2009 Supp. 66-2010, and amendments thereto, as such subsections existed prior to June 30, 2009.
- (i) On July 1, 2010, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2010, by subsection (a) of this section in the southwest Kansas access project account, the sum of 225,000 is hereby lapsed.
- (j) On or before July 1, 2010, the state board of regents shall determine and the chief executive officer of the state board of regents shall certify to the director of accounts and reports the amounts to be lapsed from the amounts of money appropriated from the state general fund for the state board of regents or the state educational institutions under the control and supervision of the state board of regents pursuant to this subsection, which in the aggregate shall be equal to \$5,922,229: Provided, That such certification shall specify each specific amount to be lapsed from a specified state general fund account or accounts of the state board of regents or a state educational institution as determined by the state board of regents in accordance with this subsection: Provided further, That, upon receipt of such certification, the director of accounts and reports shall lapse each such amount specified in such certification from the state general fund account or accounts of the state board of regents or a state educational institution designated therefor, in accordance with such certification, and each such amount is hereby lapsed on July 1, 2010, in accordance with such certification: And provided further, That, at the same time that such certification is transmitted to the director of accounts and reports, the chief executive officer of the state board of regents shall transmit a copy of such certification to the director of the budget and the director of legislative research.

Sec. 95.

## DEPARTMENT OF CORRECTIONS

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

Operating expenditures
Community corrections
Local jail payments \$1,100,000 Provided, That, notwithstanding the provisions of K.S.A. 19-1930, and amendments thereto, payments by the department of corrections under subsection (b) of K.S.A. 19-1930, and amendments thereto, for the cost of maintenance of prisoners shall not exceed the per capita daily operating cost, not including inmate programs, for the department of corrections.  Treatment and programs
Topeka correctional facility — facilities operations
Hutchinson correctional facility — facilities operations
Lansing correctional facility — facilities operations
Provided, That any unencumbered balance in the Ellsworth correctional facility — facilities operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided, however, That expenditures from the Ellsworth correctional facility — facilities operations account for official hospitality shall not exceed \$500.  Department of corrections forensic psychologist fund
Winfield correctional facility — facilities operations
Norton correctional facility — facilities operations
Provided, That any unencumbered balance in the El Dorado correctional facility — facilities operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided, however, That expenditures from the El Dorado correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Larned correctional mental health facility — facilities operations ...... \$9,950,415 Provided, That any unencumbered balance in the Larned correctional mental health facility — facilities operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided, however, That expenditures from the Larned correctional mental health facility — facilities operations account for official hospitality shall not exceed \$500. Facilities operations..... Provided, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. Any unencumbered balance in excess of \$100 as of June 30, 2010, in each of the following accounts is hereby reappropriated for fiscal year 2011: Community correctional conservation camps; reentry programs. Any unencumbered balance in the DUI treatment services account in excess of \$100 as of June 30, 2010, is hereby reappropriated for the fiscal year 2011: Provided further, That expenditures may be made from the DUI treatment services account for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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: Other federal grants fund..... Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant: (1) Is less than or equal to \$1,000,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2011 other than moneys appropriated by this or other appropriation act of the 2010 regular session of the legislature: Provided, however, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$1,000,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year. Federal flexible fiscal stabilization fund ..... No limit Supervision fees fund..... No limit Residential substance abuse treatment — federal fund..... No limit Recovery act justice assistance — federal fund ..... No limit Department of corrections state asset forfeiture fund ..... No limit Chapter I — federal fund ..... No limit Victims of crime act — federal fund ..... No limit Correctional industries fund. No limit Provided, That expenditures may be made from the correctional industries fund for official Alcohol and drug abuse treatment fund ...... No limit Provided, That expenditures may be made from the alcohol and drug abuse fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered. State of Kansas — department of corrections inmate benefit fund ...... No limit Department of corrections — alien incarceration grant fund federal ..... No limit Department of corrections — general fees fund..... No limit Provided, That expenditures may be made from the department of corrections — general fees fund for operating expenditures for training programs for correctional personnel, including official hospitality: Provided further, That the secretary of corrections is hereby authorized to fix, charge and collect fees for such programs: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: And provided further, That all fees

received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to this fund.

JEHT reentry program fund	No limit
Topeka correctional facility — community development block grant —	
	NT 1: 11
federal fund	No limit
Topeka correctional facility — bureau of prisons contract — federal	
fund	No limit
Topeka correctional facility — general fees fund	No limit
Topeka correctional facility — laundry equipment depreciation reserve	
fund	No limit
Hutchinson correctional facility — general fees fund	No limit
Federal flexible fiscal stabilization fund — Hutchinson correctional	
facility	No limit
Lansing correctional facility — general fees fund	No limit
Ellsworth correctional facility — general fees fund	No limit
Winfield correctional facility — general fees fund	No limit
Federal flexible fiscal stabilization fund — Winfield correctional	
facility	No limit
Norton correctional facility — general fees fund	No limit
Federal flexible fiscal stabilization fund — Norton correctional facility	No limit
El Dorado correctional facility — general fees fund	No limit
Larned correctional mental health facility — general fees fund	No limit
Correctional services special revenue fund	No limit
(c) During the fiscal year ending June 30, 2011, the secretary of corrections	with the

- (c) During the fiscal year ending June 30, 2011, the secretary of corrections, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2011, from the state general fund for the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections to another item of appropriation for fiscal year 2011 from the state general fund for the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections. The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (d) (1) During the fiscal year ending June 30, 2011, the secretary of corrections, subject to the applicable restrictions and limitations or other provisions of federal grant agreements, is hereby authorized to transfer moneys received under a federal grant that are credited to a federal fund of the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections to another federal fund for the fiscal year ending June 30, 2011, for the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections. The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.
- (2) As used in this subsection (d), "federal fund" means the federal flexible fiscal stabilization fund, the federal flexible fiscal stabilization fund Hutchinson correctional facility, the federal flexible fiscal stabilization fund Winfield correctional facility, and the federal flexible fiscal stabilization fund Norton correctional facility.
- (e) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the secretary of corrections any duly authorized claim to be paid from the local jail payments account of the state general fund during fiscal year 2011 for costs pursuant to subsection (b) of K.S.A. 19-1930, and amendments thereto, even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act.
- (f) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the director of Kansas correctional industries any duly authorized claim to be paid from the correctional industries fund during fiscal year 2011 for operating or manufacturing costs even though such claim is not submitted or processed for payment within the fiscal year in which the

service is rendered and whether or not the services were rendered prior to the effective date of this act. The director of Kansas correctional industries shall provide to the director of the budget on or before September 15, 2010, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2011.

- (g) On July 1, 2010, October 1, 2010, January 1, 2011, and April 1, 2011, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$233,750 from the correctional industries fund to the department of corrections general fees fund.
- (h) On October 1, 2010, and January 1, 2011, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$250,000 from the correctional industries fund to the state general fund: *Provided*, That the transfer of each such amount shall be in addition to any other transfer from the correctional industries fund to the state general fund as prescribed by law: *Provided further*, That the amounts transferred from the correctional industries fund to the state general fund pursuant to this subsection 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 department of corrections by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 96.

## JUVENILE JUSTICE AUTHORITY

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

That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Management information systems. \$1,108,092

Provided, That any unencumbered balance in the management information systems account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

 Purchase of services
 \$23,331,916

 Intervention and graduated sanctions community grants
 \$14,408,639

 Prevention program grant
 \$3,785,814

 Provided, That any unencumbered balance in the prevention program grant account in

Provided, That any unencumbered balance in the prevention program grant account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That money awarded as grants from this account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

 community grants account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

authorized by law shall not exceed the following.	
Title XIX fund	No limit
Title IV-E fund	No limit
Juvenile accountability incentive block grant — federal fund	No limit
Juvenile justice delinquency prevention — federal fund	No limit
Juvenile detention facilities fund	\$4,187,174
Juvenile justice fee fund — central office	No limit
Juvenile justice federal fund — Beloit juvenile correctional facility	No limit
Juvenile justice federal fund — Larned juvenile correctional facility	No limit
Juvenile justice federal fund — Kansas juvenile correctional complex	No limit
Juvenile justice federal fund	No limit
Byrne grant — federal fund — Kansas juvenile correctional complex	No limit
Recovery act Byrne grant — federal fund — Kansas juvenile correctional	
complex	No limit
Federal Byrne justice assistance grant — ARRA — federal fund — Lar-	
ned juvenile correctional facility	No limit
Federal Byrne justice assistance grant — JAG — federal fund — Larned	
juvenile justice correctional facility	No limit
Kansas juvenile delinquency prevention trust fund	No limit
Byrne grant — federal fund	No limit
Atchison youth residential center fee fund	No limit
Beloit juvenile correctional facility fee fund	No limit
Larned juvenile correctional facility fee fund	No limit
Larned juvenile correctional facility — elementary and secondary edu-	
cation fund — federal	No limit
Kansas juvenile correctional complex fee fund	No limit
Kansas juvenile correctional complex — elementary and secondary edu-	
cation fund — federal	No limit
Kansas juvenile correctional complex — gifts, grants, and donations	
fund	No limit

- (c) During the fiscal year ending June 30, 2011, the commissioner of juvenile justice, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2011, from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to another item of appropriation for fiscal year 2011 from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice. The commissioner of juvenile justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (d) During the fiscal year ending June 30, 2011, the commissioner of juvenile justice, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2011, from the children's initiatives fund for the juvenile justice authority to another item of appropriation for fiscal year 2011 from the children's initiatives fund for the juvenile justice authority. The commissioner of juvenile justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (e) In addition to the other purposes for which expenditures may be made by the juvenile justice authority from the juvenile detention facilities fund for fiscal year 2011, notwith-standing the provisions of K.S.A. 79-4803, and amendments thereto, the juvenile justice authority is hereby authorized and directed to make expenditures from the juvenile detention facilities fund for fiscal year 2011 for purchase of services.

Sec. 97.

## ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:
year chang june 60, 2011, the following.
Operating expenditures \$4,699,766
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess
of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided, however,
That expenditures from this account for official hospitality shall not exceed \$1,250.
Disaster relief
Provided, That any unencumbered balance in the disaster relief account in excess of \$100
as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Incident management team
Provided, That any unencumbered balance in the incident management team account in
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Civil air patrol — operating expenditures
Military activation payments\$45,002
Provided, That all expenditures from the military activation payments account shall be for
military activation payments authorized by and subject to the provisions of K.S.A. 2009
Supp. 75-3228, and amendments thereto: <i>Provided further</i> , That any unencumbered balance
in the military activation payments account in excess of \$100 as of June 30, 2010, is hereby
reappropriated for fiscal year 2011.
Kansas military emergency relief
Provided, That expenditures may be made from the Kansas military emergency relief ac-
count of the state general fund for grants and interest-free loans, which are hereby author-
ized to be entered into by the adjutant general with repayment provisions and other terms
and conditions including eligibility as may be prescribed by the adjutant general therefor,
to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents,
during the period preceding, during and after mobilization to provide assistance to eligible
family members experiencing financial emergencies: <i>Provided further</i> , That such assistance
may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities,
child care, food expenses and other unanticipated emergencies: And provided further, That
any moneys received by the adjutant general in repayment of any grants or interest-free
loans made from the Kansas military emergency relief account of the state general fund
shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215,
and amendments thereto, and shall be credited to the Kansas military emergency relief
fund.
fund. (b) There is appropriated for the above agency from the following special revenue fund
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund.  Conversion of materials and equipment fund — military division.  No limit Adjutant general expense fund.  No limit Emergency management — federal fund matching — equipment fund.  No limit Emergency management — federal fund matching — administration fund.  No limit Nuclear safety emergency management fee fund.  No limit
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund
fund.  (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:  911 statewide coordinating fees fund

for reimbursement for expenditures made under agreements with the federal g	
shall be deposited in the state treasury in accordance with the provisions of K.S.	A. 75-4215,
and amendments thereto, and shall be credited to the military fees fund — fed	
Emergency management — federal fund	No limit
Homeland security federal fund	No limit
Homeland security interest — federal fund	No limit
Armories and units general fees fund	No limit
Emergency management — disaster fund — federal fund	No limit
State emergency fund allocation — several disasters fund	No limit
State emergency fund allocation — several disasters fund	No limit
State emergency fund — weather disasters	No limit
State emergency fund — assistance fund	No limit
Dadicactica materials for J	No limit
Radioactive materials fund	
Hazardous materials emergency preparedness federal fund	No limit
Civil air patrol — grants and contributions — federal fund	No limit
Emergency management performance grant (EMPG) — federal fund	No limit
NG — federal forfeiture fund.	No limit
Inaugural expense fund	No limit
Indirect cost — federal fund	No limit
Kansas military emergency relief fund	No limit
Provided, That expenditures may be made from the Kansas military emergency	
for grants and interest-free loans, which are hereby authorized to be entered	into by the
adjutant general with repayment provisions and other terms and conditions in	cluding eli-
gibility as may be prescribed by the adjutant general therefor, to members and	families of
the Kansas army and air national guard and members and families of the reser-	ve forces of
the United States of America who are Kansas residents, during the period preced	
and after mobilization to provide assistance to eligible family members experienci	ng financial
emergencies: Provided further, That such assistance may include, but shall not	
to, medical, funeral, emergency travel, rent, utilities, child care, food expenses	
unanticipated emergencies: And provided further, That any moneys received by t	
general in repayment of any grants or interest-free loans made from the Kan	
emergency relief fund shall be deposited in the state treasury in accordance wi	th the pro-
visions of K.S.A. 75-4215, and amendments thereto, and shall be credited to	the Kansas
military emergency relief fund.	circ ixtiists
National guard life insurance premium reimbursement fund	No limit
Emergency management assistance compact federal fund	No limit
Public safety interoperable communications grant program federal	NO IIIII
fund	No limit
Military construction national guard federal fund	No limit
National guard civilian youth opportunities federal fund	No limit
Community economic assistance brac federal fund	No limit
Use and emitigation group followed found	No limit
Hazard mitigation grant federal fund	No limit
Other needs or individual assistance federal fund	
Citizen corps federal fund	No limit
Law enforcement terrorism prevention program federal fund	No limit
COPS federal fund	No limit
IECGP federal fund	No limit
NOAA weather alert grant federal fund	
National guard museum assistance fund	No limit
	No limit
Provided, That all expenditures from the national guard museum assistance fu	No limit nd shall be
made for an expansion of the 35th infantry division museum and education cen	No limit nd shall be ter facility.
made for an expansion of the 35th infantry division museum and education cen Great plains joint regional training center fee fund	No limit nd shall be ter facility. No limit
made for an expansion of the 35th infantry division museum and education cen Great plains joint regional training center fee fund	No limit nd shall be ter facility. No limit ning center
made for an expansion of the 35th infantry division museum and education cen Great plains joint regional training center fee fund	No limit nd shall be ter facility. No limit ning center te agencies,
made for an expansion of the 35th infantry division museum and education cen Great plains joint regional training center fee fund	No limit nd shall be ter facility. No limit ning center e agencies, ations: <i>Pro</i> -
made for an expansion of the 35th infantry division museum and education cen Great plains joint regional training center fee fund	No limit nd shall be ter facility. No limit ning center e agencies, ations: <i>Pro</i> collect fees
made for an expansion of the 35th infantry division museum and education cen Great plains joint regional training center fee fund	No limit nd shall be ter facility. No limit ning center e agencies, ations: <i>Pro</i> collect fees

by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: And provided further, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: And provided further, That all fees received for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the great plains joint regional training center fee fund.

(c) In addition to the other purposes for which expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made by the adjutant general from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011, notwithstanding the provisions of K.S.A. 48-205, and amendments thereto, or any other statute, in addition to expenditures for other positions within the adjutant general's department in the unclassified service as prescribed by law: Provided, That the adjutant general may appoint a deputy adjutant general, who shall have no military command authority, and who may be a civilian and shall have served at least five years as a commissioned officer with the Kansas national guard, who will perform such duties as the adjutant general shall assign, and who will serve in the unclassified service under the Kansas civil service act: Provided further, That the position of such deputy adjutant general in the unclassified service under the Kansas civil service act shall be established by the adjutant general within the position limitation established for the adjutant general on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2011 made by this or other appropriation act of the 2010 regular session of the legislature.

Sec. 98.

## STATE FIRE MARSHAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Provided, That expenditures may be made by the state fire marshal from the hazardous materials emergency fund for fiscal year 2011 for the purposes of responding to specific incidences of emergencies related to hazardous materials without prior approval of the state finance council: Provided, however, That expenditures from the hazardous materials emer-

gency fund during fiscal year 2011 for the purposes of responding to any specific incidence of an emergency related to hazardous materials without prior approval by the state finance council shall not exceed \$25,000, except upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session.

Fire safety standard and firefighter protection act enforcement fund .... No limit Cigarette fire safety standard and firefighter protection act fund ...... No limit

- (b) On July 1, 2010, and January 1, 2011, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$188,458 from the fire marshal fee fund to the hazardous material program fund of the state fire marshal.
- (c) During the fiscal year ending June 30, 2011, notwithstanding the provisions of any other statute, the state fire marshal, with the approval of the director of the budget, may transfer funds from the fire marshal fee fund to the hazardous materials emergency fund of the state fire marshal. The state fire marshal shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research. *Provided*, That the aggregate amount of such transfers for the fiscal year ending June 30, 2011, shall not exceed \$50,000.
- (d) During the fiscal year ending June 30, 2011, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund during fiscal year 2011, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2011 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2011 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the hazardous materials emergency fund to the fire marshal fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the fire marshal fee fund for the remainder of fiscal year 2011 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.
- (e) During the fiscal year ending June 30, 2011, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund and any other resources available to the fire marshal fee fund during the fiscal year 2011, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2011 are insufficient to meet in full the estimated expenditures for fiscal year 2011 as they become due to meet the financial obligations imposed by law on the fire marshal fee fund as a result of a cash flow shortfall, within the authorized budgeted expenditures in accordance with the provisions of appropriation acts, the director of the budget is authorized and directed to certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of money specified in such certification from the state general fund to the fire marshal fee fund in order to maintain the cash flow of the fire marshal fee fund for such purposes for fiscal year 2011: Provided, That the aggregate amount of such transfers during fiscal year 2011 pursuant to this subsection shall not exceed \$500,000. Within one year from the date of each such transfer to the fire marshal fee fund pursuant to this subsection, the director of accounts and reports shall transfer the amount equal to the amount transferred from the state general fund to the fire marshal fee fund from the fire marshal fee fund to the state general fund in accordance with a certification for such purpose by the director of the budget. At the same time as the director of the budget transmits any certification under this subsection is transmitted to the director of accounts and reports during fiscal year 2011, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 99.

# KANSAS PAROLE BOARD

KANSAS PAROLE BOARD	
(a) There is appropriated for the above agency from the state general fund for	the fiscal
year ending June 30, 2011, the following:	
Parole from adult correctional institutions	\$510,135
Provided, That any unencumbered balance in the parole from adult correctional in	stitutions
account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal y	ear 2011.
Sec. 100.	
KANSAS HIGHWAY PATROL	
(a) There is appropriated for the above agency from the state general fund for	the fiscal
year ending June 30, 2011, the following:	
	1,938,642
Provided, That any unencumbered balance in the operating expenditures account	
of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided,	however,
That expenditures from the operating expenditures account for official hospitality	z shall not
exceed \$3,000.	0 1
(b) There is appropriated for the above agency from the following special reve	
or funds for the fiscal year ending June 30, 2011, all moneys now or hereafte	
credited to and available in such fund or funds, except that expenditures other that	n retunds
authorized by law shall not exceed the following:	NT 10 00
General fees fund	No limit
Provided, That all moneys received from the sale of used equipment, recovery	
imbursements for expenditures and any other source of revenue shall be deposit	ted in the
state treasury and credited to the general fees fund, except as otherwise provided	
Homeland security 2006 — federal fund	No limit
Homeland security 2007 — federal fund	No limit
Homeland security 2008 — federal fund	No limit
Homeland security 2009 — federal fund	No limit
Homeland security 2010 — federal fund	No limit No limit
For potrol of Veness turoniles fund	No limit
For patrol of Kansas turnpike fund	
necessary moving expenses in accordance with K.S.A. 75-3225, and amendments	thoroto
Highway patrol motor vehicle fund	No limit
Highway patrol — federal fund	No limit
Department of justice — federal recovery act — Edward J. Byrne me-	NO IIIII
morial justice assistance grant program — federal fund	No limit
Department of justice, office of justice programs and bureau of justice	140 mmc
assistance — recovery act rural law enforcement grant program —	
federal fund	No limit
Kansas highway patrol state forfeiture fund	No limit
Gifts and donations fund	No limit
Provided, That expenditures from the gifts and donations fund for official hospit	ality shall
not exceed \$1,000.	,
Federal forfeiture fund	No limit
Motor carrier safety assistance program state fund	No limit
Provided, That expenditures shall be made from the motor carrier safety assistance	program
state fund for necessary moving expenses in accordance with K.S.A. 75-3225, an	d amend-
ments thereto.	
Motor carrier safety assistance program — federal fund	No limit
Provided, That expenditures shall be made from the motor carrier safety assistance	
— federal fund for necessary moving expenses in accordance with K.S.A. 75-3	3225, and
amendments thereto.	
COPS grant — federal fund.	No limit
Aircraft fund — on budget	No limit
Highway safety fund	No limit
Capitol area security fund	No limit

Vehicle identification number fee fund..... No limit Motor vehicle fuel and storeroom sales fund..... No limit Provided, That expenditures may be made from the motor vehicle fuel and storeroom sales fund to acquire and sell commodities and to provide services to local governments and other state agencies: Provided further, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: And provided further, That such fees shall be fixed in order to recover all or part of the expenses incurred in acquiring or providing and selling such commodities and services: And provided further, That all fees received for such commodities and services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the motor vehicle fuel and storeroom sales fund. Kansas highway patrol operations fund..... \$19.573.115 Provided, That expenditures may be made from the Kansas highway patrol operations fund for the purchase of civilian clothing for members of the Kansas highway patrol assigned to duties pursuant to K.S.A. 74-2105, and amendments thereto: Provided further, That the superintendent shall make expenditures from the Kansas highway patrol operations fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto. Highway patrol training center fund..... Provided, That expenditures may be made from the highway patrol training center fund for use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: Provided further, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: And provided further, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the highway patrol training center by other state or local government agencies: And provided further, That all fees received for use of the highway patrol training center by other state agencies, local government agencies or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the highway patrol training center fund. Executive aircraft fund ..... Provided, That expenditures may be made from the executive aircraft fund to provide aircraft services to other state agencies and to purchase liability and property damage insurance for state aircraft: *Provided further*, That the superintendent of the highway patrol is hereby authorized to fix, charge and collect fees for such aircraft services to other state agencies: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: And provided further, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the executive aircraft fund. 1122 program clearing fund..... No limit (c) On or before the 10th of each month during the fiscal year ending June 30, 2011, the

(c) On or before the 10th of each month during the fiscal year ending June 30, 2011, the director of accounts and reports shall transfer from the state general fund to the 1122 program clearing fund interest earnings based on: (1) The average daily balance of moneys in the 1122 program clearing fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(d) On July 1, 2010, and January 1, 2011, or as soon after each date as moneys are available the director of accounts and reports shall transfer an amount specified by the executive director of the state corporation commission, with the approval of the director of the budget, of not more than \$650,000 from the motor carrier license fees fund of the state corporation commission to the motor carrier safety assistance program state fund of the Kansas highway patrol.

(e) On July 1, 2010, October 1, 2010, January 1, 2011, and April 1, 2011, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$4,708,956.25 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund of the Kansas highway patrol for the purpose of financing the Kansas highway patrol operations. In addition to other purposes for which expenditures

may be made from the state highway fund during fiscal year 2011 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2011 for support and maintenance of the Kansas highway patrol.

- (f) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$212,000 from the state highway fund of the department of transportation to the highway safety fund of the Kansas highway patrol for the purpose of financing the motorist assistance program of the Kansas highway patrol.
- (g) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$250,000 from the state highway fund of the department of transportation to the general fees fund of the Kansas highway patrol for the purpose of financing operating expenditures of the Kansas highway patrol.
- (h) On July 1, 2010, and January 1, 2011, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 74-2136, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$200,000 from the highway patrol motor vehicle fund of the Kansas highway patrol to the aircraft fund on budget of the Kansas highway patrol.
- (i) On July 1, 2010, October 1, 2010, January 1, 2011, and April 1, 2011, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$9,000,000 from the state highway fund of the department of transportation to the state general fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2011 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2011 for the support and maintenance of the Kansas highway patrol.
- (j) On  $\overline{J}$ uly 1,  $\overline{2}$ 010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$333,588 from the highway patrol training center fund of the Kansas highway patrol to the Kansas highway patrol operations fund of the Kansas highway patrol.
- (k) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$240,570 from the general fees fund of the Kansas highway patrol to the Kansas highway patrol operations fund of the Kansas highway patrol.
- (l) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$37,153 from the vehicle identification number fee fund of the Kansas highway patrol to the Kansas highway patrol operations fund of the Kansas highway patrol.

Sec. 101.

### ATTORNEY GENERAL — KANSAS BUREAU OF INVESTIGATION

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

educational classes and training for special agents and other personnel, including official hospitality.

High intensity drug trafficking area — federal fund No limit
Criminal justice information system line fund \$660,000
Private detective fee fund No limit
DNA database fund No limit
Kansas bureau of investigation motor vehicle fund No limit

Provided, That expenditures may be made from the Kansas bureau of investigation motor vehicle fund to acquire and sell motor vehicles for the Kansas bureau of investigation: Provided further, That all moneys received for sale of motor vehicles of the Kansas bureau of investigation shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas bureau of investigation motor vehicle fund.

Forensic laboratory and materials fee fund..... Provided, That expenditures may be made from the forensic laboratory and materials fee fund for the acquisition of laboratory equipment and materials and for other direct or indirect operating expenditures for the forensic laboratory of the Kansas bureau of investigation incurred for laboratory tests conducted for noncriminal justice entities, including governmental agencies and private organizations, which testing activity is hereby authorized: Provided, however, That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to subsection (a) of K.S.A. 28-176, and amendments thereto, shall be for the purposes authorized by subsection (c) of K.S.A. 28-176, and amendments thereto: Provided further, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees for laboratory tests conducted for such noncriminal justice entities: And provided further, That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting laboratory tests for such noncriminal justice entities: And provided further, That all fees received for such laboratory tests, including all moneys received pursuant to subsection (a) of K.S.A. 28-176, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the forensic laboratory and materials fee fund.

vention materials; and (6) conducting agency operations: Provided, however, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses incurred, except as otherwise hereinafter provided, for the following: (1) Education and training services made available to local law enforcement personnel in classes conducted for special agents and other personnel of the Kansas bureau of investigation; (2) investigations and related activities conducted for the Kansas lottery or the Kansas racing and gaming commission, except that the fees fixed for these activities shall be fixed in order to recover all of the direct and indirect expenses incurred for such investigations and related activities; (3) DNA forensic laboratory tests and related activities; (4) sale and distribution of crime prevention materials: Provided further, That all fees received for such activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the KBI general fees fund: And provided further, That all moneys which are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and which are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the KBI general fees fund: And provided further, That all moneys received as gifts, grants or donations for the preparation, publication or distribution of crime prevention materials shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the KBI general fees fund: And provided further, That expenditures from any moneys received from the division of alcoholic beverage control and credited to the KBI general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for operating expenditures.

Intergovernmental service fund	No limit
Agency motor pool fund	No limit
Marijuana eradication federal fund	No limit
National criminal history improvement federal fund	No limit
Violence against women federal fund	No limit
Public safety partnership and community policing federal fund	No limit
Byrne — JÁG federal fund	No limit
DNA backlog reduction federal fund	No limit
Coverdell forensic sciences improvement federal fund	No limit
Anti-gang initiative federal fund	No limit
Convicted offender/arrestee DNA federal fund	No limit
Byrne/JAG — ARRA federal fund	No limit
Homeland security federal fund	No limit
State homeland security program federal fund	No limit
Sec. 102.	

# EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

,	
Rural health options grant fund	No limit
Rural access to emergency devices grant — federal fund	No limit
Emergency medical services operating fund	\$1,384,926
Provided, That the emergency medical services board is hereby authorized to	o fix, charge

and collect fees in order to recover costs incurred for distributing educational videos, replacing lost educational materials and mailing labels of those licensed by the board: *Provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the emergency medical services operating fund: *And provided further*, That, notwithstanding any provisions of K.S.A. 65-6128 or 65-6129b, and amendments thereto, or of any other statute to the contrary, all moneys received by the emergency medical services board for fees authorized by law for licensure or the issuance of permits, or for any other regulatory duties and functions prescribed by law in the field of emergency medical services, shall be deposited in the state treasury to the credit of the emergency medical services operating fund of the emergency medical services board: *And provided further*, That expenditures from the emergency medical services operating fund for official hospitality shall not exceed \$2,000.

- (b) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the board of emergency medical services operating fund for fiscal year 2011 by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made by the emergency medical services board from the emergency medical services operating fund for fiscal year 2011 for the purpose of implementing a grant program for emergency medical services training and educational assistance for persons in underserved areas: *Provided*, That when issuing such grants, first priority shall be given to ambulance services submitting applications seeking grants to pay the cost of recruiting volunteers and cost of the initial courses of training for attendants, instructor-coordinators and training officers: *Provided further*, That the second priority shall be given to ambulance services submitting applications seeking grants to pay the cost of continuing education for attendants, instructor-coordinators and training officers: *And provided further*, That the third priority shall be given to ambulance services submitting applications seeking grants to pay the cost of education for attendants, instructor-coordinators and training officers who are obtaining a post-secondary education degree.
- (c) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the moneys appropriated from the state general fund or from any special revenue fund for the emergency medical services board for fiscal year 2011, as authorized by this or any other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the emergency medical services board from moneys appropriated from the state general fund or from any special revenue fund for the emergency medical services board for fiscal year 2011 to require emergency medical services agencies in each of the six EMS regions of the state to prepare and submit a report of the expenditures made and moneys received in the EMS region are related to the operation and administration of the Kansas emergency medical services examination to the emergency medical services board: *Provided*, That the report for each EMS region specify and account for all moneys appropriated from the state treasury for the emergency medical services board and disbursed to such EMS region for the operation of the most recently conducted Kansas emergency medical services examination in such EMS region.

- (d) On July 1, 2010, and January 1, 2011, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$125,000 from the emergency medical services operating fund to the educational incentive grant payment fund.
- (e) During the fiscal year ending June 30, 2011, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the emergency medical services operating fund during fiscal year 2011, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the emergency medical services operating fund during fiscal year 2011 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2011 in accordance with the provisions of appropriation acts, the director of the budget shall certify such funding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the education incentive grant payment fund to the emergency medical services operating fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the emergency medical services operating fund for the remainder of fiscal year 2011 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.
- (f) During the fiscal year ending June 30, 2011, if any EMS regional council enters into a grant agreement with the emergency medical service board, such council shall be required to submit pursuant to such grant agreement a written report detailing and accounting for all expenditures and receipts of such council during such fiscal year. The emergency medical services board shall prepare a written report specifying and accounting for all moneys received by and expended by each individual council that has reported to the emergency medical services board pursuant to such grant agreement and submit such report to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2011.

Sec. 103.

# KANSAS SENTENCING COMMISSION

or funds for the fiscal year ending June 30, 2011, 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:

# KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Kansas commission on peace officers' standards and training fund ...... \$650,005 Provided, That expenditures from the Kansas commission on peace officers' standards and training fund for the fiscal year ending June 30, 2011, for official hospitality shall not exceed \$1,000. Sec. 105.

KANSAS DEPARTMENT OF AGRICULTURE		
(a) There is appropriated for the above agency from the state general fund for	(a) There is appropriated for the above agency from the state general fund for the fiscal	
year ending June 30, 2011, the following:		
	\$9,308,539	
Provided, That any unencumbered balance in the operating expenditures account		
of \$100 as of June 30, 2010, is hereby reappropriated to the operating expenditure	res account	
for fiscal year 2011: Provided further, That expenditures may be made from the	nis account	
for expenses incurred in holding the annual meeting: And provided further, The	at expendi-	
tures from this account for official hospitality shall not exceed \$5,000: And provide		
That the above agency may negotiate and enter into contracts to carry out its f		
the annual meeting: And provided further, That such contracts shall not be sub	piect to the	
competitive bid requirements of K.S.A. 75-3739, and amendments thereto.	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
(b) There is appropriated for the above agency from the following special rev	venue fund	
or funds for the fiscal year ending June 30, 2011, all moneys now or hereaft	er lawfully	
credited to and available in such fund or funds, except that expenditures other th		
authorized by law shall not exceed the following:	idii ToTdiido	
Dairy fee fund	No limit	
Meat and poultry inspection fee fund	No limit	
Wheat quality survey fund	No limit	
Entomology fee fund	No limit	
Laboratory equipment fund	No limit	
Water structures — state highway fund	\$104,832	
Soil amendment fee fund	No limit	
Agricultural liming materials fee fund	No limit	
Weights and measures fee fund	No limit	
Water appropriation certification fund	\$553,868	
Water resources cost fund	No limit	
Provided, That all moneys received by the secretary of agriculture from any government	vernmental	
or nongovernmental source to implement the provisions of the Kansas water b	anking act,	
K.S.A. 2009 Supp. 82a-761 through 82a-773, and amendments thereto, which		
authorized to be applied for and received, shall be deposited in the state trea	sury in ac-	
cordance with the provisions of K.S.A. 75-4215, and amendments thereto, ar		
credited to the water resources cost fund.		
Agriculture seed fee fund	No limit	
Chemigation fee fund.	No limit	
Agriculture statistics fund	No limit	
Petroleum inspection fee fund	No limit	
Water transfer hearing fund	No limit	
Grain commodity commission services fund	No limit	
Kansas agricultural remediation board fund	No limit	
Kansas agricultural remediation fund	No limit	
Warehouse fee fund	No limit	
U.S. geological survey cooperative gauge agreement grants fund	No limit	
<i>Provided</i> , That the secretary of agriculture is hereby authorized to enter into a c		
gauge agreement with the United States geological survey: Provided further, That		
collected for the construction or operation of river water intake gauges shall be	e deposited	
in the state treasury in accordance with the provisions of K.S.A. 75-4215, and ar	nendments	
thereto, and shall be credited to the U.S. geological survey cooperative gauge		
grants fund: And provided further, That expenditures may be made from this f	und to pay	
the costs incurred in the construction or operation of river water intake gauges.		
Computer services fund	No limit	
Agricultural chemical fee fund	No limit	
Feeding stuffs fee fund	No limit	
requiver lee mind	No limit	

Fertilizer fee fund.
Plant pest emergency response fund.
Pesticide use fee fund.

No limit No limit No limit

Geographic information system fee fund	No limit
Egg fee fund	No limit
Fertilizer/pesticide compliance admin fund	No limit
Water structures fund	\$144,521
Meat and poultry inspection fund — federal	No limit
EPA pesticide performance partnership grant — tederal fund	No limit
FEMA dam safety — federal fund	No limit
FEMA stream mapping — federal fund	No limit
Pest detection and survey — federal fund	No limit
USDA NASS postage fund	No limit
FDA tissue residue — federal fund	No limit
Conversion of materials and equipment fund	No limit
Speciality crop block grant — federal fund	No limit
Publications fee fund	No limit
Provided, That expenditures may be made from the publications fee fund f	
expenditures related to preparation and publication of informational or education	
related to the programs or functions of the Kansas department of agricultu further, That, notwithstanding the provisions of K.S.A. 75-1005, and amendments	re: <i>rroviaea</i>
to the contrary, the secretary of agriculture is hereby authorized to enter int	
with a commercial publisher for the printing, distribution and sale of such managed to distribute and the state of such as the second to be such a	
provided further, That the secretary of agriculture is hereby authorized to colle such commercial publisher pursuant to contract with the publisher for the	
materials: And provided further, That the secretary of agriculture is hereby a	
receive and accept grants, gifts, donations or funds from any non-federal so	
printing, publication and distribution of such materials: And provided further, T	
eys received from such fees or for such grants, gifts, donations or other funds	
such purpose, shall be deposited in the state treasury in accordance with the	
K.S.A. 75-4215, and amendments thereto, and shall be credited to the publication	
Agriculture preparedness — homeland security — federal fund	No limit
Other federal grants fund	No limit
Provided, That, the above agency is authorized to make expenditures from the	
grants fund of any moneys credited to this fund from any individual grant if t	
Is less than or equal to \$500,000 in the aggregate, and (2) does not require t	
expenditure of any moneys in the state treasury during fiscal year 2011 other	han moneys
appropriated by this or other appropriation act of the 2010 regular session of the	
Provided, however, That, upon application to and authorization by the governo	
agency may make expenditures of moneys credited to this fund from any indiv	
grant which is more than \$500,000 in the aggregate or which requires the r	
penditure of moneys in the state treasury during fiscal year 2011, other than	
propriated by this or other appropriation act of the 2010 regular session of the	e legislature:
Provided further, That no grant for the farmers' assistance, counseling and train	ing program
shall be deposited to the credit of this fund.	
USDA national agricultural statistics services — federal fund	No limit
FDA food protection conference grant — federal fund	No limit
Retail food good manufacturing practice management — federal fund	No limit
Medicated feed and FDA BSE inspection — federal fund	No limit
National floodplain insurance assistance (CAP) — federal fund	No limit
FEMA map modernization management support — federal fund	No limit
Civil litigation fee fund	No limit
<i>Provided</i> , That the above agency is authorized to make expenditures from the c	
fee fund for costs or other expenses associated with investigation and litigation	on regarding
fraudulent meat sales: <i>Provided further</i> , That a portion of the moneys received	
from fines and other moneys collected as a result of the settlement of frauduler	
cases, as determined by the secretary of agriculture and the attorney general,	snall be de-
posited in the state treasury in accordance with the provisions of K.S.A. 75-4215,	and amend-
ments thereto, and shall be credited to the civil litigation fee fund by the attor	ney general.

Food safety fund..... Provided, That expenditures may be made from the food safety fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act: Provided further, That, notwithstanding the provisions of K.S.A. 36-512, and amendments thereto, to the contrary, all moneys received from fees charged and collected by the secretary of agriculture under the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, deposited in the state treasury and shall be credited to the food safety fund: And provided further, That the secretary of agriculture is hereby authorized to make expenditures from the food safety fund for contracts or other agreements with local governments to inspect food service, food processing, grocery or other facilities for which the department of agriculture has inspection Gifts and donations fund ..... No limit Provided, That the secretary of agriculture is hereby authorized to receive gifts and donations of resources and money for services for the benefit and support of agriculture and purposes thereto: Provided further, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the gifts and donations fund. General fees fund No limit Provided, That expenditures may be made from the general fees fund for operating expenditures for the regulatory programs of the Kansas department of agriculture and for official hospitality: Provided further, That the secretary of agriculture is hereby authorized to fix, charge and collect fees in order to recover all or part of the costs incurred for such regulatory program activities and for official hospitality: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for the regulatory program activity or official hospitality for which such fees are imposed: And provided further, That all amounts received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund. Food service inspection reimbursement fund ..... No limit Food inspection fee fund..... No limit Provided, That expenditures may be made from the food inspection fee fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act: Provided further, That, notwithstanding the provisions of K.S.A. 36-512, and amendments thereto, to the contrary, all moneys received from fees charged and collected by the secretary of agriculture under the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the food inspection fee fund: And provided further, That, on the first day of each month during fiscal year 2011, the director of accounts and reports shall transfer from the food inspection fee fund to the food service inspection reimbursement fund an amount equal to 80% of all fees credited to the food inspection fee fund where food service inspection services are provided by a local agency under contract with the secretary to inspect food service establishments located in a municipality. (c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2011, for the water plan project or projects specified, the follow-Basin management.....

Provided, That any unencumbered balance in the basin management account in excess of

\$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

- (d) During the fiscal year ending June 30, 2011, the secretary of agriculture, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2011 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2011 from the state water plan fund for the Kansas department of agriculture: *Provided*, That the secretary of agriculture shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to (1) the director of legislative research, (2) the chairperson of the house of representatives agriculture and natural resources budget committee, and (3) the appropriate chairperson of the subcommittee on agriculture of the senate committee on ways and means.
- (e) On July 1, 2010, the director of accounts and reports shall transfer \$99,732 from the state highway fund of the department of transportation to the water structures state highway fund of the Kansas department of agriculture.
- (f) There is appropriated for the above agency from the economic development initiatives fund for the fiscal year ending June 30, 2011, the following:

Grain warehouse inspection program operations \$75,000

Sec. 106.

# KANSAS ANIMAL HEALTH DEPARTMENT

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

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided, however, That expenditures from such reappropriated balance shall be made only upon approval by the state finance council.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Provided, That expenditures from the animal dealers fee fund for official hospitality shall not exceed \$300: Provided further, That expenditures shall be made from the animal dealers fund by the livestock commissioner for operating expenditures for an educational course regarding animals and their care and treatment as authorized by K.S.A. 47-1707, and amendments thereto, to be provided through the internet or printed booklets.

*Provided*, That expenditures from the livestock brand fee fund for official hospitality shall not exceed \$250.

Livestock brand emergency revolving fund. No limit
County option brand fee fund. No limit
Livestock and pseudorabies indemnity fund. No limit
Conversion of materials and equipment fund No limit
Legal services fund No limit

Provided, That all moneys received by the animal health department from other state agencies pursuant to one or more interagency agreements for the provision of legal services,

which agreements are hereb	authorized and directe	ed to be entered into	o, shall be credited
to the legal services fund.			

Disease control fund — federal	No limit
Animal donation fund.	No limit
Animal health protection fund	No limit
Sec. 107.	

# STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

State fair fee fund..... Provided, That expenditures from the state fair fee fund for official hospitality shall not exceed \$15,000.

State fair federal transfer fund ..... No limit State fair special cash fund..... No limit State fair debt service special revenue fund..... No limit

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following: State fair debt service.....

\$1,549,854

(c) During the fiscal year ending June 30, 2011, notwithstanding the provisions of K.S.A. 75-4101 through 75-4114 and K.S.A. 2009 Supp. 75-4125, and amendments thereto, or K.S.A. 44-575 or 44-576, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made by the state fair board from moneys appropriated from the state general fund or any special revenue fund for the state fair board for fiscal year 2011 by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the state fair board from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011, to purchase workers compensation insurance in accordance with this subsection: Provided, That all contracts for workers compensation insurance purchased by the state fair board pursuant to this subsection shall be entered into in the manner prescribed for the purchase of supplies, material, equipment or contractual services as provided in K.S.A. 75-3738 through 75-3744, and amendments thereto, and any such contract having a premium or rate in excess of \$500 shall be selected and entered into on the basis of sealed bids: Provided further, That all contracts for workers compensation insurance purchased by the state fair board shall not be subject to the provisions of K.S.A. 75-4101 through 75-4114 and K.S.A. 2009 Supp. 75-4125, and amendments thereto: And provided further, That, during the fiscal year ending June 30, 2011, if the state fair board procures workers compensation insurance pursuant to this subsection for fiscal year 2011, the state fair board shall not be subject to the self-insurance assessment prescribed by K.S.A. 44-576, and amendments thereto, and the director of accounts and reports shall not transfer any amount for such self-insurance assessment for the state fair board pursuant to that statute: And provided further, That, notwithstanding the provisions of K.S.A. 44-575, and amendments thereto, if the state fair board procures workers compensation insurance pursuant to this subsection for fiscal year 2011, the state workers compensation self-insurance fund shall not be liable for any compensation for claims under the workers compensation act relating to the state fair board and arising during the period from July 1, 2010, through June 30, 2011, or for any other amounts otherwise required to be paid under the workers compensation act during such period: And provided further, That, if the state fair board procures workers compensation insurance pursuant to this subsection for fiscal year 2011, the state fair board shall notify the secretary of administration and the Kansas health policy authority of the date when such workers compensation insurance policy takes effect.

Sec. 108.

# STATE CONSERVATION COMMISSION

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

Operating expenditures..... \$744,134 Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That expenditures from this account for official hospitality shall not exceed \$1,500. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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: Agency motor pool fund..... Land reclamation fee fund No limit Watershed protect approach/WTR RSRCE MGT fund ..... No limit Conversion of materials and equipment fund ..... No limit Buffer participation incentive fund ..... No limit NRCS contribution agreement 2002 farm bill — federal fund...... No limit (c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2011, for the following water plan project or projects specified, the following: Water resources cost share ..... \$2,142,151 Provided, That any unencumbered balance in the water resources cost share account in excess of \$100 as of June 30, 2010, is hereby reappropriated to the water resources cost share account for fiscal year 2011: Provided further, That the initial allocation for grants to conservation districts for fiscal year 2011 shall be made on a priority basis, as determined by the state conservation commission and the provisions of the state water plan: And provided further, That expenditures from this account for contractual technical expertise and/ or non-salary state conservation commission administration expenditures shall not exceed the amount equal to 6% of the budget amount for fiscal year 2011 for the water resources cost share account. Nonpoint source pollution assistance ..... Provided, That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. Conservation district aid..... Provided, That any unencumbered balance in the conservation district aid account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. Watershed dam construction ..... \$691.975 Provided, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the state conservation commission. Lake restoration..... \$656,298 Provided, That any unencumbered balance in the lake restoration account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That the state conservation commission shall 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. Kansas water quality buffer initiatives ..... Provided, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided further, That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices under the governor's water quality initiative: And provided further, That such expenditures may be made from this account from the approved budget amount for fiscal year 2011 in accordance with contracts, which are hereby authorized to be entered into by the executive director of the state conservation commission on behalf of the commission, for such grants

or incentives.

- (d) On or after the effective date of this act, during fiscal year 2009, fiscal year 2010 and fiscal year 2011, all expenditures made by the state conservation commission from the moneys appropriated in the conservation reserve enhancement program account from the state water plan fund for fiscal year 2009, fiscal year 2010 or fiscal year 2011 as authorized by chapter 187 of the 2008 session laws of Kansas, or by this or other appropriation act of the 2010 regular session of the legislature, shall be made by the state conservation commission in accordance with the following: *Provided*, That any unencumbered balance in the conservation reserve enhancement program account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: *And provided further*, That all expenditures under the conservation reserve enhancement program, referred to as CREP in this subsection, are subject to the following criteria:
- (1) The total number of acres enrolled in Kansas in CREP for the four fiscal years 2008, 2009, 2010, and 2011 shall not exceed 40,000 acres;
- (2) the number of acres eligible for enrollment in CREP in Kansas shall be limited to one-half of the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the CREP area, except that if federal law permits the land enrolled in the CREP program to be used for agricultural purposes such as planting of agricultural commodities, including, but not limited to, grains, cellulosic or biomass materials, alfalfa, grasses, legumes or other cover crops then the number of acres eligible for enrollment shall be limited to the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the CREP area;
- (3) lands enrolled in the conservation reserve program as of January 1, 2008, shall not be eligible for enrollment in CREP;
  - (4) no more than 25% of the acreage in CREP may be in any one county;
- (5) no water right that is owned by a governmental entity, except a groundwater management district, shall be purchased or retired by the state or federal government pursuant to CREP: and
- (6) only water rights in good standing are eligible for inclusion under CREP: And provided further, That to be a water right in good standing the following criteria must be met: (A) At least 50% of the maximum annual quantity authorized to be diverted under the water right has been used in any three years from 2001 through 2005; (B) in the years 2001 through 2005 the water rights used for the acreage in CREP shall not have exceeded the maximum annual quantity authorized to be diverted and shall not have been the subject of enforcement sanctions by the division of water resources in the last four years; and (C) the water right holder has submitted the required annual water use report required by K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years; And provided further, That the state conservation commission shall submit a CREP report to the senate committee on natural resources and the house committee on agriculture and natural resources at the beginning of the 2011 regular session of the legislature which shall contain a description of program activities and shall include: (i) The total water rights, measured in acre feet, retired in CREP during fiscal year 2009, fiscal year 2010, and fiscal year 2011 to date, (ii) the acreage enrolled in CREP during fiscal year 2009 and in fiscal year 2010 and in fiscal year 2011 to date, (iii) the dollar amounts received and expended for CREP during fiscal year 2009 and in fiscal year 2010 and in fiscal year 2011 to date, (iv) the economic impact of the CREP, (v) the change in groundwater levels in the CREP area during fiscal year 2009, fiscal year 2010, and fiscal year 2011 to date, (vi) the annual amount of water usage in the CREP area during fiscal year 2007, and fiscal year 2008, and fiscal year 2009, and fiscal year 2010, and fiscal year 2011, to date, (vii) an assessment of meeting each of the program objectives identified in the agreement with the farm service agency, and (viii) such other information as the state conservation commission shall specify.

(e) During the fiscal year ending June 30, 2011, the executive director of the state conservation commission, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2011 from the state water plan fund for the state conservation commission to another item of appropriation for fiscal year 2011 from the state water plan fund for the state conservation commission: *Provided*, That the executive director of the state conservation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to (1) the director of legislative research, (2) the chairperson of the house of representatives agriculture and natural resources budget committee, and (3) the appropriate chairperson of the subcommittee on agriculture of the senate committee on ways and means.

Sec. 109.

KANSAS WATER OFFICE (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following: Water resources operating expenditures..... Provided, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided, however, That expenditures from this account for official hospitality shall not exceed \$250. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following: Local water project match fund..... Provided, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local water project match fund: Provided further, That all moneys credited to this fund shall be used to match state funds or federal funds, or both for water projects. Water supply storage assurance fund ..... Provided, That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 2011, unless a contract is entered into under the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, to supply water to users which is not held under contract in such reservoirs. State conservation storage water supply fund ..... No limit Water marketing fund ..... No limit Federal grants and receipts fund..... No limit General fees fund Provided, That expenditures may be made from the general fees fund for operating expenditures for the Kansas water office, including training and informational programs and official hospitality: Provided further, That the director of the Kansas water office is hereby authorized to fix, charge and collect fees for such programs: And provided further, That fees for such programs shall be fixed in order to recover all or part of the operating expenses incurred for such programs, including official hospitality: And provided further, That all fees received for such programs and all fees received for providing access to or for furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund. Motor pool vehicle replacement fund ..... No limit Reservoir storage beneficial use fund..... No limit Provided, That expenditures may be made by the above agency from the reservoir storage beneficial use fund to call water into service for beneficial uses or to complete studies or

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2011, for the state water plan project or projects specified, the following:

take actions necessary to ensure reservoir storage sustainability, subject to the availability

of moneys credited to the reservoir storage beneficial use fund.

Assessment and evaluation
Provided, That any unencumbered balance in the assessment and evaluation account in
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
GIS data base development
Provided, That any unencumbered balance in the GIS data base development account in
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
MOU — storage operations and maintenance
Provided, That any unencumbered balance in the MOU — storage operations and main-
tenance account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal
year 2011.
Technical assistance to water users
<i>Provided</i> , That any unencumbered balance in the technical assistance to water users account
in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Water resource education \$38,500
<i>Provided</i> , That any unencumbered balance in the water resource education account in excess
of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Wichita aquifer storage and recovery project
Provided, That any unencumbered balance in the Wichita aquifer recovery project account
in excess of \$100 as of June 30, 2010, is hereby reappropriated to the Wichita aquifer storage
and recovery project account for fiscal year 2011.
Weather modification program\$168,000
Provided, That any unencumbered balance in the weather modification program account in
excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
Weather stations
<i>Provided</i> , That any unencumbered balance in the weather stations account in excess of \$100
as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
(d) During the fixed year ending June 20, 2011, the director of the Veneza water office

- (d) During the fiscal year ending June 30, 2011, the director of the Kansas water office, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2011 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2011 from the state water plan fund for the Kansas water office: *Provided, however*, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to (1) the director of legislative research, (2) the chairperson of the house of representatives agriculture and natural resources budget committee, and (3) the appropriate chairperson of the subcommittee on agriculture of the senate committee on ways and means.
- (e) During the fiscal year ending June 30, 2011, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of a cash flow shortfall, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to maintain the cash flow of the water marketing fund upon approval of each such loan by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. No such loan shall be made unless the terms have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of legislative research. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall be repaid without interest within one year from the date of the loan.
- (f) During the fiscal year ending June 30, 2011, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal government, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government.

ment and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall bear interest at a rate equal to the net earnings rate for the pooled money investment portfolio at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification to the pooled money investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts to the water marketing fund of the Kansas water office. The principal and interest of each loan authorized pursuant to this subsection shall be repaid in payments payable at least annually for a period of not more than five years.

(g) During the fiscal year ending June 30, 2011, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office prior to April 1, 2011, from the water marketing fund to the state general fund, in accordance with the provisions of the state water plan storage act, and amendments thereto, and rules and regulations adopted thereunder, for the purposes of making repayments to the state general fund for moneys advanced for annual capital cost payments for water supply storage space

(h) During the fiscal year ending June 30, 2011, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office prior to April 1, 2011, from the water assurance fund to the state general fund, in accordance with the provisions of the state water plan storage act, and amendments thereto, and rules and regulations adopted thereunder, for the purposes of making repayments to the state general fund for moneys advanced for the purchase of water supply storage space in reservoirs. Sec. 110.

# DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following: Operating expenditures ..... \$3,408,618 *Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011: Provided, however, That expenditures from this account for official hospitality shall not exceed \$1,000. State parks operating expenditures..... Provided, That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011. Reimbursement for annual licenses issued to national guard members... Provided, That all moneys in the reimbursement for annual licenses issued to national guard members account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2011 to Kansas army or air national guard members, which licenses are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to national guard members account to pay the wildlife fee fund for such licenses: Provided, however, That no other hunting or fishing licenses or permits shall be eligible to be paid from this account: Provided further, That any unencumbered balance in the reimbursement for annual licenses issued to national guard members account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Reimbursement for annual park permits issued to national guard

guard members account shall be expended to pay the parks fee fund for the cost of fees for annual park vehicle permits issued for the calendar year 2011 to Kansas army or air national guard members, which annual park vehicle permits are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual park permits issued to national guard members account to pay the parks fee fund for such permits: *Provided*, *however*, That not more than one annual park vehicle permit per family shall be eligible to be paid from this account: *Provided further*, That any unencumbered balance in the reimbursement for annual park permits issued to national guard members account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

Reimbursement for annual licenses issued to Kansas disabled veterans . . \$74.264 Provided, That all moneys in the reimbursement for annual licenses issued to Kansas disabled veterans account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2011 to Kansas disabled veterans, which licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to Kansas disabled veterans account to pay the wildlife fee fund for such licenses: Provided, however, That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions, have a disability certified by the Kansas commission on veterans affairs as being service connected and such service connected disability is equal to or greater than 30%: Provided further, That no other hunting or fishing licenses or permits shall be eligible to be paid from this account: And provided further, That any unencumbered balance in the reimbursement for annual licenses issued to Kansas disabled veterans account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Provided, That additional expenditures may be made from the wildlife fee fund for fiscal year 2011 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: Provided further, That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2011: And provided further, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: And provided further, That expenditures from this fund for official hospitality shall not exceed \$1,000.

in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2011: And provided further, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.

Central aircraft fund	No limit
Provided, That expenditures may be made by the above agency from the	
fund for aircraft operating expenditures, for aircraft maintenance and rep	
aircraft services to other state agencies, and for the purchase of state airc	
Provided further, That the secretary of wildlife and parks is hereby authorize	
and collect fees for the provision of aircraft services to other state agencies:	
further, That such fees shall be fixed to recover all or part of the operating	
incurred in providing such services: And provided further, That all fees rec	eived for such
services shall be credited to the central aircraft fund.	
Department access roads fund	\$1,012,347
Wildlife and parks nonrestricted fund	No limit
Prairie spirit rails-to-trails fee fund	No limit
Nongame wildlife improvement fund	No limit
Nongame wildlife improvement fund — federal	No limit
Wildlife conservation fund.	No limit
Federally licensed wildlife areas fund.	No limit
State agricultural production fund	No limit
Land and water conservation fund — state	No limit
Land and water conservation fund — local	No limit
Development and promotions fund	No limit
Department of wildlife and parks private gifts and donations fund	No limit
Fish and wildlife restitution fund	No limit
Parks restitution fund	No limit
Nonfederal grants fund	No limit
Other federal grants fund	No limit
Provided, That the above agency is authorized to make expenditures from the	
grants fund of any moneys credited to this fund from any individual grant i	
Is less than or equal to \$750,000 in the aggregate, and (2) does not require	
expenditure of any other moneys in the state treasury during fiscal year 20	
moneys appropriated by this or other appropriation act of the 2010 regular	
legislature: <i>Provided, however</i> , That, upon application to and authorization b	
the above agency may make expenditures of moneys credited to this fund from	
federal grant which is more than \$750,000 in the aggregate or which require	
expenditure of moneys in the state treasury during the current or any ensu <i>Provided further</i> , That, subject to the provisions of the other provisos prescri	nig nscar year:
for authority to make expenditures from the other federal grants fund, expen made from the other federal grants fund for capital improvements.	uitures may be
Suspense fund	No limit
Employee maintenance deduction clearing fund	No limit
Cabin revenue fund	No limit
Boating fund — federal.	No limit
Wildlife fund — federal	No limit
Wildlife conservation fund — federal.	No limit
Feed the hungry fund	No limit
(c) There is appropriated for the above agency from the state water pla	
fiscal year ending June 30, 2011, the following:	ii rana ior aic
Stream monitoring	\$28,800
Sec. 111.	77
DEPARTMENT OF TRANSPORTATION	
(a) There is appropriated for the above agency from the following specia	l revenue fund
or funds for the fiscal year ending June 30, 2011, all moneys now or her	
credited to and available in such fund or funds, except that expenditures sl	nall not exceed
the following:	
State highway fund	No limit
Provided, That no expenditures may be made from the state highway fund	other than for
the purposes specifically authorized by this or other appropriation act.	

Special city and county highway fund
County equalization and adjustment fund \$2,500,000
County equalization and adjustment fund       \$2,500,000         Highway special permits fund       No limit         Highway bond debt service fund       No limit
Highway bond debt service fund
Rail service improvement fund
Transportation revolving fund
Rail service assistance program loan guarantee fund
Railroad rehabilitation loan guarantee fund
Provided, That expenditures from the railroad rehabilitation loan guarantee fund shall not
exceed the amount which the secretary of transportation is obligated to pay during the fiscal
year ending June 30, 2011, in satisfaction of liabilities arising from the unconditional guar-
antee of payment which was entered into by the secretary of transportation in connection with the mid-states port authority federally taxable revenue refunding bonds, series 1994,
dated May 1, 1994, authorized by K.S.A. 12-3420, and amendments thereto, and guaranteed
pursuant to K.S.A. 75-5031, and amendments thereto.
Interagency motor vehicle fuel sales fund
Provided, That expenditures may be made from the interagency motor vehicle fuel sales
fund to provide and sell motor vehicle fuel to the Kansas highway patrol: <i>Provided further</i> ,
That the secretary of transportation is hereby authorized to fix, charge and collect fees for
motor vehicle fuel sold to the Kansas highway patrol: And provided further, That such fees
shall be fixed in order to recover all or part of the expenses incurred in providing motor
vehicle fuel to the Kansas highway patrol: And provided further, That all fees received for
such sales of motor vehicle fuel shall be credited to the interagency motor vehicle fuel sales
fund.
Coordinated public transportation assistance fund
Public use general aviation airport development fund
Highway bond proceeds fund
Communication system revolving fund
Traffic records enhancement fund
Other federal grants fund
Provided, That no moneys received by the department of transportation that are highway
trust funds or moneys that are received by the department of transportation under federal
grants received on an ongoing basis shall be credited to the other federal grants fund:
Provided, however, That the secretary of transportation may transfer moneys between the
other federal grants fund and the state highway fund.
Kansas intermodal transportation revolving fund
(b) Expenditures may be made by the above agency for the fiscal year ending June 30,
2011, from the state highway fund for the following specified purposes: <i>Provided</i> , That
expenditures from the state highway fund for fiscal year 2011 other than refunds authorized
by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:
Agency operations. \$267,887,098
Provided, That expenditures from the agency operations account of the state highway fund
for official hospitality by the secretary of transportation shall not exceed \$5,000: <i>Provided</i>
further, That expenditures may be made from this account for engineering services fur-
nished to counties for road and bridge projects under K.S.A. 68-402e, and amendments
thereto.
Conference fees
Provided, That the secretary of transportation is hereby authorized to fix, charge and collect
conference, training and workshop attendance and registration fees for conferences, training
seminars and workshops sponsored or cosponsored by the department: Provided further,
That such fees shall be deposited in the state treasury and credited to the conference fees
account of the state highway fund: And provided further, That expenditures may be made
from this account to defray all or part of the costs of the conferences, training seminars and
workshops.
Substantial maintenance No limit
Claims

Payments for city connecting links	\$3,360,000
Federal local aid programs	No limit
Bond services fees	No limit
Construction, remodeling and special maintenance projects for	
buildings	\$0
Provided, That expenditures may be made from the construction, remodeling	g and special
maintenance projects for buildings account of the state highway fund of amount	unts in unex-
pended balances as of June 30, 2010, in capital improvement project accounts of projects	
approved for prior fiscal years: Provided further, That expenditures from the	is account of
amounts in such unexpended balances shall be in addition to any expenditu	re limitation
imposed on this account for fiscal year 2011.	
Other capital improvements	No limit
<i>Provided</i> , That the secretary of transportation is authorized to make expenditu	ires from the
other capital improvements account to undertake a program to assist cities	and counties
with railroad crossings of roads not on the state highway system.	

(c) (1) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

projects, subject to the expenditure limitations prescribed therefor:

Buildings — rehabilitation and repair ......

\$3,454,139

\$380,317 \$1,991,974

(2) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund for fiscal year 2011, expenditures may be made by the above agency from the state highway fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each capital improvement project account for a building or buildings in the state highway fund for one or more projects approved for prior fiscal years: *Provided*, That all expenditures from the unencumbered balance in any such project account of the state highway fund for fiscal year 2011 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2010, subject to the provisions of section

(d): Provided further, That all expenditures from any such project account shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2011.

(d) During the fiscal year ending June 30, 2011, the secretary of transportation, with the

approval of the director of the budget, may transfer any part of any item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2011 from the state highway fund for the department of transportation to another item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2011 from the state highway fund for the department of transportation: *Provided*, That the secretary of transportation shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative

research.

(e) On April 1, 2011, the director of accounts and reports shall transfer from the motor pool service fund of the department of administration to the state highway fund of the department of transportation an amount determined to be equal to the sum of the annual vehicle registration fees for each vehicle owned or leased by the state or any state agencies in accordance with K.S.A. 75-4611, and amendments thereto.

(f) During the fiscal year ending June 30, 2011, upon notification from the secretary of transportation that an amount is due and payable from the railroad rehabilitation loan guarantee fund, the director of accounts and reports shall transfer from the state highway fund to the railroad rehabilitation loan guarantee fund the amount certified by the secretary as due and payable.

(g) Any payment for services during the fiscal year ending June 30, 2011, from the state highway fund to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2011.

(h) For the fiscal year ending June 30, 2011, the department of transportation shall prepare and submit along with the documents required under K.S.A. 75-3717, and amendments

thereto, additional documents that present the revenues, transfers, and expenditures that are considered to be in support of the comprehensive transportation program authorized by K.S.A. 68-2314a et seq., and amendments thereto: *Provided*, That documents shall include both reportable as well as nonreportable and off-budget items that reflect the revenues, transfers and expenditures associated with the comprehensive transportation program.

- (i) On July 1, 2010, October 1, 2010, January 1, 2011, and April 1, 2011, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$37,325,000 from the state highway fund of the department of transportation to the state general fund: *Provided*, That the transfer of each such amount shall be in addition to any other transfer from the state highway fund of the department of transportation to the state general fund as prescribed by law: *Provided further*, That, in addition to other purposes for which transfers and expenditures may be made from the state highway fund during fiscal year 2011 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers may be made from the state highway fund to the state general fund under this subsection during fiscal year 2011: *And provided further*, That all moneys transferred from the state highway fund to the state general fund under this subsection shall be moneys credited to the state highway fund pursuant to K.S.A. 79-3620 or 79-3710, and amendments thereto.
- (j) On July 1, 2010, or soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 75-5061, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$1,000,000 from the public use general aviation airport development fund to the state highway fund of the department of transportation.

Sec. 112. Position limitations. (a) The number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2011, made in this or other appropriation act of the 2010 regular session of the legislature for the following agencies shall not exceed the following, except upon approval of the state finance council or pursuant to subsection (b):

Attorney General	
Secretary of State	54.00
State Treasurer	53.50
Insurance Department	

Provided, That any attorney positions established in the insurance department for the purpose of defense of the workers compensation fund shall be in addition to any limitation imposed on the full-time and regular part-time equivalent number of positions, excluding seasonal and temporary positions, paid from appropriations made for fiscal year 2011 for the department of insurance.

the department of insurance.	
Department of Commerce	314.75
Health Care Stabilization Fund Board of Governors	18.00
Judicial Council	7.00
Kansas Human Rights Commission	34.00
State Corporation Commission	214.00
Citizens' Utility Ratepayer Board	6.00
Department of Administration	746.95
Office of Administrative Hearings	13.00
State Court of Tax Appeals	26.00
Department of Revenue	1,096.00
Kansas Health Policy Authority	294.65
Kansas Lottery	99.00
Kansas Racing and Gaming Commission — state racing operations and	
expanded lottery act regulation division	49.53
Kansas Racing and Gaming Commission — state gaming agency	24.00
Department of Labor	552.00
Kansas Commission on Veterans Affairs	498.00
Department of Health and Environment — Division of Health	363.40
Department of Health and Environment — Division of Environment	428.03
Department on Aging	214.00
Department of Social and Rehabilitation Services	3.669.13

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Kansas Neurological Institute	546.70
Larned State Hospital	976.20
Osawatomie State Hospital	441.40
Parsons State Hospital and Training Center	495.20
Rainbow Mental Health Facility	122.20
Kansas, Inc.	4.50
Kansas Guardianship Program	11.00
State Library	25.00
Kansas Arts Commission	8.00
Kansas State School for the Blind	93.50
Kansas State School for the Deaf	173.50
State Historical Society	134.00
State Board of Regents	63.50
Department of Corrections	3,055.00
Juvenile Justice Authority	499.50
Adjutant General	221.00
State Fire Marshal	53.00
Kansas Parole Board	3.00
Attorney General — Kansas Bureau of Investigation	221.00
Emergency Medical Services Board	14.00
Kansas Sentencing Commission	10.00
Kansas Commission on Peace Officers' Standards and Training	7.00
Kansas Department of Agriculture	343.50
Provided, That, if 2010 Senate Bill No. 570 is not passed by the legislature du	ring the 2010
regular session and enacted into law, then, on July 1, 2010, the position limitation	
for the fiscal year ending June 30, 2011, by this subsection for the Kansas of	lepartment of
agriculture is hereby decreased from 343.50 to 341.50.	epartment of
Kansas Animal Health Department	33.00
State Fair Board	24.00
State Conservation Commission.	13.00
Kansas Water Office	23.50
Department of Wildlife and Parks	417.50
Department of whome and ranks	T17.50

- Department of Transportation ..... (b) During the fiscal year ending June 30, 2011, the secretary of social and rehabilitation services may increase the position limitation for the department of social and rehabilitation services or for any institution or facility under the general supervision and management of the secretary of social and rehabilitation services by making a corresponding decrease in the position limitation for either the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such increase and corresponding decrease to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.
- (c) During the fiscal year ending June 30, 2011, the attorney general may authorize fulltime non-FTE unclassified permanent positions and regular part-time non-FTE unclassified permanent positions, for the Kansas bureau of investigation that are paid from appropriations for the attorney general — Kansas bureau of investigation for fiscal year 2011 made in this or other appropriation act of the 2010 regular session of the legislature, which shall be in addition to the number of full-time and regular part-time positions equated to fulltime, excluding seasonal and temporary positions, authorized for fiscal year 2011 for the attorney general — Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

Sec. 113. (a) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2011, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2011 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a, and amendments thereto, an aggregate amount of allowance (A) of \$354.15 for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2011 and for each of the 14 ensuing two-week periods thereafter, and (B) of \$354.15 for the two-week period which coincides with the biweekly payroll period which includes April 3, 2011, which is chargeable to fiscal year 2011 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2011, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: Provided, That all expenditures under this subsection (a) for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable in accordance with this subsection (a) and which are chargeable to fiscal year 2011.

(b) (1) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2010 regular session of the legislature from the 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, expenditures are hereby authorized and directed to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 to provide each employee, who is eligible for a longevity bonus payment pursuant to K.S.A. 75-5541, and amendments thereto, an additional amount of longevity bonus payment during fiscal year 2011 equal to the amount required to provide, along with the amount of the longevity bonus payment otherwise payable pursuant to K.S.A. 75-5541, and amendments thereto, an aggregate amount of longevity bonus that would be payable if the amount of the longevity bonus payment pursuant to K.S.A. 75-5541, and amendments thereto, were determined by multiplying the number of full years of state service, not to exceed 25 years, rendered by such employee by \$50: Provided, That all expenditures under this subsection (b) for such purposes shall be made in the same manner and at the same time that the longevity bonus payment determined under K.S.A. 75-5541, and amendments thereto, is payable during fiscal year 2011 to such employee: Provided further, That each such additional amount of longevity bonus payment to any such employee shall be deemed to have the same characteristics, be subject to the same withholding, deduction or contribution requirements, and is intended to be a bonus as defined in 29 C.F.R. § 778.208, to the same extent and effect as longevity bonus payments that are payable pursuant to K.S.A. 75-5541, and amendments thereto.

(2) As used in this subsection (b), "state agency" means any state agency in the executive branch, legislative branch or judicial branch of state government and "employee" means any officer or employee of a state agency.

(c) On July 1, 2010, of 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 fiscal year 2011 for payment of longevity bonus payments pursuant to K.S.A. 75-5541, and amendments thereto, and including the additional amount of longevity bonus payment as provided in subsection (b), the amount equal the amount budgeted for fiscal year 2010 in each such account of the state general fund for such longevity bonus payments, as certified by the director of the budget to the director of accounts and reports, is hereby lapsed: *Provided*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

Sec. 114.

# DEPARTMENT OF ADMINISTRATION (a) There is appropriated for the above agency from the state general fund for the fiscal

(a) There is appropriated for the above agency from the state general fund for	tiit iistai
year ending June 30, 2011, for the capital improvement project or projects spec	cified, the
following:	
Rehabilitation and repair for state facilities	\$163,741
Provided, That any unencumbered balance in the rehabilitation and repair for state	e facilities
account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal y	year 2011.
Iudicial center rehabilitation and repair	\$81.946

Kansas department of transportation — CTP — debt service	\$16,150,975
Statehouse improvements — debt service	\$16,271,413
Capitol complex repair and rehabilitation	\$2,458,406
Judicial center improvements — debt service	\$100,150
Restructuring debt service	\$2,470,809

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Vatarana manarial fund	No limit
Veterans memorial fund	No limit
State facilities gift fund	No limit
Master lease program fund	No limit
State buildings depreciation fund	No limit
Executive mansion gifts fund	No limit
Topeka state hospital cemetery memorial gift fund	No limit
Landon state office building repair expense fund	No limit
MacVicar avenue assessment expense fund	No limit
Capitol area plaza authority planning fund	No limit

Provided, That, the secretary of administration may accept gifts, donations and grants of money, including payments from local units of city and county government, for the development of a new master plan for the capitol plaza and the state zoning area described in K.S.A. 75-3619, and amendments thereto: Provided further, That all such gifts, donations and grants shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the capitol plaza area authority planning fund.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the building and ground fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

or projects, subject to the expenditure initiations presented district.	
Motor pool shop — debt service	No limit
Paint and grounds shop — debt service	No limit
Parking improvements and repair	No limit

(d) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 2011, expenditures may be made by the above agency from the building and ground fund for fiscal year 2011 from any unencumbered balance as of June 30, 2010, in each of the following capital improvement accounts of the building and ground fund: Parking improvements and repair: Provided, That the expenditures for fiscal year 2011 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: Provided further, That all expenditures from the building and ground fund for the fiscal year 2011 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the building and ground fund for the fiscal year 2011.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- (f) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2011, expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each capital improvement account of the state buildings depreciation fund for one or more projects approved for prior fiscal years: *Provided*, That expenditures from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: *Provided further*, That all expenditures from any such account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 2011.
- (g) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- (h) In addition to the other purposes for which expenditures may be made from the intragovernmental printing service fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the intragovernmental printing service fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Sec. 115.

# DEPARTMENT OF COMMERCE

Sec. 116.

### INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Sec. 117.

# DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:

Debt service — new state security hospital \$3,822,570
Debt service — state hospitals rehabilitation and repair. \$2,584,371

(b) In addition to the purposes for which expenditures may be made by the above agency from the other state fees fund for fiscal year 2011, expenditures may be made by the above agency from the other state fees fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Sec. 118.

#### DEPARTMENT OF LABOR

(a) In addition to the other purposes for which expenditures may be made by the above agency from the employment security administration fund for fiscal year 2011, expenditures may be made by the above agency from the employment security administration fund for fiscal year 2011 from moneys made available to the state under section 903(d) of the federal social security act, as amended: Provided, That expenditures from this fund during fiscal year 2011 of moneys made available to the state under section 903(d) of the federal social security act, as amended, may be made for the following capital improvement projects: (1) For rehabilitation and repair of existing buildings used by the department of labor for employment security purposes; (2) for paving, landscaping and acquiring fixed equipment as may be required for the use and operation of such buildings; or (3) for any combination of these purposes: Provided further, That expenditures from this fund for fiscal year 2011 of moneys made available to the state under section 903(d) of the federal social security act, as amended, for such capital improvement purposes shall not exceed \$40,000 plus the amounts of unencumbered balances as of June 30, 2010, for capital improvement projects approved for fiscal years prior to fiscal year 2011: And provided further, That all expenditures from this fund for any such capital improvement purposes or projects shall be in addition to any expenditure limitation imposed on the employment security administration fund for fiscal year 2011.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

employment security administration property sale fund for the unemployment insurance program: *Provided, however*, That no expenditures shall be made from this fund for the proposed purchase or other acquisition of additional real estate to provide space for the unemployment insurance program of the department of labor until such proposed purchase or other acquisition, including the preliminary plans and program statement for any capital improvement project that is proposed to be initiated and completed by or for the department of labor have been reviewed by the joint committee on state building construction.

- (c) In addition to the other purposes for which expenditures may be made by the department of labor from moneys appropriated 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, expenditures may be made by the department of labor for fiscal year 2011 from the moneys appropriated from any special revenue fund for the expenses of the sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor: Provided, That such expenditures may be made and such sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor may be executed or otherwise effectuated only upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, and acting after receiving the recommendations of the joint committee on state building construction: Provided, however, That no such sale, exchange or other disposition conveying title for any portion of the real estate of the department of labor shall be executed until the proposed sale, exchange or other disposition conveying title for such real estate has been reviewed by the joint committee on state building construction: Provided further, That the net proceeds from the sale of any of the real estate of the department of labor shall be deposited in the state treasury to the credit of the employment security administration property sale fund of the department of labor: Provided, however, That expenditures from such fund shall not exceed the limitation established for fiscal year 2011 by this or other appropriation act of the 2010 regular session of the legislature except upon approval of the state finance council.
- (d) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for fiscal year 2011, expenditures may be made by the above agency from the special employment security fund for fiscal year 2011 for the following capital improvement projects: Payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided*, That expenditures from the special employment security fund for fiscal year 2011 for such capital improvement purposes shall not exceed \$278,158: *Provided further*, That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 2011.

Sec. 119.

# KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:

Soldiers' home rehabilitation and repair projects \$1,385,765 Veterans' home rehabilitation and repair projects \$486,505

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

### KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects	\$78,600
Johnson building roofing project	\$239,700
Sec. 121.	

# KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects. \$205,000 Electrical distribution project. \$339,415

Sec. 122.

#### STATE HISTORICAL SOCIETY

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

(b) There is hereby appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- (c) In addition to other purposes for which expenditures may be made by the above agency from the state historical society facilities fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the state historical society facilities fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

  850,000 Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state historical society facilities fund for fiscal year 2011.
- (d) In addition to other purposes for which expenditures may be made by the above agency from the historic properties fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the historic properties fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

year 2011.

Sec. 123.

### EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

 Student union refurbishing fund
 No limit

 Twin towers project revenue fund
 No limit

 Twin towers bond and interest sinking fund
 No limit

 Twin towers maintenance and equipment reserve fund
 No limit

 Deferred maintenance support fund
 No limit

 Infrastructure maintenance fund
 No limit

(b) During the fiscal year ending June 30, 2011, the above agency may make expenditures from the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 121(c) of chapter 124 of the 2009 Session Laws of Kansas or to any provision of this or other appropriation act of the 2010 regular session of the legislature:

*Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2009.

(c) In addition to the other purposes for which expenditures may be made by Emporia state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Emporia state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 or fiscal year 2012, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to redevelop, renovate and equip the memorial student union: Provided, That such capital improvement project is hereby approved for Emporia state university 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 Emporia state university 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 \$25,030,000, 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 any appropriate special revenue fund or funds of Emporia state university.

Sec. 124.

# FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Lewis field renovation — bond and interest sinking fund	No limit
Lewis field renovation — revenue fund	No limit
Memorial union renovation debt service fund	No limit
Deferred maintenance support fund	No limit
Infrastructure maintenance fund	No limit
Soccer facility fund	No limit
Wind power generation facility fund	No limit

- (b) During the fiscal year ending June 30, 2011, the above agency may make expenditures from the rehabilitation and repair projects EBF account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 121(c) of chapter 124 of the 2009 Session Laws of Kansas or to any provision of this or other appropriation act of the 2010 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2009.
- (c) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2011, as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2011 to raze wing "A" of Wiest hall.

Sec. 125.

### KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified as

Lease payment — Salina aeronautical center (including aeronautical lab-

\$165.396

oratory center) ..... (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Engineering complex phase II private gift fund..... No limit Ackert hall addition — gifts and grants fund..... No limit Salina runway improvements fund ...... No limit Student life center — Salina construction debt service fund ...... No limit Deferred maintenance support fund..... No limit Infrastructure maintenance fund..... No limit No limit Child care fund .....

- (c) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 or fiscal year 2012, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to redevelop, renovate and equip the Jardine apartments: Provided, That such capital improvement project is hereby approved for Kansas state university 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 Kansas state university 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 \$102,000,000, 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 housing system operations fund or any other appropriate special revenue fund or funds of Kansas state university.
- (d) In addition to the other purposes for which expenditures may be made by Kansas state university for the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 or for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to expand and renovate the Bramlage coliseum and Bill Snyder family stadium: Provided, That such capital improvement project is hereby approved for Kansas state university 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 Kansas state university 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 \$45,000,000, 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 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 projects shall be financed by appropriations from any special revenue fund or funds or any other appropriate fund.

(e) During the fiscal year ending June 30, 2011, the above agency may make expenditures from the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 121(c) of chapter 124 of the 2009 Session Laws of Kansas or to any provision of this or other appropriation act of the 2010 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2009.

(f) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures may be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 or fiscal year 2012 to raze building no. 457 (elevator and feed mill), building no. 437 (herdsman house), building no. 10002 (art kiln), building no. 145 (vet surgical instruction), building no. 200 (vet research lab greyhound kennels), building no. 224 (food animal barn and shed) and portions of building no. 025 (seaton court).

Sec. 126.

# KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(b) In addition to the other purposes for which expenditures may be made by the above agency from the sponsored research overhead fund for fiscal year 2011, expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Southeast agriculture research center buildings...... No limit

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

(d) In addition to the other purposes for which expenditures may be made by Kansas state university extension systems and agriculture research programs from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Kansas state university extension systems and agriculture research programs from moneys appropriated from the state general fund or from any

special revenue fund for fiscal year 2011 or fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for greenhouse laboratory construction: Provided, That such capital improvement project is hereby approved for Kansas state university extension systems and agriculture research programs 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 Kansas state university extension systems and agriculture research programs 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 \$1,700,000, 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 projects shall be financed by appropriations from the Kansas educational building fund or any other appropriate special revenue fund or funds.

(e) In addition to the other purposes for which expenditures may be made by Kansas state university extension systems and agriculture research programs from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Kansas state university extension systems and agriculture research programs from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 or fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for horticulture research/education center construction: Provided, That such capital improvement project is hereby approved for Kansas state university extension systems and agriculture research programs 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 Kansas state university extension systems and agriculture research programs 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 \$1,500,000, 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 projects shall be financed by appropriations from the Kansas educational building fund or any other appropriate special revenue fund or funds.

Sec. 127.

# PITTSBURG STATE UNIVERSITY

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Horace Mann renovation revenue fund	No limit
Overman renovation revenue fund	No limit
Deferred maintenance support fund	No limit

- (c) During the fiscal year ending June 30, 2011, the above agency may make expenditures from the rehabilitation and repair projects EBF account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 121(c) of chapter 124 of the 2009 Session Laws of Kansas or to any provision of this or other appropriation act of the 2010 regular session of the legislature: Provided, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2009.
- (d) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from any special revenue fund for Pittsburg state university for fiscal year 2011 by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from any special revenue fund for Pittsburg state university 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, for a capital improvement project for parking improvements: Provided, That such capital improvement project is hereby approved for Pittsburg state university 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 Pittsburg state university 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 \$4,000,000, 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 any appropriate special revenue fund or funds.
- (e) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from any special revenue fund for Pittsburg state university for fiscal year 2011 by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from any special revenue fund for Pittsburg state university 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, for a capital improvement project for student housing improvements and construction: Provided, That such capital improvement project is hereby approved for Pittsburg state university 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 Pittsburg state university 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 \$22,000,000, 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 any appropriate special revenue fund or funds.

Sec. 128.

# UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal

year ending June 30, 2011, for the capital improvement project or projects specified as	
follows: School of pharmacy debt service	
or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully	
credited to and available in such fund or funds, except that expenditures shall not exceed	
the following:	
Student union renovation revenue fund	
Student health facility maintenance, repair, and equipment fee fund No limit	
Regents center revenue fund — KDFA D bonds, 1990	
Provided, That the university of Kansas may make expenditures from the parking facilities	
surplus fund — KDFA G bonds, 1993 for capital improvements to parking lots in addition	
to the expenditure of other moneys appropriated therefor: <i>Provided further</i> , That the uni-	
versity of Kansas may transfer moneys during fiscal year 2011 from the parking facilities	
surplus fund — KDFA G bonds, 1993 to the restricted fees fund.	
Deferred maintenance support fund	
Infrastructure maintenance fund	
Athletic facilities enhancements special revenue fund KDFA A university	
proceeds	
Child care facility operations account fund	
Student recreation & fitness center revenue fund	
Child care facility addition fund.  No limit	
Provided, That the university of Kansas may transfer moneys during fiscal year 2011 from	
the restricted fees fund or the general fees fund to the child care facility addition fund for	
the capital improvement project to construct an addition to the child care facility: Provided	
further, That upon completion of the construction project, the university of Kansas may	
transfer unused moneys from the child care facility addition fund to the general fees fund	
or the restricted fees fund.	
Wescoe hall infill construction fund	
transfer unused moneys from the Wescoe hall infill construction fund to the general fees	
fund.	
Smissman hall renovation fund	
Provided, That the university of Kansas may transfer moneys during fiscal year 2011 from	
the restricted fees fund and general fees fund to the Smissman hall renovation fund for the	
renovation project for Smissman hall: Provided further, That upon completion of the ren-	
ovation project, the university of Kansas may transfer unused moneys received from the	
restricted fees fund in the Smissman hall renovation fund to the restricted fees fund: And	
provided further, That upon completion of the renovation project, the university of Kansas	
may transfer unused moneys received from the general fees fund in the Smissman hall	

(c) During the fiscal year ending June 30, 2011, the above agency may make expenditures from the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 121(c) of chapter 124 of the 2009 Session Laws of Kansas or to any provision of this or other appropriation act of the 2010 regular session of the legislature: Provided, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2009.

renovation fund to the general fees fund.

(d) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from any special revenue fund for the university of Kansas for fiscal year 2011 by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from any special revenue fund for the university of Kansas 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, for a capital improvement project for the renovation of Gertrude Sellards Pearson hall: Provided, That such capital improvement project is hereby approved for the university of Kansas 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 university of Kansas 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 \$13,075,000, 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 any appropriate special revenue fund or funds.

(e) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from any special revenue fund for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 or for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct building number four, Edwards campus: Provided, That such capital improvement project is hereby approved for the university of Kansas 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 university of Kansas 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 \$24,950,000, 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, credit enhancement costs and any required reserves for 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 projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

Sec. 129.

# UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fund — K.C. campus	No limit
Construct and equip center for health in aging bond revenue fund	No limit
Construct and equip center for health in aging bond reserve fund	No limit
Deferred maintenance support fund	No limit
Infrastructure maintenance fund	No limit
Construct parking facility #3 fund	No limit
Construct parking facility #4 fund	No limit

Provided, That the university of Kansas medical center may transfer moneys during fiscal year 2011 from appropriate accounts of the parking fees fund to the construct parking facility #4 fund for such capital improvement project.

Lied biomedical research building renovation — gift and grant fund..... No limit

- (b) During the fiscal year ending June 30, 2011, the director of accounts and reports shall transfer amounts certified by the chancellor of the university of Kansas from the sponsored research overhead fund to the construct and equip center for health in aging bond revenue fund.
- (c) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 or fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct parking facility #4: Provided, That such capital improvement project is hereby approved for the university of Kansas medical center 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 university of Kansas medical center 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 \$9,100,000, 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 projects shall be financed by appropriations from the parking fees fund or any other appropriate special revenue fund or funds.
- (d) During the fiscal year ending June 30, 2011, the above agency may make expenditures from the rehabilitation and repair projects EBF account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 121(c) of chapter 124 of the 2009 Session Laws of Kansas or to any provision of this or other appropriation act of the 2010 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2009.
- (e) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center for the moneys appropriated from any special revenue fund for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 or for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to remodel the KU clinical research center: Provided, That such capital improvement project is hereby approved for the university of Kansas medical center 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 university of Kansas 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 \$25,000,000, 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, credit enhancement costs and any required reserves for 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 projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

(f) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from any special revenue fund for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2010 regular session of the legislature or by any appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the university of Kansas medical center of the moneys appropriated from any special revenue fund for fiscal year 2011 or for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to renovate the Hixon/Wahl east/Wahl west laboratory complex: Provided, That such capital improvement project is hereby approved for the university of Kansas medical center 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 university of Kansas medical center 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 \$34,000,000, 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, credit enhancement costs and any required reserves for 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 projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

Sec. 130.

# WICHITA STATE UNIVERSITY

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

(c) During the fiscal year ending June 30, 2011, the above agency may make expenditures from the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 121(c) of chapter 124 of the 2009 Session Laws of Kansas or to any provision of this or other appropriation act of the 2010 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2009.

\$15,000,000

Sec. 131.

### STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following: PEI infrastructure — debt service ...... Provided, That, during the fiscal year ending June 30, 2011, in addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund for fiscal year 2011 in the PEI infrastructure — debt service account of the state general fund for fiscal year 2011 after the principal payment has been received for fiscal year 2011 by the state treasurer from the postsecondary institutions that were recipients of the PEI infrastructure bond proceeds, (1) the state board of regents may expend the amount of moneys appropriated for fiscal year 2011 in the PEI infrastructure - debt service account for the principal payment from the PEI infrastructure — debt service account for any other purpose for which moneys are appropriated for fiscal year 2011 from the state general fund for the state board of regents; or (2) the state board of regents may transfer such amount of moneys from the PEI infrastructure — debt service account of the state general fund for fiscal year 2011 to an account or accounts of the state general fund of any institution under the control and supervision of the state board of regents to be expended by the institution for a purpose for which expenditures may be made for fiscal year 2011 from such account or accounts and which is approved by the state board of regents: Provided further, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the PEI infrastructure — debt service account of the state general fund for fiscal year 2011: And provided further, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Postsecondary educational infrastructure finance KDFA 2008A revenue

(c) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified as follows:

Debt service — revenue bonds issued for major remodeling and new

nabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and im-

provements to classroom projects for institutions of higher

Provided, That the state board of regents is hereby authorized to transfer moneys from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account to an account or accounts of the Kansas educational building fund of any institution under the control and supervision of the state board of regents to be expended by the institution for projects approved by the state board of regents: Provided, however, That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction: Provided further, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account: And provided further, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:		
Research bond debt service fund		
Sec. 132.		
DEPARTMENT OF CORRECTIONS		
(a) There is appropriated for the above agency from the state general fund for the fiscal		
year ending June 30, 2011, for the capital improvement project or projects specified, the		
following:		
Debt service payment for the revenue refunding bond issues		
Debt service payment for the infrastructure projects bond issue \$1,544,000		
Debt service payment for the reception and diagnostic unit relocation		
bond issue		
fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:		
Debt service payment for the revenue refunding bond issues		
Capital improvements — rehabilitation and repair of correctional		
institutions		
Provided, That the secretary of corrections is hereby authorized to transfer moneys during		
fiscal year 2011 from the capital improvements — rehabilitation and repair of correctional		
institutions account of the correctional institutions building fund to an account or accounts		
of the correctional institutions building fund of any institution or facility under the jurisdic-		
tion of the secretary of corrections to be expended during fiscal year 2011 by the institution		
or facility for capital improvement projects and for security improvement projects including		
acquisition of security equipment.		
Debt service payment for the prison capacity expansion projects bond		
issue		
(c) There is appropriated for the above agency from the following special revenue fund		
or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully		
credited to and available in such fund or funds, except that expenditures shall not exceed		
the following:		
Correctional facilities infrastructure projects fund		
Provided, That the department of corrections may make expenditures from the correctional		
facilities infrastructure projects fund for a capital improvement project or projects to im-		
prove agency facilities: <i>Provided</i> , <i>however</i> , That expenditures from this fund for such capital		
improvement project or projects, including necessary furniture and equipment, shall not		
exceed the amount transferred to the correctional facilities infrastructure projects fund:		
Provided further, That the secretary of corrections is hereby authorized to transfer moneys during fixed year 2011 from the correctional facilities infrastructure projects fund to an		
during fiscal year 2011 from the correctional facilities infrastructure projects fund to an account or subaccount of the correctional facilities infrastructure projects fund of any in-		
stitution or facility under the jurisdiction of the secretary of corrections.		
(d) In addition to other purposes for which expenditures may be made by the department		
of corrections from the moneys appropriated from the correctional institutions building fund		
or from any other special revenue fund or funds for fiscal year 2011 as authorized by this		
or other appropriation act of the 2010 regular session of the legislature, expenditures may		
be made by the department of corrections from moneys appropriated from the correctional		
institutions building fund or from any special revenue fund or funds for FY 2011 to raze		
the training building no. 4005, at the Hutchinson correctional facility.		
Sec. 133.		
JUVENILE JUSTICE AUTHORITY		
(a) There is appropriated for the above agency from the state institutions building fund		
for the fiscal year ending June 30, 2011, for the capital improvement project or projects		
specified, the following:		
Capital improvements — rehabilitation and repair of juvenile correctional		
facilities \$860,973		
<i>Provided</i> , That the commissioner of juvenile justice is hereby authorized to transfer moneys during fiscal year 2011 from the capital improvements — rehabilitation and repair of juvenile		
during notar year 2011 from the capital improvements — renabilitation and repair of juveline		

correctional facilities account of the state institutions building fund to any account or accounts of the state institutions building fund of any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to an account or accounts of the state institutions building fund of any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to be expended during fiscal year 2011 for capital improvement projects approved by the commissioner of juvenile justice: *Provided further*, That the commissioner of juvenile justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

#### KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 2011, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2011, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2011, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

(d) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$468,200 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2011 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2011 for support and maintenance of the Kansas highway patrol.

Sec. 135.

### ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:

Debt service — training center	\$721,263
Debt service — armory/classroom/recreation center at PSU	\$115,588
Debt service — rehabilitation and repair of the statewide armories	\$2,478,091

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

Comprehensive armory construction and rehabilitation fund ..... No limit Provided, That the adjutant general is hereby authorized to make expenditures from the comprehensive armory construction and rehabilitation fund for capital improvement projects for acquisition, construction, equipping, furnishing, renovation, reconstruction and repair of armories or for payment of debt service on revenue bonds issued to finance such projects: Provided further, That the adjutant general may make expenditures from this fund for the payment of debt service on revenue bonds issued to finance such projects: And provided further, That prior to the issuance of any bonds authorized by this section or making first expenditure from this fund for any such capital improvement project, the adjutant general shall pursue the availability of alternative funding from local, state, federal and private funding sources for all or part of the costs of such capital improvement project and shall report to the state finance council concerning such capital improvement project and the proposed issuance of bonds for such project: And provided further, That such report to the state finance council shall specifically include information about the proposed utilization of bond proceeds for such capital improvement project and the availability and use of other sources including local, state, federal and private funds for such project: And provided further, That capital improvement projects for the acquisition, construction, equipping, furnishing, renovation, reconstruction and repair of armories are hereby approved for the adjutant general for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of one or more series of revenue bonds by the Kansas development finance authority in accordance with that statute, except that no bonds shall be issued for any such capital improvement project except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that approval by the state finance council may be given when the legislature is in session: And provided further, That the aggregate amount of all such revenue bonds issued shall not exceed \$3,000,000 for the fiscal year ending June 30, 2011, plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for one or more of such capital improvement projects and any required reserves for payment of principal and interest on any such bonds: And provided further, That all moneys received from issuance of any such bonds shall be deposited in the state treasury and credited to this fund.

Sec. 136.

## STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, 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:

(b) On or before the 10th of each month during the fiscal year ending June 30, 2011, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund interest earnings based on: (1) The average daily balance of moneys in the state fair capital improvements fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 137.

### DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

state parks.

(c) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,649,819 from the state highway fund of the department of transportation to the department access road fund of the department of wildlife and parks.

(d) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the state highway fund of the department of transportation to the bridge maintenance fund of the department of wildlife and parks.

- (e) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2011, expenditures may be made by the above agency from the parks fee fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the parks fee fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the parks fee fund for fiscal year 2011.
- (f) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

River access \$150,000

Debt service — Kansas city district office \$10,350

Provided, That all expenditures from each such capital improvement account shall be in

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2011.

- (g) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2011, expenditures may be made by the above agency from the boating fee fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the boating fee fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fee fund for fiscal year 2011.
- (h) In addition to the other purposes for which expenditures may be made by the above agency from the boating fund federal for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fund federal for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- (i) In addition to the other purposes for which expenditures may be made by the above agency from the boating fund federal for fiscal year 2011, expenditures may be made by the above agency from the boating fund federal for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the boating fund federal: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the boating fund federal for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fund federal for fiscal year 2011.
- (j) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Federally mandated boating access	\$1,140,000
Land acquisition	\$1,000,000
Rehabilitation and repair	\$367,500
Debt service — Kansas city office	\$28,350
Provided, That all expenditures from each such capital improvement accoun	t shall be in

addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2011. (k) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2011, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the wildlife fee fund: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife fee fund for fiscal year 2011.

- (l) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2011, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the wildlife conservation fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund for fiscal year 2011.
- (m) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

(n) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2011, expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the cabin revenue fund: *Provided*, That expenditures from the unencumbered balance of any such

existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the cabin revenue fund for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the cabin revenue fund for fiscal year 2011.

- (o) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund federal for fiscal year 2011, expenditures may be made by the above agency from the wildlife conservation fund federal for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the wildlife conservation fund federal: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund federal for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund federal for fiscal year 2011
- (p) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fund federal for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fund federal for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition and development \$200,000 Land acquisition \$1,000,000 Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife fund — federal for fiscal year

2011.

- (q) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fund federal for fiscal year 2011, expenditures may be made by the above agency from the wildlife fund federal for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the wildlife fund federal: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife fund federal for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife fund federal for fiscal year 2011.
- (r) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the migratory waterfowl propagation and protection fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

(s) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2011, expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the migratory waterfowl propagation and protection fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: *Provided further*, That all expenditures

from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the migratory waterfowl propagation and protection fund for fiscal year 2011.

(t) In addition to the other purposes for which expenditures may be made by the above agency from the nongame wildlife improvement fund — federal for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the nongame wildlife improvement fund — federal for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Land acquisition \$100,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the nongame wildlife improvement fund — federal for fiscal year 2011.

- (u) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund local for fiscal year 2011, expenditures may be made by the above agency from the land and water conservation fund local for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the land and water conservation fund local: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the land and water conservation fund local for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the land and water conservation fund local for fiscal year 2011.
- (v) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund state for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the land and water conservation fund state for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- (w) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund state for fiscal year 2011, expenditures may be made by the above agency from the land and water conservation fund state for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the land and water conservation fund state: Provided, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: Provided further, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the land and water conservation fund state for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the land and water conservation fund state for fiscal year 2011.
- (x) In addition to the other purposes for which expenditures may be made by the above agency from the other federal grants fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the other federal grants fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- (y) In addition to the other purposes for which expenditures may be made by the above agency from the other federal grants fund for fiscal year 2011, expenditures may be made by the above agency from the other federal grants fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the other federal grants fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the other federal grants fund for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the other federal grants fund for fiscal year 2011.
- (z) In addition to the other purposes for which expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2011, expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the department of wildlife and parks gifts and donations fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: *Provided further*, That all expenditures from the unencumbered balance of any such account able be in addition to any expenditure limitation imposed on the department of wildlife and parks gifts and donations fund for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the department of wildlife and parks gifts and donations fund for fiscal year 2011.
- (aa) In addition to the other purposes for which expenditures may be made by the above agency from the Tuttle Creek state park mitigation project fund for fiscal year 2011, expenditures may be made by the above agency from the Tuttle Creek state park mitigation project fund for fiscal year 2011 from the unencumbered balance as of June 30, 2010, in each existing capital improvement account of the Tuttle Creek state park mitigation project fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2010: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the Tuttle Creek state park mitigation project fund for fiscal year 2011 and shall be in addition to any other expenditure limitation imposed on any such account of the Tuttle Creek state park mitigation project fund for fiscal year 2011.
- Sec. 138. (a) On and after July 1, 2010, notwithstanding the provisions of K.S.A. 2009 Supp. 74-99b34, and amendments thereto, or any other statute, the aggregate amount equal to (1) the annual amount equal to 95% of withholding above the base, as certified or estimated and reconciled by the secretary of revenue, plus (2) annual interest earnings based on the average daily balance of moneys in the bioscience development and investment fund and the net earnings rate of the pooled money investment portfolio, that is directed to be transferred during the fiscal year ending June 30, 2011, from the state general fund to the bioscience development and investment fund by K.S.A. 2009 Supp. 74-99b34, and amendments thereto, is hereby decreased from such aggregate amount, which would otherwise be transferred pursuant to K.S.A. 2009 Supp. 74-99b34, and amendments thereto, to the aggregate annual amount of \$35,000,000: Provided, That not more than \$35,000,000 shall be transferred from the state general fund to the bioscience development and investment fund during the fiscal year ending June 30, 2011, pursuant to K.S.A. 2009 Supp. 74-99b34, and amendments thereto: Provided further, That the state treasurer shall certify to the director of the budget and the director of legislative research when \$35,000,000 has been transferred from the state general fund to the bioscience development and investment fund during the fiscal year ending June 30, 2011, pursuant to K.S.A. 2009 Supp. 74-99b34, and amendments
- (b) On and after July 1, 2011, notwithstanding the provisions of K.S.A. 2009 Supp 74-99b34, and amendments thereto, or any other statute, the aggregate amount equal to (1) the annual amount equal to 95% of withholding above the base, as certified or estimated

and reconciled by the secretary of revenue, plus (2) annual interest earnings based on the average daily balance of moneys in the bioscience development and investment fund and the net earnings rate of the pooled money investment portfolio, that is directed to be transferred during the fiscal year ending June 30, 2012, from the state general fund to the bioscience development and investment fund by K.S.A. 2009 Supp. 74-99b34, and amendments thereto, is hereby decreased from such aggregate amount, which would otherwise be transferred pursuant to K.S.A. 2009 Supp. 74-99b34, and amendments thereto, to the aggregate annual amount of \$35,000,000: Provided, That not more than \$35,000,000 shall be transferred from the state general fund to the bioscience development and investment fund during the fiscal year ending June 30, 2012, pursuant to K.S.A. 2009 Supp. 74-99b34, and amendments thereto: Provided further, That the state treasurer shall certify to the director of the budget and the director of legislative research when \$35,000,000 has been transferred from the state general fund to the bioscience development and investment fund during the fiscal year ending June 30, 2012, pursuant to K.S.A. 2009 Supp. 74-99b34, and amendments thereto.

Sec. 139. On June 30, 2011, notwithstanding the provisions of K.S.A. 79-4804, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$3,743,605 from the state economic development initiatives fund to the state general fund.

Sec. 140. (a) The director of accounts and reports shall not make the transfer of \$250,000 prescribed to be transferred from the state general fund to the waste tire management fund of the department of health and environment — division of environment by section 48(h)(2) of chapter 2 of the 2009 Session Laws of Kansas, which was directed to be made on or before June 30, 2011, on a date certified by the director of the budget for the purpose of repaying 25% of the amount transferred from the waste tire management fund to the state general fund pursuant to section 13(a)(1) of chapter 3 of the 2003 Session Laws of Kansas. On the effective date of this act, the provisions of section 48(h)(2) of chapter 2 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

- (b) The director of accounts and reports shall not make the transfer of \$2,500,000 prescribed to be transferred from the state general fund to the underground petroleum storage tank release trust fund of the department of health and environment division of environment by section 48(i)(2) of chapter 2 of the 2009 Session Laws of Kansas, which was directed to be made on or before June 30, 2011, on a date certified by the director of the budget for the purpose of repaying 25% of the amount transferred from the underground petroleum storage tank release trust fund to the state general fund pursuant to section 13(b)(1) of chapter 3 of the 2003 Session Laws of Kansas. On the effective date of this act, the provisions of section 48(i)(2) of chapter 2 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.
- (c) The director of accounts and reports shall not make the transfer of \$23,652,162 prescribed to be transferred from the state general fund to the state highway fund of the department of transportation by section 86(d)(2) of chapter 2 of the 2009 Session Laws of Kansas, which was directed to be made on or before June 30, 2011, on a date certified by the director of the budget for the purpose of repaying 25% of the amount transferred from the state highway fund to the state general fund pursuant to section 40(a) of chapter 205 of the 2002 Session Laws of Kansas. On the effective date of this act, the provisions of section 86(d)(2) of chapter 2 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.
- (d) The director of accounts and reports shall not make the transfer of \$7,220,145 prescribed to be transferred from the state general fund to the state highway fund of the department of transportation by section 86(e)(2) of chapter 2 of the 2009 Session Laws of Kansas, which was directed to be made on or before June 30, 2011, on a date certified by the director of the budget for the purpose of repaying 25% of the amount transferred from the state highway fund to the state general fund pursuant to section 73(j) of chapter 138 of the 2003 Session Laws of Kansas. On the effective date of this act, the provisions of section 86(e)(2) of chapter 2 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

- (e) The director of accounts and reports shall not make the transfer of \$23,901.75 prescribed to be transferred from the state general fund to the state highway fund of the department of transportation by section 86(f)(2) of chapter 2 of the 2009 Session Laws of Kansas, which was directed to be made on or before June 30, 2011, on a date certified by the director of the budget for the purpose of repaying 25% of the amount transferred from the state highway fund to the state general fund pursuant to section 19(c) of chapter 160 of the 2003 Session Laws of Kansas. On the effective date of this act, the provisions of section 86(f)(2) of chapter 2 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.
- (f) The director of accounts and reports shall not make the transfer of \$1,000,000 prescribed to be transferred from the state general fund to the workers compensation fund of the insurance department by section 86(i)(2) of chapter 2 of the 2009 Session Laws of Kansas, which was directed to be made on or before June 30, 2011, on a date certified by the director of the budget for the purpose of repaying 25% of the amount transferred from the workers compensation fund to the state general fund pursuant to section 10(a) of chapter 3 of the 2003 Session Laws of Kansas. On the effective date of this act, the provisions of section 86(i)(2) of chapter 2 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.
- Sec. 141. On the effective date of this act, K.S.A. 2009 Supp. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved 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.
- (b) On each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities, except that (1) for the fiscal year ending June 30, 2010, notwithstanding the other provisions of this section, on March 1, 2010, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$300,000 or the amount equal to 5% of the total gross receipts during fiscal year 2010 from state fair activities and non-fair days activities through March 1, 2010; and (2) for the fiscal year ending June 30, 2011, notwithstanding the other provisions of this section, on March 1, 2011, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$350,000 or the amount equal to 5% of the total gross receipts during fiscal year 2011 from state fair activities and non-fair days activities through March 1, 2011, except that, (1) subject to approval by the director of the budget prior to March 1, 2010, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2010, the state fair board may certify an amount on March 1, 2010, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2010, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2010, and (2) subject to approval by the director of the budget prior to March 1, 2011, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state

fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2011, the state fair board may certify an amount on March 1, 2011, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2011, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2011. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.

(c) On each July 1, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund, an amount equal to the amount certified by the state fair board pursuant to subsection (b), except that: (1) No transfer from the state general fund under this subsection shall exceed \$300,000 in any fiscal year; and (2) all transfers made in accordance with the provisions of this section during the fiscal year ending June 30, 2010, and June 30, 2011, shall be considered to be revenue transfers from the state general fund, and (3) no moneys shall be transferred pursuant to this section from the state general fund to the state fair capital improvements fund during the fiscal year years ending June 30, 2010, June 30, 2011, or June 30, 2012.

Sec. 142. On July 1, 2010, K.S.A. 2009 Supp. 12-5256 is hereby amended to read as follows: 12-5256. (a) All expenditures from the state housing trust fund made for the purposes of K.S.A. 2009 Supp. 12-5253 through 12-5255, and amendments thereto, 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 Kansas housing resources corporation.

(b) On the effective date of this act and on July 1, 2008, July 1, 2011, July 1, 2012, July 1, 2013, and July 1, 2014, the director of accounts and reports shall transfer \$4,000,000 from the state general fund to the state housing trust fund established by K.S.A. 2009 Supp. 74-8959, and amendments thereto. On July 1, 2009 2012, the director of accounts and reports shall transfer \$2,000,000 from the economic development initiatives fund to the state housing trust fund established by K.S.A. 2009 Supp. 74-8959, and amendments thereto. On July 1, 2010 2012, the director of accounts and reports shall transfer \$2,000,000 from the state general fund to the state housing trust fund established by K.S.A. 2009 Supp. 74-8959, and amendments thereto.

Sec. 143. On July 1, 2010, K.S.A. 2009 Supp. 55-193 is hereby amended to read as follows: 55-193. On July 15, 1996, and on the 15th day of each calendar quarter thereafter before July 1, 2016, the director of accounts and reports shall transfer \$100,000 from the state general fund, \$100,000 from the state water plan fund established by K.S.A. 82a-951 and amendments thereto and \$100,000 from the conservation fee fund established by K.S.A. 55-143 and amendments thereto to the abandoned oil and gas well fund established by K.S.A. 55-192 and amendments thereto, except that: (a) No transfers shall be made pursuant to this section from the state general fund to the abandoned oil and gas well fund during state fiscal year 2009 or, state fiscal year 2010, state fiscal year 2011 or state fiscal year 2012; (b) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2009 shall not exceed \$320,000; and (c) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2010 shall not exceed \$288,000; and (d) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2011 shall not exceed \$374,865.

Sec. 144. On July 1, 2010, K.S.A. 2009 Supp. 72-8814 is hereby amended to read as follows: 72-8814. (a) There is hereby established in the state treasury the school district capital outlay state aid fund. Such fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which levies a tax pursuant to K.S.A. 72-8801 et seq., and amendments thereto, shall be entitled to receive payment from the school

district capital outlay state aid fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

- (1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;
  - (2) determine the median AVPP of all school districts;
- (3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;
- (4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2009 Supp. 72-8814b, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;
- (5) determine the amount levied by each school district pursuant to K.S.A. 72-8801 et seq., and amendments thereto;
- (6) multiply the amount computed under (5), but not to exceed 8 mills, by the applicable state aid percentage factor. The product is the amount of payment the school district is entitled to receive from the school district capital outlay state aid fund in the school year.
- (c) The state board shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital outlay state aid fund for distribution to school districts, except that no transfers shall be made from the state general fund to the school district capital outlay state aid fund during the fiscal years ending June 30, 2011, or June 30, 2012. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.
- (d) Payments from the school district capital outlay state aid fund shall be distributed to school districts at times determined by the state board of education. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the capital outlay fund of the school district to be used for the purposes of such fund.
- (e) Amounts transferred to the capital outlay fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is entitled to receive under this section.
- Sec. 145. On July 1, 2010, K.S.A. 2009 Supp. 75-2319 is hereby amended to read as follows: 75-2319. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).
- (b) Subject to the provisions of subsection (f), in each school year, each school district which is obligated to make payments from its capital improvements fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

- (1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;
  - (2) determine the median AVPP of all school districts;
- (3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;
- (4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2009 Supp. 75-2319c, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 5% for contractual bond obligations incurred by a school district prior to the effective date of this act, and 25% for contractual bond obligations incurred by a school district on or after the effective date of this act;
- (5) determine the amount of payments in the aggregate that a school district is obligated to make from its bond and interest fund and, of such amount, compute the amount attributable to contractual bond obligations incurred by the school district prior to the effective date of this act and the amount attributable to contractual bond obligations incurred by the school district on or after the effective date of this act;
- (6) multiply each of the amounts computed under (5) by the applicable state aid percentage factor; and
- (7) add the products obtained under (6). The amount of the sum is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.
- (c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal year years ending June 30, 2007 2011, and June 30, 2012, shall be considered to be revenue transfers from the state general fund.
- (d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.
- (e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.
- (f) Amounts transferred to the capital improvements fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when

determining the amount of state aid to which a district is entitled to receive under this section.

Sec. 146. On July 1, 2010, K.S.A. 2009 Supp. 75-6702 is hereby amended to read as follows: 75-6702. (a) The last appropriation bill passed in any regular session of the legislature shall be the omnibus reconciliation spending limit bill. Each bill which is passed during a regular session of the legislature and which appropriates or transfers money from the state general fund for the ensuing fiscal year shall contain a provision that such bill shall take effect and be in force from and after the effective date of the omnibus reconciliation spending limit bill for that regular session of the legislature or from and after such effective date and a subsequent date or an event occurring after such effective date.

(b) Except as provided in subsection (c), the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2004 regular session of the legislature and each regular session of the legislature thereafter, is hereby fixed so that there will be an ending balance in the state general fund for the ensuing fiscal year that is equal to 7.5% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year.

(c) The provisions of subsection (b) are hereby suspended for the fiscal year ending June 30, 2010 2011, and shall not prescribe a maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2009 2010 regular session of the legislature.

Sec. 147. On July 1, 2010, K.S.A. 2009 Supp. 76-775 is hereby amended to read as follows: 76-775. (a) Subject to the other provisions of this act, on the first day of the first state fiscal year commencing after receiving a certification of receipt of a qualifying gift under K.S.A. 2009 Supp. 76-774 and amendments thereto, the director of accounts and reports shall transfer from the state general fund the amount determined by the director of accounts and reports to be the earnings equivalent award for such qualifying gift for the period of time between the date of certification of the qualifying gift and the first day of the ensuing state fiscal year to either (1) the endowed professorship account of the faculty of distinction matching fund of the eligible educational institution, in the case of a certification of a qualifying gift to an eligible educational institution that is a state educational institution, or (2) the faculty of distinction program fund of the state board of regents, in the case of a certification of a qualifying gift to an eligible institution that is not a state educational institution. Subject to the other provisions of this act, on each July 1 thereafter, the director of accounts and reports shall make such transfer from the state general fund of the earnings equivalent award for such qualifying gift for the period of the preceding state fiscal year. All transfers made in accordance with the provisions of this subsection shall be considered demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, <del>2007</del> 2011, and June 30, <del>2008</del> 2012, shall be considered to be revenue transfers from the state general fund.

(b) There is hereby established in the state treasury the faculty of distinction program fund which shall be administered by the state board of regents. All moneys transferred under this section to the faculty of distinction program fund of the state board of regents shall be paid to eligible educational institutions that are not state educational institutions for earnings equivalent awards for qualifying gifts to such eligible educational institutions. The state board of regents shall pay from the faculty of distinction program fund the amount of each such transfer to the eligible educational institution for the earnings equivalent award for which such transfer was made under this section.

(c) The earnings equivalent award for an endowed professorship shall be determined by the director of accounts and reports and shall be the amount of interest earnings that the amount of the qualifying gift certified by the state board of regents would have earned at the average net earnings rate of the pooled money investment board portfolio for the period for which the determination is being made.

(d) The total amount of new qualifying gifts which may be certified to the director of accounts and reports under this act during any state fiscal year for all eligible educational institutions shall not exceed \$30,000,000. The total amount of new qualifying gifts which may be certified to the director of accounts and reports under this act during any state fiscal

year for any individual eligible educational institution shall not exceed \$10,000,000. No additional qualifying gifts shall be certified by the state board of regents under this act when the total of all transfers from the state general fund for earnings equivalent awards for qualifying gifts pursuant to this section and amendments thereto for a fiscal year is equal to or greater than \$6,000,000 in fiscal year 2009, \$7,000,000 in fiscal year 2010 and \$8,000,000 in fiscal year 2011 and in each fiscal year thereafter.

Sec. 148. 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.
- Sec. 149. On July 1, 2010, K.S.A. 2009 Supp. 76-7,107 is hereby amended to read as follows: 76-7,107. (a) (1) On July 1, 2008, or as soon thereafter as sufficient moneys are available, \$7,000,000 shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2009 Supp. 76-7,104, and amendments thereto.
- (2) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2009 Supp. 76-7,104, and amendments thereto, during the fiscal year ending June 30, 2010, pursuant to this section.
- (3) On July 1, 2010, or as soon thereafter as sufficient moneys are available, \$15,000,000 No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2009 Supp. 76-7,104, and amendments thereto, during the fiscal year ending June 30, 2011, pursuant to this section.
- (4) On July 1, 2011, or as soon thereafter as sufficient moneys are available, \$10,000,000 No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2009 Supp. 76-7,104, and amendments thereto during the fiscal year ending June 30, 2012, pursuant to this section.
- (b) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.
- (c) All moneys credited to the infrastructure maintenance fund shall be expended or transferred only for the purpose of paying the cost of projects approved by the state board pursuant to the state educational institution long-term infrastructure maintenance program.
- Sec. 150. On July 1, 2010, K.S.A. 2009 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.
- (b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years 2009, 2010 and, 2011, and 2012, and (2) the amount of the transfer on each such date shall be \$13,500,000 during fiscal year 2013, \$20,250,000 during fiscal year 2014, and

\$27,000,000 during fiscal year 2014 2015 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, except that all such transfers during fiscal year 2013 shall be considered to be revenue transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) Sixty-five percent of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A.

11-201, and amendments thereto, on July 1 of the preceding year; and (2) thirty-five percent of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by

the director of property valuation.

Sec. 151. On July 1, 2010, K.S.A. 2009 Supp. 79-2964 is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts which in the aggregate equal 2.823% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that no moneys shall be transferred from the state general fund to the county and city revenue sharing fund during state fiscal years 2010 2011 and 2011 2012. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 152. On July 1, 2010, K.S.A. 2009 Supp. 79-2978 is hereby amended to read as follows: 79-2978. (a) There is hereby established in the state treasury the business machinery and equipment tax reduction assistance fund which shall be administered by the state treasurer. All expenditures from the business machinery and equipment tax reduction assistance fund shall be for the payments to counties for distribution to taxing subdivisions levying ad valorem taxes within the county in accordance with this section.

(b) The secretary of revenue shall adopt a policy using the most current information that is available, and that is determined to be practicable by the secretary for this purpose and shall calculate the following:

(1) On January 31, 2008, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on commercial and industrial machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2007 not including any such ad valorem taxes on commercial and industrial machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2008, subject to the provisions of subsection (d), the state treasurer shall pay to the county treasurer of each county an amount equal to 90% of such difference for distribution as provided in subsection (e).

(2) On January 31, 2009, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on commercial and industrial machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2008 not including any such ad valorem taxes on commercial and industrial machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On March 2, 2009, subject to the provisions of subsection (d) and subsection (g), the state treasurer shall pay to the county treasurer of each county an amount equal to 70% of such difference for distribution as provided in subsection (e).

- (3) On January 31, 2010, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on commercial and industrial machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2009 not including any such ad valorem taxes on commercial and industrial machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2010, subject to the provisions of subsection (d), the state treasurer shall pay to the county treasurer of each county an amount equal to 50% of such difference for distribution as provided in subsection (e).
- (4) On January 31, 2011, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on commercial and industrial machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2010 not including any such ad valorem taxes on commercial and industrial machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2011, subject to the provisions of subsection (d), the state treasurer shall pay to the county treasurer of each county an amount equal to 30% of such difference for distribution as provided in subsection (e).
- (5) On January 31, 2012, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on commercial and industrial machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2011 not including any such ad valorem taxes on commercial and industrial machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2012, subject to the provisions of subsection (d), the state treasurer shall pay to the county treasurer of each county an amount equal to 10% of such difference for distribution as provided in subsection (e).
- (6) There shall be no payments made pursuant to this section after the payments made by the state treasurer on or before February 15, 2012, and the provisions of this section shall expire at such time.
- (c) The calculations required by subsection (b) shall be based upon a certification made by the county clerk on or before November 15 of the tax year and submitted to the director of property valuation. Such certification shall be in a format devised and prescribed by the director of property valuation. Such certification shall report the total advalorem taxes levied by the county on commercial and industrial machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment. The county clerk shall provide a copy of such certification to the county treasurer for the purpose of determining the distribution of moneys pursuant to the provisions of subsection (e)(2) paid to the county pursuant to subsection (b) by the state treasurer.
- (d) If the amount calculated for the difference in subsections (b)(1) through (b)(5) is negative, the amount calculated for such county for such year shall be deemed to be zero and no amount shall be paid to the county treasurer of such county as otherwise provided in subsection (b). Nothing in this section shall be construed to require the county to make any payments to the state in such event that the amount calculated for the difference is negative for the county for such year.
- (e) (1) On January 31 of each year specified in this section, the secretary of revenue shall certify to the director of accounts and reports the aggregate of all amounts determined for counties pursuant to subsection (b). Upon receipt of such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the business machinery and equipment tax reduction assistance fund, except that (A) the aggregate amount of moneys transferred from the state general fund to the business machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2009, pursuant to this section shall not exceed the maximum amount determined pursuant

- to subsection (g), (B) an amount equal to 50% of the maximum amount determined pursuant to subsection (g) shall be transferred from the state general fund to the business machinery and equipment tax reduction assistance fund on March 2, 2009, and (C) no moneys shall be transferred from the state general fund to the business machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2010, pursuant to this section, (D) no moneys shall be transferred from the state general fund to the business machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2011, pursuant to this section, and (E) no moneys shall be transferred from the state general fund to the business machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2012, pursuant to this section.
- (2) The state treasurer shall apportion and distribute the moneys credited to the business machinery and equipment tax reduction assistance fund to the county treasurers in accordance with subsection (b). Upon receipt of each such amount, each county treasurer shall apportion such amount among the ad valorem taxing subdivisions imposing ad valorem taxes on commercial and industrial machinery and equipment in an amount equal to the difference between the total ad valorem taxes on commercial and industrial machinery and equipment levied by each such ad valorem taxing subdivision for the tax year 2005 and the total ad valorem taxing subdivision for the tax year dequipment levied by each such ad valorem taxing subdivision for the tax year of the apportionment, subject to the percentage reduction set forth in subsection (b) for the tax year of the apportionment of such moneys to that county. The county treasurer shall pay such amounts to the taxing subdivisions at the same time or times as their regular operating tax rate mill levy is paid to them.
- (f) Before January 31 of 2007 through 2013, the secretary of revenue shall make a detailed report of amounts calculated as required pursuant to subsection (b) for each individual county and in aggregate for all the counties for the current year along with any projections for future years, amounts distributed to the counties pursuant to this section, the amount of ad valorem taxes on commercial and industrial machinery and equipment not included in the total ad valorem taxes for each tax year due to the fact that the tax liability of such machinery and equipment was abated or exempted prior to July 1, 2006, and such abatement or exemption expired after July 1, 2006, for each individual county and in aggregate for all counties and all other relevant information related to the provisions of this section, and shall present such report before such date to the house committee on taxation of the house of representatives and the senate committee on assessment and taxation of the senate for consideration by the legislature in making any appropriate adjustments to the provisions of this section.
- (g) (1) The maximum amount that may be transferred during the fiscal year ending June 30, 2009, from the state general fund to the business machinery and equipment tax reduction assistance fund pursuant to this section shall be equal to (A) the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) plus the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) of K.S.A. 2009 Supp. 79-2979, and amendments thereto, multiplied by (B) the result obtained by dividing the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) by the aggregate of the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) plus the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) of K.S.A. 2009 Supp. 79-2979, and amendments thereto.
- (2) If a maximum amount is imposed under this subsection and the aggregate amount transferred from the state general fund to the business machinery and equipment tax reduction assistance fund during state fiscal year 2009 pursuant to this section is reduced, then the amount allocated to each county by the state treasurer under subsection (b)(2) shall be reduced proportionately with respect to aggregate reduction in the amount of such transfer from the state general fund to the business machinery and equipment tax reduction assistance fund during state fiscal year 2009.
- Sec. 153. On July 1, 2010, K.S.A. 2009 Supp. 79-2979 is hereby amended to read as follows: 79-2979. (a) There is hereby established in the state treasury the telecommunications and railroad machinery and equipment tax reduction assistance fund which shall be administered by the state treasurer. All expenditures from the telecommunications and

railroad machinery and equipment tax reduction assistance fund shall be for the payments to counties for distribution to taxing subdivisions levying ad valorem taxes within the county in accordance with this section.

- (b) The secretary of revenue shall adopt a policy using the most current information that is available, and that is determined to be practicable by the secretary for this purpose and shall calculate the following:
- (1) On January 31, 2008, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on telecommunications machinery and equipment and railroad machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2007 not including any such ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2008, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 90% of such difference for distribution as provided in subsection (d).
- (2) On January 31, 2009, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on telecommunications machinery and equipment and railroad machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2008 not including any such ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On March 2, 2009, subject to the provisions of subsection (c) and subsection (f), the state treasurer shall pay to the county treasurer of each county an amount equal to 70% of such difference for distribution as provided in subsection (d).
- (3) On January 31, 2010, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on telecommunications machinery and equipment and railroad machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2009 not including any such ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2010, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 50% of such difference for distribution as provided in subsection (d).
- (4) On January 31, 2011, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on telecommunications machinery and equipment and railroad machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2010 not including any such ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment that were abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2011, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 30% of such difference for distribution as provided in subsection (d).
- (5) On January 31, 2012, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county on telecommunications machinery and equipment and railroad machinery and equipment for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2011 not including any such ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment that were

abated or exempted prior to July 1, 2006, and which such abatement or exemption expired after July 1, 2006. On or before February 15, 2012, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 10% of such difference for distribution as provided in subsection (d).

(6) There shall be no payments made pursuant to this section after the payments made by the state treasurer on or before February 15, 2012, and the provisions of this section shall expire at such time.

(c) If the amount calculated for the difference in subsections (b)(1) through (b)(5) is negative, the amount calculated for such county for such year shall be deemed to be zero and no amount shall be paid to the county treasurer of such county as otherwise provided in subsection (b). Nothing in this section shall be construed to require the county to make any payments to the state in such event that the amount calculated for the difference is negative for the county for such year.

(d) (1) On January 31 of each year specified in this section, the secretary of revenue shall certify to the director of accounts and reports the aggregate of all amounts determined for counties pursuant to subsection (b). Upon receipt of such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund, except that (A) the aggregate amount of moneys transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2009, pursuant to this section shall not exceed the maximum amount determined pursuant to subsection (f), (B) an amount equal to 50% of the maximum amount determined pursuant to subsection (f) shall be transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund on March 2, 2009, and (C) no moneys shall be transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2010, pursuant to this section, (D) no moneys shall be transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2011, pursuant to this section, and (E) no moneys shall be transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during the state fiscal year ending June 30, 2012, pursuant to this section.

(2) The state treasurer shall apportion and distribute the moneys credited to the telecommunications and railroad machinery and equipment tax reduction assistance fund to the county treasurers in accordance with subsection (b). Upon receipt of each such amount, each county treasurer shall apportion such amount among the ad valorem taxing subdivisions imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment in an amount equal to the difference between the total advalorem taxes on telecommunications machinery and equipment and railroad machinery and equipment levied by each such ad valorem taxing subdivision for the tax year 2005 and the total ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment levied by each such ad valorem taxing subdivision for the tax year of the apportionment, subject to the percentage reduction set forth in subsection (b) for the tax year of the apportionment of such moneys to that county. The county treasurer shall pay such amounts to the taxing subdivisions at the same time or times as their regular operating tax rate mill levy is paid to them.

(e) Before January 31 of 2007 through 2013, the secretary of revenue shall make a detailed report of amounts calculated as required pursuant to subsection (b) for each individual county and in aggregate for all the counties for the current year along with any projections for future years, amounts distributed to the counties pursuant to this section, the amount of ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment not included in the total of ad valorem taxes for each tax year due to the fact that the tax liability of such machinery and equipment was abated or exempted prior to July 1, 2006, and the abatement or exemption expired after July 1, 2006, for each individual county and in aggregate for all counties and all other relevant information related to the provisions of this section, and shall present such report before such date to the house

committee on taxation of the house of representatives and the senate committee on assessment and taxation of the senate for consideration by the legislature in making any appropriate adjustments to the provisions of this section.

(f) (1) The maximum amount that may be transferred during the fiscal year ending June 30, 2009, from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund pursuant to this section shall be equal to (A) the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) plus the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) of K.S.A. 2009 Supp. 79-2978, and amendments thereto, multiplied by (B) the result obtained by dividing the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) by the aggregate of the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) plus the amount equal to 93.5% of the aggregate amount determined under subsection (b)(2) of K.S.A. 2009 Supp. 79-2978, and amendments thereto.

(2) If a maximum amount is imposed under this subsection and the aggregate amount transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during state fiscal year 2009 pursuant to this section is reduced, then the amount allocated to each county by the state treasurer under subsection (b)(2) shall be reduced proportionately with respect to aggregate reduction in the amount of such transfer from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund during state fiscal year 2009.

Sec. 155. On July 1, 2010, K.S.A. 2009 Supp. 79-34,156 is hereby amended to read as follows: 79-34,156. On April 1, 2007, the director of accounts and reports shall transfer \$437,500 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund. If sufficient moneys are not available in the state economic development initiatives fund for such transfer on April 1, 2007, then the director of accounts and reports shall transfer on such date the amount available in the state economic development initiatives fund in accordance with this section and shall transfer on such date, or as soon thereafter as moneys are available therefor, the amount equal to the insufficiency from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund. On July 1, 2007, and quarterly thereafter, the director of accounts and reports shall transfer \$875,000 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund, except: (a) That, during the fiscal *year ending June 30, 2011,* on July 1, <del>2008</del> 2010, October 1, <del>2008</del> 2010, and January 1, <del>2009</del> 2011, and April l, 2011, the director of accounts and reports shall transfer \$100,000 \$50,000 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund, and (b) that on April 1, 2009, if sufficient moneys are not available in the state economic development initiatives fund for any such transfer during the fiscal year ending June 30, 2011, then the director of accounts and reports shall transfer \$74,000 from the amount available in the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund on the date specified in the fiscal year ending June 30, 2011. If sufficient moneys are not available in the state economic development initiatives fund for such transfer on July 1, 2007 2011, and on the first day of any calendar quarter thereafter, in any such fiscal year, then the director of accounts and reports shall transfer on such date the amount available in the state economic development initiatives fund in accordance with this section and shall transfer on such date, or as soon thereafter as moneys are available therefor, the amount equal to the insufficiency from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund; except that no moneys shall be transferred from the state general fund to the Kansas biodiesel fuel producer fund during the fiscal year ending June 30, 2011.

Sec. 156. On the effective date of this act, K.S.A. 2009 Supp. 79-34,171 is hereby amended to read as follows: 79-34,171. (a) On January 1, 2009, and quarterly thereafter, the director of accounts and reports shall transfer \$400,000 from the state general fund to the Kansas retail dealer incentive fund, except that (1) no moneys shall be transferred pursuant to this section from the state general fund to the Kansas retail dealer incentive fund during the fiscal years ending June 30, 2010, or June 30, 2011, or June 30, 2012, and (2) any transfers of moneys from the state general fund to the Kansas retail dealer incentive fund during the

state fiscal year ending June 30, 2010, under this or any other statute that have been made prior to the effective date of this act shall be reversed by the director of accounts and reports and reversing entries shall be entered upon the accounting records of the state treasurer therefor. On and after July 1, 2009, the unobligated balance in the Kansas retail dealer incentive fund shall not exceed \$1.5 million. If the unobligated balance of the fund exceeds \$1.1 million at the time of a quarterly transfer, the transfer shall be limited to the amount necessary for the fund to reach a total of \$1.5 million.

(b) There is hereby created in the state treasury the Kansas retail dealer incentive fund. All moneys in the Kansas retail dealer incentive fund shall be expended by the secretary of the department of revenue for the payment of incentives to Kansas retail dealers who sell and dispense renewable fuels or biodiesel through a motor fuel pump in accordance with the provisions of K.S.A. 2009 Supp. 79-34,170 through 79-34,175 and amendments thereto.

(c) All moneys remaining in the Kansas retail dealer incentive fund upon the expiration of K.S.A. 2009 Supp. 79-34,170 through 79-34,175, and amendments thereto, shall be credited by the state treasurer to the state general fund.

Sec. 157. On the effective date of this act, K.S.A. 2009 Supp. 79-4801 is hereby amended to read as follows: 79-4801. There is hereby created the state gaming revenues fund in the state treasury. All moneys credited to such fund shall be expended or transferred only for the purposes and in the manner provided by this act and all expenditures from the state gaming revenues fund shall be made in accordance with appropriation acts. All moneys credited to such fund shall be allocated and credited monthly to the funds and in the amounts specified by this act except that the total of the amounts credited to such funds in any one fiscal year pursuant to this act shall not exceed \$50,000,000, except that the total of the amounts credited to such funds for fiscal years 2009 and 2010, pursuant to this act shall not exceed \$48,059,846. All amounts credited to such fund in any one fiscal year which are in excess of \$50,000,000 shall be transferred and credited to the state general fund on July 15, 1996, and June 25, 1997, and each year thereafter on June 25, except that: (a) All amounts credited to the state gaming revenues fund in fiscal year 2009 which are in excess of \$48,059,846 shall be transferred and credited to the state general fund on July 15, 2009, and shall be recorded and accounted for as receipts to the state general fund for fiscal year 2009; (b) all amounts credited to the state gaming revenues fund in fiscal year 2010 which are in excess of \$48,059,846 shall be transferred and credited to the state general fund on July 15 June 15, 2010, and shall be recorded and accounted for as receipts to the state general fund for fiscal year 2010; and (c) all amounts credited to the state gaming revenues fund in fiscal year 2011 which are in excess of \$50,000,000 shall be transferred and credited to the state general fund on <del>July 15</del> June 15, 2011, and shall be recorded and accounted for as receipts to the state general fund for fiscal year 2011.

Sec. 158. On July 1, 2010, K.S.A. 2009 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. During each fiscal year, the director of accounts and reports shall transfer \$6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, one-half of such amount to be transferred on July 15 and one-half to be transferred on January 15, except that (1) such transfers during each fiscal year commencing after June 30, 2008, are subject to reduction under K.S.A. 75-6704, and amendments thereto, (2) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2009, shall not exceed \$2,000,000, and (3) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2010, shall not exceed \$3,295,432, and (4) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2011, shall not exceed \$1,348,245. On the effective date of this act, the director of accounts and reports shall transfer the amount in excess of \$2,000,000 which was transferred from the state general fund to the state water plan fund prior to the effective date of this act during the fiscal year ending June 30, 2009, as certified by the director of the budget to the director of accounts and reports to the state general fund. All transfers under this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, 2008 2010, and June 30, 2009 2011, shall be considered revenue transfers from the state general fund.

Sec. 159. 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:

- (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 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. 160. 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, 46-137b, 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, 75-3120f, 75-3120f, 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, 75-768, 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.

Sec. 161. On the effective date of this act, K.S.A. 2009 Supp. 2-223, 79-34,171 and 79-4801, section 14 of 2010 Senate Substitute for House Bill No. 2222, and section 52 of chapter 124 of the 2009 Session Laws of Kansas are hereby repealed.

Sec. 162. On July 1, 2010, K.S.A. 2009 Supp. 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 and 82a-953a are hereby repealed.

Sec. 163. (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: *Provided, however*, That the lapse provided for in this subsection shall not apply to the appropriations or reappropriations for fiscal year 2011 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 July 1, 2010, notwith standing 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, 75-3120, 75-3120, 75-3120, 75-3120, 75-3120, 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, 75-5702, 75-5702, 75-5708, 75-5702, 75-5702, 75-5702, 75-5708, 75-5702, 75-5702, 75-5708, 75-5702, 75-5702, 75-5702, 75-5708, 75-5702, 75-5702, 75-5702, 75-5708, 75-5702, 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 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: *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 2011 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, each member of the governor's staff, 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.

(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. 164. 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 October 15, 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) Amnesty under this section 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 may waive the imposition and collection of any penalty or interest which may be applicable with respect to taxes eligible for amnesty. The department of revenue may require all applications for amnesty pursuant to this section be submitted electronically.
- (c) Amnesty for penalties and interest shall be granted only to those eligible taxpayers who, within the amnesty period of September 1, 2010, to October 15, 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. 165. (a) 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 for any out-of-state travel for any state employee for the fiscal year ending June 30, 2011, unless specifically authorized 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: Provided, That the amount equal to the aggregate of any savings from this section from each account of the state general fund of each state agency for the year ending June 30, 2011, as determined and certified by the director of the budget to the director of accounts and reports, is hereby lapsed: Provided further, That the aggregate amount lapsed from all such accounts of the state general fund for fiscal year 2011 by this subsection shall not exceed \$500,000: And provided further, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

And by renumbering sections accordingly;

On page 1, in the title, in line 14, by striking "and June 30, 2015" and inserting ", June 30, 2015, and June 30, 2016";

Also, rose and reported progress.

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

# AFTERNOON SESSION

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

### MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits certificate of action by the Senate on **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.

The veto message from the Governor having been received, a motion was made that notwithstanding the Governor's objections to **S. Sub. for HB 2115**, the bill be passed. By a vote of 26 Yeas and 14 Nays, the motion not having received the required two-thirds majority of the elected members of the Senate, voting in the affirmative, the bill did not pass and the veto was sustained.

### CERTIFICATE

In accordance with K.S.A. 45-304, it is certified that, **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, was not approved by the Governor on April 15, 2010; was returned by him with his objections and approved on May 3, 2010 by two-thirds of the members elected to the House of Representatives notwithstanding the objections of the governor; was reconsidered by the Senate but failed to be approved on May 5, 2010, by two-thirds of the members elected to the Senate as required by the Constitution and laws of the State of Kansas.

This certificate is made this 5th day of May 2010 by the Secretary of the Senate and the President of the Senate.

PAT SAVILLE
Secretary of the Senate of the State of Kansas
STEPHEN MORRIS
President of the Senate of the State of Kansas

### 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

On motion of Rep. Hayzlett, the conference committee report on **HB 2482** was adopted.

On roll call, the vote was: Yeas 117; Nays 2; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Siegfreid, Whitham. Present but not voting: None.

Absent or not voting: Aurand, Fund, Grange, Hawk, Huebert, Rhoades.

#### 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-ofstate 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

On motion of Rep. Hayzlett, the conference committee report on **HB 2486** was adopted. On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Frurtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Mengh-

ini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Fund, Grange, Hawk, Rhoades.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2751**, An act concerning retirement and pensions; enacting the Kansas public employees retirement system defined contribution act; providing terms, conditions and requirements related thereto; relating to plan document, membership, benefits and contributions; death and disability benefits, by Committee on Appropriations.

### MESSAGE FROM THE SENATE

The Senate adopts conference committee report on SB 452.

The Senate adopts conference committee report on S. Sub. for HB 2506.

The Senate adopts conference committee report on HB 2660.

#### INTRODUCTION OF ORIGINAL MOTIONS

Roll call was demanded on motion of Rep. Kinzer to remove S. Sub. for  $HB\ 2360$  from the table.

On roll call, the vote was: Yeas 43; Nays 77; Present but not voting: 0; Absent or not voting: 5.

Yeas: Bowers, A. Brown, Brunk, Crum, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, Kleeb, Knox, Landwehr, Mast, McLeland, Morrison, Myers, Neufeld, O'Brien, O'Neal, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Henderson, Henry, Hill, Hineman, Horst, King, Kinzer, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Merrick, Moxley, Neighbor, Olson, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Aurand, Fund, Grange, Hawk, Rhoades.

The motion of Rep. Kinzer did not prevail.

Having voted on the prevailing side, Rep. Kinzer moved to reconsider the action of the House in not removing **S. Sub. for HB 2360** from the table. The motion was subsequently withdrawn.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Peck in the chair.

## COMMITTEE OF THE WHOLE

On motion of Rep. Peck, Committee of the Whole report, as follows, was adopted: Recommended that discussion resume on **H. Sub. for SB 572** (see previous action, Morning Session).

Also, on motion of Rep. Burroughs, **H. Sub. for SB 572** be amended as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 52 of the amendment adopted on motion of Representative Feuerborn, in line 18, by adding \$440,000 to the dollar amount and adjusting the dollar amount in line 18 accordingly;

On page 302 of the amendment adopted on motion of Representative Feuerborn, in line 1, by striking "2010" and inserting "2011"; in line 2, after the comma, by inserting "excluding all longevity bonuses charged to the judicial branch for the fiscal year 2011,";

Also, roll call was demanded on motion of Rep. Hill to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 226 of the amendment adopted on motion of Representative Feuerborn, in line 7, by adding \$3,600,000 to the dollar amount and by adjusting the dollar amount in line 7 accordingly;

On roll call, the vote was: Yeas 98; Nays 21; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grant, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kerschen, Kiegerl, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf, Worley.

Nays: Bowers, A. Brown, Brunk, Donohoe, Faber, Hayzlett, Kelley, Kinzer, Knox, Landwehr, Merrick, Morrison, Neufeld, Patton, Peck, Powell, Schwartz, Siegfreid, Vickrey, B. Wolf. Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Fund, Grange, Hawk, Mast, Rhoades.

The motion of Rep. Hill prevailed.

Also, on motion of Rep. Hineman, **H. Sub. for SB 572** be amended as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 150 of the amendment adopted on motion of Representative Feuerborn, in line 5, by striking "one-year" and inserting "three-year";

On page 151, in line 6, after "into" by inserting "on or before October 1, 2010,";

Also, on motion of Rep. Kiegerl to amend **H. Sub. for SB 572**, the motion was withdrawn. Also, roll call was demanded on further motion of Rep. Kiegerl to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 154 of the amendment adopted on motion of Representative Feuerborn, line 2, by adding \$4,000,000 to the dollar amount and by adjusting the dollar amount in line 2 accordingly;

On page 156, in line 14, by adding \$4,000,000 to the dollar amount and by adjusting the dollar amount in line 14 accordingly:

On roll call, the vote was: Yeas 50; Nays 70; Present but not voting: 0; Absent or not voting: 5.

Yeas: Bowers, A. Brown, Brunk, Carlson, Colloton, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Peterson, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Neufeld, Palmer, Pauls, Phelps, Pot-

torff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley. Present but not voting: None.

Absent or not voting: Fund, George, Grange, Hawk, Rhoades.

The motion of Rep. Kiegerl did not prevail.

Also, roll call was demanded on motion of Rep. Horst to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 66, of the amendment adopted on motion of Representative Feuerborn, in line 17, by subtracting \$150,000 from the dollar amount and by adjusting the dollar amount in line 17 accordingly;

On page 177, in line 9, by adding \$150,000 to the dollar amount and by adjusting the dollar amount in line 9 accordingly;

On roll call, the vote was: Yeas 46; Nays 69; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Bowers, Brookens, Carlson, Crum, DeGraaf, Faber, Goico, Gordon, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Merrick, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, Johnson, King, Kuether, Lane, Light, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Menghini, Morrison, Neighbor, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Schwab, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Dillmore, Fund, George, Grange, Hawk, Hayzlett, Long, Peterson, Rhoades, Vickrey.

The motion of Rep. Horst did not prevail.

Also, on motion of Rep. Otto to amend **H. Sub. for SB 572**, the motion did not prevail. Also, roll call was demanded on motion of Rep. Jack to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 149 of the amendment adopted on motion of Representative Feuerborn, by striking lines 17 through 19;

And by redesignating the remaining subsections accordingly;

On roll call, the vote was: Yeas 48; Nays 70; Present but not voting: 0; Absent or not voting: 7.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley. Present but not voting: None.

Absent or not voting: Crum, Fund, George, Grange, Hawk, Rhoades, Schwab.

The motion of Rep. Jack did not prevail.

Also, roll call was demanded on further motion of Rep. Jack to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, onmotion of Representative Feuerborn, on page 417 of the amendment adopted on motion of Representative Feuerborn, following line 4, by inserting the following:

"Sec. 167. (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 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 section;
- (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 sections accordingly;

On roll call, the vote was: Yeas 51; Nays 69; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Vickrey, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Hawk, Rhoades.

The motion of Rep. Jack did not prevail.

Also, roll call was demanded on further motion of Rep. Jack to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS 572t30, on motion of Representative Feuerborn, on page 32, of the amendment adopted on motion

of Representative Feuerborn, in line 18, by adding \$63,261 to the dollar amount and by adjusting the dollar amount in line 18 accordingly; in line 20, before the period by inserting ": Provided further, That expenditures from this account may be made to pay for expenses incurred in bringing or joining in a lawsuit challenging the federal health care package in the United States district court pursuant to the 2010 House Resolution No. 6036: And provided further, That expenditures from this account for the purposes of such litigation shall not exceed \$63.261"

On roll call, the vote was: Yeas 57; Nays 62; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Spalding, Suellentrop, Tafanelli, Vickrey, Whitham, Williams, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Hawk, Rhoades, Worley.

The motion of Rep. Jack did not prevail.

Also, roll call was demanded on motion of Rep. Brunk to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 417 of the amendment adopted on motion of Representative Feuerborn, following line 4 by inserting the following:

"Section 167. This act shall be known as the Revenue, Assessment and Expenditure Limitations act.

Sec. 168. As used within this act:

- (a) "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;
- (b) "local government" means any county, township, city, education district, other special district and any other taxing district or political subdivision of Kansas which is directly supported by tax funds, except that "local government" does not include any enterprise;
- (c) "enterprise" means a state-owned or local government-owned business authorized to issue its own revenue bonds and receiving less than 10% of annual revenue in grants or other direct cash benefit from the state and local governments combined;
- (d) "bond" means any bond, note, debenture, interim certificate, grant and revenue anticipation note, lease-purchase agreement, lease certificate of participation or other evidence of indebtedness which, in any such case, is entered into or establishes a debt obligation for longer than one fiscal year, whether or not the interest on which is subject to federal income taxation:
  - (e) "fiscal year" means the twelve-month fiscal period prescribed by law for the state;
- (f) "fiscal year spending" means all expenditures and reserve increases except, as to both, (1) expenditures for refunds of any kind, (2) 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 (3) budget stabilization reserve fund transfers, emergency reserve fund transfers, or expenditures in accordance with this article:

- (g) "base revenue year" means the fiscal year ending June 30, 2010, or the succeeding fiscal year having the greatest total state revenue of any succeeding fiscal year that exceeds the total state revenue for the fiscal year ending June 30, 2010, if any;
- (h) "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;
- (i) "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:
- (j) "education district" means each school district, vocational or technical school, community college, technical college, municipal university, and any other public educational entity established as provided by law, except that "education district" does not include any state educational institution under the control and supervision of the state board of regents; and
- (k) "total state revenue" means all moneys received by the state from any source except any of the following:
- (1) Moneys received as grants, gifts or donations which are to be expended for purposes specified by the donor;
  - (2) moneys received from the federal government; and
- (3) moneys which are income earned on moneys in permanent endowment funds, trust funds, deferred compensation funds or pension funds and which are credited to such funds.

Sec. 169. On and after July 1, 2011, a supermajority of two-thirds (%) of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill enacting or amending any law creating any new state tax or increasing the rate of any existing state income tax, sales tax, compensating use tax or other excise tax or a tax in the nature of an excise tax, property tax, or tax in the nature of a property tax, or estate or inheritance tax, or a tax in the nature of an estate or inheritance tax, or any combination thereof.

- Sec. 170. (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, adjusted for revenue changes resulting from acts enacted in accordance with section 3 of this act. The limitation imposed on fiscal year spending shall not apply to expenditures of moneys transferred to the state general fund from the state budget stabilization reserve fund pursuant to section 7 of this act. The limitation imposed on fiscal year spending for a fiscal year may be authorized to be exceeded by act of the legislature that is passed by a supermajority of two-thirds (2/3) of the members then elected (or appointed) and qualified of each house, voting in the affirmative, and that authorizes fiscal year spending for such fiscal year in excess of such limitation.
- (b) For any fiscal year commencing on or after July 1, 2011, the total state revenue limitation shall be determined in accordance with this section. If the amount of the total state revenue for the preceding fiscal year exceeds the amount of total state revenue for the second preceding fiscal year, the total state revenue limitation for a fiscal year shall be the result obtained by adding (1) the lesser of (A) the amount of total state revenue for the preceding fiscal year or (B) the amount of the total state revenue limitation for the preceding fiscal year, and (2) the product of (A) the amount determined under clause (1) of this subsection, and (B) the sum of (i) the rate of inflation for the calendar year ending during the preceding fiscal year, plus (ii) the percentage change in state population during the calendar year ending during the preceding fiscal year if a positive number.
- (c) If the amount of the total state revenue for the preceding fiscal year is less than the amount of total state revenue for the second preceding fiscal year, the amount of the total

state revenue limitation for a fiscal year shall be the lesser of (1) the amount of total state revenue for the second preceding fiscal year, or (2) the amount of the total state revenue limitation for the base revenue year.

- (d) The legislature 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.
- (e) For the purposes of determining total revenue limitations under this section for the state, the total authorized fiscal year expenditures for the fiscal year ending on June 30, 2010, shall be construed to be the total state revenue and the total revenue limitation for that preceding fiscal year and the total authorized fiscal year expenditures for the fiscal year ending on June 30, 2011, shall be construed to be the total state revenue and the total revenue limitation for that preceding fiscal year.
- Sec. 171. (a) For any fiscal year that commences on or after July 1, 2011, if total state revenue exceeds the total state revenue limitation for that fiscal year, as determined in accordance with section 4 of this act, then a portion of the excess amount of state revenue shall be reserved as prescribed by this section or refunded as prescribed by section 6 of this article. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available for transfer to the budget stabilization reserve fund by this section.
- (b) An amount of any excess amount of total state revenue shall be transferred in the amount and in the manner prescribed by the legislature by law to the budget stabilization reserve fund, which fund is hereby created in the state treasury. The amount transferred to the budget stabilization reserve fund in accordance with this subsection shall be equal to the lesser of (1) the amount necessary to ensure that the balance in the budget stabilization reserve fund at the end of the fiscal year is an amount equal to 7% of the total state revenue limitation for the ensuing fiscal year. Income earned on the moneys credited to the budget stabilization reserve fund. In no case shall additional moneys be transferred into the budget stabilization reserve fund if the balance in the fund is equal to or more than 7% of the total state revenue limitation for the ensuing fiscal year. Each transfer to the budget stabilization reserve fund prescribed by this section shall be made before any transfer to the emergency reserve fund as provided in section 5 of this article or any refunds as required by section 6 of this article.
- (c) For any fiscal year that commences on or after July 1, 2011, if the amount of the total state revenue is less than the amount of total state revenue for the prior fiscal year, the legislature may provide by law for the transfer of moneys from the budget stabilization reserve fund to the state general fund in an amount equal to not more than the difference between the amount of total state revenue for the prior fiscal year and the amount of total state revenue for the current fiscal year. Under no other circumstances shall moneys be transferred or expended from the budget stabilization reserve fund of the state.
- Sec. 172. (a) For any fiscal year that commences on or after July 1, 2011, if total state revenue exceeds the total state revenue limitation for that fiscal year, as determined in accordance with section 4 of this act, then, after making any transfer to the budget stabilization reserve fund as required by section 5 of this act, a portion of any remaining total state revenue in excess of the total state revenue limitation shall be transferred in the amount and in the manner prescribed by the legislature by law to the emergency reserve fund, which fund is hereby created in the state treasury, to the extent necessary to ensure that a balance of the emergency reserve fund at the end of the fiscal year is an amount equal to not more than 3% of the total state revenue limitation for the ensuing fiscal year. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available for transfer to the emergency reserve fund by this section. Each transfer to the emergency reserve fund prescribed by this section shall be made after making any transfer to the budget stabilization reserve fund as provided in section 5 of this act. The state shall not be required to transfer any moneys other than any amount of total state revenue in excess of the total state revenue limitation to the emergency reserve

fund. The moneys in the emergency reserve fund shall be in addition to, and shall not be used to meet, any other reserve requirement under this constitution or any law. In no case shall additional moneys be transferred to the emergency reserve fund if the balance in the emergency reserve fund is more than 3% of the total state revenue limitation for the ensuing fiscal year.

- (b) Moneys in the emergency reserve fund may be expended only for an emergency declared by the governor to exist within the state. Two-thirds (2/3) of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill making an appropriation of money or transferring any moneys from the emergency reserve fund. Income earned on moneys credited to the emergency reserve fund shall accrue to the emergency reserve fund.
- (c) As used in this section "emergency" means an extraordinary event or occurrence that could not have been reasonably foreseen or prevented and that requires immediate expenditures to preserve the health, safety and general welfare of the people within the state and "emergency" does not mean a revenue shortfall or budget shortfall.
- Sec. 173. (a) Any excess amount of total state revenues for a fiscal year that remains after the transfers to the budget stabilization reserve fund and emergency reserve fund pursuant to section 5 or section 6 of this act, if any, shall be reserved in the current fiscal year and shall be refunded as provided by law during the next ensuing fiscal year to the taxpayers who paid the state ad valorem property taxes or state income taxes, or both, for the preceding fiscal year, in a manner that is proportional, on a pro rata basis, to the manner in which such taxes were collected from such taxpayers for such fiscal year. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available to be reserved and refunded by the state as prescribed by this section.
- (b) In a case of any amount that is received pursuant to any tax and required to be reserved and refunded to taxpayers by the state pursuant to this section and that is determined by the state in the manner prescribed by law to be insufficient for refunds to be made during the ensuing fiscal year, such amount shall be reserved for refunds to be made thereafter when the amount reserved is sufficient therefor.

Sec. 174. On or after July 1, 2011, during any fiscal year, transfers which are temporary and are to be repaid, or any other temporary borrowing, through certificates of indebtedness or any other device or manner, of any moneys in the state treasury to be credited to the state general fund, are prohibited unless the moneys so transferred or otherwise borrowed are restored or repaid to the original funds or accounts of the state treasury from the state general fund within the same fiscal year. The provisions of this section do not apply to transfers from the budget stabilization reserve fund or the emergency reserve fund to the state general fund in accordance with this article.

Sec. 175. On or after July 1, 2011, any appropriation of moneys in the state treasury that either supplants any appropriation from the state general fund, or that, if not made, would require an appropriation from the state general fund is prohibited. For purposes of this section, any appropriation of moneys in the state treasury that is funded by user charges or fees imposed on goods or services that do not exceed the cost of the goods or services provided shall not be deemed to be an appropriation that supplants any appropriation from the state general fund.

Sec. 176. A local government may not be required to fulfill any mandate imposed by the state unless and until, and may be required to fulfill that mandate only to the extent that, funds are provided to the local government by the state for that purpose. The legislature is not required to appropriate funds for mandates if more than two years have passed since the effective date of the mandate and no claim for funding has been made by the local government during that period.

Sec. 177. (a) The provisions of this act shall be liberally construed for the purpose of effectuating the purposes thereof, except that nothing in this act shall be construed to authorize any new or increased tax of any kind other than as provided or authorized by law enacted by the legislature in accordance with and subject to the other provisions of this constitution.

(b) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. The legislature shall repeal or amend all laws inconsistent with the provisions of this act to conform with the provisions of this act."

On roll call, the vote was: Yeas 42; Nays 75; Present but not voting: 0; Absent or not voting: 8.

Yeas: Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, M. Holmes, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Vickrey, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Hawk, Huebert, Kleeb, Olson, Rhoades. The motion of Rep. Brunk did not prevail.

Also, roll call was demanded on motion of Rep. Neufeld to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 417, following line 4, after the period by inserting the following section to read as follows:

"Sec. 167. (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 sections accordingly;

On page 1, in the title, in line 14, by striking "and June 30, 2015" and inserting ", June 30, 2015 and June 30, 2016";

On roll call, the vote was: Yeas 85; Nays 32; Present but not voting: 1; Absent or not voting: 7.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grant, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rardin, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Pauls, Peterson, Quigley, Roth, Ruiz, Slattery, Swenson, Tietze, Ward, Winn.

Present but not voting: Crow.

Absent or not voting: Fund, George, Grange, Hawk, Olson, Rhoades, Worley.

The motion of Rep. Neufeld prevailed.

Also, on motion of Rep. Dillmore, **H. Sub. for SB 572** be amended as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 23 of the amendment adopted on motion of Representative Feuerborn, in line 15, by subtracting \$111,303 from the dollar amount and adjusting the dollar amount in line 15 accordingly;

On page 139, in line 14, by adding \$111,303 to the dollar amount and adjusting the dollar amount in line 14 accordingly;

Also, roll call was demanded on motion of Rep. M. Holmes to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30 on motion of Representative Feuerborn, in the amendment adopted on motion of Representative Feuerborn, on page 5, by striking all in lines 20 through 22;

On page 6, by striking all in lines 1 through 10;

And by renumbering the remaining sections accordingly;

On page 48, by striking all in lines 6 through 15;

On page 62, by striking all in lines 17 through 22;

By striking all on page 63;

On page 64, by striking all in lines 1 through 3;

On page 88, by striking all in lines 16 through 21;

On page 89, by striking all in lines 1 through 4;

On page 116, by striking all in lines 7 through 16;

On page 173, by striking all in lines 10 through 21;

By striking all on page 174;

On page 175, by striking all in lines 1 through 12;

And by relettering the remaining subsections accordingly;

On page 234, by striking all in lines 2 through 10;

On page 262, by striking all in lines 16 through 20;

On page 263, by striking all in lines 1 through 6;

On roll call, the vote was: Yeas 46; Nays 66; Present but not voting: 0; Absent or not voting: 13.

Yeas: Aurand, Bowers, Brookens, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Shultz, Siegfreid, Suellentrop, Vickrey, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: A. Brown, Brunk, Fund, George, Grange, Hawk, Hayzlett, Kiegerl, Landwehr, Rhoades, Schwab, Seiwert, K. Wolf.

The motion of Rep. M. Holmes did not prevail.

On page 205, following line 1, by inserting the following:

"(c) Notwithstanding the provisions of K.S.A. 82a-2101, and amendments thereto, on July 1, 2010, or as soon thereafter as sufficient funds are available, the director of accounts and

reports shall transfer \$300,000 from the clean drinking water fee fund to the standardized water data repository fund.";

And by relettering the subsections accordingly;

On page 274, in line 12, before the period, by inserting the following:

": And provided further, That expenditures may be made from this account or any special revenue fund of the above named agency to allow 100% grant-funded projects relating to stream bank stabilization, and to allow lakes to be under the multipurpose small lakes program if the lake is used for two of the following purposes: flood control, public water supply storage or recreation, notwithstanding the provisions of any other legislative enactment?"

Also, roll call was demanded on motion of Rep. Schwartz to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 238 of the amendment adopted on motion of Representative Feuerborn, in line 16, by adding \$17,200,000 to the dollar amount and by adjusting the dollar amount in line 16 accordingly;

On roll call, the vote was: Yeas 58; Nays 60; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Bethell, Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Proehl, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Spalding, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Landwehr, Peterson, Rhoades, K. Wolf. The motion of Rep. Schwartz did not prevail.

Also, roll call was demanded on motion of Rep. Mast to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 27, of the amendment adopted on motion of Representative Feuerborn, in line 19, by adding \$411,633 to the dollar amount and by adjusting the dollar amount in line 19 accordingly;

On page 28, in line 8, by striking all after the colon; by striking all in lines 9 through 11; in line 12, by striking "amendments thereto:";

On roll call, the vote was: Yeas 45; Nays 71; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Merrick, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Vickrey, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Hayzlett, Landwehr, Morrison, Peterson, Rhoades, Sloan.

The motion of Rep. Mast did not prevail.

Also, roll call was demanded on further motion of Rep. Mast to amend **H. Sub. for SB 572** as amended by the House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 302, following line 6, by inserting the following:

"(d) On July 1, 2010, the \$8,534,972 appropriated for the state finance council for the fiscal year ending June 30, 2011, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.";

On roll call, the vote was: Yeas 44; Nays 70; Present but not voting: 0; Absent or not voting: 11.

Yeas: Aurand, Bollier, Bowers, Brookens, A. Brown, Brunk, Carlson, Colloton, Crum, DeGraaf, Dillmore, Donohoe, Goico, Hayzlett, Hermanson, C. Holmes, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Maloney, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Neal, Otto, Peck, Pottorff, Powell, Schwab, Schwartz, Seiwert, Siegfreid, Suellentrop, Swanson, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, T. Brown, Burgess, Burroughs, Carlin, Craft, Crow, Davis, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Gordon, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, M. Holmes, Johnson, Kiegerl, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Moxley, Neighbor, O'Brien, Olson, Palmer, Patton, Pauls, Peterson, Phelps, Prescott, Quigley, Rardin, Roth, Ruiz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Horst, Huebert, Landwehr, Proehl, Rhoades, Schroeder, Tafanelli, K. Wolf.

The motion of Rep. Mast did not prevail.

Rose and reported progress.

## REPORT OF STANDING COMMITTEE

Your Committee on Calendar and Printing recommends on requests for resolutions and certificates that

**Request No. 170**, by Representative Phelps, congratulating Dennis Hodgins on being sworn in as a United States citizen, March 19, 2010;

**Request No. 171**, by Representative Powell, congratulating Douglas R. Huddelston on achieving the rank of Eagle Scout;

**Request No. 172**, by Representative Powell, congratulating Adam P. Smith on achieving the rank of Eagle Scout;

**Request No. 173**, by Representative Peck, on congratulating Eugene and Patricia Miesner on their 60th Wedding Anniversary;

**Request No. 174**, by Representative Bowers, congratulating Larry Starr on his retirement from Kansas Department of Agriculture after forty years of service;

Request No. 175, by Representative Grant, congratulating Margaret O'Toole for supporting the Greenbush Days and the St. Aloysius Historical Society;

**Request No. 176**, by Representative Jack, commending Bryan Derreberry for exemplary commitment to the Wichita community;

**Request No. 177**, by Representative Jack, commending Tyson Langhofer for professional achievement and exemplary commitment to the Wichita community;

**Request No. 178**, by Representative Jack, commending Mindy McPheeters, J.D. for professional achievement and exemplary commitment to the Wichita community;

**Request No. 179**, by Representative Jack, commending Andover YMCA for tremendous service to Andover's children and families;

**Request No. 180**, by Representative Jack, commending K. T. Thiessen for many years of exemplary work in financial services;

**Request No. 181**, by Representative Jack, commending Malcom Auto Center for many successful years providing professional and quality service to Andover;

**Request No. 182**, by Representative Jack, commending Tiffany Cox for many years of safely raising and educating Kansas children;

Request No. 183, by Representative Jack, commending Lisa Ritchie for her tireless efforts to keep Kansas safe;

**Request No. 184**, by Representative Jack, congratulating TIMBUKTU for many years of serving the Andover community;

**Request No. 185**, by Representative Jack, commending Jodi Kienzle for outstanding professionalism and customer service;

**Request No. 186**, by Representative Jack, honoring Mayor Ben Lawrence for his many years of outstanding leadership in the city of Andover;

**Request No. 187**, by Representative Jack, congratulating Dave Dvorak for his may years of service to the Andover community;

**Request No. 188**, by Representative Jack, honoring Dave and Sid Sproul for their commitment to higher education in Kansas;

**Request No. 189**, by Representative Jack, commending Trinidad Galdean for outstanding support of the Wichita business community;

**Request No. 190**, by Representative Jack, commending Phillip M. Hayes for his outstanding success helping Kansans find quality employers;

Request No. 191, by Representative Jack, honoring Hugh Tappan for professional achievement and exemplary commitment to Kansas;

**Request No. 192**, by Representative Jack, honoring Jack Pelton for his professional achievement and exemplary commitment to Kansas;

**Request No. 193**, by Representative Jack, honoring Jay Allbaugh for his professional achievement and exemplary commitment to Kansas;

**Request No. 194**, by Representative Jack, honoring Mandi Stephenson for professional achievement and exemplary service to the community;

**Request No. 195**, by Representative Jack, honoring Stephanie Ralston for professional achievement and exemplary service to the community;

**Request No. 196**, by Representative Jack, honoring Courtney Hadley for professional achievement and exemplary service to the community;

**Request No. 197**, by Representative Jack, honoring David Jack for professional achievement and exemplary service to the community;

**Request No. 198**, by Representative Seiwert, congratulating Charles Gabehart for serving on the Ark Valley Electric Cooperative Board 12 continuous years; 2 years as President;

**Request No. 199**, by Representative Seiwert, congratulating Master Sergeant Theodore J. Neises on retiring from the Kansas Army National Guard after 22 years of honorable service:

**Request No. 200**, by Representative Pottorff, congratulating Amanda Goldman for receiving 1st place and best of show in the Hamilton Geometry Fair;

**Request No. 201**, by Representative Hayzlett, congratulating Douglas R. Huddleston on achieving the rank of Eagle Scout;

**Request No. 202**, by Representative Hayzlett, congratulating Adam P. Smith on achieving the rank of Eagle Scout;

**Request No. 203**, by Representatives Winn, Burroughs, Frownfelter, Henderson, Long, Peterson and Ruiz, congratulating Dr. Jill Shackelford, Superintendent of the Kansas City, Kansas Public Schools, for her outstanding service and drive in the pursuit of excellence in educating all children of USD 500;

Request No. 204, by Representative Kleeb, congratulating Grant Unruh on achieving the rank of Eagle Scout:

Request No. 205, by Representative Kleeb, congratulating Connor Dickey on achieving the rank of Eagle Scout;

Request No. 206, by Representative Kleeb, congratulating Mark Nichols on achieving the rank of Eagle Scout;

Request No. 207, by Representative Kleeb, congratulating Jared Hoopes on achieving the rank of Eagle Scout;

 $\bf Request\ No.\ 208,$  by Representative Kleeb, congratulating Jacob Hoopes on achieving the rank of Eagle Scout;

**Request No. 209**, by Representative Kleeb, congratulating Tyrone Williams on achieving the rank of Eagle Scout;

Request No. 210, by Representative Kleeb, congratulating Clayton Buckner on achieving the rank of Eagle Scout;

Request No. 211, by Representative Kleeb, congratulating Alec Brown on achieving the rank of Eagle Scout;

Request No. 212, by Representative Kleeb, congratulating Jonathan Gilson on achieving the rank of Eagle Scout;

Request No. 213, by Representative Kleeb, congratulating Dylan Howes on achieving the rank of Eagle Scout;

Request No. 214, by Representative Kleeb, congratulating Mark Nichols on achieving the rank of Eagle Scout;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2595**.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6049-

A RESOLUTION congratulating and commending the Kansas Arts Commission, the Kansas Arts Commissioners and the Kansas Arts Commission staff for creating an arts environment that benefits the State of Kansas and its people.

WHEREAS, The Kansas Arts Commission is a leader in arts education programs in Kansas. They support approximately 200 organizations, schools and agencies throughout the state every year. In the fiscal year 2009, they served 1,705,939 children; and

WHEREAS, The Kansas Arts Commission provides matching grants that meet the needs of children, schools and organizations that integrate arts into all curricular areas, support artists as educators and undergird existing arts education programs; and

WHEREAS, The Kansas Arts Commission supports arts education programs in organizations as diverse as the Kansas Music Educators Association, Arkansas Area Arts Council, the Beach Museum of Art and Theatre for Young America, as well as underwrite the presentation of Kansas artists who perform in schools and library settings through its Arts on Tour program; and

WHEREAS, The Kansas Arts Commission works in partnership with the Kansas State Department of Education to enhance arts education programs throughout the state; and

WHEREAS, The arts enhance every student's learning by improving academic achievement, developing creative thinking and problem-solving skills and teach teamwork, discipline and cooperation; and

WHEREAS, Kansas is the national leader in personal artistic creation. More people paint, take pictures, weave, make quilts, play musical instruments and write creatively in Kansas than in any other state in the country. Adults pursue these personal creative outlets that enhance their lives immeasurably because as a state, we have made a commitment to arts education: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the Kansas Arts Commission, the Kansas Arts Commissioners and the entire staff of the Kansas Arts Commission for their success in creating an outstanding arts environment in the State of Kansas and we encourage all legislators and Kansans to continue supporting the fine work they do; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send five enrolled copies of this resolution to Representative Kelley.

On motion of Rep. Merrick, the House recessed until 8:00 p.m.

# **EVENING SESSION**

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

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Aurand, the House concurred in Senate amendments to **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 114; Nays 3; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, George, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Lane, Swanson.

Present but not voting: None.

Absent or not voting: Fund, S. Gatewood, Grange, Hermanson, Jack, Landwehr, Rhoades, Schwab.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Peck in the chair.

### COMMITTEE OF THE WHOLE

On motion of Rep. Peck, Committee of the Whole report, as follows, was adopted: Recommended that discussion resume on **H. Sub. for SB 572** (see previous action, Afternoon Session).

Also, on motion of Rep. Powell, **H. Sub. for SB 572** be amended as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 268, of the amendment adopted on motion of Representative Feuerborn, following line 30, by inserting the following:

Also, roll call was demanded on motion of Rep. Kleeb to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, in the amendment adopted on motion of Representative Feuerborn, on page 417, in line 4, after the period, by inserting the following to read as follows:

"Sec. 167.

## COUNCIL ON EFFICIENT GOVERNMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following: Operating expenses ..... Provided, That all expenditures from the operating expenses account shall be for the operating expenses for the council on efficient government, which is hereby created: Provided further, That the council on efficient government shall consist of 11 members as follows: (1) One member, who shall be either the lieutenant governor or the chief executive of a state agency, who shall be appointed by the governor; (2) two members, who shall be engaged in private business and are not members of the legislature, appointed by the governor; (3) three members, who shall be engaged in private business and only one of whom may be a member of the legislature, appointed by the president of the senate; (4) three members, who shall be engaged in private business and only one of whom may be a member of the legislature, appointed by the speaker of the house of representatives; (5) one member, who shall be engaged in private business and who shall not be a member of the legislature, appointed by the minority leader of the senate; and (6) one member, who shall be engaged in private business and who shall not be a member of the legislature, appointed by the minority leader of the house of representatives: And provided further, That such members shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed to the council shall exercise any power, duty or function as a member of the council until confirmed by the senate: And provided further, That such members shall serve for a term of two years, and that the terms of members appointed pursuant to this section shall expire on March 15, and that in the case of the member who is a state official, such member shall serve for a term of two years, or until such member ceases to hold public office, whichever occurs first: And provided further, That such members shall serve until a successor is appointed and confirmed, and that after the expiration of a member's term, or whenever a vacancy occurs a member shall be appointed as set forth in this section, and that in the event of a vacancy the appointment shall be for the remainder of the unexpired portion of the term, and that any member is eligible for reappointment for successive twoyear terms: And provided further, That no such member shall appoint a designee to serve in such member's place on the council: And provided further, That the council shall annually elect a member as chairperson; and that the member appointed pursuant to paragraph (1) above, and any member who is a member of the legislature is not eligible to serve as chairperson: And provided further, That the council shall meet at least four times a year at the call of the chairperson, and that a quorum shall consist of a majority of the members of the council: And provided further, That such members attending council meetings shall be entitled to compensation and expenses as provided in K.S.A. 75- 3223, and amendments thereto: And provided further, That the council on efficient government shall: (1) Review and evaluate the possibility of outsourcing goods or services provided by a state agency to a private business or not-for-profit organization that is able to provide the same type of good or service and whether such action would result in cost savings to the state; (2) review and evaluate the possibility of outsourcing operations or functions of a state agency to a private business or not-for- profit organization that is able to more efficiently and cost-effectively perform such operation or function; (3) review and evaluate instances where a state agency is providing goods or services in competition with one or more private businesses to determine ways to eliminate such competition; (4) review and evaluate instances where a state agency is providing goods or services that replicate, duplicate or compete with one or more not-for-profit organizations or federal or local units of government; (5) make any requests it deems necessary to state agencies for an inventory of such agency's activities that may be outsourced, or that compete with, replicate or duplicate activities provided by private entities or federal or local units of government; (6) make recommendations to state agencies regarding the outsourcing of operations, functions and the provision of goods and services; (7) identify and distribute information regarding the best practices in outsourcing efforts to state agencies; (8) have the discretion to appoint advisory groups, provided, at least one member of the council is appointed to each such group; and (9) annually prepare and submit

a report, which shall be submitted no later than January 15, to the governor, the committee on ways and means of the senate and the committee on appropriations of the house of representatives, and which shall contain details of the council's activities for the immediately preceding year and include the following: (A) Recommendations on methods of delivering government services that would improve the efficiency, effectiveness and delivery of government services; (B) outsourcing efforts of state agencies; and (C) information on all outsourcing contracts entered into the preceding year, including, the dollar value of each outsourcing contract, descriptions of performance results, any breach of contract or inadequate performance, and the status of extensions, renewals and amendments of outsourcing contracts.";

On roll call, the vote was: Yeas 54; Nays 66; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, George, Goico, Gordon, Goyle, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Talia, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None. Absent or not voting: Colloton, Fund, Grange, Rhoades, Spalding.

The motion of Rep. Kleeb did not prevail.

Also, roll call was demanded on motion of Rep. DeGraaf to amend **H. Sub. for SB 572** as amended by the House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 32, in line 18, by adding \$1 to the dollar amount and by adjusting the dollar amount in line 18 accordingly; in line 20, before the period by inserting ": *Provided further*, That expenditures from this account may be made to pay for expenses incurred in bringing or joining in a lawsuit challenging the federal health care package in the United States district court pursuant to the 2010 House Resolution No. 6036: *And provided further*, That expenditures from this account for the purposes of such litigation shall not exceed \$1";

On roll call, the vote was: Yeas 58; Nays 63; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, George, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Vickrey, Whitham, Williams, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward. Wetta, Winn.

Present but not voting: None.

Absent or not voting: Fund, Grange, Rhoades, Worley.

The motion of Rep. DeGraaf did not prevail.

Also, on motion of Rep. Olson to amend **H. Sub. for SB 572**, Rep. C. Holmes requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Knox, **H. Sub. for SB 572** be amended as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30, on page 239, by striking all in line 26;

On page 297, in line 22, by subtracting 2.00 from the number in the line, which reads 221.00 and adjusting the number in line 22, which reads 221.00 accordingly;

Also, on further motion of Rep. Knox to amend **H. Sub. for SB 572**, the motion did not prevail. Also, on further motion of Rep. Knox to amend, the motion did not prevail.

Also, on motion of Rep. Schwab to amend **H. Sub. for SB 572**, Rep. Swenson requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Siegfreid, **H. Sub. for SB 572** be amended as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 88, of the amendment adopted on motion of Representative Feuerborn, following line 8, by inserting the following to read as follows:

"(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, the estimated 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 use or need 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 use or need of such state real property, to the governor-elect, 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 January 15, 2011, the secretary of administration, or the secretary's designee, 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 of each such tract of state real property is in the best interest of the state, and (5) establish contract safeguards and transaction parameters for the sale of such state real property: And provided further, That, on or before January 15, 2011, the secretary of administration shall provide a copy of such evaluation and determination 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 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 and the senate ways and means 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.";

Also, roll call was demanded on motion of Rep. Kiegerl to amend **H. Sub. for SB 572** asamended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 9, in line 13, by adding \$2,275,543 to the dollar amount and by adjusting the dollar amount in line 13 accordingly; also following line 13, by inserting the following to read as follows:

"Community based services \$1,505,351
Mental health and retardation services aid and assistance \$2,391,618";

On page 11, in line 2, by subtracting \$12,524,313 from the dollar amount and by adjusting the dollar amount in line 2 accordingly;

On page 14, in line 12, by subtracting \$626,505 from the dollar amount and by adjusting the dollar amount in line 12 accordingly;

On page 20, by striking all in lines 11 through 14 and inserting the following:

"(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

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

Yeas: Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Vickrey, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Schwartz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Grange, Peterson, Rhoades.

The motion of Rep. Kiegerl did not prevail.

Also, roll call was demanded on motion of Rep. McLeland to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 226 of the amendment adopted on motion of Representative Feuerborn, following line 17, by inserting the following:

"(k) In addition to the other purposes for which expenditures may be made by the state board of regents from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011, as authorized by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the state board of regents from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 to prepare and provide a report on the first day of the 2011 regular session of the legislature to the committee on appropriations of the house of representatives and the committee on ways and means of the senate regarding the costs and potential savings of distance education and the quality of distance education regarding utilization of distance education for both K-12 and postsecondary education.";

On roll call, the vote was: Yeas 41; Nays 74; Present but not voting: 0; Absent or not voting: 10.

Yeas: A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Patton,

Peck, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Johnson, Kuether, Lane, Light, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Meeier, Menghini, Moxley, Neighbor, Neufeld, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Schwab, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Kiegerl, Kleeb, Long, Olson, Peterson, Rhoades, Suellentrop.

The motion of Rep. McLeland did not prevail.

Also, roll call was demanded on further motion of Rep. McLeland to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 306 of the amendment adopted on motion of Representative Feuerborn, following line 14, by inserting the following:

(j) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 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 for fiscal year 2011 to conduct a study by the chief information technology architect to evaluate the feasibility of information technology consolidation opportunities for the information technology architecture of the state: Provided, That the feasibility study shall examine the possible consolidation of facilities, staff, applications, networks, disaster recovery operations, data centers, access methods and any other aspect of the state's information technology architecture that may be consolidated: *Provided further*, That, on or before August 1, 2010, the chief information technology architect shall submit the feasibility study to the council of chief information technology officers, which consists of three members who are the chief information technology officers for the executive, judicial and legislative branches of the state: And provided further, That, if the council of chief information technology officers approves any consolidation plan presented in the feasibility study, the council of chief information technology officers shall develop recommendations for strategic initiatives, conduct a cost-benefit analysis, calculate investment estimates and formulate implementation processes for such consolidation plan: And provided further, That, on or before September 1, 2010, the council of chief information technology officers shall submit any recommended consolidation plan, along with all other materials prepared pursuant to this subsection to the information technology executive council: And provided further, That the chief information technology architect shall prepare and present the feasibility study, any consolidation plan recommended by the council of chief information technology officers and any consolidation plan approved by the information technology executive council to the house appropriations committee and the senate committee on ways and means during the 2011 regular session of the legislature.";

On roll call, the vote was: Yeas 42; Nays 69; Present but not voting: 0; Absent or not voting: 14.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, King, Kinzer, Knox, Landwehr, Mast, McLeland, Morrison, Myers, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Siegfreid, Suellentrop, Talia, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Johnson, Kerschen, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Neufeld, Otto, Palmer, Pauls, Phelps, Proehl, Quigley, Rardin,

Roth, Ruiz, Schroeder, Schwartz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Craft, Frownfelter, Fund, George, Grange, Hineman, Kiegerl, Kleeb, Merrick, O'Brien, Peterson, Rhoades, Schwab, Seiwert.

The motion of Rep. McLeland did not prevail.

Also, roll call was demanded on motion of Rep. Suellentrop to amend **H. Sub. for SB 572** as amended by the House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, in the amendment adopted on motion of Representative Feuerborn, on page 6, following line 10 by inserting the following:

"(b) During the fiscal year ending June 30, 2011, no expenditures shall be made by the office of the securities commissioner of Kansas from any moneys appropriated 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, for any print or broadcast advertising bearing the name or likeness of the securities commissioner or of any employee or agent of the securities commissioner.";

On page 44, following line 13, by inserting the following:

"(c) During the fiscal year ending June 30, 2011, no expenditures shall be made by the state treasurer from any moneys appropriated 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, for any print or broadcast advertising bearing the name or likeness of the state treasurer or of any employee or agent of the state treasurer.";

On roll call, the vote was: Yeas 50; Nays 65; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, Bowers, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Fund, George, Grange, Kiegerl, Peterson, Rhoades, Schwab, Sloan, Tafanelli.

The motion of Rep. Suellentrop did not prevail.

Also, roll call was demanded on motion of Rep. Kinzer to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 417 of the amendment adopted on motion of Representative Feuerborn, following line 4, by inserting the following:

"Sec. 167. (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;

On roll call, the vote was: Yeas 75; Nays 42; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, D. Gatewood, George, Goico, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Carlin, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Goyle, Hawk, Henderson, Hill, Johnson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Moxley, Neighbor, Pottorff, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, Talia, Tietze, Trimmer, Ward, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Gordon, Grange, Kiegerl, Light, Neufeld, Peterson, Rhoades. The motion of Rep. Kinzer prevailed.

Also, roll call was demanded on motion of Rep. Mast to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 22 of the amendment adopted on motion of Representative Feuerborn, following line 11, by inserting the following:

"Sec. 44.

#### LEGISLATURE

(a) On and after the effective date of this act, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto, or any other statute, no expenditures shall be made from any moneys appropriated for the legislature for the fiscal year ending June 30, 2010, by chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by any other appropriation act of the 2010 regular session of the legislature from the state general fund for the purposes of paying the members of the legislature compensation for two days when the senate and house of representatives were in session during the period from April 28, 2010, through May 28, 2010: 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 compensation for such two days when the senate and house of representatives were in session during the period from April 28, 2010, through May 28, 2010, under K.S.A. 46-137a, and amendments thereto.";

And by renumbering the remaining sections accordingly;

On roll call, the vote was: Yeas 57; Nays 60; Present but not voting: 0; Absent or not voting: 8.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, King, Kinzer, Kleeb, Knox, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Schwab, Seiwert, Siegfreid, Slattery, Spalding, Suellentrop, Tafanelli, Talia, Vickrey, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Hineman, Johnson, Kerschen, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Moxley, Neighbor, Neufeld, Palmer, Pauls, Phelps, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Shultz, Sloan, D. Svaty, Swanson, Swenson, Tietze, Trimmer, Ward, Wetta, Winn. Present but not voting: None.

Absent or not voting: Bethell, Fund, George, Grange, Kiegerl, Landwehr, Peterson, Rhoades.

The motion of Rep. Mast did not prevail.

Also, on motion of Rep. Moxley, H. Sub. for SB 572 be amended as amended by the House Committee of the Whole, and as further amended on motion of Representative

Feuerborn, in the amendment, FAS572t30.wpd, on page 238 of the amendment adopted on motion of Representative Feuerborn, in line 16, by adding \$5,000,000 to the dollar amount and by adjusting the dollar amount in line 16 accordingly;

Also, roll call was demanded on motion of Rep. Kelley to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 27 of the amendment adopted on motion of Representative Feuerborn, following line 14, by inserting the following:

"(d) Notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto, or any other statute, no expenditures shall be made from any moneys appropriated for the legislature for the fiscal year ending June 30, 2010, by chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by any other appropriation act of the 2010 regular session of the legislature, from the state general fund for per diem compensation for members of the legislature for days the legislature is in session on or after May 7, 2010, and before May 28, 2010, during payroll periods chargeable to fiscal year 2010 for services at the 2010 regular session as provided by subsection (a) of K.S.A. 46-137a, and amendments thereto, or any other statute.";

On roll call, the vote was: Yeas 49; Nays 63; Present but not voting: 0; Absent or not voting: 13.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Mast, McLeland, Meier, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Seiwert, Siegfreid, Slattery, Suellentrop, Tafanelli, Talia, Vickrey, Whitham, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Hineman, M. Holmes, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Moxley, Neighbor, Palmer, Pauls, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Shultz, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tietze, Trimmer, Ward, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Aurand, Bethell, Fund, George, Grange, Kiegerl, Landwehr, Menghini, Neufeld, Peterson, Pottorff, Rhoades, Schwab.

The motion of Rep. Kelley did not prevail.

Also, on motion of Rep. Gordon to amend **H. Sub. for SB 572**, the motion was withdrawn.

Also, roll call was demanded on motion of Rep. Peck to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 119, following line 9, by inserting the following material to read as follows:

"(c) On July 1, 2010, the director of accounts and reports shall transfer \$903,161 from the public broadcasting council grants account of the state general fund of the department of administration to the operating expenditures — administration account of the state general fund of the Kansas commission on veterans affairs.";

On roll call, the vote was: Yeas 108; Nays 10; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Barnes, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Benlon, Bollier, Crow, Davis, Flaharty, Kuether, Lane, Menghini, Pottorff, Roth. Present but not voting: None.

Absent or not voting: Fund, Grange, Kiegerl, Landwehr, Loganbill, Peterson, Rhoades. The motion of Rep. Peck prevailed.

Also, on motion of Rep. Burgess to amend H. Sub. for SB 572, the motion was withdrawn.

Also, on further motion of Rep. Burgess, **H. Sub. for SB 572** be amended as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 306, following line 14, by inserting the following:

"(j) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 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 for fiscal year 2011 to conduct a study by the chief information technology architect to evaluate the feasibility of information technology consolidation opportunities for the information technology architecture of the state: Provided, That the feasibility study shall examine the possible consolidation of facilities, staff, applications, networks, disaster recovery operations, data centers, access methods and any other aspect of the state's information technology architecture that may be consolidated: Provided further, That, on or before October 1, 2010, the chief information technology architect shall submit the feasibility study to the council of chief information technology officers, which consists of three members who are the chief information technology officers for the executive, judicial and legislative branches of the state: And provided further, That, if the council of chief information technology officers approves any consolidation plan presented in the feasibility study, the council of chief information technology officers shall develop recommendations for strategic initiatives, conduct a cost-benefit analysis, calculate investment estimates and formulate implementation processes for such consolidation plan: And provided further, That, on or before November 1, 2010, the council of chief information technology officers shall submit any recommended consolidation plan, along with all other materials prepared pursuant to this subsection to the information technology executive

council: And provided further, That the chief information technology architect shall prepare and present the feasibility study, any consolidation plan recommended by the council of chief information technology officers and any consolidation plan approved by the information technology executive council to the house appropriations committee and the senate committee on ways and means during the 2011 regular session of the legislature.";

Also, roll call was demanded on motion of Rep. A. Brown to amend **H. Sub. for SB 572**as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 166, following line 20, by inserting the following material to read as follows:

"(q) On July 1, 2010, the director of accounts and reports shall transfer 50% of the \$8,534,972 appropriated by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas for the fiscal year ending June 30, 2011, from the state general fund for the state finance council in the classified salary market adjustments (including fringe benefits) account, to each of the following accounts of the state general fund of the department of social and rehabilitation services for the fiscal year ending June 30, 2011: The mental health and retardation services aid and assistance account and the community based services account.";

And by relettering subsections accordingly;

On roll call, the vote was: Yeas 47; Nays 68; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Hayzlett, Hermanson, C. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Peck, Pottorff, Powell, Prescott, Schroeder, Schwab, Schwartz, Shultz, Siegfreid, Suellentrop, Talia, Whitham, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado,

Garcia, D. Gatewood, S. Gatewood, Gordon, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Neighbor, Palmer, Patton, Pauls, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Seiwert, Slattery, Spalding, D. Svaty, Swanson, Swenson, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Colloton, Fund, George, Grange, M. Holmes, Kiegerl, Peterson, Rhoades, Sloan, Tafanelli.

The motion of Rep. A. Brown did not prevail.

Also, roll call was demanded on motion of Rep Crum to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 140, in line 5, by subtracting \$382,900 from the dollar amount and by adjusting the dollar amount in line 5 accordingly; in line 7, by striking all after the colon; by striking all in lines 8 through 10; in line 11, by striking all before the period;

On roll call, the vote was: Yeas 17; Nays 94; Present but not voting: 0; Absent or not voting: 14.

Yeas: A. Brown, Crum, Donohoe, Faber, Hayzlett, Hermanson, M. Holmes, Jack, Kerschen, Mast, McLeland, Merrick, Morrison, Powell, Prescott, Seiwert, Whitham.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Huebert, Johnson, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Myers, Neighbor, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Shultz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Kelley, Kiegerl, Kleeb, Neufeld, Olson, Peterson, Rhoades, Schwab, Schwartz, Suellentrop, Tafanelli.

The motion of Rep. Crum did not prevail.

Also, on motion of Rep. O'Neal to amend **H. Sub. for SB 572**, Rep. Aurand requested the question be divided. The question was divided.

Roll call was demanded on Part A of the motion of Rep. O'Neal to amend as amended by House Committee of the Whole, and as further amended in FAS572t30, on motion of Representative Feuerborn, on page 175 of the amendment adopted on motion of Representative Feuerborn, following line 20, by inserting the following:

"(l) In addition to the other purposes for which expenditures may be made by the department of education 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, the department of education shall make expenditures, and take such actions, including imposing requirements and restrictions on making such reallocations as may be required, to ensure that at least 65% of the moneys appropriated, distributed or otherwise provided by the department of education to school districts attributable to the increase in the amount of moneys from fiscal year 2010 to fiscal year 2011 shall be expended in the classroom or for instruction as defined in K.S.A. 72-64c01, and amendments thereto: *Provided*, That, for the purposes of this subsection, the amount of such increase shall be determined by the director of the budget in consultation with the director of legislative research.;

On roll call, the vote was: Yeas 50; Nays 70; Present but not voting: 0; Absent or not voting: 5.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab,

Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Swanson, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Grange, Kiegerl, Peterson, Rhoades.

Part A of the motion of Rep. O'Neal did not prevail.

Also, roll call was demanded on Part B of the motion of Rep. O'Neal to amend **H. Sub.** for **SB 572**, as follows:

(m) In addition to the other purposes for which expenditures may be made by the department of education 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, the department of education shall make expenditures for the state board of education to adopt a uniform chart of accounts for the reporting of receipts and expenditures of school districts: Provided, That school districts shall report receipts and expenditures of the district in accordance with such uniform chart of accounts: And provided further, That, on or before December 31, 2011, the state board shall modify the uniform system of reporting, as described in K.S.A. 2009 Supp. 72-7536, and amendments thereto, so that it includes detailed records of revenue and expenditure transactions of school districts that conform to such uniform chart of accounts: And provided further, That the state board shall require school districts to submit detailed revenue and expenditure records to the state board in an electronic format that is prescribed by the state board: And provided further, That the audit report prepared for a school district pursuant to K.S.A. 75-1124, and amendments thereto, shall include a statement of assurance that the school district has reported the receipts and expenditures of the district in accordance with such uniform chart of accounts."

On roll call, the vote was: Yeas 62; Nays 58; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, S. Gatewood, George, Goico, Gordon, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Neighbor, Palmer, Pauls, Phelps, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Grange, Kiegerl, Peterson, Rhoades.

Part B of the motion of Rep. O'Neal prevailed.

Also, roll call was demanded on motion of Rep. Gordon to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 146, in line 9, by adding \$1,458,188 to the dollar amount and by adjusting the dollar amount in line 9 accordingly;

On roll call, the vote was: Yeas 47; Nays 69; Present but not voting: 1; Absent or not voting: 8.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, M. Holmes, Horst, Huebert, Jack, King, Kinzer,

Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Johnson, Kerschen, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, D. Svaty, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: Hawk.

Absent or not voting: Fund, Grange, Kelley, Kiegerl, Peterson, Rhoades, Sloan, Swanson. The motion of Rep. Gordon did not prevail.

Also, on motion of Rep. A. Brown to amend **H. Sub. for SB 572**, Rep. Garcia requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, roll call was demanded on motion of Rep. Kelley to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 96, following line 9, by inserting the following:

"(h) 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 \$1,700,000 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 417, in line 4, after the period, by inserting the following:

"Sec. 167. On July 1, 2011, K.S.A. 2009 Supp. 39-709 is hereby amended to read as follows: 39-709. (a) General eligibility requirements for assistance for which federal moneys are expended. Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:

- (1) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health. Where a husband and wife are living together, the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or minor stepchild if the stepchild is living with such individual. The secretary in determining need of an individual may provide such income and resource exemptions as may be permitted by federal law. For purposes of eligibility for aid for families with dependent children, for food stamp assistance and for any other assistance provided through the department of social and rehabilitation services under which federal moneys are expended, the secretary of social and rehabilitation services shall consider one motor vehicle owned by the applicant for assistance, regardless of the value of such vehicle, as exempt personal property and shall consider any equity in any additional motor vehicle owned by the applicant for assistance to be a nonexempt resource of the applicant for assistance.
- (2) Is a citizen of the United States or is an alien lawfully admitted to the United States and who is residing in the state of Kansas.
- (b) Assistance to families with dependent children. Assistance may be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a), who resides in the state of Kansas or whose parent or other relative with whom the child is living resides in the state of Kansas. Such assistance shall be known as aid to families with dependent children. Where husband and wife are living together both

shall register for work under the program requirements for aid to families with dependent children in accordance with criteria and guidelines prescribed by rules and regulations of the secretary.

- (c) Aid to families with dependent children; assignment of support rights and limited power of attorney. By applying for or receiving aid to families with dependent children such applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and support rights on behalf of the child are assigned pursuant to this section, the surrender of physical custody and the assignment shall transfer, by operation of law, the child's support rights under the order to the secretary on behalf of the state. Such assignment shall be of all accrued, present or future rights to support of the child surrendered to the caretaker relative. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant, recipient or obligee. By applying for or receiving aid to families with dependent children, or by surrendering physical custody of a child to a caretaker relative who is an applicant or recipient of such assistance on the child's behalf, the applicant, recipient or obligee is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full.
- (d) Eligibility requirements for general assistance, the cost of which is not shared by the federal government. (1) General assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d).
- (A) To qualify for general assistance in any form a needy person must have insufficient income or resources to provide a reasonable subsistence compatible with decency and health and, except as provided for transitional assistance, be a member of a family in which a minor child or a pregnant woman resides or be unable to engage in employment. The secretary shall adopt rules and regulations prescribing criteria for establishing when a minor child may be considered to be living with a family and whether a person is able to engage in employment, including such factors as age or physical or mental condition. Eligibility for general assistance, other than transitional assistance, is limited to families in which a minor child or a pregnant woman resides or to an adult or family in which all legally responsible family members are unable to engage in employment. Where a husband and wife are living together the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary in determining need of any applicant for or recipient of general assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of general assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or a minor stepchild if the stepchild is living with such individual. In determining the need of an individual, the secretary may provide for income and resource exemptions.
- (B) To qualify for general assistance in any form a needy person must be a citizen of the United States or an alien lawfully admitted to the United States and must be residing in the state of Kansas.
- (2) General assistance in the form of transitional assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d), but who do not meet the criteria prescribed by rules and regulations of

the secretary relating to inability to engage in employment or are not a member of a family in which a minor or a pregnant woman resides.

- (3) In addition to the other requirements prescribed under this subsection (d), the secretary shall adopt rules and regulations which establish community work experience program requirements for eligibility for the receipt of general assistance in any form and which establish penalties to be imposed when a work assignment under a community work experience program requirement is not completed without good cause. The secretary may adopt rules and regulations establishing exemptions from any such community work experience program requirements. A first time failure to complete such a work assignment requirement shall result in ineligibility to receive general assistance for a period fixed by such rules and regulations of not more than three calendar months. A subsequent failure to complete such a work assignment requirement shall result in a period fixed by such rules and regulations of ineligibility of not more than six calendar months.
- (4) If any person is found guilty of the crime of theft under the provisions of K.S.A. 39-720, and amendments thereto, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the provisions of K.S.A. 39-720, and amendments thereto, or the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 12 calendar months from the date of conviction. First time offenders convicted of a felony under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction. If any person is found guilty by a court of competent jurisdiction of any state other than the state of Kansas of a crime involving welfare fraud, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 12 calendar months from the date of conviction. First time offenders convicted of a felony under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction.
- (e) Requirements for medical assistance for which federal moneys or state moneys or both are expended. (1) When the secretary has adopted a medical care plan under which federal moneys or state moneys or both are expended, medical assistance in accordance with such plan shall be granted to any person who is a citizen of the United States or who is an alien lawfully admitted to the United States and who is residing in the state of Kansas, whose resources and income do not exceed the levels prescribed by the secretary. In determining the need of an individual, the secretary may provide for income and resource exemptions and protected income and resource levels. Resources from inheritance shall be counted. A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and amendments thereto, shall constitute a transfer of resources. The secretary shall exempt principal and interest held in irrevocable trust pursuant to subsection (c) of K.S.A. 16-303, and amendments thereto, from the eligibility requirements of applicants for and recipients of medical assistance. Such assistance shall be known as medical assistance.
- (2) For the purposes of medical assistance eligibility determinations on or after July 1, 2004, if an applicant or recipient owns property in joint tenancy with some other party and the applicant or recipient of medical assistance has restricted or conditioned their interest in such property to a specific and discrete property interest less than 100%, then such designation will cause the full value of the property to be considered an available resource to the applicant or recipient.
- (3) (A) Resources from trusts shall be considered when determining eligibility of a trust beneficiary for medical assistance. Medical assistance is to be secondary to all resources, including trusts, that may be available to an applicant or recipient of medical assistance.
- (B) If a trust has discretionary language, the trust shall be considered to be an available resource to the extent, using the full extent of discretion, the trustee may make any of the income or principal available to the applicant or recipient of medical assistance. Any such

discretionary trust shall be considered an available resource unless: (i) At the time of creation or amendment of the trust, the trust states a clear intent that the trust is supplemental to public assistance; and (ii) the trust: (a) Is funded from resources of a person who, at the time of such funding, owed no duty of support to the applicant or recipient of medical assistance; or (b) is funded not more than nominally from resources of a person while that person owed a duty of support to the applicant or recipient of medical assistance.

(C) For the purposes of this paragraph, "public assistance" includes, but is not limited to, medicaid, medical assistance or title XIX of the social security act.

- (4) (A) When an applicant or recipient of medical assistance is a party to a contract, agreement or accord for personal services being provided by a nonlicensed individual or provider and such contract, agreement or accord involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits, or other related issues, any moneys paid under such contract, agreement or accord shall be considered to be an available resource unless the following restrictions are met: (i) The contract, agreement or accord must be in writing and executed prior to any services being provided; (ii) the moneys paid are in direct relationship with the fair market value of such services being provided by similarly situated and trained nonlicensed individuals; (iii) if no similarly situated nonlicensed individuals or situations can be found, the value of services will be based on federal hourly minimum wage standards; (iv) such individual providing the services will report all receipts of moneys as income to the appropriate state and federal governmental revenue agencies; (v) any amounts due under such contract, agreement or accord shall be paid after the services are rendered; (vi) the applicant or recipient shall have the power to revoke the contract, agreement or accord; and (vii) upon the death of the applicant or recipient, the contract, agreement or accord ceases.
- (B) When an applicant or recipient of medical assistance is a party to a written contract for personal services being provided by a licensed health professional or facility and such contract involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits or other related issues, any moneys paid in advance of receipt of services for such contracts shall be considered to be an available resource.
- (5) Any trust may be amended if such amendment is permitted by the Kansas uniform trust code.
- (f) Eligibility for medical assistance of resident receiving medical care outside state. A person who is receiving medical care including long-term care outside of Kansas whose health would be endangered by the postponement of medical care until return to the state or by travel to return to Kansas, may be determined eligible for medical assistance if such individual is a resident of Kansas and all other eligibility factors are met. Persons who are receiving medical care on an ongoing basis in a long-term medical care facility in a state other than Kansas and who do not return to a care facility in Kansas when they are able to do so, shall no longer be eligible to receive assistance in Kansas unless such medical care is not available in a comparable facility or program providing such medical care in Kansas. For persons who are minors or who are under guardianship, the actions of the parent or guardian shall be deemed to be the actions of the child or ward in determining whether or not the person is remaining outside the state voluntarily.
- (g) Medical assistance; assignment of rights to medical support and limited power of attorney; recovery from estates of deceased recipients. (1) Except as otherwise provided in K.S.A. 39-786 and 39-787, and amendments thereto, or as otherwise authorized on and after September 30, 1989, under section 303 and amendments thereto of the federal medicare catastrophic coverage act of 1988, whichever is applicable, by applying for or receiving medical assistance under a medical care plan in which federal funds are expended, any accrued, present or future rights to support and any rights to payment for medical care from a third party of an applicant or recipient and any other family member for whom the applicant is applying shall be deemed to have been assigned to the secretary on behalf of the state. The assignment shall automatically become effective upon the date of approval for such assistance without the requirement that any document be signed by the applicant or

recipient. By applying for or receiving medical assistance the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments, representing payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for assistance and shall remain in effect until the assignment has been terminated in full. The assignment of any rights to payment for medical care from a third party under this subsection shall not prohibit a health care provider from directly billing an insurance carrier for services rendered if the provider has not submitted a claim covering such services to the secretary for payment. Support amounts collected on behalf of persons whose rights to support are assigned to the secretary only under this subsection and no other shall be distributed pursuant to subsection (d) of K.S.A. 39-756, and amendments thereto, except that any amounts designated as medical support shall be retained by the secretary for repayment of the unreimbursed portion of assistance. Amounts collected pursuant to the assignment of rights to payment for medical care from a third party shall also be retained by the secretary for repayment of the unreimbursed portion of assistance.

- (2) The amount of any medical assistance paid after June 30, 1992, under the provisions of subsection (e) is (A) a claim against the property or any interest therein belonging to and a part of the estate of any deceased recipient or, if there is no estate, the estate of the surviving spouse, if any, shall be charged for such medical assistance paid to either or both, and (B) a claim against any funds of such recipient or spouse in any account under K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828 or 17-5829, and amendments thereto. There shall be no recovery of medical assistance correctly paid to or on behalf of an individual under subsection (e) except after the death of the surviving spouse of the individual, if any, and only at a time when the individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled. Transfers of real or personal property by recipients of medical assistance without adequate consideration are voidable and may be set aside. Except where there is a surviving spouse, or a surviving child who is under 21 years of age or is blind or permanently and totally disabled, the amount of any medical assistance paid under subsection (e) is a claim against the estate in any guardianship or conservatorship proceeding. The monetary value of any benefits received by the recipient of such medical assistance under long-term care insurance, as defined by K.S.A. 40-2227, and amendments thereto, shall be a credit against the amount of the claim provided for such medical assistance under this subsection (g). The secretary is authorized to enforce each claim provided for under this subsection (g). The secretary shall not be required to pursue every claim, but is granted discretion to determine which claims to pursue. All moneys received by the secretary from claims under this subsection (g) shall be deposited in the social welfare fund. The secretary may adopt rules and regulations for the implementation and administration of the medical assistance recovery program under this subsection (g).
- (3) By applying for or receiving medical assistance under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, such individual or such individual's agent, fiduciary, guardian, conservator, representative payee or other person acting on behalf of the individual consents to the following definitions of estate and the results therefrom:
- (A) If an individual receives any medical assistance before July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, which forms the basis for a claim under subsection (g)(2), such claim is limited to the individual's probatable estate as defined by applicable law; and
- (B) if an individual receives any medical assistance on or after July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, which forms the basis for a claim under subsection (g)(2), such claim shall apply to the individual's medical assistance estate. The medical assistance estate is defined as including all real and personal property and other assets in which the deceased individual had any legal title or interest immediately before or at the time of death to the extent of that interest or title. The medical assistance estate includes, without limitation assets conveyed to a survivor, heir or assign of the deceased

recipient through joint tenancy, tenancy in common, survivorship, transfer-on-death deed, payable-on-death contract, life estate, trust, annuities or similar arrangement.

- (4) The secretary of social and rehabilitation services or the secretary's designee is authorized to file and enforce a lien against the real property of a recipient of medical assistance in certain situations, 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. This lien is for payments of medical assistance made by the department of social and rehabilitation services to the recipient who is an inpatient in a nursing home or other medical institution. Such lien may be filed only after notice and an opportunity for a hearing has been given. Such lien may be enforced only upon competent medical testimony that the recipient cannot reasonably be expected to be discharged and returned home. A six-month period of compensated inpatient care at a nursing home, nursing homes or other medical institution shall constitute a determination by the department of social and rehabilitation services that the recipient cannot reasonably be expected to be discharged and returned home. To return home means the recipient leaves the nursing or medical facility and resides in the home on which the lien has been placed for a period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. The amount of the lien shall be for the amount of assistance paid by the department of social and rehabilitation services after the expiration of six months from the date the recipient became eligible for compensated inpatient care at a nursing home, nursing homes or other medical institution until the time of the filing of the lien and for any amount paid thereafter for such medical assistance to the recipient.
- (5) The lien filed by the secretary or the secretary's designee for medical assistance correctly received may be enforced before or after the death of the recipient by the filing of an action to foreclose such lien in the Kansas district court or through an estate probate court action in the county where the real property of the recipient is located. However, it may be enforced only:
  - (A) After the death of the surviving spouse of the recipient;
- (B) when there is no child of the recipient, natural or adopted, who is 20 years of age or less residing in the home;
- (C) when there is no adult child of the recipient, natural or adopted, who is blind or disabled residing in the home; or
- (D) when no brother or sister of the recipient is lawfully residing in the home, who has resided there for at least one year immediately before the date of the recipient's admission to the nursing or medical facility, and has resided there on a continuous basis since that time.
- (6) The lien remains on the property even after a transfer of the title by conveyance, sale, succession, inheritance or will unless one of the following events occur:
- (A) The lien is satisfied. The recipient, the heirs, personal representative or assigns of the recipient may discharge such lien at any time by paying the amount of the lien to the secretary or the secretary's designee;
- (B) the lien is terminated by foreclosure of prior lien of record or settlement action taken in lieu of foreclosure;
- (C) the value of the real property is consumed by the lien, at which time the secretary or the secretary's designee may force the sale for the real property to satisfy the lien; or
- (D) after a lien is filed against the real property, it will be dissolved if the recipient leaves the nursing or medical facility and resides in the property to which the lien is attached for a period of more than 90 days without being readmitted as an inpatient to a nursing or medical facility, even though there may have been no reasonable expectation that this would occur. If the recipient is readmitted to a nursing or medical facility during this period, and does return home after being released, another 90 days must be completed before the lien can be dissolved.
- (7) If the secretary of social and rehabilitation services or the secretary's designee has not filed an action to foreclose the lien in the Kansas district court in the county where the real property is located within 10 years from the date of the filing of the lien, then the lien shall become dormant, and shall cease to operate as a lien on the real estate of the recipient.

Such dormant lien may be revived in the same manner as a dormant judgment lien is revived under K.S.A. 60-2403 et seq., and amendments thereto.

- (h) Placement under the revised Kansas code for care of children or revised Kansas juvenile justice code; assignment of support rights and limited power of attorney. In any case in which the secretary of social and rehabilitation services pays for the expenses of care and custody of a child pursuant to K.S.A. 2008 2009 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments thereto, including the expenses of any foster care placement, an assignment of all past, present and future support rights of the child in custody possessed by either parent or other person entitled to receive support payments for the child is, by operation of law, conveyed to the secretary. Such assignment shall become effective upon placement of a child in the custody of the secretary or upon payment of the expenses of care and custody of a child by the secretary without the requirement that any document be signed by the parent or other person entitled to receive support payments for the child. When the secretary pays for the expenses of care and custody of a child or a child is placed in the custody of the secretary, the parent or other person entitled to receive support payments for the child is also deemed to have appointed the secretary, or the secretary's designee, as attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary on behalf of the child. This limited power of attorney shall be effective from the date the assignment to support rights becomes effective and shall remain in effect until the assignment of support rights has been terminated in full.
- (i) No person who voluntarily quits employment or who is fired from employment due to gross misconduct as defined by rules and regulations of the secretary or who is a fugitive from justice by reason of a felony conviction or charge shall be eligible to receive public assistance benefits in this state. Any recipient of public assistance who fails to timely comply with monthly reporting requirements under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations.
- (j) If the applicant or recipient of aid to families with dependent children is a mother of the dependent child, as a condition of the mother's eligibility for aid to families with dependent children the mother shall identify by name and, if known, by current address the father of the dependent child except that the secretary may adopt by rules and regulations exceptions to this requirement in cases of undue hardship. Any recipient of aid to families with dependent children who fails to cooperate with requirements relating to child support enforcement under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations which penalty shall progress to ineligibility for the family after three months of noncooperation.
- (k) By applying for or receiving child care benefits or food stamps, the applicant or recipient shall be deemed to have assigned, pursuant to K.S.A. 39-756 and amendments thereto, to the secretary on behalf of the state only accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant or recipient. By applying for or receiving child care benefits or food stamps, the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full. An applicant or recipient who has assigned support rights to the secretary pursuant to this subsection shall cooperate in establishing and enforcing support obligations to the same extent required of applicants for or recipients of aid to families with dependent children.

- (l) (1) Applicants for cash assistance as a condition of eligibility for cash assistance and persons receiving cash assistance as a condition of continued receipt of cash assistance shall agree to participate in a program of drug screening. Within the limits of appropriations therefor, the program of drug screening for cash assistance recipients shall be established, subject to applicable federal law, by the secretary of social and rehabilitation services on or before January 1, 2012. Subject to appropriations therefor, such program shall provide for random drug screening of approximately 1/3 of cash assistance recipients each year. A cash assistance recipient who tests positive for use of an illegal substance shall undergo a drug evaluation and if indicated by the evaluation be required to complete an educational or treatment program recommended as a result of the evaluation.
- (2) Subject to applicable federal laws, any cash assistance recipient who fails to complete the educational or treatment program required under this subsection (1) shall be terminated from cash assistance. After completion of such educational or treatment program, the cash assistance recipient shall be subject to periodic drug screening. Upon a second positive test for use of an illegal substance, the cash assistance recipient shall complete again an educational or treatment program for substance abuse. Upon a third positive test for use of an illegal substance, the cash assistance recipient, subject to applicable federal law, if any, shall be terminated from cash assistance. Other members of a household which include a recipient who has been terminated from cash assistance shall, if otherwise eligible, continue to receive cash assistance as protective or vendor payments to a third-party payee for the benefit of the members of the household.
- (3) Except for hearings before the department of social and rehabilitation services or criminal prosecutions, the results of any test administered as part of the drug screening program authorized by this section shall be confidential and shall not be disclosed publicly.

(4) The secretary of social and rehabilitation services may adopt such rules and regulations as necessary to carry out the provisions of this section.

- (5) The secretary of social and rehabilitation services shall report on or before January 31, 2013, and annually thereafter on or before January 31 to the chairperson of the house committee on appropriations, the chairperson of the house committee on health and human services, the chairperson of the senate committee on ways and means and the chairperson of the senate committee on public health and welfare concerning the operation and administration of the drug screening program established under this subsection.
- (6) As used in this subsection, "cash assistance" means cash assistance provided to individuals under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and acts amendatory thereof or supplemental thereto, and any rules and regulations adopted pursuant to such statutes.
- (7) During the 2012 regular session of the legislature, the legislature shall review the progress of the implementation of the program of drug screening for cash assistance recipients established under this subsection.
- Sec. 168. On July 1, 2011, K.S.A. 2009 Supp. 75-4362 is hereby amended to read as follows: 75-4362. (a) The director of the division of personnel services of the department of administration shall have the authority to establish and implement a drug screening program for persons taking office as governor, lieutenant governor or, attorney general or members of the Kansas senate or house of representatives and for applicants for safety sensitive positions in state government, but no applicant for a safety sensitive position shall be required to submit to a test as a part of this program unless the applicant is first given a conditional offer of employment.
- (b) The director also shall have the authority to establish and implement a drug screening program based upon a reasonable suspicion of illegal drug use by any person currently holding one of the following positions or offices:
  - (1) The office of governor, lieutenant governor or attorney general;
  - (2) members of the Kansas senate or house of representatives;
  - (2) (3) any safety sensitive position;
- (3) (4) any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive position;
- $\frac{(4)}{(5)}$  any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 et seq., and amendments thereto;

- $\frac{(5)}{(6)}$  (6) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 et seq., and amendments thereto; or
- $\frac{(6)}{(7)}$  any employee of a state veteran's home operated by the Kansas commission on veteran's affairs as described in K.S.A. 76-1901 et seq. and K.S.A. 76-1951 et seq., and amendments thereto.
- (c) Any public announcement or advertisement soliciting applications for employment in a safety sensitive position in state government shall include a statement of the requirements of the drug screening program established under this section for applicants for and employees holding a safety sensitive position.
- (d) No person shall be terminated solely due to positive results of a test administered as a part of a program authorized by this section if:
  - (1) The employee has not previously had a valid positive test result; and
- (2) the employee undergoes a drug evaluation and successfully completes any education or treatment program recommended as a result of the evaluation. Nothing herein shall be construed as prohibiting demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.
- (e) Except in hearings before the state civil service board regarding disciplinary action taken against the employee, the results of any test administered as a part of a program authorized by this section shall be confidential and shall not be disclosed publicly.
- (f) The secretary of administration may adopt such rules and regulations as necessary to carry out the provisions of this section.
  - (g) "Safety sensitive positions" means the following:
  - (1) All state law enforcement officers who are authorized to carry firearms;
  - (2) all state corrections officers;
  - (3) all state parole officers;
- (4) heads of state agencies who are appointed by the governor and employees on the governor's staff;
- (5) all employees with access to secure facilities of a correctional institution, as defined in K.S.A. 21-3826, and amendments thereto;
- (6) all employees of a juvenile correctional facility, as defined in K.S.A. 2009 Supp. 38-2302, and amendments thereto; and
- (7) all employees within an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, who provide clinical, therapeutic or habilitative services to the clients and patients of those institutions.

Sec. 169. On July 1, 2011, K.S.A. 2009 Supp. 39-709 and 75-4362 are hereby repealed."; And by renumbering the sections accordingly;

In the title, in line 17, after the semicolon, by inserting "relating to a program for drug screening"; in line 18, after "12-5256,", by inserting "39-709,"; also in line 18, after "75-2319,", by inserting "75-4362,";

On roll call, the vote was: Yeas 50; Nays 67; Present but not voting: 0; Absent or not voting: 8.

Yeas: Bethell, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Hayzlett, Hermanson, M. Holmes, Horst, Huebert, Jack, Kelley, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, Johnson, Kerschen, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Kiegerl, O'Brien, Peterson, Rhoades, Schwab.

The motion of Rep. Kelley did not prevail.

Also, roll call was demanded on motion of Rep. Davis to amend H. Sub. for SB 572 as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 23, in line 15, by adding \$111,303 to the dollar amount and adjusting the dollar amount in line 15 accordingly;

On roll call, the vote was: Yeas 63; Nays 54; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Donohoe, Feuerborn, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Neufeld, Pauls, Phelps, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Slattery, Sloan, Spalding, Swanson, Swenson, Talia, Tietze, Trimmer, Winn, K. Wolf, Worley.

Nays: Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Faber, Finney, D. Gatewood, Goico, Gordon, Goyle, Hayzlett, Hermanson, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Neal, Olson, Otto, Palmer, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Schwab, Seiwert, Shultz, Siegfreid, Suellentrop, D. Svaty, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Kiegerl, O'Brien, Peterson, Rhoades, Ward. The motion of Rep. Davis prevailed.

Also, on motion of Rep. Feuerborn, H. Sub. for SB 572 be amended as amended by the House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 117, in line 22, by subtracting \$11,725 from the dollar amount and by adjusting the dollar amount in line 22 accordingly;

On page 118, in line 1, by adding \$11,725 to the dollar amount and by adjusting the dollar amount in line 1 accordingly:

On page 140, in line 11, before the period by inserting the following: ": 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";

On page 151, in line 2, by striking "directory" and inserting "director";

On page 182, in line 16, by striking "by" and inserting "be"

On page 266, in line 2, by striking "Speciality" and inserting "Specialty"; On page 302, in line 1, after "equal" by inserting "to"; also in line 1, by striking "2010" and inserting "2011";

On page 406, in line 8, by striking "employees" and inserting "officers";

On page 407, in line 3, by striking "employee" and inserting "officer"; in line 9, by striking "employees" and inserting "officers"; in line 21, by striking "employees" and inserting "officers":

On page 409, by striking all in lines 4 through 12;

Also, roll call was demanded on motion of Rep. Yoder to amend H. Sub. for SB 572 as amended by House Committee of the Whole, and as further amended on motion of Representative Feuerborn, in the amendment, FAS572t30.wpd, on page 253, in line 15, by adding \$1,080,630 to the dollar amount and by adjusting the dollar amount in line 15 accordingly:

On roll call, the vote was: Yeas 72; Nays 46; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Goico, Gordon, Goyle, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Lukert, Maloney, Mast, McLeland, Merrick, Morrison,

Myers, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Peck, Pottorff, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Trimmer, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Kuether, Lane, Light, Loganbill, Long, Mah, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Pauls, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, Tietze, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund, George, Grange, Kiegerl, O'Brien, Peterson, Rhoades.

The motion of Rep. Yoder prevailed.

Also, roll call was demanded on motion to recommend **H. Sub. for SB 572** favorably for passage.

On roll call, the vote was: Yeas 71; Nays 48; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Maloney, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Powell, Schwab, Schwartz, Seiwert, Siegfreid, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Grange, Kiegerl, O'Brien, Peterson, Rhoades.

The motion prevailed, and **H. Sub. for SB 572** be passed as amended.

On motion of Rep. Spalding, pursuant to House Rule 1503(a), to change the order on General Orders of **H. Sub. for SB 74** to the next order of business to be considered on General Orders today, roll call was demanded.

On roll call, the vote was: Yeas 69; Nays 48; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Olson, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, K. Wolf, Worley.

Nays: Aurand, Bethell, A. Brown, Brunk, Burgess, Burroughs, Ćarlson, Crum, DeGraaf, Donohoe, Faber, Flaharty, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Knox, Landwehr, McLeland, Merrick, Morrison, Myers, Neufeld, O'Neal, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Whitham, Winn, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Grange, Kiegerl, Mast, O'Brien, Peterson, Rhoades, Schwab. Not having received the required 70 votes, the motion did not prevail.

Having voted on the prevailing side, Rep. Burroughs moved that the House reconsider its action on **H. Sub. for SB 74**.

Roll call was demanded.

On roll call, the vote was: Yeas 73; Nays 44; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kleeb, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Seiwert, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Knox, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Neal, Olson, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Shultz, Siegfreid, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Grange, Kiegerl, Light, O'Brien, Peterson, Rhoades, Schwab.

Having received the required 70 votes, the motion prevailed.

The question reverted back to the motion of Rep. Spalding to change the order of **H. Sub. for SB 74** to the next order of business on General Orders.

Roll call was demanded.

On roll call, the vote was: Yeas 72; Nays 45; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Knox, Landwehr, McLeland, Merrick, Morrison, Myers, Neufeld, O'Neal, Olson, Patton, Peck, Powell, Prescott, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Grange, Kiegerl, Mast, O'Brien, Peterson, Rhoades, Schwab.

Having received the required 70 votes, the motion prevailed.

The Rules Chair ruled the bill will be the first order of business tomorrow, May 8, 2010.

# REPORT ON ENGROSSED BILLS

**HB 2454; S. Sub. for HB 2582** reported correctly engrossed May 6, 2010. Also, **HB 2554** reported correctly engrossed May 7, 2010.

# REPORT ON ENROLLED BILLS

S. Sub. for HB 2310; HB 2446, HB 2561, HB 2656, HB 2691 reported correctly enrolled, properly signed and presented to the governor on May 7, 2010.

On motion of Rep. Merrick, the House adjourned until 1:00 p.m., Saturday, May 8, 2010.

# Journal of the House

# SIXTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Saturday, May 8, 2010, 1:00 p.m.

The House met pursuant to recess with Speaker O'Neal in the chair. The roll was called with 123 members present. Reps. Bollier and Grange were excused on excused absence by the Speaker. Rep. Fund was excused later in the day on verified illness.

Prayer by Brubaker:

Our Heavenly Father, The week has been long, the days even longer. It is no secret that many are tired and ready to get everything finished. Many may even be frustrated with the inconvenience of the schedule. However, we are reminded that Your Son came to this earth and made choices and decisions that would affect mankind forever. There were times He was tired: times He was frustrated with those who didn't understand His perspective; and many times, inconvenienced. However, He continued because He was all about others, not Himself. We are here not because of ourselves, but because others — those whom we represent. So, keep us focused on the task at hand. Give us physical strength and mental alertness. Most of all, give us positive attitudes and a spirit of kindness towards one another. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Schroeder.

### MESSAGE FROM THE SENATE

Announcing passage of Sub. HB 2320, as amended by S. Sub. for S. Sub. for Sub. HB 2320; HB 2650, as amended by S. Sub. for S. Sub. for HB 2650.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated: Appropriations: **HB 2751**.

## MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Kelley, **HR 6049**, A resolution congratulating and commending the Kansas Arts Commission, the Kansas Arts Commissioners and the Kansas Arts Commission staff for creating an arts environment that benefits the State of Kansas and its people, was adopted.

# INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Kinzer to remove **S. Sub. for HB 2360** from the table, the motion did not prevail.

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

# AFTERNOON SESSION

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

## INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering S. Sub. for S. Sub for Sub. HB 2320; HB 2506, HB 2660; S. Sub. for S. Sub. for HB 2650; SB 131; H. Sub. for SB 293; SB 586.

#### 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 I. 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 backelor degrees together with graduate or first professional degrees any degree including a backelor, 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.Â. 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

(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.

(b) (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.

(c) (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 institution0.2 percent of gross tuition, but not less than	\$1.200
nor more than S	
Degree-granting institution 0.2 percent of gross tuition, but not less than	
nor more than S	
New program submission fees, for each new program:	
New program submission fees, for each new program:  Non-degree program	\$250
Non-degree program	\$250 \$500
Non-degree program	\$250 \$500 \$750
Non-degree program Associate degree program Baccalaureate degree program	\$500 \$750
Non-degree program Associate degree program Baccalaureate degree program Master's degree program	\$500
Non-degree program Associate degree program Baccalaureate degree program Master's degree program Professional and/or doctoral degree program	\$500 \$750 \$1,000
Non-degree program Associate degree program Baccalaureate degree program Master's degree program Professional and/or doctoral degree program Program modification fee, for each program	\$500 \$750 \$1,000 \$2,000
Non-degree program Associate degree program Baccalaureate degree program Master's degree program Professional and/or doctoral degree program Program modification fee, for each program Branch campus site fees, for each branch campus site:	\$500 \$750 \$1,000 \$2,000 \$100
Non-degree program Associate degree program Baccalaureate degree program Master's degree program Professional and/or doctoral degree program Program modification fee, for each program Branch campus site fees, for each branch campus site: Initial non-degree granting institution	\$500 \$750 \$1,000 \$2,000
Non-degree program Associate degree program Baccalaureate degree program Master's degree program Professional and/or doctoral degree program Program modification fee, for each program Branch campus site fees, for each branch campus site: Initial non-degree granting institution Initial degree granting institution	\$500 \$750 \$1,000 \$2,000 \$100 \$1,500
Non-degree program  Associate degree program  Baccalaureate degree program  Master's degree program  Professional and/or doctoral degree program  Program modification fee, for each program  Branch campus site fees, for each branch campus site:  Initial non-degree granting institution  Initial degree granting institution  Renewal branch campus site fees, for each branch campus site:	\$500 \$750 \$1,000 \$2,000 \$100 \$1,500 \$2,500
Non-degree program Associate degree program Baccalaureate degree program Master's degree program Professional and/or doctoral degree program Program modification fee, for each program Branch campus site fees, for each branch campus site: Initial non-degree granting institution Initial degree granting institution	\$500 \$750 \$1,000 \$2,000 \$100 \$1,500 \$2,500 \$1,200

nor more than \$25,000

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On-site branch campus review fee, for each site	\$250
Representative fees: Initial registration Renewal of registration	\$200 \$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 Change of institution location	\$100 \$100
Change of ownership only	\$100
(2) For institutions domiciled or having their principal place of business outside of Kansas:	the state
Initial application fees:	
Non-degree granting institution	\$4,000
Degree granting institution	\$5,500
Initial evaluation fees (in addition to initial application fees):	41 200
Non-degree level	\$1,500 \$2,000
Associate degree level 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	ın \$2,400
nor more than Degree-granting institution	ın \$3,000
New program submission fees, for each new program:	1 \$25,000
Non-degree granting program	\$500
Associate degree program	\$750
Baccalaureate degree program	\$1,000
Master's degree program  Professional and/or doctoral degree program	\$1,500 \$2,500
* * *	\$100
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	ın \$2,400
nor more than	\$25,000
Degree-granting institution	m \$3,000
On-site branch campus review fee, for each site	\$500
Representative fees:	4070
Initial registration Renewal of registration	\$350 \$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

(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 postse-condary 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 C. WINN
Conferees on part of House

JEAN SCHODORF
JOHN VRATIL
ANTHONY HENSLEY
Conferees on part of Senate

On motion of Rep. Aurand to adopt the conference committee report on **SB 131**, Rep. Faber offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed.

The substitute motion did not prevail. The question reverted back to the motion of Rep. Aurand and the conference committee report was adopted.

On roll call, the vote was: Yeas 91; Nays 32; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, T. Brown, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Johnson, Kerschen, King, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Moxley, Myers, Neighbor, O'Brien, O'Neal, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Wetta, Whitham, Williams, Winn, K. Wolf, Worley, Yoder.

Nays: A. Brown, Brunk, Burgess, Crum, DeGraaf, Donohoe, Faber, Goyle, Hayzlett, Huebert, Kelley, Kiegerl, Kinzer, Knox, McLeland, Merrick, Morrison, Neufeld, Olson, Otto, Patton, Peck, Powell, Rhoades, Schwab, Siegfreid, Suellentrop, D. Svaty, Talia, Vickrey, Ward, B. Wolf.

Present but not voting: None.

Absent or not voting: Bollier, Grange.

#### 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

DWAYNE UMBARGER BOB MARSHALL KELLY KULTALA

Conferees on part of Senate

On motion of Rep. Hayzlett, the conference committee report on  ${\bf H.~Sub.~for~SB~293}$  was adopted.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Landwehr, Schwab.

Present but not voting: None.

Absent or not voting: Bollier, Grange.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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, was considered on final action.

On roll call, the vote was: Yeas 71; Nays 52; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Barnes, Benlon, Bethell, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Maloney, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schwab, Schwartz, Seiwert, Siegfreid, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Bollier, Grange.

The substitute bill passed, as amended.

#### EXPLANATIONS OF VOTE

Mr. Speaker: I vote yes for this budget because it is a balanced solution to a difficult situation. This budget preserves essential services and avoids poor policy choices. It prevents the adoption of "penny wise, pound foolish" decisions. It is conservative and realistic by booking fewer dollars from uncertain revenue sources.

The fiscal problems of Kansas will not end on June 30, 2011, and I recognize that a multiyear solution is needed if we are to avoid the loss of essential governmental services that the citizens of this state depend on. This budget is part of that solution. I vote yes on **H. Sub. for SB 572.**—DON HINEMAN, BILL LIGHT, CHARLIE ROTH, KAY WOLF, JILL QUIGLEY, SHERYL SPALDING, VERN SWANSON, DON HILL, J. ROBERT BROOKENS, LEE TAFANELLI, BARBARA CRAFT, RICHARD J. PROEHL, TOM J. MOXLEY, RON WORLEY

Mr. Speaker: I did not support **H. Sub. for SB 572**. I am disappointed that we are not raising taxes merely to fill the budget gap, but rather to increase spending. Like our constituents, we must learn to live within our budget, and not spend money we do not have. We did not raise sales tax by a small percentage, we raised it nearly 19%. I vote NO.—Rocky Fund

Mr. Speaker: I vote aye on **H. Sub. for SB 572** because it represents the most responsible budget that this body is likely to pass. This is a budget that funds pre-K - 12 education and higher education opportunities, programs providing services to persons with disabilities, public safety investments, and other investments in Kansans and Kansas. It represents a series of choices that balance funding vital and desired services with responsible taxing policies.—Tom Sloan

Mr. Speaker: I vote NO on **H. Sub. for SB 572**. We cannot afford this budget busting spending spree that will lead to one of the largest tax increases in the history of Kansas. It requires a \$300 million tax increase on hard working Kansans. By choosing the state employee salary increase over the needs of the disabled, by sweeping fee funds to pay for expensive social association fees, and by ignoring the needs of the frail and elderly while bloating budgets in other areas of government, this legislature is choosing the wrong priorities on behalf of Kansans.—Peggy Mast, Virgil Peck Jr., Kasha Kelley, Marc Rhoades, Phil Hermanson, S. Mike Kiegerl, Bill Otto, Aaron Jack, Steve Brunk, Owen Donohoe, Jim Morrison, Forrest Knox, Anthony R. Brown, Rob Olson, Peter Degraaf, Bill Wolf, Connie O'Brien, Brenda Landwehr, Don Myers, J. David Crum, Joe McLeland, Sharon Schwartz, Mario Goico, Gene M.

SUELLENTROP, STEVE HUEBERT, KEVIN YODER, GARY HAYZLETT, LARRY POWELL, LANCE KINZER, ARLEN SIEGFREID

MR. SPEAKER: I vote yes on **H. Sub. for SB 572**. While I disagree with the level of funding appropriated to certain specific agencies, the appropriations made by this bill are crafted in such a way that the proposed funds to be expended are closely aligned with expected revenue. I support that attempt to only appropriate expected revenue. I also concur with this bill's attempt to ensure that our most vulnerable citizens will be able to receive the services they need for their current and future well-being.—DEENA HORST

MR. SPEAKER: We cannot afford this spending spree that will lead to one of the largest tax increases in the history of Kansas. It requires over \$300 million in additional taxes on hard working Kansans. It includes millions in legally questionable fee sweeps. It allows the use of taxpayer money for campaign commercials, compromises our agriculture safety programs, cuts services to the elderly, and does not adequately fund the physically and developmentally disabled waiver. It does not require accountability and adds to an already bloated government budget. For these reasons, I vote NO on **H. Sub. for SB 572.**—JOE SEIWERT

MR. SPEAKER: In stark contrast to the House Appropriations Committee Budget, **H. Sub. for SB 572** encourages unchecked growth on 53% of our state budget by removing the independent audit process for schools. It allows the use of taxpayer money for campaign commercials, sweeps fee funds, compromises our agriculture safety programs, cuts services to the elderly, and increases prescription costs for Medicaid recipients while cutting hospice services - all while requiring one of the largest tax increases in state history. Under this plan, the state is still projected to face another budget shortfall by 2012. For this reason, I vote NO.—MITCH HOLMES

MR. SPEAKER: **H. Sub. for SB 572** unreasonably grows the size of our state government budget while Kansans experience the highest unemployment rate and the worst economic recession since the Great Depression. One of the highest tax increases in history will be necessary to cover this newly created irresponsible \$300 million budget deficit. The new taxes will disproportionately put at risk Johnson County jobs and business growth as we will lose business to Missouri due to our proximity to the stateline. This budget neglects the elderly, the poor, and the disabled while we bloat government and give state employee raises. For these reasons, I vote no.—MARVIN KLEEB

#### CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Reps. Schwartz, Shultz and Flaharty as a members of the conference committee on **S. Sub. for HB 2219** to replace Reps. Morrison, Burgess and Trimmer.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted: Recommended that **SB 586** be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 74** be adopted; also, roll call was demanded on motion of Rep. Aurand to amend on page 1, by striking all in lines 35 through 42:

On page 15, by striking all in lines 37 through 43;

By striking all on pages 16 through 21;

On page 22, by striking all in lines 1 through 19;

And by renumbering the remaining sections accordingly;

Also on page 22, in line 22, by striking "72-6407,"; also in line 22, by striking "72,6433d,"; in line 23, by striking ", 72-9609 and 74-4939a" and inserting "and 72-9609" ";

In the title, in line 11, by striking "72-6433d,"; in line 12, by striking "72-6407,"; in line 13, by striking ", 72-9609 and 74-4939a" and inserting "and 72-9609";

On roll call, the vote was: Yeas 54; Nays 68; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crow, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Knox, Landwehr, Mast, McLeland, Meier, Morrison, Myers, Neufeld, O'Brien, O'Neal, Otto, Patton, Peck, Phelps, Powell, Prescott, Rhoades, Schroeder, Schwartz, Seiwert, Shultz, Suellentrop, Swanson, Tafanelli, Wetta, Whitham.

Nays: Ballard, Barnes, Benlon, T. Brown, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Hawk, Henderson, Henry, Hill, Hineman, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Merrick, Moxley, Neighbor, Olson, Palmer, Pauls, Peterson, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bollier, Grange, Schwab.

The motion of Rep. Aurand did not prevail.

Also, roll call was demanded on motion of Rep. Spalding to amend **H. Sub. for SB 74** on page 1, in line 35, by striking "The" and inserting "In school year 2010-2011, the"; after line 42, by inserting the following:

"(c) In school year 2011-2012 and in each school year thereafter, the provisions of this section shall apply only if the question of depositing the moneys distributed to school districts under K.S.A. 2009 Supp. 74-4939a, and amendments thereto, into the general fund of the district has been submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto.";

on page 3, in line 4, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto"; in line 19, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto";

On page 4, in line 33, by striking "school year"; in line 34, by striking "2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto":

On page 5, in line 43, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto";

On page 6, in line 21, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as au-

thorized by K.S.A. 75-3701 et seq., and amendments thereto"; in line 41, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto";

On page 7, in line 35, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto";

On page 8, in line 25, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto";

On page 9, in line 14, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto"; in line 28, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto"; in line 40, by striking "school year 2010-"; in line 41, by striking "2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto":

On page 10, in line 24, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto";

On page 11, in line 9, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto";

On page 12, in line 4, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto"; in line 40, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescis-

sion or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto";

On page 13, in line 27, by striking "school year"; in line 28, by striking "2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto";

On page 14, in line 9, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto"; in line 37, by striking "school year 2009-2010 and school year"; in line 38, by striking "2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto";

On page 15, in line 15, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto"; in line 36, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto"

On page 21, in line 6, after "thereto" by inserting ", in school year 2010-2011 and in any school year thereafter if section 3, and amendments thereto, applies to the school district"; after line 11, by inserting the following:

"(f) A school district that has adopted a local option budget pursuant to this section shall be eligible for supplemental general state aid in an amount determined under K.S.A. 72-6434, and amendments thereto.";

Also on page 21, in line 12, by striking "(f)" and inserting "(g)";

On page 22, in line 1, after the period by inserting "If section 3, and amendments thereto, does not apply to the school district the entire amount of the disbursement shall be deposited directly into the special retirement fund of the district upon receipt by the district.";

On roll call, the vote was: Yeas 83; Nays 38; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Barnes, Benlon, Brookens, T. Brown, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grant, Hawk, Henry, Hill, Hineman, Jack, Kelley, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Lukert, Mah, Mast, McCray-Miller, Meier, Menghini, Merrick, Moxley, Neighbor, Olson, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Whitham, Winn, K. Wolf, Worley, Yoder.

Nays: Bethell, Bowers, A. Brown, Brunk, Burgess, Crum, DeGraaf, Donohoe, Faber, Goico, Hayzlett, Henderson, Hermanson, C. Holmes, Horst, Huebert, Johnson, Kerschen, King, Knox, Landwehr, Long, Maloney, McLeland, Morrison, Myers, Neufeld, O'Brien, O'Neal, Palmer, Peck, Powell, Rhoades, Shultz, Suellentrop, Wetta, Williams, B. Wolf.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Grange, M. Holmes.

The motion of Rep. Spalding prevailed.

Also, on motion of Rep. Brookens, **H. Sub. for SB 74** be amended on page 1, in line 30, by striking "\$4,012" and inserting "\$4,146";

Also on page 1, in the title, in line 11, by striking "72-6433d,"; in line 12, after "72-6421," by inserting "72-6433d,";;

Also, on motion of Rep. Otto, **H. Sub. for SB 74** be amended on page 22, after line 19, by inserting the following:

"Sec. 28. K.S.A. 2009 Supp. 72-6426 is hereby amended to read as follows: 72-6426. (a) There is hereby established in every district a fund which shall be called the contingency reserve fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The fund shall be maintained for payment of expenses of a district attributable to financial contingencies as determined by the board.

- (b) (1) Except as otherwise provided in subsection (c), at no time in school year 2008-2009 through school year 2011-2012 shall the amount maintained in the contingency reserve fund exceed an amount equal to 10% 20% of the general fund budget of the district for the school year.
- (2) Except as otherwise provided in subsection (c), at no time in school year 2012-2013 or any school year thereafter shall the amount maintained in the contingency reserve fund exceed an amount equal to 6% of the general fund budget of the district for the school year.
- (c) (1) If the amount in the contingency reserve fund of a district is in excess of the amount authorized under subsection (b), and if such excess amount is the result of a reduction in the general fund budget of the district for the school year because of a decrease in enrollment, the district may maintain the excess amount in the fund until depletion of such excess amount by expenditure from the fund for the purposes thereof.
- (2) The limitation on the amount which may be maintained in the contingency reserve fund imposed under subsection (b) shall not apply to any district whose state financial aid is computed under the provisions of K.S.A. 72-6445a, and amendments thereto. Any such district may maintain the excess amount in the fund until depletion of such excess amount by expenditure from the fund for the purposes thereof.";

And by renumbering the remaining sections accordingly;

Also on page 22, in line 22, after "72-6421," by inserting "72-6426,";

In the title, in line 12, after "72-6421," by inserting "72-6426,";

Also, on motion of Rep. Kinzer to amend **H. Sub. for SB 74**, Rep. Otto requested a ruling on the amendment being germane to the bill. The Rules Vice Chair ruled the amendment germane. The question reverted back to the motion of Rep. Kinzer to amend on page 22, after line 19, by inserting the following:

"Sec. 28. On July 1, 2010, K.S.A. 2009 Supp. 12-187, as amended by section 1 of 2010 House Substitute for Senate Bill No. 255, is hereby amended to read as follows: 12-187. (a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not

less than 2/3 of the membership of the governing body of each of one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by 2/3 of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

- (2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.
- (3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.
- (B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.
- (C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown area"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown area and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.
- (D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of *ad valorem* tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.
- (E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by .75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

- (F) The result of the election held on December 1, 2009, on the question submitted by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.
- (4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of paragraph (5) of subsection (b) of K.S.A. 68-2314, and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.
- (5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to paragraph (2) of subsection (a) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.
- (6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189 and amendments thereto.
- (7) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of .50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and

pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

- (8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.
- (9) The board of county commissioners of Cowley, Crawford, Russell and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% in the case of Crawford, Russell and Woodson county and at a rate of up to .25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.
- (10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.
- (11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purposes of preservation, access and management of open space, and for industrial and business park related economic development.
- (12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.
- (13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of .4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected.
- (14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.
- (15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

- (16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.
- (17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.
- (18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected.
- (19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.
- (20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.
- (21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.
- (22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.
- (23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.
- (24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction

and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(26) The board of county commissioners of Pottawatomie county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, or public infrastructure improvements, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project or projects.

(27) The board of county commissioners of Kingman county may submit the question of imposing a countywide retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of constructing and furnishing a law enforcement center and jail facility and the costs of roadway and bridge improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire not later than 20 years from the date such tax is first collected.

(28) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of donations to meet the general education purposes of all unified school districts within any such county, to the electors at an election called and held thereon.

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than 2/3 of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by 2/3 of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of .5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution,

as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be

conducted by the county election officer.

(g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot

proposition.

- Sec. 29. On July 1, 2010, K.S.A. 2009 Supp. 12-189, as amended by section 2 of 2010 House Substitute for Senate Bill No. 255, is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in increments of .05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special purposes which shall be determined by the governing body of the city. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount not to exceed 1% and shall be fixed in increments of .25%, and which amount shall be determined by the board of county commissioners, except that:
- (a) The board of county commissioners of Wabaunsee county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, the board of county commissioners of Atchison county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 2%;
- (b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;
- (c) the boards of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25%;
- (d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus .25%, .5%, .75% or 1%, as the case requires;
- (e) the board of county commissioners of Dickinson county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

- (f) the board of county commissioners of Sherman county, for the purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;
- (g) the board of county commissioners of Crawford or Russell county for the purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%;
- (h) the board of county commissioners of Franklin county, for the purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%;
- (i) the board of county commissioners of Douglas county, for the purposes of paragraph (11) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%;
- (j) the board of county commissioners of Jackson county, for the purposes of subsection (b)(13) of K.S.A. 12-187 and amendments thereto. may fix such rate at 1.4%:
- (k) the board of county commissioners of Sedgwick county, for the purposes of paragraph (3)(C) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at
- (l) the board of county commissioners of Neosho county, for the purposes of paragraph (14) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.0% or 1.5%:
- (m) the board of county commissioners of Saline county, for the purposes of subsection (15) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%:
- (n) the board of county commissioners of Harvey county, for the purposes of paragraph (16) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%;
- (o) the board of county commissioners of Atchison county, for the purpose of paragraph (17) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus .25%;
- (p) the board of county commissioners of Wabaunsee county, for the purpose of paragraph (18) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus .5%;
- (q) the board of county commissioners of Jefferson county, for the purpose of paragraphs (19) and (25) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;
- (r) the board of county commissioners of Riley county, for the purpose of paragraph (20) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;
- (s) the board of county commissioners of Johnson county for the purposes of paragraph (21) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus .25%;
- (t) the board of county commissioners of Wilson county for the purposes of paragraph (22) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 2%:
- (u) the board of county commissioners of Butler county for the purposes of paragraph (23) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus .25%, .5%, .75% or 1%;
- (v) the board of county commissioners of Barton county, for the purposes of paragraph (24) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%;
- (w) the board of county commissioners of Lyon county, for the purposes of paragraph (3)(D) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%:
- (x) the board of county commissioners of Rawlins county, for the purposes of paragraph (3)(E) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%;

- (y) the board of county commissioners of Chautauqua county, for the purposes of paragraph (3)(F) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%;
- (z) the board of county commissioners of Pottawatomie county, for the purposes of subsection (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%; and
- (aa) the board of county commissioners of Kingman county, for the purposes of paragraph (27) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus .25%, .5%, .75%, or 1%; and
- (bb) the board of county commissioners of any county for purposes of paragraph (28) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners as otherwise provided by this section on the effective date of this act plus .25%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected by the director of taxation pursuant to the authority granted in paragraph (22) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or

Revenue that is received from the imposition of a local retailers' sales tax which exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county

officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 30. On July 1, 2010, K.S.A. 2009 Supp. 12-192, as amended by section 3 of 2010 House Substitute for Senate Bill No. 255, is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, and (2) ½ of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of .75%, 1% or 1.25% after July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner: (A) The revenue received from the first .5% rate of tax shall be apportioned in the manner prescribed by subsection (a) and (B) the revenue received from the rate of tax exceeding .5% shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year and (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county and (iii) one-half shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (I) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

- (2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.
- (d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraphs (2), (3)(C), (3)(F), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25) and, (27) and (28) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

- (3) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraph (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged unless the question of imposing a countywide retailers' sales tax authorized by paragraph (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, includes the apportionment of revenue prescribed in subsection (a).
- (e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.
- (f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.
- (g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.
- (h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.

New Sec. 31. On and after July 1, 2010, all amounts received from a county which imposed a countywide retailers' sales tax imposed pursuant to paragraph (28) of subsection (b) of K.S.A. 12-187, and amendments thereto, by a school or unified school district shall be deemed a donation pursuant to the provisions of K.S.A. 72-8210, and amendments thereto."; And by renumbering sections accordingly;

Also, on page 22, after line 24, by inserting the following:

Sec. 33. On and after July 1, 2010, K.S.A. 2009 Supp. 12-187, as amended by section 1 of 2010 House Substitute for Senate Bill No. 255, 12-189, as amended by section 2 of 2010 House Substitute for Senate Bill No. 255, and 12-192, as amended by section 3 of 2010 House Substitute for Senate Bill No. 255, are hereby repealed."; And by renumbering sections accordingly;

On page 1, in the title, in line 10, before "amending" by inserting "donations to school districts derived from a countywide retailers' sales tax;"; in line 12, after "Supp." by inserting "12-187, as amended by section 1 of 2010 House Substitute for Senate Bill No. 255, 12-189, as amended by section 2 of 2010 House Substitute for Senate Bill No. 255, and 12-192, as amended by section 3 of 2010 House Substitute for Senate Bill No. 255,";

Roll call was demanded.

On roll call, the vote was: Yeas 35; Nays 83; Present but not voting: 0; Absent or not voting: 7.

Yeas: Benlon, Brookens, A. Brown, Brunk, Colloton, Donohoe, Furtado, Goico, Gordon, Horst, Huebert, Kiegerl, Kinzer, Kleeb, McLeland, Neighbor, O'Brien, Olson, Patton, Peck, Prescott, Quigley, Rardin, Rhoades, Schwab, Shultz, Siegfreid, Slattery, Spalding, Suellentrop, Talia, Vickrey, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Barnes, Bethell, Bowers, T. Brown, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Jack, Johnson, Kelley, Kerschen, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neufeld, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Proehl, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Sloan, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf.

Present but not voting: None.

Absent or not voting: Bollier, Fund, George, Grange, Landwehr, Merrick, O'Neal.

The motion of Rep. Kinzer did not prevail.

Also, roll call was demanded on motion of Rep. Gordon to amend **H. Sub. for SB 74** on page 22, after line 19, by inserting the following:

"Sec. 28. K.S.A. 2009 Supp. 72-7536 is hereby amended to read as follows: 72-7536. (a) The purpose of this section is to allow any person desiring to obtain, analyze and compare financial and performance data of school districts the ability to do so.

- (b) On or before December 31, 2005, The state board of education shall design and implement a uniform system of reporting of such data by school districts. Such system shall be an internet-based data reporting system which is freely available and accessible. Such system shall allow a person to search and manipulate the data and allow for the comparison of data on a district by district basis. Such system may be designed so that school districts may input directly the district's financial and performance data in lieu of reporting data to the state board.
- (c) On or before December 31, 2011, the state board shall modify the system so that it includes detailed records of revenue and expenditure transactions of school districts that conform to the uniform chart of accounts prescribed by the state board under K.S.A. 2009 Supp. 72-8254, and amendments thereto. The state board shall require school districts to submit detailed revenue and expenditure records to the state board in an electronic format that is prescribed by the state board.
- Sec. 29. K.S.A. 2009 Supp. 72-8253 is hereby amended to read as follows: 72-8253. (a) Each school district shall compile and report expenditures of the district in providing programs required by law and the number of pupils enrolled in such programs. Such information shall be compiled and reported in the manner required by the department reported in accordance with the uniform chart of accounts prescribed by the state board under K.S.A. 2009 Supp. 72-8254, and amendments thereto.
- (b) The department state board shall verify, on an on-going basis, expenditures of school districts in providing programs required by law and the number of pupils enrolled in such programs. Such verification may be conducted on a sample-basis of school districts.
- Sec. 30. K.S.A. 2009 Supp. 72-8254 is hereby amended to read as follows: 72-8254. (a) The state board of education shall adopt a uniform chart of accounts for the reporting of receipts and expenditures of school districts.
- (b) In order to achieve uniform reporting of receipts and expenditures by school districts in school district budgets, districts shall report expenditures in the manner required and in reports submitted to the state board of education, districts shall report receipts and expend-

itures of the district in accordance with the uniform chart of accounts adopted by the state board.

Sec. 31. K.S.A. 75-1124 is hereby amended to read as follows: 75-1124. (a) A copy of each audit report with recommendations, if any, rendered by any licensed municipal public accountant or certified public accountant upon the completion of any audits provided for by K.S.A. 10-1208, 12-866, 13-1243, 13-14d12 or 75-1122, and any amendments to such statutes, shall be filed with the director of accounts and reports within one year after the end of the audit period of the audit unless an extension of time is granted by the director of accounts and reports. Final payment to any accountant performing a municipal audit shall not be made until a copy of such report has been so filed as shown by a statement of the director of accounts and reports.

(b) The audit report prepared for a school district shall be supplemented by an agreed-upon procedures engagement to assist the state board in evaluating the school district's compliance with the uniform chart of accounts prescribed by the state board under K.S.A. 2009 Supp. 72-8254, and amendments thereto in reporting detailed records of revenue and expenditure transactions in accordance with subsection (c) of K.S.A. 72-7536, and amendments thereto. The state board shall specify the agreed-upon procedures and scope of testing required. A copy of such audit report also shall be filed with the state board of education.

New Sec. 32. The legislature shall appropriate sufficient funds to pay the costs incurred by the state board of education and school districts which are attributable to the implementation of, and compliance with, the provisions of this act.";

And by renumbering the remaining sections accordingly;

Also on page 22, in line 21, by striking "and 72-8804" and inserting ", 72-8804 and 75-1124"; in line 22, after "72-6433d," by inserting "72-7536,"; in line 23, after "72-8250," and inserting "72-8253, 72-8254,";

In the title, in line 11, by striking "72-6433d,"; also in line 11, by striking "and 72-8804" and inserting ", 72-8804 and 75-1124"; in line 12, after "72-3715," by inserting "72-7536,"; also in line 12, after "72-6421," and inserting "72-6433d,"; in line 13, after "72-8250," and inserting "72-8253, 72-8254,";

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

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Vickrev, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Bollier, Fund, George, Grange, Kiegerl.

The motion of Rep. Gordon did not prevail.

Also, on motion of Rep. Winn to amend **H. Sub. for SB 74**, the motion was withdrawn. Also, roll call was demanded on motion of Rep. Knox to amend **H. Sub. for SB 74** on page 1, after line 34, by inserting the following:

"New Sec. 3. (a) As used in this section:

(1) "State aid payment" means 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.

(2) "Salaries and wages" has the meaning ascribed thereto by K.S.A. 2009 Supp. 75-5553, and amendments thereto.

- (3) "Refunds" means refunds paid under the Kansas income tax act.
- (b) After the payment of salaries and wages and refunds, the state board of education and any other state agency shall make expenditures from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011, by any appropriation act of the 2010 regular session of the legislature, for the department of education, or any other state agency involved in the processing of state aid payments to enable the state to make all state aid payments on the date on which such payments are regularly scheduled for payment during the first 11 months of fiscal year 2011.";

And by renumbering the remaining sections accordingly;

In the title, in line 9, by striking all after "to"; in line 10, by striking "school districts" and inserting "school finance";

On roll call, the vote was: Yeas 104; Nays 17; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Barnes, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Finney, Frownfelter, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Benlon, Bethell, Crow, Davis, Feuerborn, Flaharty, Furtado, Henderson, Henry, Johnson, Kuether, Lane, Meier, Menghini, Peterson, Phelps, Tietze.

Present but not voting: None.

Absent or not voting: Bollier, Fund, George, Grange.

The motion of Rep. Knox prevailed.

Also, roll call was demanded on motion to recommend **H. Sub. for SB 74** favorably for passage.

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

Yeas: Ballard, Barnes, Benlon, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, George, Gordon, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Lukert, Mah, Menghini, Merrick, Moxley, Neighbor, Olson, Otto, Pauls, Peterson, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schwab, Siegfreid, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Ward, Whitham, Winn, K. Wolf, Worley, Yoder.

Nays: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Carlson, Crow, Crum, DeGraaf, Dillmore, Donohoe, Faber, D. Gatewood, S. Gatewood, Goico, Goyle, Grant, Hayzlett, Hermanson, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Knox, Landwehr, Long, Maloney, Mast, McCray-Miller, McLeland, Meier, Morrison, Myers, Neufeld, O'Brien, O'Neal, Palmer, Patton, Peck, Phelps, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Seiwert, Shultz, Suellentrop, D. Svaty, Trimmer, Vickrey, Wetta, Williams, B. Wolf.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Grange.

The motion prevailed and H. Sub. for SB 74 be passed as amended.

On motion of Rep. Merrick, the House recessed until 8:30 p.m.

## NIGHT SESSION

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

## INTRODUCTION OF ORIGINAL MOTIONS

Roll call was demanded on motion of Rep. Kinzer to remove **S. Sub. for HB 2360** from the table.

On roll call, the vote was: Yeas 47; Nays 73; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Johnson, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley. Present but not voting: None.

Absent or not voting: Bollier, Fund, Grange, M. Holmes, Peterson.

The motion of Rep. Kinzer did not prevail and S. Sub. for HB 2360 remains on the table.

#### INTRODUCTION OF ORIGINAL MOTIONS

In accordance with subsection (b) of House Rule 1503, Rep. Feuerborn moved that the order on General Orders of **SB 581** be changed to the first measure to be considered on General Orders.

(The Chief Clerk of the House of Representatives is requested to read this motion and cause it to be printed in the Calendar of May 10, 2010, under the order of business "Consideration of Motions and House Resolutions Offered on a Previous Day" as provided by House Rule 1503 (b).)

# REPORT ON ENGROSSED BILLS

HB 2486 reported correctly engrossed May 8, 2010.

HB 2482, HB 2595 reported correctly re-engrossed May 8, 2010.

# REPORT ON ENROLLED RESOLUTIONS

HR 6047 reported correctly enrolled and properly signed on May 8, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, May 10, 2010.

# Journal of the House

## SIXTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, May 10, 2010, 11:00 a.m.

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

The roll was called with 117 members present.

Reps. Craft, Goico, Hawk, Kelley, Peck, Seiwert, Suellentrop and Tafanelli were excused on excused absence by the Speaker.

Present later: Reps. Craft, Goico, Hawk, Kelley, Peck, Seiwert, Suellentrop and Tafanelli.

Prayer by Chaplain Brubaker:

Dear Father God, Today I pray a Psalm to begin this week. "From heaven the Lord looks down and sees all mankind; from his dwelling place he watches all who live on earthhe who forms the hearts of all, who considers everything they do. No king succeeds with a big army alone, no warrior wins by brute strength. Horsepower is not the answer; no one gets by on muscle alone. Watch this: God's eye is on those who respect him, the ones who are looking for his love. He's ready to come to their rescue in bad times; in lean times he keeps body and soul together. We're depending on God; he's everything we need. What's more, our hearts overflow with joy for we trust in his holy name. Love us, God, with all you've got that's what we're depending on." (Psalm 33:13-22, NIV/The Message) In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Palmer.

#### MESSAGE FROM THE SENATE

The Senate nonconcurs in House amendments to **H. Sub. for SB 572**, requests a conference and has appointed Senators Emler, Vratil and Kelly as conferees on the part of the Senate.

The Senate adopts conference committee report on S. Sub. for HB 2219. Announcing rejection of S. Sub. for HB 2180.

# FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**H. Sub. for SB 74**, An act concerning school districts; relating to the use of moneys by school finance; amending K.S.A. 72-3607, 72-4523, 72-4525, 72-6420, 72-6423, 72-6424, 72-8237, 72-8238 and 72-8804 and K.S.A. 2009 Supp. 72-965, 72-3715, 72-6407, 72-6414a, 72-6414b, 72-6421, 72-6426, 72-6433d, 72-8223, 72-8248, 72-8249, 72-8250, 72-9509, 72-9609 and 74-4939a and repealing the existing sections; also repealing K.S.A. 72-6422, was considered on final action.

On roll call, the vote was: Yeas 41; Nays 76; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Benlon, Bethell, Bollier, T. Brown, Carlin, Colloton, Davis, Finney, Flaharty, Furtado, Garcia, George, Gordon, Hill, Huebert, Kleeb, Kuether, Lane, Light, Loganbill, Lukert, Mah, Menghini, Neighbor, Peterson, Prescott, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, Tietze, Vickrey, Ward, Winn, K. Wolf, Worley, Yoder.

Nays: Aurand, Barnes, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Crow, Crum, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Frownfelter, Fund, D. Gatewood, S. Gatewood, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Jack, Johnson, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Long, Maloney, Mast, McCray-Miller, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Phelps, Pottorff, Powell, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Shultz, Siegfreid, D. Svaty, Swanson, Swenson, Talia, Trimmer, Wetta, Whitham, Williams, B. Wolf.

Present but not voting: None. Absent or not voting: Craft, Goico, Hawk, Kelley, Peck, Seiwert, Suellentrop, Tafanelli. The substitute bill did not pass.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **H. Sub. for SB 74**. Standing alone **H. Sub. for SB 74** contains some good policy, but it will not withstand constitutional scrutiny. **H. Sub. for SB 74** does not stand alone; it is the gateway to a massive unnecessary tax increase. I cannot be party to a bill that will not survive a Court challenge and has been linked to damaging legislation as part of a backroom deal that will put thousands of Kansans out of work. **H. Sub. for SB 74** must be equalized to withstand a Court challenge and detached from the effort to raise statewide taxes in order to be acceptable.—LANCE KINZER, SCOTT SCHWAB, ANTHONY R. BROWN, OWEN DONOHOE, ARLEN SIEGFREID, ROB OLSON, RAY MERRICK, S. MIKE KIEGERL, J. DAVID CRUM, JOHN C. GRANGE, PEGGY MAST, S. MIKE KIEGERL

MR. SPEAKER: I vote "No" on **H. Sub. for SB 74**. The bill was crafted as a companion bill to the original House budget, which balanced without the need for a tax increase. It provided funds to help the schools compensate for the fact that federal stimulus funds end in FY 2011. **H. Sub. for SB 74** helped fund the balance of the loss of federal funds to make schools whole without requiring a tax increase. With federal funds covered in the House budget, this bill is not only unnecessary but it is legally flawed because it's not equalized.— MIKE O'NEAL

MR. Speaker, I vote no on **H. Sub. for SB 74**. Although I support the flexibility to transfer certain unencumbered monies from specific funds thus allowing school districts to expend those dollars for general education purposes, I cannot support allowing school districts to further raise the LOB without a vote of the people. To further increase my concern, the KPERS pass-through component which would be used to increase the LOB would not be equalized, resulting in higher property tax bills.—Deena Horst

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, was considered

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Crow, Crum, Davis, De-Graaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Siegfreid, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Craft, Goico, Hawk, Kelley, Peck, Seiwert, Suellentrop, Tafanelli. The bill passed.

# 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

On motion of Rep. Kinzer to adopt the conference committee report on **SB** 368, Rep. Crow offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion did not prevail.

The question then reverted back to the original motion of Rep. Kinzer and the conference committee report was adopted.

On roll call, the vote was: Yeas 107; Nays 11; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney,

Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Bethell, Crow, Dillmore, Gordon, Johnson, Kuether, Neufeld, Patton, Peterson, Siegfreid, K. Wolf.

Present but not voting: None.

Absent or not voting: Goico, Hawk, Kelley, Peck, Seiwert, Suellentrop, Tafanelli.

# INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Kinzer moved to remove **S. Sub. for HB 2360** from the table. The motion did not prevail and the bill remains on the table.

# INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 572**.

Speaker O'Neal thereupon appointed Reps. Yoder, Merrick and Feuerborn as conferees on the part of the House.

On motion of Rep. Merrick, the House recessed until 3:00 p.m.

# AFTERNOON SESSION

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

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

Speaker O'Neal called the House to order.

# MESSAGES FROM THE SENATE

The Senate adopts conference committee report on HB 2130.

Also, the Senate adopts conference committee report on SB 131.

The Senate adopts conference committee report on H. Sub. for SB 293.

The Senate adopts conference committee report on S. Sub. for HB 2356.

Also, the Senate concurs in House amendments to SB 387, and requests return of the bill.

The Senate concurs in House amendments to **H. Sub. for SB 572**, and requests return of the bill.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering SB 300; HB 2130; S. Sub. for HB 2219; S. Sub. for HB 2356.

#### 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).
- $\frac{\text{(b)}}{\text{(c)}}(c)$  (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.
- $\frac{\langle c \rangle}{\langle d \rangle}$  (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 <del>safety glazing materials or</del> 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.
- $\stackrel{\text{(e)}}{(d)}$  This section shall not prohibit labels, stickers or other informational signs that are required or permitted by state law.
- $\frac{1}{2}$  (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.

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Description of Offense	Statute	Fine
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	8-1558	1-10 mph over the limit, \$30
in zone posted by the state department of	to	11-20 mph over the limit,
transportation; or speeding in locally posted	8-1560	\$30 plus \$6 per mph over
zone	8-1560a	10 mph over the limit;
	or 8-1560b	21-30 mph over the limit,
	0-10000	\$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
Disaboring traffic control derica	8-1507	limit; \$60
Disobeying traffic control device Violating traffic control signal	8-1508	\$60
Violating traine control signal 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	8-1516	\$60
passed		
Improper passing on right	8-1517	\$60
Passing on left with insufficient clearance	8-1518	\$60
Driving on left side where curve, grade,	8-1519	\$60
intersection railroad crossing, or obstructed		
view	8-1520	\$60
Driving on left in no-passing zone Unlawful passing of stopped emergency	8-1520a	\$60
vehicle	0-1020a	φου
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	8-1526	\$60
intersection		
Failure to yield to approaching vehicle when	8-1527	\$60
turning left	0.1500	<b>\$CO</b>
Failure to yield at stop or yield sign	8-1528	\$60 \$60
Failure to yield from private road or driveway	8-1529 8-1530	\$180
Failure to yield to emergency vehicle Failure to yield to pedestrian or vehicle	8-1531	\$90
working on roadway	0-1001	φου
Failure to comply with restrictions in road	8-1531a	\$30
construction zone		, 22
Disobeying pedestrian traffic control device	8-1532	\$30
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Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway;	8-1533	\$60
passing vehicle stopped for pedestrian at crosswalk		
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
Unlawful riding on vehicle	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	8-1584	\$30
crossing without sufficient space on other side		
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	<del>8-1578a</del>	<del>\$60</del>
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
Unlawful display of license plate	section 1	\$60
Unlawful text messaging	section 2	\$60
Equipment offenses that are not	8-1701	\$60
misdemeanors		
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	8-1717	\$30
emblems on farm tractors or slow-moving vehicles	0.1516	
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	8-1738	\$30
device	3 1.33	400
Defective muffler	8-1739	\$30
Defective mirror	8-1740	\$30
Defective wipers; obstructed windshield or	8-1741	\$30
windows		
Improper tires	8-1742	\$30
Improper flares or warning devices	8-1744	\$30
Improper use of vehicular hazard warning	8-1745	\$30
lamps and devices	8-1747	\$30
Improper air-conditioning equipment	8-1749	\$30 \$30
Improper safety belt or shoulder harness	8-1749 8-1742b	\$50 \$60
Improper wide-based single tires	8-1761	\$60 \$60
Improper compression release engine braking system		
Defective motorcycle headlamp	8-1801	\$30
Defective motorcycle taillamp	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	8-1909	Pounds Overweight
combination		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\$c per pound 2001 to 50005c per pound 5001 to 75007c 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 6-1314	\$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  $1\frac{1}{2}$  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. 8-1909 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. 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

On motion of Rep. Hayzlett, the conference committee report on **SB 300** was adopted. On roll call, the vote was: Yeas 105; Nays 18; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kerschen, Kiegerl, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, A. Brown, DeGraaf, Faber, D. Gatewood, Gordon, Kelley, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Powell, Siegfreid, Suellentrop, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Peck, Seiwert.

#### INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Kinzer moved to remove  $\bf S.$  Sub. for  $\bf HB$  2360 from the table.

The motion prevailed.

The question then reverted back to the substitute motion of Rep. Kinzer made on May 7, 2010, that the House concur in Senate amendments to **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.

Call of the House was demanded.

On roll call, the vote was: Yeas 64; Nays 61; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Hawk, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Moxley, Neighbor, Otto, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Palmer, Patton, Peck, Powell, Prescott, Rardin, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Tafanelli, Talia, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None. Absent or not voting: None. The motion prevailed.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote NO on **S. Sub. for HB 2360**. I will not support this massive Kansas tax increase. It is the apex of hypocrisy for the government to amass more wealth and means by commanding citizens to forfeit even more of their income and livelihood by making every item purchased more expensive. The tax increase is flawed at its very core because it perpetuates the myth that Topeka knows how to spend the people's money better than the people know how to spend their own hard-earned money.—Aaron Jack, Kasha Kelley, Marc Rhoades, Anthony R. Brown, Pete Degraaf, Rob Olson, Bill Wolf, Owen Donohoe, Brenda K. Landwehr, Peggy Mast, Connie O'Brien, Rocky Fund, Mario Goico, Sharon Schwartz, Joe McLeland, J. David Crum, Don Myers, Steve Huebert, Lance Kinzer, Larry Powell, Gary K. Hayzlett, Joe Seiwert, Gene Suellentrop, Arlen Siegfreid, Richard Carlson, Phil Hermanson, Ray Merrick, Iere Vickrey, Steve Brunk

Mr. Speaker: As I studied my constituent surveys and communications, there were many suggestions. By far the greatest number were those who felt tobacco and alcohol taxes should be raised. Varying amounts of sales tax were also suggested. In addition, there were several who didn't feel taxes should be increased. The alternative of selling some excess state property coupled with a smaller tax increase will provide necessary funds to avoid drastic cuts. The potential of having a smaller tax increase which will have less of a negative effect on the economy is preferable, thus Mr. Speaker, I vote no on S. Sub. for HB 2360.— Deena Horst

Mr. Speaker: I vote no on **S. Sub. for HB 2360.** I know that none of us relish the decisions we've had to make this year in regards to the budget and taxes. The best way to cut taxes is to never have to raise them. A rainy day fund would go a long way towards preventing a future legislature from having to relive the current budget nightmare.— Mike Burgess

Mr. Speaker: I see the names of some of those voting yes and know they are compromising themselves and not representing the citizens in their districts. I was elected to this prestigious body in 2004 because the incumbent legislator compromised himself and did not represent his district by voting in favor of a tax increase. I will not compromise myself and I will represent my district.

This massive tax increase will take over 1 billion dollars out of the pockets of hard working Kansans and put it in the pocket of a state government that has not controlled its spending. I vote no on **S. Sub. for HB 2360.**—VIRGIL PECK, JR.

Mr. Speaker: **S. Sub. for HB 2360** is one of the largest tax increases in Kansas' history crafted to support an unnecessarily burgeoning state budget. While Kansans have experienced record high unemployment rates and family and business incomes have been devastated by the worst economic recession since the Great Depression, some of our legislators have passed a budget that actually grows 7% creating an irresponsible \$300+ million budget deficit. Worse yet, this new tax increase will disproportionately put at risk Johnson County jobs and business viability as we will lose business and jobs to Missouri. For these reasons, I vote no.—Marvin Kleeb

MR. SPEAKER: Kansas has never endured six rounds of budget cuts in an 18-month period. After reducing spending by over a billion dollars, deeper cuts would cost much more to fix later than they cost to maintain in the current fiscal year. We must think past the bottom line of 2011 and consider long-term consequences of our actions. This vote wasn't easy or politically popular, but ultimately we knew that families are depending on the services this legislation saves. We had to rank the people we represent above the political positions we hold.

We vote to concur with S. Sub. for HB 2360.—TONY BROWN

# INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Ward moved that the House reconsider its action on **S. Sub. for HB 2360**. Rep. Kinzer moved to table the bill. The motion did not prevail.

The question reverted back to the motion of Rep. Ward, which also did not prevail.

#### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

The motion of Rep. Feuerborn, in accordance with House Rule 1503 (b), that **SB 581** be changed to the first measure under the order of business General Orders, was considered.

The motion prevailed and  $SB\ 581$  will be the first measure under the order of business General Orders.

#### 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

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 9 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 K. Landwehr J. David Crum Geraldine Flaharty Conferees on part of House

On motion of Rep. Landwehr, the conference committee report on **S. Sub. for HB 2356** was adopted.

On roll call, the vote was: Yeas 66; Nays 56; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Goico, Gordon, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, Horst, Jack, Johnson, Kiegerl, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Moxley, Neighbor, O'Brien, Olson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Slattery, Sloan, Spalding, Swanson, Talia, Tietze, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, D. Gatewood, George, Goyle, Grange, Grant, Hayzlett, C. Holmes, M. Holmes, Kelley, Kerschen, King, Kinzer, Knox, Lukert, Mast, Merrick, Morrison, Myers, Neufeld, O'Neal, Otto, Palmer, Patton, Pauls, Peck, Powell, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, D. Svaty, Swenson, Tafanelli, Trimmer, Vickrey, Ward, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Huebert, Peterson.

On motion of Rep. Merrick, the House adjourned until 2:00 p.m., Tuesday, May 11, 2010.

# Journal of the House

# SIXTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, May 11, 2010, 2:00 p.m.

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

The roll was called with 124 members present.

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

Prayer by Rep. Johnson:

Great and glorious Lord God! Supreme Architect of heaven and earth!

You have promised when two or three are gathered together in your name, you will be in the midst of them and bless them. Bless us with your grace as we gather together here in this beautiful place, this beautiful place called Kansas. May you hold your servants — Rocky and Tammi — in your fatherly hand and support them with your healing grace.

Defend our liberties, and fashion into one united people this nation, the United States of America, the greatest nation on earth.

Endue with the spirit of wisdom those of us whom in your name we entrust the authority of government, that there may be justice and peace and that government of the people, by the people and for the people will not parish from the earth.

In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in you to fail.

May your fatherly hand be ever about those brave young men and women in harm's way defending our country and our way of life. Thank you for the safe return of our fellow House member, Melanie.

Help us to work together to make Kansas a better place to raise our families, earn a living and live productive lives.

Teach us to love one another as much as you love us.

All this we ask in the name of the Father, the Son, and the Holy Spirit. Amen!

The Pledge of Allegiance was led by Rep. Suellentrop.

#### MESSAGE FROM THE GOVERNOR

April 22, 2010

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

Enclosed herewith is Executive Directive No. 10-408 for your information.

EXECUTIVE DIRECTIVE No. 10-408

Authorizing Expenditure of Federal Funds

Mark Parkinson Governor

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

#### MESSAGE FROM THE SENATE

The Senate adopts conference committee report on H. Sub. for SB 300.

The Senate adopts conference committee report on SB 368.

The Senate adopts conference committee report on **HB 2434**.

#### 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 I. 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%% 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 SHULTZ
GERALDINE FLAHARTY
Conferees on part of House

On motion of Rep. Schwartz, the conference committee report on **S. Sub. for HB 2219** was adopted.

On roll call, the vote was: Yeas 113; Nays 9; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kerschen, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: DeGraaf, Kiegerl, Kinzer, Knox, Landwehr, O'Brien, Patton, Rhoades, Vickrey. Present but not voting: None.

Absent or not voting: A. Brown, Kelley, Schwab.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2434**.

#### 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 Donohoe Lisa Benlon Conferees on part of House

On motion of Rep. Gordon, the conference committee report on **HB 2434** was adopted. On roll call, the vote was: Yeas 112; Nays 11; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Davis, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kerschen, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-

Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brunk, Burroughs, Crum, DeGraaf, Kelley, Kiegerl, Kinzer, Knox, Landwehr, Rhoades, Schroeder.

Present but not voting: None.

Absent or not voting: A. Brown, Schwab.

#### 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

On motion of Rep. Hayzlett, the conference committee report on **HB 2660** was adopted. On roll call, the vote was: Yeas 119; Nays 4; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Landwehr, Mast, Merrick, Siegfreid.

Present but not voting: None.

Absent or not voting: A. Brown, Schwab.

# 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:
- $\left(1\right)$  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

On motion of Rep. Colloton, the conference committee report on **S. Sub. for HB 2506** was adopted.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze,

Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Seiwert, Siegfreid. Present but not voting: None.

Absent or not voting: A. Brown, Schwab.

# 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  $\frac{1}{2}$  (b) 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

On motion of Rep. Hayzlett, the conference committee report on **HB 2130** was adopted. On roll call, the vote was: Yeas 68; Nays 55; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Flaharty, Furtado, Garcia, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Henry, Hermanson, Hill, Hineman, C. Holmes, Jack, Johnson, Kerschen, King, Kleeb, Kuether, Lane, Loganbill, Long, Lukert, Meier, Menghini, Neighbor, O'Neal, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Spalding, Swanson, Swenson, Tietze, Trimmer, Ward, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, Bowers, Brunk, Burgess, Burroughs, Carlson, Crum, DeGraaf, Donohoe, Faber, Finney, Frownfelter, Fund, D. Gatewood, Gordon, Hayzlett, Henderson, M. Holmes, Horst, Huebert, Kelley, Kiegerl, Kinzer, Knox, Landwehr, Light, Mah, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien,

Olson, Otto, Patton, Peck, Powell, Rhoades, Schwartz, Seiwert, Siegfreid, Suellentrop, D. Svaty, Tafanelli, Talia, Vickrey, Wetta, Whitham, Williams, Yoder.

Present but not voting: None.

Absent or not voting: A. Brown, Schwab.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote YES on **HB 2130**. My mother would have lived, had she worn her seatbelt. She was a person who would not have disobeyed the law, but she was not particularly inclined to follow someone's advisory comments. This is a good law, as constructed.—I. ROBERT BROOKENS

MR SPEAKER: I vote no on **HB 2130**. While I wear a seatbelt whenever I get into a car, there are things that concern me about the Primary Seatbelt Law. I am concerned that law enforcement will be focused on a primary seatbelt violation and miss a driver who is truly endangering lives. I also am concerned about the number of times a person, who by Doctor's orders is not to wear a seatbelt, will experience unnecessary stops. Instead, I would prefer that the state assess a higher fine for violations of the Secondary Seatbelt Law. —DEENA HORST

# MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Long to concur in Senate amendments to **S. Sub. for S. Sub. for HB 2650**, Rep. Hayzlett offered a motion to nonconcur and asked that a new conference committee be appointed. The substitute motion did not prevail. The question then reverted back to the original motion of Rep. Long and the House concurred in Senate amendments to **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 86; Nays 38; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, Horst, Jack, Johnson, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, O'Neal, Otto, Palmer, Pauls, Peterson, Phelps, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Goyle, Hayzlett, M. Holmes, Huebert, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, Olson, Patton, Peck, Pottorff, Powell, Rhoades, Seiwert, Siegfreid, Suellentrop, Vickrey, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Schwab.

# MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Whitham, the House concurred in Senate amendments to **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.

On roll call, the vote was: Yeas 86; Nays 33; Present but not voting: 1; Absent or not voting: 5.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Faber, Feuerborn, Finney,

Flaharty, Frownfelter, Fund, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Johnson, Kerschen, Kiegerl, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Myers, Neighbor, Neufeld, Olson, Otto, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Ruiz, Schroeder, Schwartz, Shultz, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, Worley.

Nays: A. Brown, Brunk, Burroughs, DeGraaf, Dillmore, Donohoe, Furtado, Goyle, Hermanson, Huebert, Jack, Kelley, Kinzer, Mast, McLeland, Meier, Merrick, Morrison, O'Neal, Palmer, Patton, Pottorff, Rardin, Rhoades, Seiwert, Siegfreid, Slattery, Suellentrop, Talia, Trimmer, Ward, K. Wolf, Yoder.

Present but not voting: Landwehr.

Absent or not voting: George, Kleeb, O'Brien, Roth, Schwab.

# CONSIDERATION OF VETOED BILLS

The Governor's objection to **S. Sub. for Sub. HB 2538** having been read April (see HJ, page 1382), the time arrived for reconsideration of **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.

There was no motion to reconsider. The Chair ruled the bill had been reconsidered and the veto sustained.

#### REPORT OF STANDING COMMITTEE

Your Committee on  ${\bf Calendar}$  and  ${\bf Printing}$  recommends on requests for resolutions and certificates that

Request No. 215, by Representative Horst, congratulating Dr. Rob Winter for being selected as Kansas Superintendent of the Year;

**Request No. 216**, by Representative Kelley, congratulating the Kansas Arts Commission, commissioners and staff for their leadership in arts education programs benefitting the State of Kansas and its people;

**Request No. 217**, by Representative Powell, congratulating Neola Ochs on receiving a masters degree at 98 years of age;

**Request No. 218**, by Representative Horst, congratulating Brian Wayne Smith on achieving the rank of Eagle Scout;

Request No. 219, by Representative O'Neal and the Legislative Research Department congratulating Jerry Ann Donaldson for her 29 years of devoted service to the State of Kansas;

**Request No. 220**, by Representative O'Neal and the Legislative Research Department congratulating Mary Galligan for her 27 years of devoted service to the State of Kansas;

Request No. 221, by Representative O'Neal and the Legislative Research Department congratulating Theresia "Terri" M. Weber for her 17 years of devoted service to the State of Kansas;

Request No. 222, by Representative O'Neal and the Legislative Research Department congratulating Joyce Lundgren for her 29 years of devoted service to the State of Kansas;

Request No. 223, by Representative Horst, congratulating Mike Lowers for being selected as Area III Secondary Principal of the Year in Kansas;

Request No. 224, by Representative Bowers, congratulating Archie Huskey on achieving the rank of Eagle Scout;

Request No. 225, by Representative Bowers, congratulating Ricardo Rojas on achieving the rank of Eagle Scout;

**Request No. 226**, by Representative Horst, congratulating Nick Compagnone for receiving the Kansas NCA/Advanced Education Excellence in Education Award;

**Request No. 227**, by Representative Henderson, congratulating Andrea Wallace, First Baptist Church of Quindaro, for graduating from Sumner Academy of Arts and Science;

**Request No. 228**, by Representative Henderson, congratulating Robriana Cole, First Baptist Church of Quindaro, for graduating from Piper High School;

**Request No. 229**, by Representative Henderson, congratulating Dymon Johnson, First Baptist Church of Quindaro, for graduating from Sumner Academy of Arts and Science;

Request No. 230, by Representative Henderson, congratulating Desirae Odem, First Baptist Church of Quindaro, for graduating from Schlagle High School;

**Request No. 231**, by Representative Henderson, congratulating Courtney Graham, First Baptist Church of Quindaro, for graduating from Schlagle High School;

**Request No. 232**, by Representative Henderson, congratulating Wendell Henderson in honor of his 75th birthday;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

#### PROTEST

MR. Speaker: Pursuant to Article 2, Section 1 of the Kansas Constitution, a legislator may protest in writing against any act or resolution and the statement shall be entered into the journal without delay or alteration. In accordance with this provision, I respectfully submit the following protest.

H. Sub. for SB 572 as passed on May 10, 2010 raises the taxes by \$330 million in a time of deep recession when more than 100,000 Kansans are unemployed. This ill conceived act by the legislature will deepen and prolong the recession and lead to higher unemployment. It is particularly irresponsible when the House rejected a balanced budget without a tax increase.—S. MIKE KIEGERL.

# MESSAGE FROM THE SENATE

Announcing adoption of SCR 1632.

# INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Davis, **SCR 1632**, 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, was introduced and adopted.

# REPORT ON ENGROSSED BILLS

S. Sub. for HB 2360; HB 2506 reported correctly engrossed May 11, 2010.

#### REPORT ON ENROLLED BILLS

S. Sub. for HB 2226; HB 2454, HB 2482, HB 2486, HB 2554; S. Sub. for HB 2582; HB 2595 reported correctly enrolled, properly signed and presented to the governor on May 11, 2010.

#### REPORT ON ENROLLED RESOLUTIONS

HR 6049 reported correctly enrolled and properly signed on May 11, 2010.

# Journal of the House

# SIXTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, May 28, 2010, 10:00 a.m.

The House met pursuant to **SCR 1632** with Speaker O'Neal in the chair. Prayer by Chaplain Brubaker:

Our Heavenly Father, As we come to the close of another session, we pause for a time of reflection. Thank you for these dedicated leaders who have traveled hundreds of miles and invested long and arduous hours. Thank you for their families who willingly gave up time with their husbands/wives/fathers/mothers in order for them to serve us. There have been numerous hours of discussion; and times we wondered if we would ever pass a bill. There were moments of misunderstanding; and times of good laughter. There have been heart-wrenching decisions difficult for many to make. Then there were the resolutions, that brought smiles and satisfaction to everyone. Some will walk away feeling a sense of victory, some feeling defeat. But now that it is over and we move on, may everyone be able to say as the Apostle Paul, "I have fought the good fight,

As we leave this place,
we recognize that many will continue
to travel throughout the state,
campaigning and listening to the residents.
Watch over them and keep them safe.
And through everything they do and say,
may they remember Your Word to us,
"What God is looking for in men and women
is quite simple: do what is fair and just to your neighbor,
be compassionate and loyal in your love,
and don't take yourself too seriously—

I have finished the race, I have kept the faith."
(2 Timothy 4:7)

take God seriously." (Micah 6:8 — The Message) In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Crow.

# MESSAGES FROM THE GOVERNOR

S. Sub. for HB 2310; HB 2446; S. Sub. for Sub. HB 2509; Sub. HB 2528; HB 2561, HB 2656, HB 2668, HB 2691 approved on May 13, 2010.

Also, S. Sub. for HB 2226; HB 2454, HB 2482, HB 2486, HB 2554; S. Sub. for HB 2582; HB 2595 approved on May 17, 2010.

#### MESSAGE FROM THE GOVERNOR

May 21, 2010

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

Enclosed herewith is Executive Directive No. 10-409 for your information.

EXECUTIVE DIRECTIVE No. 10-409

Authorizing Expenditure of Federal Funds

MARK PARKINSON

 $\label{local-control} Governor$  The above Executive Directive is on file and open for inspection in the office of the Chief

### MESSAGES FROM THE GOVERNOR

S. Sub. for S. Sub. for HB 2650 approved on May 25, 2010.

Also, HB 2130; S. Sub. for HB 2219; S. Sub. for S. Sub. for Sub. HB 2320; S. Sub. for HB 2356; S. Sub. for HB 2360; HB 2434; S. Sub. for HB 2506; HB 2660 approved on May 27, 2010.

#### COMMUNICATIONS FROM STATE OFFICERS

From Jim Garner, Secretary, Kansas Department of Labor, 2009 Kansas Green Jobs Report.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

#### MESSAGE FROM THE SENATE

The Senate adopts conference committee report on HB 2704.

#### PROTEST

Mr. Speaker: Pursuant to the provisions of Art. 2, Sec.10 of the Kansas Constitution and K.S.A. 2008 Supp. 46-233(c), I make formal written protest regarding the passage of those line items contained in 2010 SB 572 (2011 Appropriations Bill) which purport to cause the transfer of statutory fee funds to the State General Fund under the guise of reimbursing the SGF for "accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency by other state agencies which receive appropriations from the state general fund to provide such services."

Attention is directed to the holding and rationale of Kansas Attorney General Opinion No. 2002-45, where it was noted that "[i]f an assessment so exceeds the cost of regulation that it is apparent the legislative is using it as a general revenue raising measure, the overage cannot stand on police power authority. If the assessment is in fact a revenue raising measure, it must be analyzed as such, which may include a determination as to whether it meets Commerce Clause and equal Protection requirements, as well as any state constitutional requirements applicable to the type of tax it is. If an assessment cannot stand on either police power or taxing authority, it would have to be reimbursed...."

It cannot be argued that the fee sweeps contained in SB 572 serve the legitimate purpose of reimbursing the SGF for the reasonable and necessary expenses of providing the purported services. Indeed, it is common knowledge that the fee sweeps were and are for the sole purpose of providing sufficient revenue within the SGF to balance the budget for FY

2011. Sweeping statutory fee funds held in trust for the specific purposes outlined in their enabling legislation constitutes a taking for which affected parties are entitled to a remedy under the law. That remedy is reimbursement.

The effect of the fee sweeps will cause individuals and businesses required to pay the statutory fees to pay a second time for the same services/programs they paid for previously with funds that are now swept. This constitutes an unauthorized tax. This practice of fee sweeps has occurred in the past, prompting the above-referenced Attorney General Opinion. The time has come for the Executive Branch and Legislative Branch to cease and desist the practice of attempting to balance the State General Fund by a subterfuge that is neither legal nor ethical, and which amounts to an unauthorized tax increase on affected Kansas taxpayers.—MICHAEL R. (MIKE) O'NEAL

#### REPORT ON ENGROSSED BILLS

HB 2130; S. Sub. for HB 2219; S. Sub. for S. Sub. for Sub. HB 2320; S. Sub. for HB 2356, S. Sub. for HB 2360; S. Sub. for S. Sub. for HB 2650 reported correctly engrossed May 12, 2010.

HB 2434, HB 2660 reported correctly re-engrossed May 12, 2010.

#### REPORT ON ENROLLED BILLS

HB 2130; S. Sub. for HB 2219; S. Sub. for S. Sub. for Sub. HB 2320; S. Sub. for HB 2356; S. Sub. for HB 2360; HB 2434; S. Sub. for HB 2506; S. Sub. for S. Sub. for HB 2650; HB 2660 reported correctly enrolled, properly signed and presented to the governor on May 17, 2010.

The hour for final adjournment having arrived, Speaker O'Neal said, "By virtue of the authority vested in me, as Speaker of the House of Representatives of the 2010 session, I do now declare the House adjourned sine die."

CHARLENE SWANSON, Journal Clerk.

SUSAN W. KANNARR, Chief Clerk.

#### MESSAGE FROM THE SENATE

The Senate announces the following bills and concurrent resolutions are hereby transmitted to the House of Representatives with final disposition:

House bills that died in conference: HB 2265, HB 2540, Sub HB 2575.

House bills that died in Senate Committees: Sub HB 2029, S Sub HB 2079, S Sub HB 2082, HB 2084, HB 2166, HB 2206, Sub HB 2238, HB 2239, HB 2275, HB 2280, HB 2299, HB 2319, HB 2325, Sub HB 2340, HB 2383, HB 2388, Sub HB 2390, HB 2408, HB 2410, Sub HB 2428, HB 2442, Sub HB 2453, HB 2463, HB 2471, HB 2473, HB 2478, HB 2484, HB 2491, HB 2510, HB 2519, HB 2520, Sub HB 2521, HB 2548, HB 2572, HB 2578, HB 2601, HB 2620, HB 2621, HB 2637, HB 2667, Sub HB 2669, HB 2671, HB 2685, Sub HB 2689, HB 2729.

House concurrent resolutions that died in Senate Committee: HCR 5008, HCR 5026, HCR 5034.

#### MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor 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, was read before the Senate on May 28, 2010.

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 lineitem 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(1) 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:

*Provided*, That expenditures may be made from this account or any special revenue fund of the above named agency for the purposes of bathymetic 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

Dated: May 27, 2010

Members were given the opportunity to reconsider the line item vetoes. There being no motion to reconsider the line items vetoes on **H Sub for SB 572**, the President ruled the line item vetoes sustained.

CHARLENE SWANSON, Journal Clerk.

SUSAN W. KANNARR, Chief Clerk.

## TITLE AND HISTORY

OF

# HOUSE BILLS

# HOUSE RESOLUTIONS

### SHORT TITLE AND HISTORY OF HOUSE BILLS

**H 2005.** KAN-ED funding; Kansas universal service fund. (Legislative Educational Planning Committee)

Introduced—14

Referred-14, 49

**H 2006.** State educational institutions; recruitment of payment of moving expenses. (Legislative Educational Planning Committee)

Introduced—14

Referred-15, 815

**H 2009.** Exception to property tax exemption for certain transmission lines and appurtenances. (Gatewood, D.)

Introduced—14

Referred-15

**H 2011.** Abortion; reporting; late term abortions reporting. (Siegfreid)

Introduced—14

Referred—15, 54

Report of committee—241

Committee of whole report—1196

**H 2012.** Establishing a deadline for the court of appeals to decide appeals from administrative orders of the state corporation commission. (Energy and Utilities)

Introduced—23

Referred—47

H 2013. Establishing renewable portfolio standards for public utilities. (Energy and Utilities)

Introduced—23

Referred-47

**H 2015.** Establishing energy efficiency standards for certain owned and leased property, equipment and vehicles. (Energy and Utilities)

Introduced—24

Referred—47

**H 2016.** Establishing limits for mercury, nitrogen oxide and sulfur dioxide from certain emissions units. (Energy and Utilities)

Introduced—24

Referred-47

**H 2017.** Establishing a deadline for decisions by the state corporation commission. (Energy and Utilities)

Introduced—24

Referred-47

**H 2018.** Workers compensation insurance rates. (Joint Committee on Economic Development)

Introduced—46

Referred—48

**H 2019.** Medicaid eligibility requirements; allow collateral assignment of life insurance proceeds. (Taxation)

Introduced—46

Referred-48, 61

**H 2020.** Establishing the renewable energy incentive program. (Energy and Utilities)

Introduced—47

Referred—48

**H 2021.** Listing factors to be weighed by the state corporation commission when granting a certificate of public convenience to an electric utility. (Energy and Utilities)

Introduced—47

Referred-48

**H 2022.** Sub. for H 2022 by Committee on Appropriations — Omnibus appropriation act and omnibus reconciliation spending limit bill for the 2009 regular session. (Appropriations)

Introduced—47, 666

Referred—48

Report of committee-666

**H 2024.** Requiring the KCC to coordinate with the Southwest Power Pool to create a statewide balancing authority and statewide pricing zone. (Energy and Utilities)

Introduced—48

Referred—50

**H 2025.** Creation of an independent electric transmission company in Kansas. (Energy and Utilities)

Introduced—48 Referred—50

**H 2027.** Granting cities' power to relinquish authority over natural gas and water utilities. (Mast)

Introduced—50

Referred-52

**H 2028.** Continuation of the franchise tax. (Taxation)

Introduced—50

Referred-52

**H 2029.** Sub. for HB 2029 by Committee on Local Government — Annexation procedures; deannexation, board of county commissioners duties, election required, when. (Local Government)

Introduced—52, 179; **SJ**—300 Referred—54, 223, 224; **SJ**—316 Report of committee—179 Committee of whole report—274

Final Action-278

**H 2030.** Cities; annexation; board of county commissioners; agriculture land restriction. (Eminent Domain in Condemnation of Water Rights)

Introduced - 52

Referred—54

**H 2031.** Cities; annexation; board of county commissioners decision; election required. (Eminent Domain in Condemnation of Water Rights)

Referred-54

**H 2033.** Requiring utilities to become members of the climate registry. (Energy and Utilities)

Introduced—52

Referred—54

**H 2034.** Requiring utilities to develop means of reducing greenhouse gas emissions. (Energy and Utilities)

Introduced—52

Referred-54

**H 2035.** Permitting members of large electric cooperatives to elect to be exempt from regulation by the KCC. (Energy and Utilities)

Introduced—52

Referred-54

**H 2036.** Granting the state corporation commission authority to convene stakeholders to study energy efficiency and storage issues. (Energy and Utilities)

Introduced-52

Referred-54

**H 2037.** Broadband deployment assistance program. (Energy and Utilities)

Introduced—52

Referred-54

**H 2038.** Establishing fossil-fuel electric generation standards and evaluating renewable, distributive generation and transmission technology. (Energy and Utilities)

Introduced—52

Referred—54

**H 2039.** S Sub for H 2039 by Committee on Judiciary — Duties of sheriffs, undersherifs and county clerks. (Schwab)

Introduced—52; **SJ**—190

Referred—54; **SJ**—198

Report of committee—144; SJ—1228

Committee of whole report—169; SJ—1237

Final Action—175; **SJ**—1243

Further action of House—1296, 1356

Further action of Senate—SJ—1285, 1314

Enrolled-1390

Action of Governor-1382

**H 2040.** Giving the Kansas parole board the authority to defer certain subsequent parole hearings for up to 20 years. (Schwab)

Introduced—52

Referred—54, 223, 224

Report of committee-144

H 2041. Title insurance, amending K.S.A. 40-2404. (Commerce and Labor)

Introduced—52

Referred—54

**H 2042.** Uniform electronic transactions act; failure to register unlawful. (Jt Comm on Administrative Rules and Regulations)

Introduced—53

Referred-60

**H 2043.** Establishing the net metering and easy connection act for wind generation. (Energy and Utilities)

Introduced—53

Referred—60

**H 2044.** Insurance; payment of premium by terminated employee. (Jt Comm on Administrative Rules and Regulations)

Introduced—54

Referred-60

**H 2046.** Time of payment and making a return pursuant to the Kansas mineral severance tax act. (Taxation)

Introduced—54

Referred—60

**H 2047.** Continuation of Kansas estate tax act. (Taxation)

Introduced—54

Referred—60

**H 2048.** Sales tax exemption for the All American Beef Battalion, Inc. (Taxation)

Introduced-54

Referred-60

**H 2049.** Hunter safety orientation programs in schools. (Agriculture and Natural Resources)

Introduced—54

Referred—60

**H 2051.** Establishing the net metering and easy connection act for solar generation. (Energy and Utilities)

Introduced-54

Referred—60

H 2053. Repealing the Kansas insurance score act. (Insurance)

Introduced-54

Referred—60

**H 2055.** Health care for seniors fund; senior services fund; disposition of additional lottery proceeds. (Aging and Long-term Care)

Introduced—57

Referred-61

H 2056. Health care for seniors fund; disposition of additional tobacco litigation settlement proceeds. (Aging and Long-term Care)

Introduced—57

Referred—61

H 2057. Enacting geriatric mental health act; establishing a geriatric mental health program. (Aging and Long-term Care)

Introduced—57

Referred-61

H 2058. Health care for seniors fund; disposition of sales tax and compensating use tax proceeds. (Aging and Long-term Care)

Introduced—57

Referred—61

**H 2061.** Board of professional educators.

Introduced—58

Referred—61

H 2062. Cereal malt beverages; alcohol content, regulation by ABC, retailers authorized to sell, taxation. (Federal and State Affairs)

Introduced—58

Referred-61

H 2064. Light pollution; night sky protection act. (Energy and Utilities)

Introduced-58

Referred—61

**H 2065.** Intensive groundwater control areas: hearing procedure. (It Comm on Administrative Rules and Regulations)

Introduced—58

Referred-61

H 2069. State government; reduction in legislative pay and hours of work for certain executive branch positions; concerning nonessential state owned buildings. (Otto)

Introduced—61

Referred—64

**H 2070.** Repeal of the income tax credit under the Kansas community services program act. (Taxation)

Introduced—61

Referred—64

**H 2071.** Validation of election granting sales tax authority for Rawlins county. (Taxation)

Introduced—61

Referred—64

**H 2073.** Sub. for H 2073 by Select Committee on KPERS - KPERS, employment after retirement restrictions and requirements apply to retirants employed by a third-party entity. (It Comm on Pensions, Investments and Benefits)

Introduced—61, 567

Referred—64, 638

Report of committee—567

H 2074. Interest and penalties and redemption procedures related to certain real property upon which real property taxes are delinquent. (Taxation) Introduced—61

Referred—64

H 2075. Sub. for H 2075 by Committee on Insurance - Providing for colorectal cancer screening insurance coverage study. (Wolf, K., Benlon, Bowers, Brookens, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Feuerborn, Frownfelter, Furtado, Garcia, Gatewood, D., Gatewood, S., George, Goyle, Grange, Grant, Hawk, Hill, Hineman, Horst, Huntington, Kleeb, Lane, Loganbill, Lukert, Maloney, McCray-Miller, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Ruiz, Sawyer, Sloan, Spalding, Svaty, Swanson, Swenson, Tietze, Trimmer, Vickrey, Wetta, Williams, Winn, Wolf, B., Worley)

Introduced—63, 361

Referred—68, 182, 224, 638

Report of committee—361

**H 2076.** Woman's-right-to-know act; amending K.S.A. 65-6709. (Kinzer)

Introduced—63

Referred-68

H 2077. Elections; voters; photo identification required; free photo identification, certain persons. (Elections)

Introduced—63

Referred-68, 251

Report of committee-185

Committee of whole report—204

**H 2078.** Income tax treatment of net operating loss carryback on the sale of certain hotels. (Assessment and Taxation)

Introduced—64

Referred—69

H 2079. S Sub for H 2079 by Committee on Ethics and Elections — Making judge and justice retention elections subject to campaign ethics rules and limiting campaign contributions to such judges. (Assessment and Taxation)

Introduced—64; SI—217

Referred—1201; **SJ**—235, 762, 1201, 1282

Report of committee—160; SJ—338, 1226

Committee of whole report—190; SJ—1255 Final Action—196

H 2082. S Sub for H 2082 by Committee on Ethics and Elections — Campaign finance; electioneering communications; reporting. (Federal and State Affairs)

Introduced—65; **SJ**—988

Referred—68; SJ—993, 1129, 1282

Report of committee—292; SJ—1169

Committee of whole report—867

Final Action—875

**H 2083.** Historical preservation; removal of environs review. (Local Government)

Introduced-65

Referred-68, 194, 224

**H 2084.** Cities; annexation; strip annexations restricted. (Wetta, DeGraaf)

Introduced—65; **SJ**—327

Referred-68, 223, 224; SJ-337

Report of committee—188

Committee of whole report—286

Final Action-299

**H 2086.** An act relating to composition of the veterans claims assistance advisory board. (Veterans, Military, and Homeland Security)

Introduced—65

Referred—69

**H 2087.** Kansas professional employer organization licensing act. (Insurance)

Introduced-65

Referred-68, 182

**H 2088.** Insurance, reimbursement for certain services. (Insurance)

Introduced—65

Referred—68

**H 2089.** Life insurance, valuation of policies, reserves. (Insurance)

Introduced—65

Referred-68

**H 2090.** KPERS, option for affiliation by counties for county detention officers; normal retirement date; associated costs. (Jt Comm on Pensions, Investments and Benefits)

Introduced—66

Referred-74

**H 2093.** Supplemental appropriations for FY 2009, FY 2010 and FY 2011 for state agencies, reducing expenditure authorizations. (Appropriations)

Introduced-67

Referred—74

**H 2094.** 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. (Appropriations)

Introduced—67

Referred-74, 152

**H 2095.** School finance; capital outlay levy for utilities and insurance; no-fund warrants to pay teachers' salaries and benefits; cash-basis law, exemption; LOB authority. (Appropriations)

Introduced—67

Referred—74, 638

Report of committee—200

**H 2100.** Unlawful sexual relations includes clergy when victim is being counseled. (Corrections and Juvenile Justice)

Introduced—67

Referred—74

**H 2101.** School districts; supplemental general state aid for certain districts. (Education)

Introduced—67

Referred-74

**H 2103.** School districts; low enrollment weighting; districts with less than 200 pupils. (Education)

Introduced—67

Referred—74, 223

Report of committee—159

Committee of whole report—176

**H 2104.** Schools; low enrollment weighting, limitation relating to high and medium density at-risk pupil weightings. (Education)

Introduced—67

Referred—74

**H 2105.** Teacher and administrator contracts; notice of non-renewal. (Education)

Introduced—67

Referred—74, 173, 182, 321

**H 2106.** Increasing earnings limitation for employment after retirement by a KPERS retirant with a KPERS participating employer. (Higher Education)

Introduced-67

Referred-74

**H 2107.** 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. (Higher Education)

Introduced—67; **SJ**—1231

Referred—74; SJ—1239

Report of committee—1117; SJ—1302

Committee of whole report—1170; SJ—1302

Final Action—1189; **SI**—1313

Enrolled—1390

Action of Governor—1382

**H 2108.** Income tax credit for qualified tuition and related expenses. (Higher Education)

Introduced—67

Referred-74

**H 2109.** Kansas uniform health care decisions act. (Judiciary)

Introduced—67

Referred—74

**H 2112.** Consumer protection; application of act; definition of consumer; civil penalties; private remedies. (Judiciary)

Introduced—68

Referred-74

H 2113. Assault and battery against court services officers. (Judiciary)

Introduced—68

Referred-74

**H 2114.** Uniform commercial code, payment of year old check. (Financial Institutions)

Introduced—68

Referred-74

H 2115. S Sub. for H 2115 by Committee on Utilities — late term abortion reporting. (Energy and Utilities)

Introduced—68; **SJ**—200

Referred—74; **SJ**—216

Report of committee—160; SJ—409

Subsidiary motions—1407, 1410

Committee of whole report—SJ—514

Final Action—182; **SI**—527

Further action of House—729, 1276, 1308, 1371, 1405, 1411

Further action of Senate—SI—542, 878, 1294, 1315, 1426

Enrolled—1390

Action of Governor—1382

H 2116. Requiring the state corporation commission to annually update base load projections; also requiring utilities to establish energy efficiency and loan management programs. (Energy and Utilities)

Introduced-68

Referred-74

**H 2117.** Requiring utilities to develop retail tariffs for electricity generated from wind. (Energy and Utilities)

Introduced—68

Referred-74

H 2118. Social worker safety training. (Health and Human Services)

Introduced—68

Referred—74

H 2119. Tax on wages paid by employer convicted of hiring guest workers. (Otto)

Introduced—68

Referred—74

H 2120. Creating the Kansas tourism corporation. (Economic Development and Tourism)

Introduced—68

Referred—74

H 2122. Highway advertising control act. (Otto) Introduced—68

Referred—74

**H 2123.** Court of appeals judges appointed, by governor, subject to senate confirmation; creating a court of appeals nominating commission to evaluate nominees and make recommendations to the governor. (Judiciary)

Introduced—71

Referred—78

H 2124. Subdivisions; blanket easements void; exceptions. (Local Government)

Introduced—71

Referred—78, 152, 173

H 2125. Requiring receipt for paid real estate tax before recording certain documents. (Local Government)

Introduced—71; **SI**—238

Referred—78; SJ—240

Report of committee—188; SJ—973

Committee of whole report—200

Final Action—207; **SJ**—1008

Enrolled—948

Action of Governor—980

H 2127. Establishing the renewable energy standards act and net metering and easy connection act, and establishing energy efficiency standards for state buildings. (Energy and Utilities) Introduced—71

Referred—78

H 2128. Providing for assignment of insurance payments for medical services. (Insurance)

Introduced—71

Referred—78

H 2129. Driver's licenses, classes thereof; farm registered vehicles. (Transportation)

Introduced—74

Referred—78

H 2130. Regulating traffic; primary seat belt law, penalty. (Transportation)

Introduced—74; **SJ**—238

Referred—78; SJ—240, 340, 490, 564, 582, 587 Report of committee—171; SJ—333, 362, 491,

Committee of whole report—217; SI—611

Final Action—218; **SJ**—611

Further action of House—590, 1254, 1394, 1835

Further action of Senate—SI—700, 1582

Enrolled—1841

Action of Governor—1840

H 2132. Regulating traffic; prohibiting certain texting. (Transportation)

Introduced—74

Referred-78

H 2133. Right-of-way violations, increased penalties. (Transportation)

Introduced—75

Referred-78

H 2135. Regulating traffic, proceeding on red light. (Transportation)

Introduced—75

Referred—78

H 2136. Drivers' licenses, written examination, alcohol and drug test for certain drivers. (Mast)

Introduced—75

Referred-78

H 2137. Removal of county designation on license plates. (Burroughs)

Introduced—75

Referred—78

H 2138. Providing for the Kansas military family license plate. (Veterans, Military, and Homeland

Introduced—75

Referred—78

H 2139. Disposition of district court fines, penalties and forfeitures; percentage credited to department of corrections alcohol and drug abuse treatment fund. (Appropriations)

Introduced—75

Referred—78, 152

Report of committee-185

H 2140. Federal nontaxable distributions from KPERS retirement benefits to provide retired public safety officers a source to pay for health insurance premiums. (Appropriations)

Introduced—75

Referred—78

H 2141. Employment security law, benefits; school bus drivers. (Commerce and Labor)

Introduced—75

Referred—78

H 2144. Establishing the community defense act. (Judiciary)

Introduced—77

Referred-82, 223

Report of committee—188

H 2145. Traffic regulation; failure to comply with traffic orders or directions. (Transportation) Introduced—77

Referred—82

H 2148. State capitol; grounds; preservation committees. (Federal and State Affairs)

Introduced—77

Referred-82

**H 2149.** The Kansas immigration accountability act. (Federal and State Affairs)

Introduced—77

Referred—82

H 2150. Property taxation; 2% limit on valuation increases. (Brunk, Brown, A., Carlson, Crum, DeGraaf, Donohoe, Goico, Grange, Hermanson, Holmes, M., Horst, Huebert, Jack, Kerschen, Kiegerl, Kinzer, Landwehr, McLeland, Myers, O'Brien, Olson, Patton, Peck, Rhoades, Siegfreid)

Introduced—77

Referred—82

**H 2151.** Establishing a license plate production fee. (Transportation)

Introduced—78

Referred-82

H 2153. Schools; national school psychologist certification incentive program. (Education)

Introduced—78

Referred—82

H 2154. Conduct and offenses giving rise to forfeiture; adding prostitution and related offenses. (Worley)

Introduced—78

Referred-82, 223, 224

Report of committee—188

H 2156. Legislature; prohibiting legislators from holding other paid elected positions. (Local Government)

Introduced-78

Referred—82, 126

H 2159. Insurance settlement payments, mortgage holder and mortgagor. (Insurance)

Introduced—78

Referred-82

H 2160. S Sub for H 2160 by Committee on Financial Institutions and Insurance — Insurance; coverage for autism. (Insurance)

Introduced—78; **SJ**—988

Referred—82, 223, 224; SJ—993

Report of committee-186; SJ-1198

Committee of whole report—866; SJ—1221

Final Action—875; **SJ**—1223

Further action of House—1193, 1379

Further action of Senate—SI—1231

Enrolled-1390

Action of Governor—1383

H 2161. Fees collected by state board of healing arts. (Health and Human Services)

Introduced—80

Referred—82

**H 2163.** Duties of registered nurse anesthetists. (Health and Human Services)

Introduced—80 Referred-82

**H 2166.** Health exceptions to the prohibition of late-term and partial birth abortions. (Huebert)

Introduced—80; **SJ**—1239

Referred—82; SJ—1258

Report of committee—241

Committee of whole report—1204

Final Action—1224

H 2167. Landowners' bill of rights, utility company work on property. (Judiciary)

Introduced—80

Referred-82

H 2168. Criminal use of weapons; allowing firefighters to carry switch-blade knives while engaged in the duties of their employment. (Judiciary)

Introduced—80

Referred—82

**H 2169.** Military installations, land use and zoning ordinances for buffer areas. (Veterans, Military, and Homeland Security)

Introduced—80

Referred-82, 173, 182, 350

**H 2170.** Combat veteran and legion of merit decals for license plates. (Veterans, Military, and Homeland Security)

Introduced—80

Referred—82

**H 2173.** Income tax credit for certain adoption expenses. (Taxation)

Introduced—81

Referred-82

**H 2174.** Exclusion of certain social security benefits from Kansas adjusted gross income for income tax purposes for married couples filing a joint return or separate returns. (Taxation)

Introduced—81

Referred—82

**H 2175.** Repealing statute which provides penalty for misclassification of employees. (Taxation)

Introduced-81

Referred—82, 638

Report of committee—179

**H 2176.** Sales tax exemption for Stephanie Waterman Tennis Foundation. (Taxation)

Introduced-81

Referred—82

**H 2177.** State water plan fund fee increases. (Appropriations)

Introduced—82

Referred-88

**H 2178.** Abolishing Kansas turnpike authority, transferring to Kansas department of transportation. (Appropriations)

Introduced—82

Referred—88

 $\begin{tabular}{ll} $H$ \end{tabular} $\bf 2179. $ Low-income family postsecondary savings accounts incentive program. (Appropriations) \\ \end{tabular}$ 

Introduced—82

Referred—88

**H 2180.** S Sub for H 2180 by Committee on Federal and State Affairs — Amendments to the Kansas expanded lottery act. (Appropriations)

Introduced—82; **SJ**—537

Referred—88; **SJ**—540

Report of committee-287; SJ-1260

Committee of whole report—432; SJ-1563

Final Action—442; **SJ**—1578

**H 2181.** At-risk moneys; limitation on use for teacher salaries and benefits. (Legislative Post Audit Committee)

Introduced—82

Referred—88

**H 2182.** Requiring the Kansas air quality act to be consistent and uniform with the federal clean air act. (Energy and Utilities)

Introduced—82

Referred—88

**H 2183.** School districts; capital improvement and capital outlay state aid. (Education)

Introduced—85

Referred—112

**H 2184.** Schools; Abstinence Plus (A+) Education Act. (Education)

Introduced—85

Referred—112

**H 2186.** Exceptions from amusement ride operation requirements for home-owned amusement rides. (Federal and State Affairs)

Introduced-85

Referred—112

H 2187. Kansas expanded lottery act; regarding racetrack gaming facility management and investment in lottery gaming facilities. (Federal and State Affairs)

Introduced-85

Referred-112

**H 2189.** Sales tax exemption for golden belt community concert association. (Taxation)

Introduced—85

Referred-112

**H 2190.** Sales tax exemption for Steve King foundation. (Taxation)

Introduced—85

Referred—112

**H 2191.** Income tax credit for certain services by volunteer firefighters or volunteer EMS providers. (Taxation)

Introduced—85

Referred-112

**H 2192.** Sales tax exemptions for Kansas state firefighters association. (Taxation)

Introduced—85

Referred—112

**H 2194.** State use law; school districts; exception. (Government Efficiency and Fiscal Oversight)

Introduced—85

Referred-112

**H 2195.** State records; maintenance and certification of electronic records; electronic copies of court documents. (Government Efficiency and Fiscal Oversight)

Introduced—85; SJ—238

Referred—112; SJ—240

Report of committee—171; SJ—491

Subsidiary motions—874

Committee of whole report—217; SJ—794

Final Action—219; SJ—795

Further action of House—697, 865, 874, 970

Further action of Senate—**SJ**—800, 886, 988, 1029

Enrolled—1024

Action of Governor—1031

**H 2196.** Ending the property tax exemption for renewable energy resources and technologies with the 2009 taxable year. (Energy and Utilities)

Introduced—85

Referred-112

**H 2198.** Health insurance, plans for small employers; cafeteria plans; high deductible plans. (Health and Human Services)

Introduced—85

Referred-112, 223

Report of committee—179

H 2199. Concerning school districts and students with dyslexia. (Education)

Introduced—86

Referred-112, 182, 194

**H 2200.** Schools; transportation weighting formula. (Education)

Introduced-86

Referred-112

H 2202. Enforcement of laws concerning unlawful immigration. (Kinzer, Brown, A., Crum, Donohoe, Huebert, Kiegerl, Myers, Patton, Watkins) Introduced—86

Referred—112

**H 2203.** Requiring law enforcement to collect and report pornographic materials found at scene of or in possession of person who commits a sexually violent crime. (Kinzer)

Introduced—86

Referred—112

**H 2204.** Affidavits and sworn testimony in support of probable cause for issuance of warrant are open court records following execution of a warrant or summons; certain exclusions. (Judiciary)

Introduced—86 Referred—112

H 2205. Repeal of K.S.A. 76-731a, which grants residency for tuition purposes to certain unlawful

immigrants. (Kinzer, Brown, A., Donohoe, Huebert, Kiegerl, Mast, Myers, Otto, Patton, Peck)

Introduced—88

Referred-112

H 2206. Amendments to late term and partial birth abortion law. (Kinzer, Brown, A., Brunk, Donohoe, Faber, Goico, Huebert, Kiegerl, Knox, Lukert, Mast, McLeland, Meier, Myers, O'Brien, Olson, Otto, Patton, Pauls, Peck, Powell, Watkins, Williams)

Introduced—88; **SJ**—260

Referred—112; SJ—264

Report of committee—241

Committee of whole report—248

Final Action-252

**H 2208.** Requiring social and rehabilitation services to furnish a copy of all child in need of care information to county or district attorney. (Corrections and Juvenile Justice)

Introduced—88

Referred-112

**H 2209.** Limitations on fees charged to counties and the state. (Social Services Budget)

Introduced—88

Referred-112

**H 2210.** Child in need of care; jurisdiction in CINC proceedings. (Appropriations)

Introduced—88

Referred—112

**H 2211.** Child in need of care; placement of child in custody. (Appropriations)

Introduced—89

Referred—112

**H 2212.** Vehicle registration, trailers. (Appropriations)

Introduced—89

Referred—112

**H 2213.** Loan agreements pursuant to the veterinary training program for rural Kansas. (Agriculture and Natural Resources)

Introduced—89 Referred—112

H 2215. Political subdivision lobbying; use of

public funds prohibited. (Elections)

Introduced—111

Referred—116

**H 2216.** State contracts; registration as lobbyist required. (Elections)

Introduced—111

Referred—116

**H 2217.** Telephone solicitations; political calls; no-call list. (Swenson)

Introduced—111

Referred-116

**H 2218.** Healthy workplace act; abusive workplace environments. (Swenson, Burroughs, Crow, Davis, Flaharty, Garcia, Mah)

Introduced—111

Referred—116

**H 2219.** S Sub for H 2219 by Committee on Ways and Means — Moratorium on employer contributions for KPERS death and disabilities for fourth quarters of fiscal years 2010 and 2011. (Government Efficiency and Fiscal Oversight)

Introduced—111; **SJ**—238

Referred—116; **SJ**—240

Report of committee—185; SJ-338

Committee of whole report—203; SJ—414

Final Action—211; **SJ**—476

Further action of House—414, 1784, 1827

Further action of Senate—SJ—509, 1597 Enrolled—1841

Action of Governor—1840

**H 2220.** Regulation of certain licensed registered child care facilities. (Health and Human Services)

Introduced—111

Referred—116

**H 2221.** Smoking regulation. (Health and Human Services)

Introduced—111; **SJ**—200

Referred—116; SJ—216, 530, 537

Report of committee—160; SJ—389

Committee of whole report—176; SJ—559

Final Action—184; **SJ**—563

Further action of House-486, 1015

Further action of Senate—SJ—582

Enrolled—1035

Action of Governor—1102

**H 2222.** S Sub for H 2222 by Committee on Ways and Means—Supplemental appropriations for FY 2010 and 2011 for various state agencies. (Government Efficiency and Fiscal Oversight)

Introduced—113; **SJ**—238; **HJ**—843

Referred—116; **SJ**—240; **HJ**—843

Report of committee—185; **SJ**—935; **HJ**—889 Committee of whole report—204; **SJ**—958;

**HJ**—905

Final Action—212; SJ—961; HJ—911

Further action of House—914, 980

Further action of Senate—**SJ**—1014, 1056

Enrolled-1024

Action of Governor—1064

**H 2223.** Family day care homes registration repealed. (Health and Human Services)

Introduced—113

Referred-116

**H 2224.** Compressed air energy storage. (Energy and Utilities)

Introduced—113

Referred—116

**H 2225.** Granting certain utilities the option to purchase power from new pulverized coal electricity generating facilities. (Energy and Utilities)

Introduced—113

Referred-116

**H 2226.** S Sub for H 2226 by Committee on Judiciary — Increasing traffic fines to fund the department of corrections alcohol and drug abuse treatment fund and the criminal justice information system line fund. (Kinzer)

Introduced—113; **SJ**—1025

Referred—116; **SJ**—1028, 1282, 1288

Report of committee—891; **SJ**—1297

Committee of whole report—918; SJ—1302

Final Action—923; **SI**—1313

Further action of House—1318, 1507

Further action of Senate—SJ—1337

Enrolled-1838

Action of Governor—1840

**H 2227.** School districts; autism scholarships. (Kinzer, Kiegerl)

Introduced—113

Referred—116

**H 2228.** Private postsecondary institutions eligibility for the Kansas comprehensive grant program. (Horst)

Introduced—113

Referred—116, 815

**H 2229.** Adult care home and medical care facilities resident and patient visitation rights. (Flaharty)

Íntroduced—113

Referred-116

**H 2230.** Establishment of advisory council on pain and symptom management. (Benlon)

Introduced—113

Referred—116

**H 2231.** Insurance, mental health parity. (Health and Human Services)

Introduced—113

Referred—116

H 2234. Sexual abuse, sex offenses, intent. (Corrections and Juvenile Justice)

Introduced—114

Referred-116

**H 2235.** Fleeing or eluding a police officer; criminal threat; aggravated criminal threat; presentence investigation report; criminal history. (Corrections and Juvenile Justice)

Introduced—114

Referred—116, 148, 298

Report of committee—169, 372

Committee of whole report—217

**H 2237.** Schools; vocational education courses. (Education)

Introduced—114

Referred-116

**H 2238.** H Sub for H 2238 by Committee on Commerce and Labor — Amending the fairness in private construction contract act and the fairness in public construction contract regarding retainage. (Commerce and Labor)

Introduced—114, 959; SJ—1100

Referred—116, 221, 271; SJ—1105

Report of committee—959

Committee of whole report—987

Final Action—993

**H 2239.** School districts; recording and reporting of receipts and expenditures; uniform chart of accounts. (Appropriations)

Introduced—114; **SJ**—1100

Referred—116, 321, 812; **SI**—1105

Report of committee—959

Committee of whole report—987

Final Action—993

H 2240. Amending the Kansas underground utility damage prevention act. (Appropriations)

Introduced—114

Referred—116

H 2242. State long-term care ombudsman; expanding the authority of the state long-term care ombudsman to advocate for otherwise qualified individuals not in long-term care facilities. (Sloan)

Introduced—115

Referred—126

**H 2245.** Fair credit reporting act, credit freeze. (Rardin, Bowers, Burgess, Burroughs, Flaharty, Frownfelter, Garcia, Henderson, Hill, Huntington, Kleeb, Kuether, Lukert, Maloney, McCray-Miller, Moxley, Pottorff, Prescott, Quigley, Spalding, Swanson, Tietze, Trimmer, Vickrey, Wetta, Winn, Wolf, K., Worley)

Introduced—116

Referred—126

H 2246. Cities; neighborhood organizations; nuisance actions for city code violations. (Taxation)

Introduced—116

Referred—126

H 2247. Cities; rehabilitation of abandoned houses; nonprofit corporations. (Taxation)

Introduced—116

Referred—126

H 2248. Sales tax exemption for certain organizations which provide services for seniors. (Trimmer. Wetta)

Introduced—116

Referred-126

H 2249. H Sub for H 2249 by Committee on Government Efficiency and Fiscal Oversight — Kansas whistleblower act; employee suggestion program. (Government Efficiency and Fiscal Oversight)

Introduced—121, 1182

Referred-126, 223, 224

Report of committee—186, 1182

H 2251. Creating the energy technology research initiative. (Energy and Utilities)

Introduced—121

Referred—126

H 2252. Postsecondary technical education, funding. (Holmes, M., George, Kelley)

Introduced—121

Referred—126, 173, 182, 815

H 2253. Enacting the homeowner's association act. (Local Government)

Introduced—121

Referred—126, 163, 173, 440

Report of committee—363

Committee of whole report—406

H 2254. Wildlife and parks, relating to lifetime licenses. (Veterans, Military, and Homeland Secu-

Introduced—121

Referred—126

**H 2255.** Providing for an I'm pet friendly license plate. (Meier)

Introduced—121

Referred—126

H 2256. Elections; allowing early voter registration for 14-17 year olds. (Talia)

Introduced—121

Referred—126

H 2257. Overtime compensation as time off for private employees; family-time flexibility agreements. (Talia)

Introduced-121

Referred—126

H 2261. Income tax deduction for certain amounts withdrawn from retirement account to pay qualifying business expenses of taxpayer's business. (Talia)

Introduced—121

Referred—126

H 2262. Health care insurance and health reimbursement arrangements. (Health and Human Services)

Introduced—121

Referred—126, 135, 182

H 2263. Establishing aggravated driving under the influence, modifying existing DUI statutes. (Kinzer, Jack)

Introduced—122

Referred—126

**H 2264.** Wrongful death actions; repealing caps on and after July 1, 2009. (Federal and State Affairs) Introduced—122

Referred—126

**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. (Legislative Post Audit Committee)

Introduced—122; **SJ**—238

Referred—126; **SJ**—240

Report of committee—178; SJ—290

Committee of whole report—203; SI—311

Final Action—212; SJ—314

Further action of House—307

Further action of Senate—SI—343

**H 2266.** Service members; relating to civil relief, enacting the Kansas military service relief act. (Tax-

Introduced—122

Referred-126

**H 2268.** Prohibiting the sale of novelty cigarette lighters. (Federal and State Affairs)

Introduced—122 Referred—126

**H 2269.** Property tax exemption for certain housing for the elderly, persons with disabilities or low income housing owned by certain organizations. (Taxation)

Introduced-122

Referred—126

**H 2271.** Regulations for underground hydrocarbon storage wells. (Energy and Utilities)

Introduced—122

Referred—126

**H 2272.** Procedures for designation of an intensive groundwater use control area. (Appropriations)

Introduced—122

Referred—126

Report of committee—320

Committee of whole report—402

**H 2273.** State finance, zero-based budget process, state agency estimates, justification of programs and activities. (Government Efficiency and Fiscal Oversight)

Introduced—122

Referred—126, 246

**H 2274.** Providing for individual health policy, excluding certain mandates. (Insurance)

Introduced—122

Referred—126

**H 2275.** Establishing a program for drug screening for cash assistance recipients. (Kelley)

Introduced—122; **SJ**—507

Referred—126, 203, 299; SJ—532

Report of committee—344

Committee of whole report—403

Final Action—416

**H 2276.** Healthy marriages and strong families grant program based on the temporary assistance for needy family block grant. (Rhoades)

Introduced—124

Referred—126

**H 2277.** Reinstating the prevailing wage on state construction projects. (Appropriations)

Introduced—125 Referred—135

**H 2278.** Workers compensation; bilateral scheduled injuries under permanent partial disability. (Appropriations)

Introduced—125

Referred—135

**H 2279.** Workers compensation; increase in benefits. (Appropriations)

Introduced—125

Referred—135

**H 2280.** School districts; capital improvement and capital outlay state aid, reduction of; school bonds, approval prior to issuance, when; transfers of money from capital outlay fund. (Appropriations)

Introduced—125; **SJ**—1100

Referred—135, 321, 812; **SJ**—1105

Report of committee—941

Committee of whole report—982

Final Action—994

**H 2281.** Misclassification of employees. (Federal and State Affairs)

Introduced—125

Referred—135

**H 2282.** Rural water district release of land procedures. (Energy and Utilities)

Introduced—125

Referred—135, 163, 182

**H 2283.** Release of rural water district lands; city annexation of rural water district territory; designation of intensive groundwater use control areas. (Energy and Utilities)

Introduced—126; **SJ**—507

Referred—135, 163, 182; **SJ**—532

Report of committee—320; SJ—816

Committee of whole report—402; **SJ**—852

Final Action—417; SJ—853

Further action of House—820, 1095

Further action of Senate—SJ—968, 1121

Enrolled—1135

Action of Governor-1296

**H 2284.** Procedures for transfer of certain property of rural water districts. (Energy and Utilities)

Introduced—126 Referred—135

**H 2285.** Mechanism for debts owed to hospitals and health care providers to become debts owed to KDHE and eligible for setoff. (Health and Human Services)

Introduced—126

Referred-135

**H 2286.** Insurance; individual policies and the marketing thereof, closed block of business. (Health and Human Services)

Introduced—126

Referred—135

H 2288. Enacting the Kansas health care price transparency act. (Health and Human Services)

Introduced—130

Referred—135, 902, 923

**H 2289.** Insurance; mandate lite health benefit plans, specially designed policies. (Health and Human Services)

Introduced—130

Referred—135

**H 2290.** Small employer health insurance plans. (Health and Human Services)

Introduced—130 Referred—135

**H 2291.** Enacting the health care price transparency act. (Taxation)

Introduced—130

Referred—135

**H 2293.** Miki Alert: Requiring law enforcement to request local media venues to broadcast information about registered offenders. (Judiciary)

Introduced—131

Referred—135

**H 2294.** Kansas minimum wage law; minimum wage increase. (Appropriations)

Introduced—131

Referred-135

**H 2296.** Imposition of conservation fee on certain department of wildlife and parks licenses and permits and depositing proceeds in the state water plan fund. (Taxation)

 $Introduced \hbox{--} 131$ 

Referred—135

**H 2298.** Distance-learning educational credits for qualifications to take licensure examination by health care providers. (Higher Education)

Introduced—131

Referred-135, 815

**H 2299.** Sales taxation; relating to exemptions. (Taxation)

Introduced—131; **SJ**—337

Referred—135; **SJ**—340, 816, 932

Report of committee—258; SJ—404

Committee of whole report—301; SJ—471, 472

Final Action-305

**H 2300.** Sales tax exemption for resource conservation and development councils. (Taxation)

Introduced—131

Referred—135

 ${f H}$  2301. Enacting the elevator safety act. (Commerce and Labor)

Introduced—131

Referred—135

**H 2302.** Property tax exemption for certain housing for elderly persons. (Taxation)

Introduced—134

Referred—137

**H 2303.** Requiring notice of child in need of care proceedings to be provided to grandparents, adult relatives and other potential guardians. (Judiciary)

Introduced—134

Referred-136

**H 2304.** Providing for a share the road license plate. (Taxation)

Introduced—134

Referred—137

**H 2305.** Manufactured homes and mobile homes, treated as real property, when. (Taxation)

Introduced—134

Referred—136

**H 2306.** Four-part payment of property taxes for persons 65 years of age or older. (Taxation)

Introduced—134

Referred—137

**H 2307.** Schools; verification of income eligibility of at-risk pupils. (Education)

Introduced—134

Referred—136

**H 2309.** Requiring proof of legal access to property with application for water right. (Federal and State Affairs)

Introduced—134

Referred-136

**H 2310.** S Sub for H 2310 by Committee on Public Health and Welfare — Crematory operators, licensure, fees. (Federal and State Affairs)

Introduced—134; **SJ**—416

Referred—136, 153; **SJ**—478

Report of committee—319; **SJ**—1312

Committee of whole report—SJ-1334

Final Action—368; **SJ**—1334

Further action of House—1343, 1477

Further action of Senate—SJ—1353

Enrolled—1772

Action of Governor—1840

**H 2312.** Workers compensation; caps on benefits. (Federal and State Affairs)

Introduced—134

Referred-136

**H 2313.** Employment security law, time to respond to examiner's notice of claim and to notices of appeal. (Federal and State Affairs)

Introduced—134

Referred-136

**H 2314.** Enacting the protective parent reform act. (Judiciary)

Introduced—135

Referred—136

**H 2315.** Restricting driving privileges for persons for refusal, failure or high BAC in test to driving with ignition interlock devices. (Judiciary)

Introduced—135

Referred—136, 153, 243

**H 2316.** State employees; requiring an equal furlough plan across state agencies; effect on employee benefits. (Government Efficiency and Fiscal Oversight)

Introduced—135

Referred-136

**H 2317.** Requiring certain agencies and entities to report their budgets to the director of the budget. (Government Efficiency and Fiscal Oversight)

Introduced—135 Referred—137

**H 2318.** Defining participating member of a rural water district, requirements on water districts. (Energy and Utilities)

Introduced—135

Referred-136

**H 2319.** Determination of fair market value of certain rental property for property tax purposes. (Taxation)

Introduced—135; **SJ**—327

Referred—137; **SJ**—337

Report of committee-258

Committee of whole report—280

Final Action-285

**H 2320.** S Sub for S Sub for Sub H 2320 by Committee on Ways and Means — Assessments of quality assurance fee on skilled nursing care facilities to improve the quality of care. (Government Efficiency and Fiscal Oversight)

Introduced—136, 203; SJ—300

Referred—141, 223, 224; **SJ**—316, 1302

Report of committee—203; **SJ**—1247, 1537

Committee of whole report—217, 273; **SJ**—1577

Final Action—279; SJ—1579

Further action of House—1836

Enrolled-1841

Action of Governor—1840

**H 2322.** In a wrongful death action, person also means an unborn child. (Federal and State Affairs)

Introduced—140

Referred—148

**H 2323.** Adult care homes, home health agencies; employees; criminal history information. (Federal and State Affairs)

Introduced—140; **SJ**—507

Referred—148; **SJ**—532

Report of committee—319; SJ—1101

Committee of whole report—407; SJ—1118

Final Action—417; **SJ**—1122

Further action of House—1096

Enrolled—1135

Action of Governor-1296

**H 2325.** Clarification of county sales tax rate authority. (Taxation)

Introduced—148; **SJ**—340

Referred—152; **SJ**—358

Report of committee—276

Committee of whole report—307

Final Action—316

**H 2326.** Landowner approval requirements related to creation of transportation development district. (Taxation)

Introduced—148

Referred—152

H 2327. Increasing the rate of taxation upon cigarettes and tobacco products and creating the Kansas health reform fund. (Taxation)

Introduced—148

Referred—152

**H 2328.** Sales tax exemption for certain purchases of school supplies, computers and clothing and exemption for Kansas wildscape foundation, inc. (Taxation)

Introduced—148

Referred—152

Report of committee-363

Committee of whole report—406

**H 2329.** Health insurance; concerning claims for medical procedures and implants approved by the FDA. (Appropriations)

Introduced—151

Referred-152

**H 2330.** Classification of bed and breakfast homes as residential property for property tax purposes. (Appropriations)

Introduced—151

Referred-152

**H 2332.** Recodification of certain drug crimes; quantities of drugs; proportionality of sentencing. (Federal and State Affairs)

Introduced—160

Referred-163

Report of committee—274

**H 2333.** Creating the crime of use of a controlled substance endangering a child. (Federal and State Affairs)

Introduced—161

Referred—163

**H 2334.** Consecutive sentencing for off-grid and on-grid convictions. (Federal and State Affairs)

Introduced—161

Referred-163

**H 2335.** Repealing the crime of domestic battery; battery includes domestic battery; domestic violence designation on criminal offenses; pleas. (Federal and State Affairs)

Introduced—161

Referred—163

**H 2336.** Sales tax exemption for MidAmerica Minority Business Development Council. (Taxation)

Introduced—161

Referred—163

**H 2337.** Sales tax exemption for Kansas legal services, inc. (Taxation)

Introduced—161

Referred—163

**H 2338.** Schools; personal financial literacy. (Taxation)

Introduced—161

Referred—163

H 2340. Sub. for H 2340 by Committee on Corrections and Juvenile Justice — Legislative review of parole board factors and rationale for granting or denying parole. (Appropriations)

Introduced—161, 374; **SJ**—537 Referred—163; SJ—540, 1239

Report of committee—374

Committee of whole report—433

Final Action—443

H 2341. Requiring state agencies to use moneys appropriated for employees salaries on state employee salaries. (Appropriations)

Introduced—161 Referred—163

H 2342. Establishing a special season for archery for taking of deer within Shawnee Mission park. (Appropriations)

Introduced—161

Referred-163

H 2344. Insurance coverage for special dietary formulas. (Appropriations)

Introduced—162

Referred—163

H 2345. Sub. for H 2345 by Committee on Insurance — Authorizing the insurance commissioner to adopt rules and regulations to regulate the formation of insurance companies regulating payments from property insurers, and prohibiting deceptive acts in connection with consumer transactions. (Appropriations)

Introduced—162, 1022; **SJ**—1152

Referred—163; SJ—1166

Report of committee—1022; SI—1215

Committee of whole report—1070; SJ—1265

Final Action—1077; **SI**—1281

Further action of House—1308, 1314

Further action of Senate-SJ-1297

Enrolled-1390

Action of Governor—1382

H 2346. Sales tax exemption for Kansas hunters feeding the hungry, inc. (Taxation)

Introduced—171

Referred—173

H 2347. Expiration of driver's licenses, spouse and children of military personnel. (Appropriations) Introduced—172

Referred—173

**H 2348.** Imposition of sales tax on rendering or furnishing of services; rates. (Taxation)

Introduced—180

Referred—181

H 2349. Exclusion of certain social security benefits from Kansas adjusted gross income for income tax purposes for married couples filing a joint return. (Taxation)

Introduced—180

Referred—181

H 2350. Right of participation of persons licensed to practice medicine and surgery as providers in health benefit programs. (Appropriations)

Introduced—180

Referred-181, 251

H 2351. Abolishing the death penalty. (Appropriations)

Introduced-188

Referred-194

H 2352. Sales taxation of certain dues and fees and charges by certain nonprofit organizations. (Taxation)

Introduced—194

Referred—206

H 2353. S Sub for H 2353 by Committee on Assessment and Taxation-Validation of election granting sales tax authority for Chautauqua county. (Taxation)

Introduced—194; SJ—507

Referred—206; SI—532

Report of committee—276; SJ—935

Committee of whole report-355, 402; SJ-958

Final Action—417; **SJ**—961

Further action of House—851, 912

Further action of Senate—SI—970, 1001

Enrolled-948

Action of Governor—980

H 2355. Limitation on outstanding principal of state general fund bonded debt. (Appropriations)

Introduced—229

Referred—239

H 2356. S Sub for H 2356 by Committee on Public Health and Welfare — Child care; supervision of children and licensure and inspection of child care facilities. (Appropriations)

Introduced—229; **ŠJ**—537

Referred—239; **SI**—540

Report of committee-344; SJ-1286

Committee of whole report—406, 433; SI—

Final Action—443; **SI**—1313

Further action of House—1318, 1821

Further action of Senate—SI-1337, 1593

Enrolled-1841

Action of Governor—1840

H 2357. School districts; calculation of at-risk pupil enrollment. (Appropriations)

Introduced—238

Referred—239

H 2358. Creating the investment in Kansas employment act. (Taxation)

Introduced—239

Referred-244, 246

**H 2360.** S Sub for H 2360 by Committee on Ways and Means — Sales tax rate increase revenue distribution and refunds on sales of food; income tax credits; and the Kansas taxpayer transparency act. (Appropriations)

Introduced—248; **SJ**—507

Referred—251, 271; SJ—532, 1403

Report of committee—343; SJ—1392

Subsidiary motions—1512, 1512

Committee of whole report—402; SJ—1496

Final Action—418; **SJ**—1536

Further action of House—1815

Enrolled—1841

Action of Governor-1840

**H 2361.** Federal stimulus act, review and evaluation. (Appropriations)

Introduced—248

Referred-251

**H 2362.** Extending season to take deer, fees for certain licenses and permits issued by the secretary of wildlife and parks, feed the hungry fund. (Appropriations)

Introduced—248

Referred-251

**H 2363.** SRS prohibited from placing more than six sexually violent predators in any one county on transitional release or conditional release. (Appropriations)

Introduced—255

Referred-257

**H 2364.** Court procedure; time limitations for filing. (Appropriations)

Introduced—255; **SJ**—1025

Referred—257; **SJ**—1028

Report of committee—894; SJ-1130

Committee of whole report—918

Final Action—923; **SJ**—1154

Enrolled—1135

Action of Governor—1218

**H 2367.** Insurance coverage; autism. (Federal and State Affairs)

Introduced—257

Referred—260

Subsidiary motions-570, 666

**H 2368.** Sales tax exemption for certain non-profit organizations. (Taxation)

Introduced—257

Referred-260

**H 2370.** Priority for payment of salaries and wages for state officers and employees payroll obligations. (Appropriations)

Introduced—262

Referred-267, 271

**H 2371.** Taxation of motor vehicles; relating to exemptions for certain disabled veterans. (Appropriations)

Introduced—262

Referred—267

**H 2372.** Construction contracts; professional services. (Appropriations)

Introduced—262

Referred—267

**H 2375.** School districts; capital improvements state aid. (Taxation)

Introduced—263

Referred—267

**H 2376.** Emergency management; immunity from liability. (Appropriations)

Introduced—269

Referred-271

**H 2377.** Kansas pet animal act; transferring duties and powers. (Appropriations)

Introduced—269

Referred—271

**H 2378.** Public utility defined for property tax purposes related to natural gas inventories. (Taxation)

Introduced-271

Referred—277

**H 2379.** Valuation of land devoted to agricultural use under Kansas estate tax act. (Taxation)

Introduced—271

Referred—277

**H 2380.** Taxation of motor vehicles; relating to exemptions for certain members of military service. (Taxation)

Introduced—271

Referred—277

**H 2381.** Adjusting docket fees for FY 2009 and FY 2010. (Appropriations)

Introduced—282

Referred—284

**H 2382.** Enacting 2010 transportation plan. (Taxation)

Introduced—283

Referred-298

Report of committee—363

**H 2383.** Transferring moneys from certain fee funds to the state general fund. (Appropriations)

Introduced—283; **SI**—507

Referred—298; SJ—532, 1388

Report of committee—358

Committee of whole report—407

Final Action—418

H 2384. State water plan fund. (Appropriations) Introduced—296

Referred—304

**H 2385.** Commissioner of juvenile justice to convey certain land to the Kansas department of wildlife and parks. (Appropriations)

Introduced—303

Referred-314, 828

**H 2386.** Department of health and environment; establishing certain funds. (Appropriations)

Introduced—303

Referred-314

**H 2387.** Emergency medical services board operating fund and fire service training program fund pay the 20% reimbursement to the state general fund for administrative costs. (Appropriations)

Introduced-314

Referred-321

Report of committee-1100

**H 2388.** Qualifying investments under the county business restoration assistance program. (Taxation)

Introduced—321; **SJ**—751

Referred—350; SI—756

Report of committee—413

Committee of whole report-519

Final Action—571

**H 2389.** Vehicle title loans; regulations thereof. (Federal and State Affairs)

Introduced—347

Referred-350

**H 2390.** Sub. for H 2390 by Committee on Insurance-Requiring insurance companies that use credit scoring to determine rates to allow for exceptions for extraordinary life circumstances that cause adverse credit scoring. (Appropriations)

Introduced—347, 1022; **SJ**—1167

Referred—350; SJ—1185

Report of committee—1022

Committee of whole report—1080

Final Action—1094

**H 2391.** Personal and family protection act; charges. (Federal and State Affairs)

Introduced—364

Referred—367

**H 2392.** Prohibiting request for proposals from limiting location to a geographic area without economic justification. (Federal and State Affairs)

Introduced—364

Referred-367

**H 2393.** Concerning expungement of civil court records. (Taxation)

Introduced—364 Referred—367

**H 2394.** Income tax credit for expenditures to make facilities accessible to individuals with a disability. (Appropriations)

Introduced—374

Referred-401

**H 2395.** Time requirements for making income tax refunds. (Taxation)

Introduced-393

Referred—401

**H 2396.** Joint Committee on Information Technology, members, powers. (Appropriations)

Introduced—404

Referred-415

**H 2397.** Creating certain crimes against mass transit system employees. (Appropriations)

Introduced—413

Referred—415

**H 2398.** Income tax deduction for premium costs of certain life insurance policies. (Taxation)

Introduced—413

Referred-415

**H 2399.** Appropriation for FY2009 for Kansas public employees retirement system. (Appropriations)

Introduced-413

Referred-415

**H 2400.** H Sub for H 2400 by Select Committee on KPERS — KPERS, increasing employer contributions and lottery revenue for reduction of KPERS unfunded liability. (Appropriations)

Introduced—413, 1218

Referred—415, 820

Report of committee-693, 1217

**H 2401.** Removing the cap on cumulative amounts paid to the bioscience development and investment fund. (Appropriations)

Introduced—659

Referred—669

H 2402. Fair pricing of crude oil act. (Federal and State Affairs)

Introduced—660

Referred-669

**H 2403.** Sub. for H 2403 by Committee on Appropriations — Creating the council on efficient government; requirements concerning state contractors. (Appropriations)

Introduced—660, 890

Referred—669

Report of committee—890

Committee of whole report—935

**H 2404.** Income taxation, deductions, determination of Kansas adjusted gross income and credits, decoupling legislation. (Appropriations)

Introduced—686

Referred-696

**H 2405.** Corporate income surtax rates and mineral severance tax to the oil and gas valuation depletion fund. (Appropriations)

Introduced—686

Referred—696

**H 2406.** Concerning sales taxation; goodwill industries. (Appropriations)

Introduced—686

Referred-696

**H 2407.** Taxation, rates and continuation of estate and franchise taxes, repeal of community services program income tax credit and time of payment and returns for mineral severance tax. (Appropriations)

Introduced—686

Referred-696

**H 2408.** State agencies periodic reviews of network security. (Joint Committee on Information Technology)

Introduced—790; **SJ**—1068

Referred—791; **SJ**—1084

Report of committee-944

Committee of whole report—956

Final Action—964

**H 2409.** Special education and related services; catastrophic aid. (Legislative Post Audit Committee)

Introduced—790

Referred—791

**H 2410.** School districts; recalculating adjusted enrollment if it is determined pupils are ineligible for free meals. (Legislative Post Audit Committee)

Introduced—790; **SJ**—1100

Referred—791; SJ—1105, 1282

Report of committee—907

Committee of whole report—952, 973

Final Action—995

H 2411. Criminalizing certain schedule I drugs. (Olson)

Introduced—790; **SJ**—985

Referred—791; SJ—988, 1025

Report of committee—833; SJ—1101

Committee of whole report—857; SJ—1109

Final Action—861; **SJ**-1109

Enrolled—1035

Action of Governor-1092

**H 2412.** Functional incapacitation release; procedures; notice; conditions; supervision upon release. (Jt Comm Corrections & Juvenile Justice Oversight)

Introduced—790; **SJ**—988 Referred—791; **SJ**—993

Report of committee—848; **SI**—1188

Committee of whole report—868; SI—1209

Final Action—875; SI—1209

Further action of House—1193, 1321

Further action of Senate—SI—1231, 1304

Enrolled—1390

Action of Governor-1382

**H 2413.** Sub for H 2413 by Committee on Corrections and Juvenile Justice — Increasing traffic fines to fund increases in alcohol and drug therapy program for DUI offenders. (Jt Comm Corrections & Juvenile Justice Oversight)

Introduced—790, 890

Referred-791

Report of committee—890

H 2414. Authorization for state board of regents to sell land on behalf of Fort Hays State University. (Legislative Educational Planning Committee)

Introduced—790; **SJ**—955

Referred—791; SJ—965

Report of committee—825; SJ—986

Committee of whole report—SJ—1002

Final Action—839; **SJ**—1009

Further action of House—920

Enrolled—962

Action of Governor—980

H 2415. State surplus property act; state educational institutions. (Legislative Educational Planning Committee)

Introduced—790; SJ—1044

Referred—791; SJ—1056

Report of committee—919; SJ—1117

Committee of whole report—SJ—1150

Final Action—951; **SJ**—1155

Further action of House—1166

Enrolled-1254

Action of Governor—1300

**H 2416.** Supplemental appropriations for FY 2010 for various state agencies. (Appropriations)

Introduced—790

Referred-800

**H 2417.** District judge positions converted to district magistrate judge positions if 20% or less of total district judge and district magistrate judge positions in judicial district are district magistrate judge positions. (Appropriations)

Introduced—790

Referred—800

**H 2418.** Carbon dioxide reduction act; limiting liability of the state of Kansas. (Jt Comm on Administrative Rules and Regulations)

Introduced—790; **SJ**—995

Referred—800; SJ—1000

Report of committee—848; SJ—1130

Committee of whole report—877; SI—1150

Final Action—888; **SJ**—1155

Further action of House—1167

Enrolled-1309

Action of Governor—1382

**H 2419.** Authorizing contracts between utilities and customers for the installation of renewable energy generation units and energy storage devices. (Energy and Utilities)

Introduced—797

Referred—806

**H 2420.** Permitting utilities to capitalize costs of energy efficiency programs. (Energy and Utilities)

Introduced—797

Referred-806

H 2421. Requiring Kansas engineering schools to evaluate renewable, distributive generation and transmission technologies upon request of certain entities. (Energy and Utilities)

Introduced—797

Referred—806

H 2422. Establishing the Kansas energy science authority. (Energy and Utilities) Introduced—797

Referred-806

H 2423. Concerning emergency telephone service and the collection and distribution of fees. (Energy and Utilities)

Introduced—797

Referred—806

H 2424. Insurance; payment for telemedicine services. (Vision 2020)

Introduced—798

Referred—806, 837

H 2425. Workers compensation; certain firefighters' health conditions presumed to occur on the job. (Vision 2020)

Introduced—798

Referred-806

H 2426. Creating the agricultural land conservation program. (Vision 2020)

Introduced—798

Referred—806

H 2427. Healthcare; relating to telemedicine and telehealth monitoring; providing for reimbursement. (Vision 2020)

Introduced—798

Referred-806, 837

H 2428. H Sub for H 2428 by Committee on Vision 2020 — Act relating to water and a water data repository. (Vision 2020)

Introduced—798, 1135; **SJ**—1239

Referred—806, 989, 1023; SJ—1258

Report of committee—1135

Committee of whole report—1196

Final Action—1225

H 2429. Allowing the supreme court to eliminate and reassign district magistrate judge and district judge positions based on caseloads. (Vision 2020)

Introduced—798

Referred—806

Report of committee—954

Committee of whole report—985

H 2430. H Sub for H 2430 by Committee on Corrections and Juvenile Justice - Allowing the court to sentence a defendant with PTSD caused by action in a combat zone while in the United States armed forces to receive mental health treatment as part of the defendant's probationary sentence. (Vision 2020)

Introduced—798, 952

Referred-806, 1008, 1023

Report of committee—952

**H 2431.** Creating the land preservation partner program. (Vision 2020)

Introduced—798

Referred—806

H 2432. S Sub for H 2432 by Committee on Judiciary — Increasing property damage amount that would allow prevailing party to receive attorney fees. (Carlson)

Introduced—798; **SJ**—1100

Referred—806, 833; SJ—1105

Report of committee—945; SI—1188

Committee of whole report—982; SJ—1200

Final Action—995; **SI**—1203

Further action of House—1193, 1357

Further action of Senate—SI—1231, 1323

Enrolled—1390

Action of Governor—1382

H 2433. State agencies and state educational institutions; acquisition and disposal of certain property; acquisition of certain services. (Legislative Educational Planning Committee)

Introduced—798; **SJ**—1007

Referred—806; SJ—1013

Report of committee—877; SJ—1125

Committee of whole report—893; SJ—1150

Final Action—902; **SI**—1155

Enrolled—1135

Action of Governor—1218

H 2434. State parks; relating to naming thereof. (Appropriations)

Introduced—802; **SI**—1029

Referred—806; SJ—1043

Report of committee—877; SI—1235

Subsidiary motions—888

Committee of whole report—913, 926; SI—

Final Action—932; **SI**—1262

Further action of House-1297, 1827

Further action of Senate—SI—1285, 1614

Enrolled—1841

Action of Governor—1840

H 2435. Certain crimes in which the penalty is an offgrid felony, attempt, conspiracy and criminal solicitation are also offgrid; aggravated endangering a child; controlled substances; ballistic resistant material; aggravated habitual sex offender. (Kinzer)

Introduced—806; SJ—1025

Referred—809; SJ—1028

Report of committee—890; SJ-1148

Committee of whole report—918; SJ—1176

Final Action—924; **SJ**—1182

Further action of House—1156, 1321

Further action of Senate—SJ—1212, 1305

Enrolled-1390 Action of Governor—1382 H 2436. Michael Hugh Breeding memorial bridge. (Schwartz) Introduced—806; **SJ**—1007 Referred—809; SJ—1013 Report of committee—868; SJ-1109 Committee of whole report—893; SJ—1118 Final Action—903; **SJ**—1123 Enrolled-1109 Action of Governor—1218 H 2437. S Sub for H 2437 by Committee on Transportation — Regulating traffic, primary seat belt law, prohibiting text messaging. (Transporta-Introduced—806; SJ—1007; HJ—1114 Referred—809; **SJ**—1013; **HJ**—1114 Report of committee—868; SI—1144 Committee of whole report—893; SJ—1165 Final Action—903; **SI**—1168 H 2438. Restricted drivers' licenses; approved course of driver training. (Transportation) Introduced—806 Referred-809 **H 2439.** Prohibiting sending, reading or writing text messages. (Transportation) Introduced—806 Referred—809 Report of committee—956 **H 2440.** Requiring the secretary of corrections to receive and give victim notification upon certain events while inmate is in the custody of the secretary of social and rehabilitation services. (Corrections and Juvenile Justice) Introduced—806; **SI**—988 Referred—809; SJ—993 Report of committee—844; SJ—1188 Committee of whole report—868; SJ—1200 Final Action—876; **SJ**—1204 Further action of House—1191 Enrolled-1309 Action of Governor—1382 H 2441. Prohibiting texting while driving; penalties. (Appropriations) Introduced—806 Referred-809 H 2442. Kansas streamlining government act. (Appropriations) Introduced—806; SJ—1044

Referred—809, 812; SJ—1056

Committee of whole report—934

**H 2443.** Department of transportation, highway

signs. (Economic Development and Tourism)

Report of committee—883

Final Action—951

Introduced—808

Referred-811 **H 2444.** Creating a division of the state fire marshall within the insurance department. (Federal and State Affairs) Introduced—808 Referred-811 Report of committee—1157 H 2445. Land uses adjacent to military installations. (Federal and State Affairs) Introduced—808; SJ—1025 Referred—811, 828, 833; SJ—1028 Report of committee—891; SJ—1125 Committee of whole report—913; SJ—1150 Final Action—917; **SI**—1156 Enrolled—1135 Action of Governor—1296 H 2446. State educational institutions; gifts and donations; investments. (Legislative Educational Planning Committee) Introduced—810; **SJ**—1296 Referred—811, 1037; SJ—1300 Report of committee—919, 1181; SJ—1381 Committee of whole report—990, 1256; SJ— Final Action—1303; **SJ**—1391 Enrolled—1772 Action of Governor—1840 **H 2447.** Creating the licensure category of advance practice registered nurse. (Health and Human Services) Introduced-810 Referred—811 H 2448. Pharmacists, administration of vaccine. (Health and Human Services) Introduced—810; **SJ**—1100 Referred—811; SJ—1105 Report of committee—954; SI—1208 Committee of whole report—985; SI—1220 Final Action—996; SJ—1223 Enrolled—1254 Action of Governor—1300 H 2449. Eavesdropping; increase penalties; adding eavesdropping to crimes required to register

H 2449. Eavesdropping; increase penalties; adding eavesdropping to crimes required to register pursuant to the Kansas offender registration act. (Vision 2020)

Introduced—810 Referred—811

**H 2450.** Authorizing secretary of administration to convey certain real estate on behalf of juvenile justice authority to city of Beloit. (Aurand)

Introduced—810 Referred—811

**H 2451.** Adding BZP to the list of schedule I drugs. (Corrections and Juvenile Justice)

Introduced—810 Referred—811 **H 2452.** Amending the court guidelines for an indigent defendant's reimbursement for court services received. (Corrections and Juvenile Justice)

Introduced—810 Referred—811

H 2453. H Sub for H 2453 by Committee on Corrections and Juvenile Justice — Making the distribution of drugs and paraphernalia to or in the presence of a minor an enhanced severity level crime and replacing "child care facilities" with "presence of a minor." (Corrections and Juvenile Justice)

Introduced—810, 952; **SJ**—1100 Referred—811; **SJ**—1105, 1282

Report of committee—952

Committee of whole report—985

Final Action—996

**H 2454.** Office of vital statistics; fingerprinting and criminal history records check required for new employees; maternal and child health surveillance and monitoring. (Corrections and Juvenile Justice)

Introduced—810; **SJ**—1014

Referred—811; **SJ**—1023

Report of committee—890; SJ-1198

Committee of whole report—905; SJ—1209

Final Action—912; **SJ**—1209

Further action of House—1193, 1502

Further action of Senate—SJ—1231, 1414

Enrolled—1838

Action of Governor—1840

**H 2455.** Amendments to uniform principal and income act. (Judiciary)

Introduced—810; **SJ**—1007

Referred—811; **SJ**—1013

Report of committee-868; SJ-1148

Committee of whole report—893

Final Action—903; **SJ**—1203

Enrolled—1254

Action of Governor—1300

**H 2456.** Probate; filing of affidavits regarding decedent's probate estate. (Judiciary)

Introduced—810; **SJ**—1007

Referred—811; **SI**—1013

Report of committee—868; SJ—1148

Committee of whole report—893; SJ—1176

Final Action—904; **SJ**—1182

Enrolled-1135

Action of Governor—1296

**H 2457.** Exempting nonresidents under 16 from hunting license requirements. (Agriculture and Natural Resources)

Introduced—810

Referred-811

**H 2458.** Requiring archery permit holders to take a doe before a buck. (Agriculture and Natural Resources)

Introduced—810

Referred—811

**H 2459.** Abolishing permit requirements and harvest limits for prairie rattlesnakes. (Agriculture and Natural Resources)

Introduced—810

Referred—811

**H 2460.** School districts; state-wide levy; LOB, state prescribed percentage. (Education)

Introduced—811

Referred-815

**H 2461.** Department of social and rehabilitation services; service contracts for placement of children. (Appropriations)

Introduced—811

Referred-815, 823

**H 2462.** Imposing tobacco products tax on moist snuff. (Taxation)

Introduced—811 Referred—815

**H 2463.** Establishing the simplified state tax structure committee. (Taxation)

Introduced—811; SJ—1202

Referred—815; SJ—1211

Report of committee—899

Committee of whole report—1131

Final Action—1137

**H 2464.** Establishing service fee for taxpayer with delinquent taxes who enter into installment payment plans with the Kansas department of revenue. (Taxation)

Introduced—811

Referred—815

**H 2465.** Limitations on certain income tax credits. (Taxation)

Introduced—811

Referred-815

Report of committee-891

Committee of whole report—1120

**H 2466.** Imposing tobacco products tax on little cigars. (Taxation)

Introduced—811

Referred—815

**H 2467.** Marking of vehicles owned by public subdivision; exception. (Davis)

Introduced—811

Referred-815

Report of committee—913

**H 2468.** Requiring offenders guilty of attempt, conspiracy or solicitation to commit any crime requiring offender registration for life to register as an offender. (Corrections and Juvenile Justice)

Introduced—814; **SJ**—1025 Referred—817; **SJ**—1028

Report of committee-890; SJ-1148

Committee of whole report—918; SI—1176

Final Action—924; SJ—1183 H 2476. S Sub for H 2476 by Committee on Ju-Further action of House—1167 diciary - Court fees, surcharge to fund costs of Enrolled—1309 non-judicial personnel. (Judiciary) Action of Governor—1382 Introduced—814; **SJ**—988 **H 2469.** Use of prior convictions in determining Referred—818; SJ—993 criminal history. (Corrections and Juvenile Justice) Report of committee—848; SJ—1037 Introduced—814; **SI**—1014 Committee of whole report—868; SJ—1053 Referred—817; SJ—1023 Final Action—876; **SJ**—1062 Report of committee-868; SJ-1189 Further action of House—1015, 1216 Subsidiary motions—874 Further action of Senate—SJ—1116, 1130, Committee of whole report—905; SJ-1200 Final Action—912; **SJ**—1204 Enrolled—1309 Further action of House—1191 Action of Governor—1382 Enrolled—1254 H 2477. School finance; 2010 commission. (Ed-Action of Governor—1300 ucation) Introduced-815 H 2470. Annexation procedures, deannexation; board of county commissioners' duties, election re-Referred-818 quired, when. (Local Government) H 2478. Cities; annexation; county approval of Introduced-814 certain annexations. (Local Government) Referred—818 Introduced—815; SJ—1100 H 2471. Cities; annexation; strip annexation re-Referred—818; **SJ**—1105 stricted. (Local Government) Report of committee-956 Introduced—814; **SJ**—1100 Committee of whole report—985 Referred—818; **SJ**—1105 Final Action—997 Report of committee—956 H 2479. Cities; change in form of government Committee of whole report—985 by charter ordinance; restrictions. (Otto) Final Action—996 Introduced—817 H 2472. Kansas uniform common interest own-Referred—823, 923 ers bill of rights act. (Local Government) H 2480. Concerning certain public employees; Introduced—814; **SJ**—1100 relating to leaves of absence with pay for certain Referred—818, 823; SJ—1105 disaster service volunteers. (Gatewood, S.) Report of committee—956; SJ—1157 Introduced—817 Committee of whole report—985; SJ-1220 Referred-823 H 2481. Motor vehicles, personalized license Final Action—997; **SJ**—1223 Further action of House—1193, 1358 plates. (Transportation) Further action of Senate—SJ—1257, 1323 Introduced—817 Enrolled—1390 Referred—823 Action of Governor—1382 H 2482. Drivers' licenses and identification H 2473. Prohibiting sellers, lessors and credit cards, regulation thereof. (Transportation) card issuers from imposing a surcharge on credit Introduced—817; SJ—1025 and debit card transactions. (Financial Institutions) Referred—823; SI—1028 Introduced—814; SJ—1029 Report of committee-907; SJ-1157 Referred—817; **SJ**—1043, 1282 Committee of whole report—919; SJ—1200 Report of committee—913; SJ—1215 Final Action—924; SJ—1204 Subsidiary motions—SI—1240 Further action of House—1193, 1254, 1394, Final Action—931 H 2474. Establishing the on-line motor vehicle Further action of Senate—SJ-1231, 1476 Enrolled—1838 financial security verification and compliance system. (Merrick, O'Neal) Action of Governor—1840 Introduced-814 H 2483. Removing drivers training course re-Referred-817, 1014, 1021 quirement for restricted driver's license. (Trans-**H 2475.** Increase in rate of sales tax. (Taxation) portation) Introduced-814 Introduced-817 Referred-818 Referred—823

Report of committee-914

Report of committee—839

**H 2484.** Commercial driver's licenses, prohibiting diversion agreements. (Transportation)

Introduced—817; **SJ**—1025

Referred—823; SJ—1028, 1282

Report of committee—907

Committee of whole report—918

Final Action—925

H 2485. Increasing time period for audit of certain motor carriers. (Transportation)

Introduced—817; **SJ**—1029

Referred—823; SJ—1043

Report of committee—914; SJ—1157

Final Action—932; **SI**—1203

Enrolled—1254

Action of Governor—1300

H 2486. Anatomical gift; first person donor registry. (Transportation)

Introduced—817; SJ—1007

Referred—823; SJ—1013

Report of committee—868; SJ—1199

Committee of whole report—893; SJ—1220

Final Action—904; **SJ**—1223

Further action of House—1193, 1254, 1394,

Further action of Senate—SJ—1232, 1477

Enrolled—1838

Action of Governor—1840

H 2487. Military reservations; land use procedures. (Local Government)

Introduced—817

Referred—823

H 2488. State agencies and political subdivisions; facility conservation improvements. (Local Government)

Introduced—817

Referred-823

H 2489. Providing sentencing requirements and punishments for postrelease supervision violators. (Corrections and Juvenile Justice)

Introduced—817

Referred—823

H 2490. Allowing the insurance commissioner to adopt rules and regulations to enforce the regulation of life insurance companies, and restricting coverage for elective abortions under health insurance policies in the state. (Insurance)

Introduced—817

Referred—823

Report of committee—894

Subsidiary motions—917

Committee of whole report—962

**H 2491.** Expanding the definition of creditable individual health insurance to include Title XXI of the Social Security Act. (Insurance)

Introduced—817; **SJ**—1025

Referred-823; SJ-1028, 1282, 1288

Report of committee—891

Committee of whole report—913

Final Action—918

H 2492. Motor vehicle liability coverage, evidence of financial security. (Insurance)

Introduced—817; SJ—1029

Referred—823; SJ—1043

Report of committee—878; SJ—1126

Subsidiary motions—888

Committee of whole report—913, 926

Final Action—933; **SJ**—1154

Enrolled-1135

Action of Governor—1218

**H 2493.** Eliminating classifications of dams and water obstructions. (Appropriations)

Introduced—817

Referred—823

H 2494. Children in need of care; removal of child from parent's custody. (Federal and State Af-

Introduced-817

Referred-823

H 2495. Schools; statewide levy, exemption, procedure for the elimination of. (Education)

Introduced—820

Referred-823, 823, 828, 830

**H 2496.** Elimination of cap in income tax credit for expenditures for restoration and preservation of certain historic structures for fiscal year 2011. (Tax-

Introduced—821

Referred—828

**H 2497.** Permitting the secretary of revenue to disclose certain tax information to the state treasurer for the purpose of locating owners of unclaimed property. (Local Government)

Introduced—821

Referred-828

Report of committee—907

H 2498. Religious services or functions, restricted drivers' licenses. (Transportation)

Introduced—821

Referred—828

H 2499. Regulating traffic, distracted driving. (Transportation)

Introduced—822

Referred-828

**H 2500.** Allowing a municipal pool to apply for a certificate of authority with proof of reinsurance approved by the insurance commissioner. (Insur-

Introduced—822; **SJ**—985

Referred—828; SI—988

Report of committee—848; SI—1108

Committee of whole report—SI—1118

Final Action—860; **SI**—1123

Further action of House—1096, 1314

Further action of Senate—SJ—1167 Enrolled—1390

Action of Governor-1382

**H 2501.** Allowing the insurance commissioner to grant a waiver to mortgage guaranty insurance companies exceeding the liability limit for up to two years. (Insurance)

 $Introduced \color{red}-822; \textbf{SJ} \color{red}-995$ 

Referred—828; SJ—1000

Report of committee—848; SJ—1108

Committee of whole report—877; SJ—1118

Final Action—889; **SJ**—1123

Further action of House-1096, 1362

Further action of Senate—SJ—1167, 1327

Enrolled—1390

Action of Governor—1382

**H 2502.** Child witness protection act. (Corrections and Juvenile Justice)

Introduced—822 Referred—827

H 2503. Authorizing and requiring the secretary of corrections to supervise parole offices and other release mechanisms and entities. (Corrections and

Juvenile Justice)

Introduced—822; **SJ**—985

Referred—827; **SJ**—988

Report of committee—848; SJ-1188

Final Action—861; **SI**—1213

Enrolled—1254

Action of Governor—1300

**H 2504.** Eliminating the addition of good time credits earned while in prison to postrelease supervision time calculations. (Corrections and Juvenile Justice)

Introduced-822

Referred-827

**H 2505.** Release procedures and discharge of paroled inmates. (Corrections and Juvenile Justice)

Introduced—822

Referred—827

Report of committee—952

Committee of whole report—982

**H 2506.** S Sub for H 2506 by Committee on Judiciary — Juvenile offenders; extended jurisdiction juvenile prosecution. (Corrections and Juvenile Justice)

Introduced—822; SJ—1068

Referred—827; SJ—1084

Report of committee-893; SJ-1188

Committee of whole report—952; SJ—1209

Final Action—964; **SJ**—1209

Further action of House—1192, 1193, 1193, 1834

Further action of Senate—SJ—1232, 1555 Enrolled—1841 Action of Governor-1840

**H 2507.** Parole and postrelease conditions established by parole board. (Corrections and Juvenile Justice)

1871

Introduced—822

Referred-827

Report of committee—919

**H 2508.** S Sub for H 2508 by Committee on Agriculture — Blending motor vehicle fuel. (Corrections and Juvenile Justice)

Introduced—822; **SJ**—1068; **HJ**—1302

Referred—827; **SJ**—1084, 1187; **HJ**—1302

Report of committee—893; **SJ**—1193

Committee of whole report—952; SJ—1265

Final Action—964; **SJ**—1281

**H 2509.** S Sub for Sub H 2509 by Committee on Judiciary — Creating a private cause of action for victims of child pornography. (Corrections and Juvenile Justice)

Introduced—822, 893; SJ—1068

Referred—827; SJ—1084

Report of committee—893; SJ—1207

Committee of whole report—952; SJ—1260

Final Action—965; **SJ**—1262

Further action of House—1297, 1389

Further action of Senate—SJ—1285, 1347 Enrolled—1449

Action of Governor—1840

**H 2510.** Temporary vehicle registration, use of permit. (Federal and State Affairs)

Introduced—822; SJ-1068

Referred—828; SJ—1084

Report of committee—907 Committee of whole report—952

Final Action—965

**H 2511.** Children in need of care; reimbursement of costs of care for child in grandparent's custody. (Federal and State Affairs)

Introduced—826

Referred—828

**H 2512.** Children in need of care; court authority. (Federal and State Affairs)

Introduced—826

Referred—828

**H 2513.** Children in need of care; runaways. (Federal and State Affairs)

Introduced-826

Referred-828

**H 2514.** Capacity of settlor of revocable trusts. (Judiciary)

Introduced—826

Referred-828

**H 2515.** Prohibition against a municipality requiring the installation of a multi-purpose sprinkler system in a residential structure. (Commerce and Labor)

Introduced—826

Referred—828

Report of committee—907

Subsidiary motions—982

Committee of whole report—956, 982

Final Action—998

**H 2516.** Amendments to the Kansas expanded lottery act. (Appropriations)

Introduced—826

Referred-828

**H 2517.** H Sub for H 2517 by Committee on Corrections and Juvenile Justice — Domestic violence offenses; special sentencing provision. (Corrections and Juvenile Justice)

Introduced—827, 940; SJ—1100

Referred—830; SJ—1105

Report of committee—940; SJ—1217

Committee of whole report—982; SJ—1237

Final Action—998; **SJ**—1243

Further action of House—1296, 1316 Further action of Senate—**SJ**—1285

Enrolled—1390

Action of Governor—1382

**H 2518.** Proportionality of sentencing; merging the drug and nondrug sentencing grids. (Jt Comm Corrections & Juvenile Justice Oversight)

Introduced—827

Referred—830

Report of committee—893

Committee of whole report—919

**H 2519.** Amendments to sales tax law to provide conformity with streamlined sales and use tax agreement act. (Taxation)

Introduced—827; **SJ**—1202

Referred—830; **SJ**—1211

Report of committee—1097

Committee of whole report—1124

Final Action—1137

**H 2520.** Defining "willfully" for failure to collect taxes and other violations of Kansas tax law. (Taxation)

Introduced—827; **SJ**—1202

Referred—830; SJ—1211

Report of committee—979

Committee of whole report—1130

Final Action—1138

**H 2521.** H Sub for H 2521 by Committee on Taxation — Electronic filing of tax returns, reports and documents and intangibles tax filing procedure. (Taxation)

Introduced—827, 919; SI—1202

Referred—830; **SJ**—1211

Report of committee-919

Committee of whole report—1131

Final Action—1138

**H 2522.** Certain cash rebates on sales or leases of new motor vehicles not subject to sales taxation. (Taxation)

Introduced-827

Referred-830

**H 2523.** Prescribing penalties for violations of liquor enforcement tax by licensees and person required to be licensed. (Taxation)

Introduced-827

Referred—830

**H 2524.** Certain townships; prohibit board members from being employed by township. (Local Government)

Introduced-829

Referred-833

**H 2525.** Open meetings; recording of executive sessions. (Local Government)

Introduced—829

Referred-833

**H 2526.** Vehicle dealers and manufacturers licensing act; scrap metal recyclers. (Trimmer)

Introduced—829

Referred—833

**H 2527.** Reporting requirements for late term abortions. (Kinzer)

Introduced—829

Referred—833

**H 2528.** Sub for H 2528 by the Committee on Judiciary — Amending the court procedure for the forfeiture of an appearance bond. (Judiciary)

Introduced—829, 899; **SJ**—1025

Referred—833; SJ—1028

Report of committee—899; SJ—1198

Committee of whole report—918; SJ-1220

Final Action—925; **SJ**—1223

Further action of House—1193, 1385

Further action of Senate—SJ-1232, 1348

Enrolled-1449

Action of Governor—1840

**H 2529.** Continuation of certain exceptions to disclosure under the open records act. (Special Committee on Judiciary (2009 Interim))

Introduced—829

Referred-833

Report of committee—954

**H 2530.** Rules and regulations filing act. (Judiciary)

Introduced—830

Referred-833, 1060

Report of committee—894

Committee of whole report—918

**H 2531.** Courts; for fiscal year 2011, docket fee percentage from judicial performance fund to go to judicial branch nonjudicial salary initiative fund. (Judiciary)

Introduced—830

Referred-833

**H 2532.** Concerning the use of restraints and seclusion on mentally ill persons, persons with alcohol or substance abuse and committed sexually violent predators. (Judiciary)

Introduced—831

Referred—833

**H 2533.** Kansas act against discrimination; disability amendments. (Federal and State Affairs)

Introduced—831

Referred—833

Report of committee-907

**H 2534.** Increasing criminal penalties for unlawful sexual relations. (Corrections and Juvenile Justice)

Introduced—831

Referred-833

**H 2535.** Designating part of K-61 highway as the John Neal memorial highway. (O'Neal, Pauls)

Introduced—831; **SJ**—1007

Referred—833; SJ—1013

Report of committee-868; SJ-1109

Committee of whole report—893; **SJ**—1237, 1247

Final Action—905; SJ—1255

Enrolled-1309

Action of Governor-1382

**H 2536.** Duties of registered nurse anesthetists. (Health and Human Services)

Introduced—832

Referred-837

**H 2537.** Cereal malt beverages; alcohol content, regulation by ABC, retailers authorized to sell, taxation. (Federal and State Affairs)

Introduced—832

Referred-837

Report of committee—1157

**H 2538.** S Sub for Sub H 2538 by Committee on Commerce — Revision and expansion of promoting employment across Kansas act. (Taxation)

Introduced—833, 919; SJ—1114

Referred—837; **SJ**—1115

Report of committee-919; SJ-1226

Committee of whole report—1020, 1021; **SJ**—1261

Final Action—1027; **SJ**—1262

Further action of House—1306, 1317, 1837

Further action of Senate—SJ—1297

Enrolled—1390

Action of Governor—1382

**H 2539.** School districts; supplemental general state aid; litigation. (Aurand)

Introduced—833

Referred-837, 870

**H 2540.** Municipal bonds; investment of bond proceeds. (Government Efficiency and Fiscal Oversight)

Introduced—833; **SJ**—1100

Referred—837; SJ—1104, 1113

Report of committee—954; SJ—1148

Committee of whole report—985; SJ—1176

Final Action—998; **SJ**—1183

Further action of House—1256

Further action of Senate—SJ—1285

**H 2541.** Kansas illegal immigration relief act. (Local Government)

Introduced—833

Referred-837

**H 2542.** Drivers' licenses, three-wheeled motorcycles. (Horst)

Introduced—833

Referred—837

H 2543. School districts; capital improvement and capital outlay state aid. (Education Budget) Introduced—834

Referred—837

**H 2544.** State public trust, superfund sites, Cherokee county, member compensation for meeting attendance. (Appropriations)

Introduced—834; **SJ**—1129

Referred—837; SJ—1135

Report of committee—1009; SJ—1219

Committee of whole report—1035; SI—1247

Final Action—1038; **SJ**—1256

Enrolled-1309

Action of Governor—1382

H 2545. Increasing the amount of bond deposits to court clerks up to 10% of \$25,000. (Judiciary) Introduced—834

Referred—837

H 2546. Insurance, reimbursement for certain services. (Moxley, Brookens, Brunk, Burroughs, Carlin, DeGraaf, George, Goico, Gordon, Grange, Hermanson, Hill, Huebert, Landwehr, Morrison, Neighbor, Proehl, Slattery, Spalding, Swanson, Swenson, Wetta, Williams, Wolf, K., Worley)

Introduced—834

Referred—837, 1014, 1021

**H 2547.** Vehicle dealers and manufacturers licensing act, franchise agreements. (Transportation)

Introduced—836; **SJ**—1068 Referred—842; **SJ**—1084

Report of committee—928; SJ—1148

Committee of whole report—956; SJ—1176

Final Action—966; **SJ**—1183

Further action of House—1168

Enrolled-1309

Action of Governor—1382

H 2548. Drainage district No. 2 of Finney county; election of board members. (Powell)

Introduced—836; SJ—1029 Referred—842; SJ—1028 Referred—842, 848; **SJ**—1043, 1282 Report of committee—877; SJ—1207 Report of committee-907 Committee of whole report—913; SJ—1260 Committee of whole report—918, 926 Final Action—918; **SJ**—1262 Final Action—933 Further action of House—1308, 1316, 1316, H 2549. Imposition of sales tax on certain goods 1394, 1539 Further action of Senate—SJ-1304, 1348, and services, elimination of certain sales tax exemp-1389, 1479 tions and fund-raising sales; tax exemption in certain circumstances. (Taxation) Enrolled—1838 Introduced—836 Action of Governor—1840 Referred-842 **H 2555.** Designating parts of K-14, U.S. 160 and Report of committee—1040 K-2 as the SFC David R. Berry/ SGT WillSun M. **H 2550.** Prohibiting transferability of income tax Mock memorial highway. (Maloney) credits and repealing certain income tax credits. Introduced—836; **SI**—1068 (Taxation) Referred—842; SI—1084 Introduced—836 Report of committee—928; SI—1117 Referred—842 Committee of whole report—952; SJ—1150 H 2551. Granting authority to the department of Final Action—966; **SI**—1156 commerce to recapture unissued recovery zone Enrolled—1135 Action of Governor—1218 bonds. (Economic Development and Tourism) Introduced—836; **SI**—1025 H 2556. Restricting use of certain wireless com-Referred—842; SJ—1028 munication devices while driving. (Commerce and Report of committee—877; SJ-1207 Labor) Committee of whole report—918; SJ—1222, Introduced—839 Referred-842 1247 Final Action—926; SJ—1256 **H** 2557. Removing references to the inheritance Further action of House-1296, 1314 tax and limiting the applicability of its provisions. Further action of Senate—SJ—1285 (Iudiciary) Introduced—839; SI—1100 Enrolled—1390 Action of Governor—1382 Referred—842; SJ—1105 Report of committee—914; SJ—1188 H 2552. Midwest interstate passenger rail compact. (Pottorff, McCray-Miller) Committee of whole report—990 Introduced—836; **SJ**—1100 Final Action—992; **SJ**—1213 Referred—842; **SJ**—1105 Enrolled-1254 Action of Governor—1300 Report of committee—956; SJ—1148 Committee of whole report—982; SJ—1176 H 2558. Adding charitable contribution solici-Final Action—999; **SI**—1183 tations by professional solicitors to the Kansas no-Enrolled—1135 call act. (Judiciary) Action of Governor—1296 Introduced—840 **H 2553.** Updating references to the standard in-Referred—842 dustrial classification codes in the Kansas enterprise H 2559. School districts; expenditures over zone act. (Economic Development and Tourism) \$20,000. (Appropriations) Introduced—836; **SJ**—1007 Introduced—840 Referred—842; **SJ**—1013 Referred—842 Report of committee—1181 Report of committee—877; SJ—1207 Committee of whole report—SJ—1220 H 2560. Real estate salespersons and brokers, Final Action—902; **SJ**—1223 amendments related to technical changes and re-Further action of House—1193, 1315 stricted and conditioned licenses. (Commerce and Further action of Senate—SJ—1232 Labor) Enrolled—1390 Introduced—840; SJ—1152 Action of Governor—1382 Referred—842, 1034; SJ—1166, 1167 H 2554. Authorizing the issuance of bonds for Report of committee—907, 1040; SJ—1235 certain economic development projects; pertaining Committee of whole report—990, 1070; SJ to the Promoting Employment Across Kansas act. 1265 (Economic Development and Tourism) Final Action—1077; **SI**—1281 Introduced—836; **SJ**—1025 Further action of House—1313

Enrolled-1390

Action of Governor—1382

**H 2561.** Allowing transit buses to be operated on right shoulder of certain highways. (Transportation)

Introduced—842; SJ—1100

Referred—848; SJ—1105

Report of committee-948; SJ-1228

Committee of whole report—985; SJ-1265

Final Action—999; **SJ**—1281

Further action of House—1307, 1395

Further action of Senate—SJ-1297

Enrolled—1772

Action of Governor-1840

**H 2562.** Legal notice publication requirements reduced. (Local Government)

Introduced—842

Referred-848

**H 2563.** Allowing an insurance consumer to request that an insurance company grant an exception from negative credit scoring because of extraordinary life circumstances. (Insurance)

Introduced—842

Referred—848

**H 2564.** Accident and health insurance, excluding coverage for certain abortions. (Insurance)

Introduced—842

Referred—848

H 2565. Conservation exception for nonuse of water rights. (Agriculture and Natural Resources) Introduced—842

Referred-848

**H 2566.** Food and drug inspection duties under the department of agriculture. (Agriculture and Natural Resources)

Introduced—842; **SJ**—1068

Referred—848; SJ—1084

Report of committee—913; SJ—1193

Committee of whole report—952; SJ—1209

Final Action—966; **SJ**—1210

Further action of House—1193, 1218, 1237

Further action of Senate—SI—1232

Enrolled—1309

Action of Governor—1382

**H 2567.** Notice requirements for termination of water rights. (Agriculture and Natural Resources)

Introduced—842

Referred—848

**H 2568.** Requiring recording of durable power of attorney. (Judiciary)

Introduced—842

Referred—848

**H 2569.** Revision of the Kansas cigarette and to-bacco products act. (Taxation)

Introduced—842

Referred-848

**H 2570.** Property tax exemption for certain newly constructed buildings and structures on residential property. (Taxation)

Introduced—842

Referred—848

**H 2571.** POW's exempt from paying hunting license fees. (Ward)

Introduced—842

Referred-848

**H 2572.** Authorizing a feasibility study of consolidation opportunities for the information technology of the state. (Government Efficiency and Fiscal Oversight)

Introduced—845; **SI**—1068

Referred—848; **SJ**—1084

Report of committee-944

Committee of whole report—956

Final Action—967

**H 2573.** Sales tax exemption for purchases of contractors for the capitol restoration project. (Appropriations)

Introduced—845

Referred—848

**H 2574.** Consent to the administration of certain vaccines required. (Health and Human Services)

Introduced—845

Referred—848

**H 2575.** H Sub for H 2575 by Committee on Health and Human Services — Naturopathic doctors licensure act and licensure of perfusionists. (Health and Human Services)

Introduced—845, 960; **SJ**—1100

Referred—848; **SJ**—1105

Report of committee—960; **SJ**—1170

Committee of whole report—990; SJ—1200

Final Action—991; **SI**—1204

Further action of House—1193

Further action of Senate—SI—1232

**H 2576.** Registration of certain sellers of durable medical equipment. (Health and Human Services)

Introduced—845

Referred—848

**H 2577.** Addictions counselor licensure act. (Health and Human Services)

Introduced—845; **SJ**—1100

Referred—848; SJ—1105

Report of committee—944; SJ-1199

Committee of whole report—982; SJ—1220

Final Action—1000; **SJ**—1224

Enrolled-1254

Action of Governor-1300

**H 2578.** Authorizing pooled money investment board to loan funds to county to refund taxes paid under protest of certain taxpayers. (Taxation)

Introduced—845; **SJ**—1187 Referred—848; **SJ**—1192 Report of committee—1072

Committee of whole report—1105

Final Action—1112

**H 2579.** School districts; special capital outlay levy for insurance and utility services. (Education)

Introduced—848

Referred-851

**H 2580.** Special education and related services; catastrophic state aid; extraordinary cost state aid. (Education)

Introduced—848

Referred-851, 870

**H 2581.** Criminal procedure; correctional supervision fees; funding the use of a statewide, mandatory standardized risk assessment. (Corrections and Juvenile Justice)

Introduced—848; **SJ**—1100

Referred—851; **SJ**—1105

Report of committee-952; SJ-1208

Committee of whole report—985; SJ—1220

Final Action—1000; **SJ**—1224

Further action of House—1192

Enrolled-1309

Action of Governor—1382

**H 2582.** S Sub for H 2582 by Committee on Utilities — Emergency communications service, fees, charges, collection and distribution. (Corrections and Juvenile Justice)

Introduced—848; **SJ**—1100

Referred—851; **SJ**—1105, 1201

Report of committee—940; SJ—1220

Committee of whole report—989; SJ—1255, 1270

Final Action—992; SJ—1281

Further action of House-1306, 1483

Further action of Senate—SJ-1297, 1417

Enrolled-1838

Action of Governor—1840

**H 2583.** H Sub for H 2583 by Committee on Judiciary — Open records; individual's email address, cell phone number and other contact information given to a public agency for receiving publications or notifications not to be disclosed. (Judiciary)

Introduced—848, 947

Referred—851

Report of committee-947

H 2584. Optometrists dispensing medication and lenses. (Health and Human Services)

Introduced—850; SJ—1100

Referred—855; SJ—1105

Report of committee—944; SJ-1144

Committee of whole report—982; SJ—1164

Final Action—1000; **SJ**—1168

Enrolled—1135

Action of Governor—1296

**H 2585.** S Sub for H 2585 by Committee on Judiciary — Providing journalists with privilege concerning the disclosure of certain information. (Patton)

Introduced—850; **SJ**—1068

Referred—855; **SJ**—1084

Report of committee—945; SJ—1227

Committee of whole report—956; SJ—1250

Final Action—967; **SJ**—1256

Further action of House—1297, 1368

Further action of Senate—**SJ**—1285, 1333 Enrolled—1390

Action of Governor-1382

**H 2586.** Employment security law; contribution rate for first year of employer's business. (Patton)

Introduced—850

Referred—855

**H 2587.** Schools; special education; state aid not to exceed 92% of actual amount of excess cost. (Spalding)

Introduced—851

Referred—856

**H 2588.** Prepaid funeral plans; increase in amount of irrevocable funds. (Health and Human Services)

Introduced—851; **SJ**—1100

Referred—855, 873; **SJ**—1105

Report of committee—944; SJ—1190

Committee of whole report—982; SJ—1209

Final Action—1001; **SJ**—1210

Enrolled—1254

Action of Governor—1300

**H 2589.** Prepaid funeral arrangements; required disclosures. (Health and Human Services)

Introduced—851; SJ—1100

Referred—855; SJ—1105

Report of committee—945; SJ—1190

Committee of whole report—982; SJ-1209

Final Action—1001; **SJ**—1210

Enrolled—1254

Action of Governor—1300

**H 2590.** Medical gas installers. (Health and Human Services)

Introduced—851

Referred—855

H 2591. School districts; inclement weather days, districts not required to pay staff. (Education) Introduced—851

nitroduced—65

Referred-856

**H 2592.** Public health insurance marketplace; employer disclosures. (Insurance)

Introduced—851

Referred—855

**H 2593.** Alcoholic liquor, cereal malt beverage and malt products gallonage tax rate increase to fund developmental disability supplemental pro-

grams and community mental health centers supplemental programs. (Taxation)

Introduced—851

Referred—855

H 2594. School districts; enrichment fund; tax levy. (Education)

Introduced-851

Referred—856

H 2595. School districts; transportation of students residing outside the district. (Education)

Introduced—851; **SJ**—1100

Referred—855; SJ—1105, 1200, 1282, 1381

Report of committee—940; SJ—1144, 1215

Subsidiary motions—SJ—1200, 1459

Committee of whole report—985; SJ—1200, 1276, 1427, 1459

Final Action—1002; **SJ**—1470

Further action of House—1749

Enrolled—1838 Action of Governor—1840

H 2596. Secretary of health and environment; rules and regulations regarding remediation of leadbased paint. (Commerce and Labor)

Introduced—853

Referred-860

Report of committee—952

Committee of whole report—985

H 2597. Licensure by endorsement of tattoo artists. (Swenson)

Introduced—853

Referred-860

**H 2598.** Adverse effect on consumer's credit by health care provider's reporting of non-payment of bill is unconscionable act. (Swenson)

Introduced—853

Referred-860

H 2599. Liquor control act; retailer; law enforcement officer investment permitted. (Trimmer)

Introduced—853

Referred-860

H 2600. Schools; special education; maximum and minimum amounts of state aid paid as reimbursement to districts for teachers and paras. (Education)

Introduced-853

Referred-860

H 2601. Schools; high density at-risk pupil weighting; linear transition computation. (Education)

Introduced—854; **SJ**—1100

Referred—860; SJ—1105, 1282

Report of committee—940

Committee of whole report—985

Final Action—1002

H 2602. Rep. Ted Powers memorial exit. (DeGraaf, Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, Brown, A., Brown, T., Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, Gatewood, D., Gatewood, S., George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, Holmes, C., Holmes, M., Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, Wolf, B., Wolf, K., Worley, Yoder, Suellentrop, Bollier)

Introduced—854

Referred-860

**H 2603.** Requiring the courts to expunge criminal records of juveniles without petition. (Corrections and Juvenile Justice)

Introduced—854

Referred—860

H 2604. Allowing the court to sentence a defendant to serve time in a work release program. (Corrections and Juvenile Justice)

Introduced—854; **SJ**—1068

Referred—860; SI—1084

Report of committee—940; SJ—1188

Committee of whole report—962

Final Action—967; **SI**—1213 Enrolled-1254

Action of Governor—1300

H 2605. Clarifying the investigation fees for services rendered by the KBI and other regional forensic and scientific laboratories. (Corrections and Juvenile Justice)

Introduced—854; SJ—1100

Referred—860; **SJ**—1105

Report of committee—953; SJ—1189

Committee of whole report—985; SJ—1209

Final Action—1002; **SJ**—1210

Further action of House—1194, 1378

Further action of Senate—SJ—1232, 1349

Enrolled—1390

Action of Governor—1382

H 2606. Tuttle Creek Dam river pond area, entrance to remain open. (Agriculture and Natural Resources)

Introduced—854

Referred-860

H 2607. School districts; finance; BSAPP; certain weighting factors; eliminate high enrollment weighting. (Aurand)

Introduced—857

Referred—860

H 2608. Financial institutions, examinations and annual assessments. (Financial Institutions)

Introduced—857; SJ—1068

Referred—860; SJ—1084

Report of committee—913; SJ—1117

Committee of whole report—952; SJ—1176

Final Action—968; **SJ**—1183

Further action of House—1156, 1317 Further action of Senate—SJ—1212

Enrolled-1390

Action of Governor—1382

H 2609. Banks and banking, general power, purchase life insurance. (Financial Institutions)

Introduced—857; **SJ**—1068 Referred—860; **SJ**—1084

Report of committee—913; SJ—1117

Committee of whole report—952

Final Action—968; **SJ**—1154

Enrolled—1135

Action of Governor—1296

H 2610. Medical marijuana act. (Health and Human Services)

Introduced—857

Referred—860

H 2611. Disabled hunters' helpers may be within one mile of hunter. (Judiciary)

Introduced—857

Referred—860

H 2612. Concerning drivers' licenses, restrictions and judgments of restitution. (Judiciary)

Introduced—857

Referred—860

H 2613. Concerning joinder of persons. (Judiciary)

Introduced—857

Referred-860

H 2614. Employment security benefits; removal for some classes of benefits; contributions. (Brunk)

Introduced—857

Referred-860

H 2615. Boy Scouts of America license plate. (DeGraaf, Ballard, Brunk, Burgess, Davis, Faber, Goico, Grange, Hermanson, Jack, Knox, Maloney, McLeland, Merrick, O'Neal, Olson, Otto, Patton, Pauls, Quigley, Rhoades, Ruiz, Schroeder, Whitham, Suellentrop)

Introduced—857

Referred-860, 923

H 2616. Professional regulated sports act; civil penalties, violations, fees and rules and regulations. (Appropriations)

Introduced—857

Referred-860, 1034

Report of committee—1134

Committee of whole report—1196

H 2617. Transportation works for Kansas program, financing. (Transportation)

Introduced—857

Referred—860

H 2618. Transportation works for Kansas, financing, sales tax on motor-vehicle fuels. (Trans-

Introduced-858

Referred—860

H 2619. Registered nurse anesthetists duties. (Health and Human Services)

Introduced—858; **SJ**—1100

Referred—860; **SI**—1105

Report of committee-954; SI-1148

Committee of whole report—985; SI—1176

Final Action—1003; **SI**—1184

Enrolled—1135

Action of Governor—1296

H 2620. Kansas firearms freedom act. (Merrick, Carlson, DeGraaf, Gordon, Hayzlett, Huebert, Jack, Morrison, O'Brien, Olson, Otto, Powell, Rhoades, Siegfreid)

Introduced—858; **SJ**—1239

Referred—860; SJ—1258

Report of committee—1157

Committee of whole report—1196

Final Action—1225

H 2621. Prohibiting transferability of income tax credits and repealing certain income tax credits. (Taxation)

Introduced—859; **SJ**—1202

Referred—873; **SJ**—1211

Report of committee—979

Committee of whole report—1130

Final Action—1138

H 2622. Concerning the use of public funds for lobbying. (Patton)

Introduced—859

Referred—873

**H 2623.** Prohibiting covering license plate with clear or opaque material. (Economic Development and Tourism)

Introduced—859

Referred-873

Report of committee—948

**H 2624.** Concerning construction of new school buildings. (Energy and Utilities)

Introduced—859

Referred-873

H 2625. Concerning energy conservation measures. (Energy and Utilities)

Introduced—860

Referred—873

**H 2626.** Concerning requirements for telecommunications and local exchange carriers. (Energy and Utilities)

Introduced—860

Referred—873

H 2627. School districts; consolidation of three or more districts into two districts. (Lukert)

Introduced-860

Referred-873

**H 2628.** School districts; enacting the responsible life education and teen safety dating act. (Finney)

Introduced—860

Referred-873

**H 2629.** Concerning the care of children and orders of temporary custody. (Finney)

Introduced—860

Referred—873

**H 2630.** Requiring adjustments to property tax levies relative to revenues produced by property taxes. (Brunk, Crum, DeGraaf, Hermanson, Jack, Kerschen, Kiegerl, Morrison, Patton, Peck, Powell, Rhoades, Schwartz, Siegfreid)

Introduced-860

Referred—873

**H 2631.** S Sub for H 2631 by Committee on Ways and Means — Appropriations for FY 2010 through 2017 for various state agencies; appropriations for FY 2011 and FY 2012 for capital improvements for various state agencies. (Government Efficiency and Fiscal Oversight)

Introduced—860; SJ—1100

Referred—873; SJ—1105, 1300, 1404

Report of committee—954; SI—1190

Committee of whole report—985; **SJ**—1460 Final Action—1003; **SJ**—1470

**H 2632.** State finance; prohibiting the sweeping of moneys from agency fee funds above the 20% or \$200,000 limit. (Morrison)

Introduced-860

Referred—873

**H 2633.** Establishing the community defense act. (Federal and State Affairs)

Introduced-860

Referred-873

**H 2634.** Vehicle title loans; regulation thereof. (Federal and State Affairs)

Introduced—868

Referred—873

**H 2635.** Establishing a procedure for preparation and adoption of reapportionment plans. (Federal and State Affairs)

Introduced—868

Referred—873

**H 2636.** Chronic obstructive pulmonary disease program. (Health and Human Services)

Introduced—868

Referred—873

**H 2637.** Requiring the court to charge a \$100 fee for collection of defendant's DNA information for storage in the KBI DNA database. (Corrections and Juvenile Justice)

Introduced—868; SJ—1100

Referred—873; SJ—1105, 1282

Report of committee—953

Committee of whole report—985

Final Action—1003

**H 2638.** Horse thief reservoir water district may appoint a law enforcement manager; law enforcement powers; requiring training at the law enforcement training center. (Whitham, George)

Introduced—868; **SJ**—1068

Referred—873; **SI**—1084

Report of committee—936; SJ—1190

Committee of whole report—957; SJ—1199

Final Action—969; **SJ**—1205

Enrolled-1254

Action of Governor-1300

**H 2639.** Allowing mountain lions and wolves to be hunted without a hunting license. (Agriculture and Natural Resources)

Introduced-868

Referred-873

**H 2640.** Kansas offender registration act; changing penalties for aiding a person required to register and failure to register by a person required to register. (Corrections and Juvenile Justice)

Introduced—868

Referred-873

Report of committee—953

Committee of whole report—982

**H 2641.** Increasing penalties for unlawful sexual relations and requiring offender registration; increasing penalties when staff traffic in dangerous contraband in a correctional facility. (Corrections and Juvenile Justice)

Introduced—868

Referred—873

H 2642. Kansas nonsmoker protection act. (Health and Human Services)

Introduced—869

Referred—873, 902, 923

**H 2643.** Increasing the rate of tax on cigarettes and tobacco products. (Taxation)

Introduced—869

Referred-873

**H 2644.** Employment security law; relating to contribution rates, penalties and interest for calendar years 2010 and 2011. (Federal and State Affairs)

Introduced—869 Referred—873

H 2645. Limiting eligibility of state employees to receive benefits and reimbursements for abortifacient procedures under a state health savings account plan. (Appropriations)

Introduced—869

Referred—873

H 2646. Clothing requirements while hunting deer or elk. (Appropriations)

Introduced—869

Referred-873

H 2647. Schools; authorizing a local activities budget. (Siegfreid)

Introduced—871

Referred—873

Report of committee—960

H 2648. Limitations expenditures by the legislature, certain computer and information technology purchases and services, suspending per diem compensation increases for legislators. (Davis, Ballard, Brown, T., Carlin, Crow, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, Gatewood, D., Gatewood, S., Goyle, Grant, Hawk, Kuether, Lane, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Slattery, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Svaty, D.)

Introduced—871

Referred—873

H 2649. Designating little bluestem (schizachyrium scoparium) as the state grass of Kansas. (Federal and State Affairs)

Introduced—872; SJ—1129

Referred—881; SJ—1135

Report of committee-1017; SJ-1148

Subsidiary motions—1027; SJ—1155

Committee of whole report—1035; SJ—1260

Final Action—1039; **SJ**—1263

Enrolled—1309

Action of Governor—1382

H 2650. S Sub for S Sub for H 2650 by Committee on Transportation — Transportation works for Kansas program, financing. (Federal and State Affairs)

Introduced—872; **SI**—1068

Referred—881; SJ—1084, 1383, 1413

Report of committee—948; SJ-1302, 1391

Committee of whole report—956; SJ—1577

Final Action—969; **SJ**—1579

Further action of House—1836

Enrolled-1841

Action of Governor—1840

H 2651. Lottery and parimutuel winnings; child support setoff. (Federal and State Affairs)

Introduced—872 Referred-881

H 2652. Kelsey Smith act; call location; amendments. (Federal and State Affairs)

Introduced—872; SI—1068

Referred—881; SJ—1084

Report of committee-927; SJ-1145

Committee of whole report—956; SJ—1165

Final Action—969; **SI**—1168

Further action of House-1156, 1327

Further action of Senate—SI—1212, 1310

Enrolled—1390

Action of Governor—1382

H 2653. Regulating traffic; United States postal service vehicles; right-of-way. (Federal and State Affairs)

Introduced-872

Referred-881

H 2654. Elections: Changing the date of April primary elections to August. (Elections)

Introduced—872

Referred—881

H 2655. Authorizing community correctional services to allow inmates good time credit for misdemeanors and non-grid crimes. (Corrections and Juvenile Justice)

Introduced—873

Referred—881

H 2656. Amendments to the Kansas code of civil procedure. (Judiciary)

Introduced—878; **SJ**—1100

Referred-881; SI-1105

Report of committee-954; SJ-1189

Committee of whole report—985; SJ-1200

Final Action—1004; **SI**—1205

Further action of House—1194, 1385

Further action of Senate—SJ—1232, 1349

Enrolled—1772

Action of Governor—1840

H 2657. Establishment of Kansas partnership for accessible technology. (Federal and State Affairs)

Introduced—880; SJ—1105

Referred—886; SI—1111

Report of committee-954

Final Action—1014

H 2658. State fair board; purchase of workers compensation insurance authorized. (Appropriations)

Introduced-880

Referred—886

H 2659. Lodging establishments not required to be licensed. (Appropriations)

Introduced—880

Referred-886

**H 2660.** Recreational off-highway vehicles, regulation thereof. (Transportation)

Introduced—880; **ŜJ**—1100

Referred—886; **SJ**—1105

Report of committee—956; SJ—1149

Committee of whole report—986; SJ—1269

Final Action—1005; **SJ**—1282

Further action of House—1307, 1830

Further action of Senate—SJ—1298, 1559

Enrolled-1841

Action of Governor—1840

**H 2661.** Further amendments to the recodification of the criminal controlled substances provisions. (Corrections and Juvenile Justice)

Introduced—882; **SJ**—1100

Referred—886; SJ—1105

Report of committee—940; SJ—1208

Committee of whole report—982

Final Action—1005; **SJ**—1240 Enrolled—1309

Action of Governor—1382

**H 2662.** Concerning the wind generation permit act. (Energy and Utilities)

Introduced—882

Referred-886

**H 2663.** Concerning cities and counties and the creation of energy management districts. (Energy and Utilities)

Introduced—882

Referred-886

Report of committee—927

**H 2664.** Income tax credit for certain taxpayer payments to the employment security fund. (Commerce and Labor)

Introduced—882

Referred-886

**H 2665.** Establishes the individual unemployment insurance savings account program. (Commerce and Labor)

Introduced—882

Referred—886

**H 2666.** Animal health department; fees. (Appropriations)

Introduced—882; **SJ**—1239

Referred—886; SJ—1258

Report of committee—958; SI—1286

Committee of whole report—1205; SJ—1302

Final Action—1225; **SJ**—1313

Further action of House—1317

Enrolled—1390

Action of Governor—1382

**H 2667.** Recodification of certain domestic relations matters. (Judiciary)

Introduced—882; SJ—1100

Referred—886; **SJ**—1105, 1282

Report of committee-947; SI-1208

Committee of whole report—974

Final Action—1005

**H 2668.** Recodification of the criminal code. (Judiciary)

Introduced—882; **SJ**—1100

Referred—886; **SJ**—1105

Report of committee—945; SJ—1190

Committee of whole report—989; SJ—1200

Final Action—990; **SJ**—1205

Further action of House—1194, 1386

Further action of Senate—SJ—1232, 1350

Enrolled—1460

Action of Governor—1840

**H 2669.** H Sub for H 2669 by Committee on Commerce and Labor — Disabilities; Kansas employment first initiative act and Kansas employment first oversight committee. (Federal and State Affairs)

Introduced—884, 1134; SJ—1239

Referred—892; SJ—1258

Report of committee—1134

Committee of whole report—1196

Final Action-1226

**H 2670.** Electronic citations, complaints and notices to appear. (Federal and State Affairs)

Introduced—884

Referred-892

**H 2671.** Fire marshal; office made division of insurance department; investigation of crimes. (Appropriations)

Introduced—891; **SJ**—1231

Referred—892; SJ—1239

Report of committee—1117

Committee of whole report—1168

Final Action—1189

**H 2672.** Kansas taxpayer transparency act; amendments. (Federal and State Affairs)

Introduced—899

Referred-902

**H 2673.** Assessment of quality assurance fee on skilled nursing care facilities to improve the quality of care. (Federal and State Affairs)

Introduced—899

Referred—901, 1142

Report of committee—1141

**H 2674.** Personal and family protection act; amendments. (Federal and State Affairs)

Introduced—899

Referred—901

**H 2675.** City annexation; fire district territory; double taxation; refund of taxes. (Federal and State Affairs)

Introduced—899

Referred-902

H 2676. Employment security law; contribution rates option; no penalties or interest up to 90 days late. (Federal and State Affairs)

Introduced—899; **SJ**—1100

Referred—901; **SJ**—1104

Report of committee—927; SJ—1117

Committee of whole report—952, 973; SI—

Final Action—1006; **SJ**—1133

Further action of House—1079

Enrolled—1135

Action of Governor—1218

**H 2677.** School districts; child care facility fund. (Appropriations)

Introduced—899

Referred-902

H 2678. Designating a part of U.S. highway 59 as the Vern Chesbro memorial highway. (Appro-

Introduced—899; SJ—1152

Referred—902; **SJ**—1166

Report of committee—1062; SJ—1219

Committee of whole report—1070; SJ—1236

Final Action—1078; **SJ**—1243 Enrolled—1309

Action of Governor—1382 H 2679. Cemeteries; abandoned; sale by municipalities; conditions. (Appropriations)

Introduced—899

Referred-902

H 2680. Regulating traffic; impeding traffic. (Appropriations)

Introduced—899

Referred—902

H 2681. Establishing the passenger rail service program. (Appropriations)

Introduced—899

Referred—902

H 2682. Allowing employees to retain and receive contribution from employer on individual policies, requiring employer to provide cafeteria plan, and requiring administering carriers to provide health savings accounts and high deductible health plans. (Taxation)

Introduced—899

Referred-901, 917

Report of committee-1108

Committee of whole report—1170

**H 2683.** Amending the definition of eligible employee and eliminating the requirement of full-time employment to qualify for small employer health benefit plan coverage. (Appropriations)

Introduced—901

Referred—909

H 2684. Enacting the rural risk bank loan guarantee loan program. (Federal and State Affairs)

Introduced—909

Referred-916

H 2685. Personal and family protection act; amendments. (Federal and State Affairs)

Introduced—909; **SI**—1263

Referred—916; **SJ**—0

Report of committee—1194

Committee of whole report—1237

Final Action—1267

**H 2686.** Income tax credit for certain expenses related to living donor organ donations. (Taxation)

Introduced—914

Referred—917

**H 2687.** Penalties and interest on overpayments of income taxes paid by taxpayers. (Taxation)

Introduced—914

Referred—917

H 2688. Housing loan deposit program; eligibility of certain dwellings, outstanding loan amount limit. (Federal and State Affairs)

Introduced—914

Referred—916

H 2689. H Sub for H 2689 by Committee on Taxation — Sales tax authority for Pottawatomie and Kingman counties. (Taxation)

Introduced—914, 1062; SJ—1202

Referred—917; SJ—1211

Report of committee—1062

Committee of whole report—1133

Final Action—1139

H 2690. Bidding preference for in-state companies. (Appropriations)

Introduced—914

Referred—917

H 2691. Biennial budgeting for Kansas home inspectors registration board. (Appropriations)

Introduced—914; **SJ**—1167

Referred—917; **SJ**—1185

Report of committee—1065; SJ—1219

Committee of whole report—SJ—1250

Final Action—1093; **SI**—1256

Further action of House—1297, 1451

Further action of Senate—SI-1285, 1389

Enrolled—1772

Action of Governor—1840

H 2692. Governmental ethics commission, fixing certain fees. (Appropriations)

Introduced—914

Referred—916

H 2693. Statehouse restoration capital improvement project, stopping work and expenditures, prohibiting expenditures of public moneys for visitors center. (Appropriations)

Introduced—914

Referred—916

**H 2694.** 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, 2011. (Appropriations)

Introduced—914

Referred—917

**H 2695.** Reduced period of redemption for certain vacant land bid off by county for both delinquent taxes and special assessments. (Taxation)

Introduced—916

Referred—923

**H 2696.** Failure to stop or report accidents, suspension of driving privileges. (Taxation)

Introduced—916

Referred-923

**H 2697.** Alcoholic beverages; amendments to licensure of alcoholic liquor retailers. (Federal and State Affairs)

Introduced-920

Referred-922, 1034

**H 2698.** Secretary of state; authorizing real property conveyance to the city of Ogden. (Taxation)

Introduced—920; **SJ**—1129

Referred—922; **SJ**—1135

Report of committee—1023; SJ—1198

Committee of whole report—1035

Final Action—1039; **SJ**—1240

Enrolled—1309

Action of Governor—1382

**H 2699.** School districts; teachers; tenure. (Appropriations)

Introduced—920

Referred-923

**H 2700.** Requiring boards of education to educate students, teachers and parents about the dangers of "sexting" and other forms of electronic communication. (Federal and State Affairs)

Introduced—950

Referred-963

**H 2701.** Municipalities; organized solid waste collection service act. (Federal and State Affairs)

Introduced—950

Referred—963

**H 2702.** Creating the juvenile offense of unlawful dissemination of a visual depiction of a minor and amending the crime of sexual exploitation of a child. (Federal and State Affairs)

Introduced—961

Referred—963

**H 2703.** Increased maximum retirement benefit for KP&F members and increased employee contributions until the maximum retirement benefit is attained. (Appropriations)

Introduced—980

Referred—989

**H 2704.** School districts; consolidation; student eligibility for activities if school building closes; taxable tangible property, defined; medicaid replacement state aid. (Appropriations)

Introduced—987; **\$J**—1152

Referred—1008; **SJ**—1166, 1185

Report of committee—1062; SJ—1215

Committee of whole report—1070; SJ—1276

Final Action—1078; **SJ**—1282

Further action of House—1307

Further action of Senate—SJ-1298, 1615

**H 2705.** Appropriations for FY2011 and FY2012 for capital improvements for various state agencies. (Appropriations)

Introduced—988

Referred-1009

**H 2706.** Appropriations for FY 2010 through FY 2015 for various state agencies. (Appropriations)

Introduced—1007

Referred—1009

**H 2707.** Limiting political subdivision budget expenditures from revenues produced by property tax levies. (Taxation)

Introduced—1008 Referred—1009

**H 2708.** Five-year average valuation for real property used for residential purposes. (Taxation)

Introduced—1009

Referred-1011

**H 2709.** Income tax deduction for certain excess employer social security taxes paid. (Taxation)

Introduced—1011

Referred—1014

H 2710. Lottery; racing and gaming; bingo; divisions of Kansas lottery. (Federal and State Affairs) Introduced—1013

Referred—1019

Keierrea—1018

**H 2711.** Kansas act against discrimination; inclusion of sexual orientation and gender identity. (Federal and State Affairs)

Introduced—1013

Referred—1019

**H 2712.** Cemetery corporations, cemetery merchandise contracts, permanent maintenance fund. (Federal and State Affairs)

Introduced—1017 Referred—1019, 1064

**H 2713.** Cemetery corporations, enforcement by secretary of state. (Federal and State Affairs)

Introduced—1017

Referred—1019, 1064

**H 2714.** Restricting KDOT'S authority to appeal from awards under eminent domain procedure. (Federal and State Affairs)

Introduced-1017

Referred-1019

H 2715. Restricting health insurance companies from offering coverage for tobacco-related illnesses without the purchase of an additional rider to cover such illnesses. (Taxation)

Introduced—1017

Referred—1019

H 2716. Computation of KPERS benefits for certain state officers and employees placed on furlough. (Select Committee on KPERS)

Introduced—1023

Referred-1026

H 2717. Prison-made goods act of Kansas; limitations on prices of such goods. (Appropriations)

Introduced—1026

Referred-1030

H 2718. School finance litigation; duties of the revisor of statutes. (Appropriations)

Introduced—1026

Referred—1030

Report of committee-1180

Subsidiary motions—1224

**H 2719.** School districts; expenditures under the average per pupil; budget equity levy. (Appropriations)

Introduced—1026

Referred-1030

H 2720. School districts; enacting the education economic recovery act (TEERA). (Appropriations)

Introduced—1028

Referred-1030

H 2721. Workers compensation act; increasing the caps on benefits. (Appropriations)

Introduced—1028

Referred-1030

H 2722. Boards of barbering and cosmetology; consolidation of certain administrative operations. (Appropriations)

Introduced—1028

Referred-1030

H 2723. Health maintenance organizations, annual privilege fee, remove phase-in. (Appropriations)

Introduced—1029

Referred—1030

H 2724. Creating the department of banks and credit unions and abolishing the office of the state bank commissioner and the state department of credit unions. (Appropriations)

Introduced—1029

Referred—1030

H 2725. Sales tax authority for Pottawatomie county. (Taxation)

Introduced—1030

Referred—1034

H 2726. Assessment of waiver provider fee on providers of certain home and community-based services. (Federal and State Affairs)

Introduced—1033 Referred—1037

H 2727. Driver's licenses and nondriver identification cards, protection of privacy rights. (Federal and State Affairs)

Introduced—1034

Referred—1037

H 2728. School districts; reorganization. (Appropriations)

Introduced—1035

Referred—1037

H 2729. Concerning cities and counties; creating energy management districts. (Appropriations)

Introduced—1037; **SJ**—1212

Referred—1061; SI—1225

Report of committee—1082

Committee of whole report—1140

Final Action—1153

H 2730. Retirement health care benefit payments for certain retirants. (Select Committee on KPERS)

Introduced—1037

Referred-1061

H 2731. Concerning utilities; establishing a natural gas energy credits trading program. (Taxation)

Introduced—1064

Referred-1068

H 2732. Kansas sentencing commission; personnel and accounting services. (Appropriations)

Introduced—1074

Referred—1077

H 2733. Campaign finance; electioneering communications. (Federal and State Affairs)

Introduced—1074

Referred—1077, 1186, 1504

H 2734. Prescribing a tax clearance program. (Taxation)

Introduced—1074

Referred—1077

H 2735. Alcoholic beverages; club and drinking establishment licensure; limousine service. (Federal and State Affairs)

Introduced—1092

Referred—1102

H 2736. Providing for sale of tax receivables. (Taxation)

Introduced—1092

Referred-1102

H 2737. Alcoholic beverages; licensure, municipal corporations; certain facilities. (Appropriations) Introduced—1109

Referred—1112

**H 2738.** Secretary of wildlife and parks. (Appropriations)

Introduced-1109

Referred—1112

**H 2739.** Sub for H 2739 by Committee on Education Buget — School districts; local foundation obligation; budget; local activities budget; BSAPP; weightings; transfers of moneys. (Appropriations)

Introduced—1109, 1217

Referred-1112

Report of committee—1216

**H 2740.** Amnesty from assessment or payment of penalties and interest with respect to certain taxes. (Taxation)

Introduced—1111

Referred-1119

**H 2741.** Smoking regulation. (Federal and State Affairs)

Introduced—1111

Referred—1119

**H 2742.** School districts; LOB authority of districts with under the state-wide average per pupil expenditures. (Appropriations)

Introduced—1135

Referred—1136

**H 2743.** Providing retention of Kansas payroll withholding taxes by qualified new companies. (Taxation)

Introduced—1135

Referred-1136

 ${f H}$  2744. School sports brain injury prevention act. (Appropriations)

Introduced—1151

Referred-1160

**H 2745.** Imposing an excise tax on money transmitters and prescribing the tax rate, procedures and distribution of revenue from such tax. (Taxation)

Introduced—1253 Referred—1255

**H 2746.** Repeal of particular sales tax exemptions; establishing special sales tax revenue fund. (Taxation)

Introduced-1297

Referred-1299

**H 2747.** Amnesty from assessment or payment of penalties and interest with respect to certain taxes. (Taxation)

Introduced-1307

Referred-1312

**H 2748.** School districts; the expenditure of moneys in school district funds for general education purposes. (Appropriations)

Introduced—1381

Referred—1392

**H 2749.** Challenging the constitutionality of a legislative action or enactment by legislators. (Federal and State Affairs)

Introduced—1457

Referred—1462

**H 2750.** State health care benefits program, subrogation, coordination of benefits. (Appropriations)

Introduced—1478

Referred—1504

**H 2751.** Enacting the Kansas public employees retirement system defined contribution act. (Appropriations)

Introduced—1735

Referred—1773

#### TITLE AND HISTORY OF HOUSE CONCURRENT RESOLUTIONS

HCR 5003. Kansas constitutional amendment; equal rights; no discrimination based on sex. (Flaharty, Ballard, Benlon, Carlin, Crow, Davis, Finney, Gatewood, D., Huntington, Long, Mah, McCray-Miller, Neighbor, Quigley, Rardin, Ruiz, Swenson, Trimmer, Ward, Wetta, Winn, Wolf, K.)

Introduced-58

Referred-61

**HCR 5004.** Urging Congress to oppose federal legislation interfering with a state's ability to direct the transport or processing of horses. (Agriculture and Natural Resources)

Introduced-59

Referred-61

Report of committee—177

HCR 5005. Governor appoints supreme court justices, senate confirms; nominating commission membership amended; commission evaluates nominees and makes recommendation. (Judiciary)

Introduced-71

Referred-78

**HCR 5006.** State constitutional amendment; reapportionment; adjustments to population. (Veterans, Military, and Homeland Security)

Introduced—75

Referred-78

HCR 5008. Unified Greeley County; City of Tribune; endorsement. (Hayzlett)

Introduced—86; SJ—114

Referred—112; **SJ**—119

Committee of whole report—113

Final Action—117

**HCR 5009.** Concurrent resolution opposing relocation of Guantanamo Bay detainees to Kansas. (Veterans, Military, and Homeland Security)

Introduced—86

Referred-112

HCR 5011. Constitutional amendment to define underground storage natural gas owners as public utilities and subject them to property taxation. (Taxation)

Introduced—131

Referred—135

**HCR 5012.** A review of the Pick-Sloan Act. (Vision 2020)

Introduced—249; **SJ**—537

Referred—257; **SJ**—540

Report of committee-276; SJ-1208

Committee of whole report—432; SJ—1220

Final Action—444; **SJ**—1224

Enrolled—1298

**HCR 5013.** Protection, preservation and extension of the productive lives of reservoirs in Kansas. (Vision 2020)

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Introduced—250; SJ—537
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Referred—257; **SJ**—540

Report of committee—276; SI—1208

Committee of whole report—432; SJ—1220

Final Action—444; **SJ**—1224

Enrolled—1298

HCR 5014. Expanded rail service; Kansas City to Fort Worth, Texas; congratulating Kansas Department of Transportation and others; urging action. (Finney, Burroughs, Davis, DeGraaf, Hermanson, Hill, Long, Sloan, Talia, Trimmer, Ward)

Introduced—296

Referred-304

**HCR 5016.** Urging Kansas school districts to use carefully the federal stimulus funds received. (Appropriations)

Introduced—311

Referred—314

**HCR 5017.** Right to bear arms; hunting. (Taxation)

Introduced-312

Referred-314

Report of committee—342

Committee of whole report—406

HCR 5019. Constitutional amendment to prescribe revenue, expenditure and taxation limitations on state government. (Federal and State Affairs)

Introduced—393

Referred-401

**HCR 5022.** Concerning global climate change and cautioning against non-productive reactions to the effects of global warming. (Federal and State Affairs)

Introduced-486

Referred-518

HCR 5024. Joint session for hearing message of the governor. (O'Neal, Davis)

Introduced—791; **SJ**—914

Adopted—791; **SJ**—914

Enrolled—820

**HCR 5025.** Amending joint rule 4 of the senate and house of representatives concerning deadlines. (O'Neal)

Introduced—798; **SJ**—938

Adopted—825; **SJ**—957

Enrolled—852

HCR 5026. Requesting the supreme court to conduct a survey and study of the Kansas court system; judicial study advisory committee. (Vision 2020)

Introduced—800; SJ—1100

Referred—806; **SJ**—1105

Report of committee—956

Committee of whole report—985

Final Action—1006

**HCR 5027.** Endorsing Taiwan's participation as an observer in the ICAO and UNFCCC. (O'Neal, Merrick, Siegfreid)

Introduced—822; **SJ**—938

Referred—SI—945

Report of committee—SI-1025

Committee of whole report—SI—1038

Final Action—SJ—1042

Adopted-822

HCR 5028. 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. (Taxation)

Introduced-836

Referred-842

HCR 5029. State constitutional amendment; reapportionment; adjustments to population. (Veterans, Military, and Homeland Security)

Introduced—854

Referred-860

HCR 5030. Supporting a statewide statistical survey of high school football players' families regarding use of major university stadiums as host venues for football championship games. (Kinzer, Merrick)

Introduced-869

Referred—873

**HCR 5031.** Expenditure of public moneys to finance litigation against the state. (Appropriations)

Introduced—880

Referred—886

HCR 5032. Constitutional amendment to preserve right to choose health care services and participate in health insurance plan. (Landwehr, Brown, A., Brunk, Carlson, Crum, DeGraaf, Faber, Fund, George, Goico, Gordon, Grange, Herma-

nson, Holmes, M., Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Mast, McLeland, Merrick, Morrison, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Schwab, Seiwert, Siegfreid, Vickrey, Wolf, B., Yoder, Suellentrop)

Introduced—885

Referred-892

Report of committee—1035

Subsidiary motions—1275, 1275

Committee of whole report—1194 Final Action—1226

HCR 5033. In memory of Bryce Miller; recommending that a future statewide mental health program be named the Bryce Miller Mental Health Program. (Aging and Long-term Care)

Introduced—899

Referred-901, 909

**HCR 5034.** In memory of Bryce Miller. (Aging and Long-term Care)

Introduced—1018; **SJ**—1212

Referred—SJ—1225

Adopted—1152

HCR 5035. Urging Congress to adopt the Parental Rights Amendment. (Federal and State Affairs)

Introduced—1074

Referred—1077

HCR 5036. Proposition affirming the legislature's authority to limit recovery for noneconomic damages in personal injury claims. (Judiciary)

Introduced—1100 Referred—1102

HCR 5037. Adjournment for a time during the 2010 legislature. (O'Neal, Davis, Merrick)

Introduced—1297; SI—1286

Adopted—1297; SJ—1287

Enrolled—1379

#### TITLE AND HISTORY OF HOUSE RESOLUTIONS

HR 6001. Organization of the House of Representatives, 2010. (O'Neal, Davis)

Introduced—787

Adopted—787

Enrolled-812

HR 6002. Assignment of seats of the House of Representatives, 2010. (O'Neal, Davis)

Introduced—788

Adopted—788

Enrolled—812

HR 6003. Amending House rules relating to number of members on certain standing committees. (O'Neal, Davis)

Introduced-788

Final Action-802

Enrolled—815

**HR 6004.** A resolution congratulating and com-

mmending Shawnee Heights math teacher Bradley Nicks for being honored as a Milken Family Foundation National Educator. (Mah)

Introduced-789

Adopted—873

Enrolled—891

**HR 6005.** Establishing targets for energy development, consumption and costs. (Energy and Util-

Introduced-800

Referred-806

HR 6006. Declaring January as Kansas Mentoring Month. (Bethell, Hawk)

Introduced—807

Adopted-823

Enrolled—834

HR 6007. Congratulating and commending the pioneer class of the Kansas Academy of Mathematics and Science (KAMS). (Phelps, Johnson)

Introduced—818

Adopted—818

Enrolled—846

HR 6008. Congratulating Benedictine College for 152 years of service. (George, Henry)

Introduced—819

Adopted—833

Enrolled—849

HR 6009. Relating to assignment of seats of the House of Representatives. (O'Neal, Davis)

Introduced—837

Adopted—837

Enrolled—858

**HR 6010.** Congratulating and commending The Research on Black Wichita Project: 1945-1958. (McCray-Miller)

Introduced—838

Adopted—838

Enrolled—849

HR 6011. Supporting an exemption from air emissions requirements for cattle producers. (Trimmer, Carlin, Crow, Feuerborn, Gatewood, D., Hawk, Lukert, Maloney, Meier, Palmer, Pauls, Phelps, Wetta, Williams, Svaty, D.)

Introduced—843

Referred-848

HR 6012. Supporting federal legislation to require the FCC to address the problem of loud television commercials. (Long)

Introduced—845

Referred-848

**HR 6013.** Boy Scouts of America's contribution to society and Vision for the Future. (Gatewood, S.)

Introduced—856

Adopted—888

Enrolled—908

HR 6014. Encouraging participation in the American Heart Association's Go Red for Women Campaign. (Kuether)

Introduced—870

Adopted—874 Enrolled—891

HR 6015. Boy Scouts of America; 100 years of service. (Prescott, Brookens, DeGraaf, George, Grange, Holmes, C., Holmes, M., McLeland, Merrick, O'Neal, Vickrey)

Introduced—887

Adopted—887

Enrolled—908

HR 6016. Congratulating and commending the boy scouts of America. (Prescott, Brookens, De-Graaf, Gatewood, D., George, Grange, Henderson, Holmes, C., Holmes, M., Lane, Maloney, Mc-Leland, Merrick, O'Neal, Ruiz, Talia, Vickrey)

Introduced—910 Adopted—910

Enrolled—948

HR 6017. Obesity in the African American, Hispanic/Latino American and Native American communities. (Appropriations)

Introduced—929

Referred-931

Report of committee-1106

HR 6018. Supporting antitrust enforcement on the meat industry. (Agriculture and Natural Resources)

Introduced-1012

Referred—1014

HR 6019. Proclaiming March 11, 2010, as World Kidney Day and March as Kidney Awareness Month. (Rhoades)

Introduced-1014

Adopted-1038 Enrolled—1067 HR 6020. Honoring social workers. (Bethell) Introduced—1026 Adopted—1034 Enrolled—1067 HR 6021. Honoring Representative Ruby Gilbert. (Finney, Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, Brown, A., Brown, T., Brunk, Wheelchair Kansas 2010. (Brunk) Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Flaharty, Frownfelter, Fund, Furtado, Garcia, Gatewood, D., Gatewood, S., George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, Holmes, C., Holmes, M., Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze,

Introduced—1037 Adopted—1065

Enrolled—1109 HR 6022. Congratulating and commending Heartland Heroes Hunt. (Hayzlett)

Svaty, D., Barnes, Suellentrop, Bollier)

Trimmer, Vickrey, Ward, Wetta, Whitham, Wil-

liams, Winn, Wolf, B., Wolf, K., Worley, Yoder,

Introduced—1065 Adopted—1069 Enrolled—1109

HR 6023. Recognizing the Kansas Small Business Development Center's 2009 Businesses of the Year. (Hill, Carlson, Davis, Gordon, Maloney, Prescott, Proehl, Rardin, Swanson, Tafanelli, Vickrey, Whitham, Wolf, B.)

Introduced—1066 Adopted—1069

Enrolled—1109

**HR 6024.** Honoring soldiers and thanking them for service. (Jack)

Introduced—1068

Adopted—1068

Enrolled—1109

HR 6025. Vietnam Veterans Day in Geary County and Junction City. (Craft)

Introduced—1119 Adopted—1119 Enrolled—1159

**HR 6026.** Congratulating and commending Kansas Insurance Commissioner Sandy Praeger for winning the 2010 American Medical Association's Dr. Nathan Davis Award. (Shultz)

Introduced—1148 Adopted—1224

Enrolled—1309

HR 6027. Congratulating Tiffany Nickel, Ms.

Introduced—1148

Adopted—1152 Enrolled-1254

HR 6028. Soldiers, honoring. (Jack)

Introduced—1162

Adopted—1189

Enrolled—1298

HR 6029. Congratulating the A.Q. Miller School of Journalism and Mass Communications at K-State on its 100th anniversary. (Hawk, Carlin)

Introduced—1162 Adopted—1222 Enrolled—1309

**HR 6030.** Promoting public awareness of colon cancer and recognizing March as Colon Cancer Awareness Month. (Wolf, K., Benlon)

Introduced—1185

Adopted—1393 Enrolled—1449

HR 6031. Congratulating McPherson School for winning the NAHB Residential Construction Management Competition. (Shultz, Pauls)

Introduced—1188

Adopted—1224

Enrolled—1309

HR 6032. Urging the U.S. Government to support the NewGen Tanker. (Myers)

Introduced—1188 Adopted—1224

Enrolled—1309

**HR 6033.** Honoring John D.VanGorden for his service to the City of Pittsburg. (Menghini)

Introduced—1219

Adopted—1313

Enrolled—1390

HR 6034. Designating May as Lupus Awareness Month. (Finney)

Introduced—1220

Adopted—1220

Enrolled—1309

HR 6035. Declaring March 23, 2010, as American Diabetes Association Alert Day in the State of Kansas. (McCray-Miller)

Introduced-1221

Adopted—1221

Enrolled-1309

**HR 6036.** Requiring the Attorney General of the State of Kansas to join or bring an action challenging the constitutionality of the Federal health care reform package. (Jack, Brown, A., Brunk, Carlson, DeGraaf, Gordon, Hermanson, Horst, Kelley, Kerschen, Kinzer, Kleeb, Landwehr, Mast, Merrick, O'Brien, O'Neal, Prescott, Rhoades, Seiwert, Siegfreid, Suellentrop)

Introduced—1303

Referred—1312, 1392

Report of committee—1415

HR 6037. Designating National Public Health Week, April 5-11, 2010. (Kiegerl)

Introduced—1312

Adopted—1312

Enrolled—1390

HR 6038. Congratulating the Emporia State University Women's Basketball team, 2010 NCAA National Champions. (Hill, Mast)

Introduced—1383

Adopted—1406

Enrolled—1460

HR 6039. Congratulating Baldwin High School, national champions in the Real World Design Challenge. (Brown, T.)

Introduced—1384

Adopted—1384

Enrolled—1510

HR 6040. Congratulating the Wichita Heights basketball team, Class 6A State Champions. (Brunk, DeGraaf, Dillmore, Finney, Flaharty, Garcia, Goico, Goyle, Hermanson, Huebert, Jack, Kerschen, Landwehr, Loganbill, McCray-Miller, McLeland, Myers, Pottorff, Swenson, Ward, Barnes, Suellentrop)

Introduced—1392 Adopted—1392

Enrolled—1449

**HR 6041.** Congratulating and commending the National Merit Finalists of Unified School District 259. (Brunk, DeGraaf, Dillmore, Finney, Flaharty, Garcia, Goico, Goyle, Hermanson, Huebert, Jack, Kerschen, Landwehr, Loganbill, McCray-Miller, McLeland, Myers, Pottorff, Swenson, Ward, Barnes, Suellentrop)

Introduced—1404

Adopted—1404

Enrolled—1460

**HR 6042.** Congratulating and commending Hanover High School for winning back-to-back championships in both football and basketball. (Schwartz)

Introduced—1411

Adopted—1411

Enrolled—1510

HR 6043. Congratulating Hanover High School basketball coach Kim Lohse for winning the Coach of the Year Award. (Schwartz)

Introduced—1412 Adopted—1412 Enrolled—1503

HR 6044. A resolution honoring John F. Hayes. (O'Neal, Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, Brown, A., Brown, T., Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, Gatewood, D., Gatewood, S., George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, Holmes, C., Holmes, M., Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, Wolf, B., Wolf, K., Worley, Yoder, Svaty, D., Barnes, Suellentrop, Bollier)

Introduced—1413

Adopted—1462

Enrolled—1510

HR 6045. Designating October as "Agent Orange Recognition Month." (Craft, Goyle, Meier)

Introduced—1447

Adopted—1462

Enrolled—1510

HR 6046. Honoring former Representative Al Lane. (Bollier, Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, Brown, A., Brown, T., Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, Gatewood, D., Gatewood, S., George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, Holmes, C., Holmes, M., Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, Wolf, B., Wolf, K., Worley, Yoder, Svaty, D., Barnes, Suellentrop)

Introduced—1448 Adopted—1463

Enrolled—1510

HR 6047. Commending Barb Hinton for her fine performance as Legislative Post Auditor and congratulating her on her future endeavors. (Grange, Burroughs, Mah, Mast, Peck)

Introduced—1457 Adopted—1512 Enrolled—1802

HR 6048. Honoring former Representative Isaac "Kelso" Deer. (Yoder, Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, Brown, A., Brown, T., Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, Gatewood, D., Gatewood, S., George, Goico, Gordon,

Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, Holmes, C., Holmes, M., Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, Wolf, B., Wolf, K., Worlev, Svaty, D., Barnes, Suellentrop, Bollier)

Introduced—1478

**HR 6049.** Congratulating and commending the Kansas arts Commission and the Kansas Arts Commissioners. (Kelley)

Introduced—1748 Adopted—1774 Enrolled—1838

### **FINAL**

## **HOUSE CALENDAR**

No. 66

## **JANUARY 11, 2010 THROUGH MAY 28, 2010**

#### ACTION ON HOUSE BILLS CARRIED OVER FROM 2009 SESSION

2005	Died, Comm	2048 Died, Comm	2101 D	Died, Comm
2006	Died, Comm	2049 Died, Comm	2103 D	Died, Comm
2009	Died, Comm	2051 Died, Comm		Died, Comm
2011	Died, Cal	2053 Died, Comm	2105 D	Died, Comm
2012	Died, Comm	2055 Died, Comm	2106 D	Died, Comm
2013	Died, Comm	2056 Died, Comm	2107 S	signed, St Bk
2015	Died, Comm	2057 Died, Comm	2108 D	Died, Comm
2016	Died, Comm	2058 Died, Comm	2109 D	Died, Comm
2017	Died, Comm	2061 Died, Comm	2112 D	Died, Comm
2018	Died, Comm	2062 Died, Comm	2113 D	Died, Comm
2019	Died, Comm	2064 Died, Comm	2114 D	Died, Comm
2020	Died, Comm	2065 Died, Comm	S Sub	
2021	Died, Comm	2069 Died, Comm	2115 V	<sup>7</sup> etoed
Sub		2070 Died, Comm	2116 D	Died, Comm
2022	Died, Cal	2071 Died, Comm	2117 D	Died, Comm
2024	Died, Comm	Sub	2118 D	Died, Comm
2025	Died, Comm	2073 Died, Comm	2119 D	Died, Comm
2027	Died, Comm	2074 Died, Comm		Died, Comm
2028	Died, Comm	Sub		Died, Comm
Sub		2075 Died, Comm		Died, Comm
	Died, Sen Comm	2076 Died, Comm		Died, Comm
	Died, Comm	2077 Died, Comm		Signed, St Bk
	Died, Comm	2078 Died, Comm		Died, Comm
	Died, Comm	S Sub		Died, Comm
	Died, Comm	2079 Died, Sen Comm	2129 D	Died, Comm
	Died, Comm	S Sub		ligned, Pub
	Died, Comm	2082 Died, Sen Comm	6	/10/10
	Died, Comm	2083 Died, Comm		Died, Comm
	Died, Comm	2084 Died, Sen Comm		Died, Comm
S Sub		2086 Died, Comm		Died, Comm
	Signed, St Bk	2087 Died, Comm		Died, Comm
	Died, Cal	2088 Died, Comm		Died, Comm
	Died, Comm	2089 Died, Comm		Died, Comm
	Died, Comm	2090 Died, Comm		Died, Cal
	Died, Comm	2093 Died, Comm		Died, Comm
	Died, Comm	2094 Died, Comm		Died, Comm
	Died, Comm	2095 Died, Comm		Died, Comm
2047	Died, Comm	2100 Died, Comm	2145 D	Died, Comm

2148 Died, Comm	2208 Died, Comm	2256 Died, Comm
2149 Died, Comm	2209 Died, Comm	2257 Died, Comm
2150 Died, Comm	2210 Died, Comm	2261 Died, Comm
2151 Died, Comm	2211 Died, Comm	2262 Died, Comm
2153 Died, Comm	2212 Died, Comm	2263 Died, Comm
2154 Died, Cal	2213 Died, Comm	2264 Died, Comm
2156 Died, Comm	2215 Died, Comm	2265 Died, Conf Comm
2159 Died, Comm	2216 Died, Comm	2266 Died, Comm
2160 Signed, St Bk	2217 Died, Comm	2268 Died, Comm
2161 Died, Comm	2217 Bied, Comm	2269 Died, Comm
2163 Died, Comm	S Sub	2271 Died, Comm
2166 Died, Sen Comm	2219 Signed, Pub	2277 Died, Collini 2272 Died, Cal
2167 Died, Comm	6/3/10	2272 Died, Comm
2168 Died, Comm	2220 Died, Comm	2274 Died, Comm
2169 Died, Comm	2220 Died, Collin 2221 Signed, St Bk	2274 Died, Comm
2170 Died, Comm	S Sub	2276 Died, Comm
2170 Died, Comm		2277 Died, Comm
	2222 Signed, Pub 3/11/10	
2174 Died, Comm		2278 Died, Comm
2175 Died, Comm	2223 Died, Comm	2279 Died, Comm
2176 Died, Comm	2224 Died, Comm	2280 Died, Sen Comm
2177 Died, Comm	2225 Died, Comm	2281 Died, Comm
2178 Died, Comm	S Sub	2282 Died, Comm
2179 Died, Comm	2226 Signed, St Bk	2283 Signed, St Bk
S Sub	2227 Died, Comm	2284 Died, Comm
2180 Rejected, Senate	2228 Died, Comm	2285 Died, Comm
2181 Died, Comm	2229 Died, Comm	2286 Died, Comm
2182 Died, Comm	2230 Died, Comm	2288 Died, Comm
2183 Died, Comm	2231 Died, Comm	2289 Died, Comm
2184 Died, Comm	2234 Died, Comm	2290 Died, Comm
2186 Died, Comm	2235 Died, Cal	2291 Died, Comm
2187 Died, Comm	2237 Died, Comm	2293 Died, Comm
2189 Died, Comm	Sub	2294 Died, Comm
2190 Died, Comm	2238 Died, Sen Comm	2296 Died, Comm
2191 Died, Comm	2239 Died, Sen Comm	2298 Died, Comm
2192 Died, Comm	2240 Died, Comm	2299 Died, Sen Comm
2194 Died, Comm	2242 Died, Comm	2300 Died, Comm
2195 Signed, Pub	2245 Died, Comm	2301 Died, Comm
3/11/10	2246 Died, Comm	2302 Died, Comm
2196 Died, Comm	2247 Died, Comm	2303 Died, Comm
2198 Died, Comm	2248 Died, Comm	2304 Died, Comm
2199 Died, Comm	Sub	2305 Died, Comm
2200 Died, Comm	2249 Died, Cal	2306 Died, Comm
2202 Died, Comm	2251 Died, Comm	2307 Died, Comm
2203 Died, Comm	2252 Died, Comm	2309 Died, Comm
2204 Died, Comm	2253 Died, Comm	2310 Signed, St Bk
2205 Died, Comm	2254 Died, Comm	2312 Died, Comm
2206 Died, Sen Comm	2255 Died, Comm	2313 Died, Comm
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#### HISTORY OF BILLS

2314 Died, Comm	2347 Died, Comm	2381 Died, Comm
2315 Died, Comm	2348 Died, Comm	2382 Died, Cal
2316 Died, Comm	2349 Died, Comm	2383 Died, Sen Comm
2317 Died, Comm	2350 Died, Comm	2384 Died, Comm
2318 Died, Comm	2351 Died, Comm	2385 Died, Comm
2319 Died, Sen Comm	2352 Died, Comm	2386 Died, Comm
S Sub for S Sub for Sub	S Sub	2387 Died, Cal
2320 Signed, Pub	2353 Signed, Pub	2388 Died, Sen Comm
6/3/10	2/25/10	2389 Died, Comm
2322 Died, Comm	2355 Died, Comm	Sub
2323 Signed, St Bk	S Sub	2390 Died, Sen Comm
2325 Died, Sen Comm	2356 Signed, St Bk	2391 Died, Comm
2326 Died, Comm	2357 Died, Comm	2392 Died, Comm
2327 Died, Comm	2358 Died, Comm	2393 Died, Comm
2328 Died, Cal	S Sub	2394 Died, Comm
2329 Died, Comm	2360 Signed, St Bk	2395 Died, Comm
2330 Died, Comm	2361 Died, Comm	2396 Died, Comm
2332 Died, Cal	2362 Died, Comm	2397 Died, Comm
2333 Died, Comm	2363 Died, Comm	2398 Died, Comm
2334 Died, Comm	2364 Signed, Pub	2399 Died, Comm
2335 Died, Comm	4/1/2010	Sub
2336 Died, Comm	2367 Died, Comm	2400 Died, Cal
2337 Died, Comm	2368 Died, Comm	2401 Died, Comm
2338 Died, Comm	2370 Died, Comm	2402 Died, Comm
Sub	2371 Died, Comm	Sub
2340 Died, Sen Comm	2372 Died, Comm	2403 Died, Comm
2341 Died, Comm	2375 Died, Comm	2404 Died, Comm
2342 Died, Comm	2376 Died, Comm	2405 Died, Comm
2344 Died, Comm	2377 Died, Comm	2406 Died, Comm
Sub	2378 Died, Comm	2407 Died, Comm
2345 Signed, St Bk	2379 Died, Comm	
2346 Died, Comm	2380 Died, Comm	

#### NUMERICAL SCHEDULE OF HOUSE BILLS--2010 SESSION

2408 Died, Sen Comm	2445 Signed, St Bk	2483 Strick, Rule 1507
2409 Died, Comm	2446 Signed, St Bk	2484 Died, Sen Comm
2410 Died, Sen Comm	2447 Died, Comm	2485 Signed, St Bk
2411 Signed, Pub	2448 Signed, St Bk	2486 Signed, St Bk
3/18/10	2449 Died, Comm	2487 Died, Comm
2412 Signed, St Bk	2450 Died, Comm	2488 Died, Comm
Sub	2451 Died, Comm	2489 Died, Comm
2413 Strick, Rule 1507	2452 Died, Comm	2490 Died, Comm
2414 Signed, Pub	Sub	2491 Died, Sen Comm
2/25/10	2453 Died, Sen Comm	2492 Signed, St Bk
2415 Signed, St Bk	2454 Signed, Pub	2493 Died, Comm
2416 Died, Comm	5/27/10	2494 Died, Comm
2417 Died, Comm	2455 Signed, St Bk	2495 Died, Comm
2418 Signed, St Bk	2456 Signed, St Bk	2496 Died, Comm
2419 Died, Comm	2457 Died, Comm	2497 Strick, Rule 1507
2420 Died, Comm	2458 Died, Comm	2498 Died, Comm
2420 Died, Comm	2459 Died, Comm	2499 Died, Comm
2421 Died, Comm	2460 Died, Comm	2500 Signed, St Bk
2423 Died, Comm	2461 Died, Comm	2501 Signed, St Bk
2424 Died, Comm	2462 Died, Comm	2502 Died, Comm
2424 Died, Comm	2463 Died, Sen Comm	2503 Signed, St Bk
		2504 Died, Comm
2426 Died, Comm	2464 Died, Comm 2465 Died, Cal	2505 Strick, Rule 1507
2427 Died, Comm		S Sub
Sub	2466 Died, Comm	2506 Signed, St Bk
2428 Died, Sen Comm	2467 Strick, Rule 1507	2507 Strick, Rule 1507
2429 Died, Comm	2468 Signed, St Bk	S Sub
Sub	2469 Signed, Pub	
2430 Died, Cal	4/8/2010	2508 Died, Comm
2431 Died, Comm	2470 Died, Comm	S Sub for Sub
S Sub	2471 Died, Sen Comm	2509 Signed, St Bk
2432 Signed, St Bk	2472 Signed, St Bk &	2510 Died, Sen Comm
2433 Signed, St Bk	1/1/11	2511 Died, Comm
2434 Signed, St Bk	2473 Died, Sen Comm	2512 Died, Comm
2435 Signed, Pub	2474 Died, Comm	2513 Died, Comm
4/29/10	2475 Killed, Comm Rp	2514 Died, Comm
2436 Signed, St Bk	S Sub	2515 Dead, Fin Act
S Sub	2476 Signed, Pub	2516 Died, Comm
2437 Died, Comm	4/15/10	Sub
2438 Died, Comm	2477 Died, Comm	2517 Signed, St Bk
2439 Strick, Rule 1507	2478 Died, Sen Comm	2518 Strick, Rule 1507
2440 Signed, St Bk	2479 Died, Comm	2519 Died, Sen Comm
2441 Died, Comm	2480 Died, Comm	2520 Died, Sen Comm
2442 Died, Sen Comm	2481 Died, Comm	Sub
2443 Died, Comm	2482 Signed, Pub	2521 Died, Sen Comm
2444 Died, Cal	5/27/10	2522 Died, Comm

### HISTORY OF BILLS

	25(4 D' 1 C	2 (0 4 0) 1 0 1
2523 Died, Comm	2564 Died, Comm	2604 Signed, St Bk
2524 Died, Comm	2565 Died, Comm	2605 Signed, St. Bk
2525 Died, Comm	2566 Signed, St Bk	2606 Died, Comm
2526 Died, Comm	2567 Died, Comm	2607 Died, Comm
2527 Died, Comm	2568 Died, Comm	2608 Signed, St Bk
Sub	2569 Died, Comm	2609 Signed, St Bk
2528 Signed, St Bk	2570 Died, Comm	2610 Died, Comm
2529 Strick, Rule 1507	2571 Died, Comm	2611 Died, Comm
2530 Died, Comm	2572 Died, Sen Comm	2612 Died, Comm
2531 Died, Comm	2573 Died, Comm	2613 Died, Comm
2532 Died, Comm	2574 Died, Comm	2614 Died, Comm
2533 Died, Cal	Sub	2615 Died, Comm
2534 Died, Comm	2575 Died, Conf	2616 Died, Cal
2535 Signed, St Bk	2576 Died, Comm	2617 Died, Comm
2536 Died, Comm	2577 Signed, St Bk &	2618 Died, Comm
2537 Killed, Comm Rp	7/1/11	2619 Signed, St Bk
Sen Sub for Sub	2578 Died, Sen Comm	2620 Died, Sen Comm
2538 Vetoed	2579 Died, Comm	2621 Died, Sen Comm
2539 Died, Comm	2580 Died, Comm	2622 Died, Comm
2540 Died, Conf		
· · · · · · · · · · · · · · · · · · ·	2581 Signed, St Bk	2623 Strick, Rule 1507
2541 Died, Comm	S Sub	2624 Died, Comm
2542 Died, Comm	2582 Signed, Pub	2625 Died, Comm
2543 Died, Comm	5/27/10	2626 Died, Comm
2544 Signed, Pub	Sub	2627 Died, Comm
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4/15/2010	2583 Strick, Rule 1507	2628 Died, Comm
4/15/2010 2545 Died, Comm	2584 Signed, St Bk	2629 Died, Comm
4/15/2010 2545 Died, Comm 2546 Died, Comm	2584 Signed, St Bk S Sub	2629 Died, Comm 2630 Died, Comm
4/15/2010 2545 Died, Comm 2546 Died, Comm 2547 Signed, Pub	2584 Signed, St Bk S Sub 2585 Signed, St Bk	2629 Died, Comm 2630 Died, Comm S Sub
4/15/2010 2545 Died, Comm 2546 Died, Comm 2547 Signed, Pub 4/15/2010	2584 Signed, St Bk S Sub 2585 Signed, St Bk 2586 Died, Comm	2629 Died, Comm 2630 Died, Comm
4/15/2010 2545 Died, Comm 2546 Died, Comm 2547 Signed, Pub	2584 Signed, St Bk S Sub 2585 Signed, St Bk 2586 Died, Comm 2587 Died, Comm	2629 Died, Comm 2630 Died, Comm S Sub
4/15/2010 2545 Died, Comm 2546 Died, Comm 2547 Signed, Pub 4/15/2010	2584 Signed, St Bk S Sub 2585 Signed, St Bk 2586 Died, Comm	2629 Died, Comm 2630 Died, Comm S Sub 2631 Died, Cal
4/15/2010 2545 Died, Comm 2546 Died, Comm 2547 Signed, Pub 4/15/2010 2548 Died, Sen Comm	2584 Signed, St Bk S Sub 2585 Signed, St Bk 2586 Died, Comm 2587 Died, Comm	2629 Died, Comm 2630 Died, Comm S Sub 2631 Died, Cal 2632 Died, Comm
4/15/2010 2545 Died, Comm 2546 Died, Comm 2547 Signed, Pub 4/15/2010 2548 Died, Sen Comm 2549 Died, Cal	2584 Signed, St Bk S Sub 2585 Signed, St Bk 2586 Died, Comm 2587 Died, Comm 2588 Signed, St Bk	2629 Died, Comm 2630 Died, Comm S Sub 2631 Died, Cal 2632 Died, Comm 2633 Died, Comm
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4/15/2010 2545 Died, Comm 2546 Died, Comm 2547 Signed, Pub 4/15/2010 2548 Died, Sen Comm 2549 Died, Cal 2550 Died, Comm 2551 Signed, Pub 4/22/10	2584 Signed, St Bk S Sub 2585 Signed, St Bk 2586 Died, Comm 2587 Died, Comm 2588 Signed, St Bk 2589 Signed, St Bk 2590 Died, Comm	2629 Died, Comm 2630 Died, Comm S Sub 2631 Died, Cal 2632 Died, Comm 2633 Died, Comm 2634 Died, Comm 2635 Died, Comm
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4/15/2010 2545 Died, Comm 2546 Died, Comm 2547 Signed, Pub 4/15/2010 2548 Died, Sen Comm 2549 Died, Sen Comm 2550 Died, Comm 2551 Signed, Pub 4/22/10 2552 Signed, St Bk 2553 Signed, St Bk	2584 Signed, St Bk S Sub 2585 Signed, St Bk 2586 Died, Comm 2587 Died, Comm 2588 Signed, St Bk 2589 Signed, St Bk 2590 Died, Comm 2591 Died, Comm 2592 Died, Comm	2629 Died, Comm 2630 Died, Comm S Sub 2631 Died, Cal 2632 Died, Comm 2633 Died, Comm 2634 Died, Comm 2635 Died, Comm 2636 Died, Comm 2637 Died, Sen Comm 2638 Signed, St Bk
4/15/2010 2545 Died, Comm 2546 Died, Comm 2547 Signed, Pub 4/15/2010 2548 Died, Sen Comm 2549 Died, Cal 2550 Died, Comm 2551 Signed, Pub 4/22/10 2552 Signed, St Bk 2553 Signed, St Bk 2554 Signed, St Bk	2584 Signed, St Bk S Sub 2585 Signed, St Bk 2586 Died, Comm 2587 Died, Comm 2588 Signed, St Bk 2589 Signed, St Bk 2590 Died, Comm 2591 Died, Comm 2592 Died, Comm 2593 Died, Comm	2629 Died, Comm 2630 Died, Comm S Sub 2631 Died, Cal 2632 Died, Comm 2633 Died, Comm 2634 Died, Comm 2635 Died, Comm 2636 Died, Comm 2637 Died, Sen Comm
4/15/2010 2545 Died, Comm 2546 Died, Comm 2547 Signed, Pub 4/15/2010 2548 Died, Sen Comm 2549 Died, Cal 2550 Died, Comm 2551 Signed, Pub 4/22/10 2552 Signed, St Bk 2553 Signed, St Bk 2554 Signed, St Bk 2555 Signed, St Bk	2584 Signed, St Bk S Sub 2585 Signed, St Bk 2586 Died, Comm 2587 Died, Comm 2588 Signed, St Bk 2589 Signed, St Bk 2590 Died, Comm 2591 Died, Comm 2592 Died, Comm 2593 Died, Comm 2594 Died, Comm 2595 Signed, St Bk	2629 Died, Comm 2630 Died, Comm S Sub 2631 Died, Cal 2632 Died, Comm 2633 Died, Comm 2634 Died, Comm 2635 Died, Comm 2636 Died, Comm 2637 Died, Sen Comm 2638 Signed, St Bk 2639 Died, Comm 2640 Strick, Rule 1507
4/15/2010 2545 Died, Comm 2546 Died, Comm 2547 Signed, Pub 4/15/2010 2548 Died, Sen Comm 2549 Died, Cal 2550 Died, Comm 2551 Signed, Pub 4/22/10 2552 Signed, St Bk 2553 Signed, St Bk 2554 Signed, St Bk 2555 Signed, St Bk 2555 Signed, St Bk 2556 Died, Comm	2584 Signed, St Bk S Sub 2585 Signed, St Bk 2586 Died, Comm 2587 Died, Comm 2588 Signed, St Bk 2589 Signed, St Bk 2590 Died, Comm 2591 Died, Comm 2592 Died, Comm 2593 Died, Comm 2594 Died, Comm 2595 Signed, St Bk 2596 Died, Comm	2629 Died, Comm 2630 Died, Comm S Sub 2631 Died, Cal 2632 Died, Comm 2633 Died, Comm 2634 Died, Comm 2635 Died, Comm 2636 Died, Comm 2637 Died, Sen Comm 2638 Signed, St Bk 2639 Died, Comm 2640 Strick, Rule 1507 2641 Died, Comm
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2649 Signed, St Bk	2679 Died, Comm	2716 Died, Comm
S Sub for S Sub	2680 Died, Comm	2717 Died, Comm
2650 Signed, Pub	2681 Died, Comm	2718 Died, Cal
6/3/10	2682 Died, Comm	2719 Died, Comm
2651 Died, Comm	2683 Died, Comm	2720 Died, Comm
2652 Signed, Pub	2684 Died, Comm	2721 Died, Comm
4/22/2010	2685 Died, Sen Comm	2722 Died, Comm
2653 Died, Comm	2686 Died, Comm	2723 Died, Comm
2654 Died, Comm	2687 Died, Comm	2724 Died, Comm
2655 Died, Comm	2688 Died, Comm	2725 Died, Comm
2656 Signed, St Bk	Sub	2726 Died, Comm
2657 Died, Sen Comm	2689 Died, Sen Comm	2727 Died, Comm
2658 Died, Comm	2690 Died, Comm	2728 Died, Comm
2659 Died, Comm	2691 Signed, St Bk	2729 Died, Sen Comm
2660 Signed, St Bk	2692 Died, Comm	2730 Died, Comm
2661 Signed, Pub	2693 Died, Comm	2731 Died, Comm
4/15/10	2694 Died, Comm	2732 Died, Comm
2662 Died, Comm	2695 Died, Comm	2733 Died, Comm
2663 Strick, Rule 1507	2696 Died, Comm	2734 Died, Comm
2664 Died, Comm	2697 Died, Comm	2735 Died, Comm
2665 Died, Comm	2698 Signed, St Bk	2736 Died, Comm
2666 Signed, Pub	2699 Died, Comm	2737 Died, Comm
4/22/2010	2700 Died, Comm	2738 Died, Comm
2667 Died, Sen Comm	2701 Died, Comm	Sub
2668 Signed, St Bk &	2702 Died, Comm	2739 Died, Cal
7/11/11	2703 Died, Comm	2740 Died, Comm
Sub	2704 Died, Conf	2741 Died, Comm
2669 Died, Sen Comm	2705 Died, Comm	2742 Died, Comm
2670 Died, Comm	2706 Died, Comm	2743 Died, Comm
2671 Died, Sen Comm	2707 Died, Comm	2744 Died, Comm
2672 Died, Comm	2708 Died, Comm	2745 Died, Comm
2673 Died, Comm	2709 Died, Comm	2746 Died, Comm
2674 Died, Comm	2710 Died, Comm	2747 Died, Cal
2675 Died, Comm	2711 Died, Comm	2748 Died, Comm
2676 Signed, Pub	2712 Died, Comm	2749 Died, Comm
4/1/2010	2713 Died, Comm	2750 Died, Comm
2677 Died, Comm	2714 Died, Comm	2751 Died, Comm
2678 Signed, St Bk	2715 Died, Comm	

## ACTION ON HOUSE CONCURRENT RESOLUTIONS CARRIED OVER FROM 2009 SESSION

5003 Died, Comm	5009 Died, Comm	5016 Died, Comm
5004 Died, Cal	5011 Died, Comm	5017 Died, Cal
5005 Died, Comm	5012 Adopted, Enr	5019 Died, Comm
5006 Died, Comm	5013 Adopted, Enr	5022 Died, Cal
5008 Died,SenComm	5014 Died, Comm	

## NUMERICAL SCHEDULE OF HOUSE CONCURRENT RESOLUTIONS 2010 SESSION

5024 Adopted, Enr	5029 Died, Comm	5034 Died, Sen Comm
5025 Adopted, Enr	5030 Died, Comm	5035 Died, Comm
5026 Died, Sen Comm	5031 Died, Comm	5036 Died, Comm
5027 Died, Cal	5032 Killed, Fin Act	5037 Adopted, Enr
5028 Died, Comm	5033 Died, Comm	

#### NUMERICAL SCHEDULE OF HOUSE RESOLUTIONS - 2010

6001 Adopted, Enr	6018 Died, Comm	n 6035 Adopted, Enr
6002 Adopted, Enr	6019 Adopted, En	nr 6036 Died, Cal
6003 Adopted, Enr	6020 Adopted, En	nr 6037 Adopted, Enr
6004 Adopted, Enr	6021 Adopted, En	nr 6038 Adopted, Enr
6005 Died, Comm	6022 Adopted, En	nr 6039 Adopted, Enr
6006 Adopted, Enr	6023 Adopted, En	nr 6040 Adopted, Enr
6007 Adopted, Enr	6024 Adopted, En	nr 6041 Adopted, Enr
6008 Adopted, Enr	6025 Adopted, En	nr 6042 Adopted, Enr
6009 Adopted, Enr	6026 Adopted, En	nr 6043 Adopted, Enr
6010 Adopted, Enr	6027 Adopted, En	nr 6044 Adopted, Enr
6011 Died, Comm	6028 Adopted, En	nr 6045 Adopted, Enr
6012 Died, Comm	6029 Adopted, En	nr 6046 Adopted, Enr
6013 Adopted, Enr	6030 Adopted, En	nr 6047 Adopted, Enr
6014 Adopted, Enr	6031 Adopted, En	nr 6048 Died, Cal
6015 Adopted, Enr	6032 Adopted, En	nr 6049 Adopted, Enr
6016 Adopted, Enr	6033 Adopted, En	ır
6017 Died, Cal	6034 Adopted, En	nr

### ACTION ON SENATE BILLS CARRIED OVER FROM 2009 SESSION

H Sub	103 Died, Comm	248 Died, Cal
3 Died, Comm	Sub	249 Died, Comm
Sub	117 Died, Comm	H Sub
6 Died, Comm	H Sub	254 Died, Conf
H Sub	118 Stricken, Rule 1507	H Sub
22 Died, Cal	H Sub	255 P am, Sen Con
H Sub	126 Died, Comm	H Sub
25 P am, Sen Con	131 CCR Adopted	260 Died, Cal
H Sub	138 Died, Comm	H Sub
26 Stricken, Rule 1507	H Sub	262 CCR Adopted
30 CCR Adopted	146 Died, Conf	268 Died, Comm
H Sub	147 Died, Cal	H Sub
43 Stricken, Rule 1507	152 Died, Comm	269 CCR Adopted
Sub for H Sub for Sub	153 Died, Comm	274 Died, Comm
48 P am, Mat Chgd,	167 Died, Comm	285 Died, Comm
Died, S Cal	173 Died, Comm	H Sub
49 Died, Comm	H Sub	293 CCR Adopted
54 P Am, Sen Con	174 Died, Cal	297 Died, Comm
55 Died, Comm	Sub	298 Dead, Fin Act
56 Died, Comm	184 Died, Cal	299 Died, Comm
Sub	H Sub	H Sub
58 Died, Comm	200 P am, Sen Con	300 CCR Adopted
59 Died, Comm	201 Died, Comm	H Sub
62 CCR Adopted	204 P Am, Mat Chgd,	302 Died, Cal
Sub	Died, S Comm	H Sub
67 P am, Sen Con	H Sub	305 P am, Sen Con
69 Died, Comm	205 Died, Cal	H Sub
71 Died, Comm	H Sub	306 CCR Adopted
H Sub	213 P am, Sen Con	307 Died, Comm
73 Died, Cal	H Sub for Sub	H Sub
H Sub	214 P Am, Sen Con	310 Died, Conf
74 Dead, Fin Act	215 Died, Comm	Sub
H Sub	Sub	311 Died, Cal
75 P Am, Sen Con	220 Died, Comm	H Sub
79 Died, Comm	222 Died, Comm	312 P am, Sen Con
H Sub	223 Died, Comm	H Sub
83 CCR Adopted	224 Died, Comm	313 Died, Conf
92 Died, Comm	H Sub	H Sub
93 Died, Comm	234 P am, Sen Con	316 P am, Sen Con
94 Died, Comm	241 Died, Comm	H Sub
H Sub	H Sub	324 Died, Cal
95 Died, Cal	247 Died, Cal	326 P Am, Sen Con

### ACTION ON SENATE BILLS-2010 SESSION

H Sub	411 Died, Comm	471 Stricken, Rule 1507
342 Died, Comm	414 Passed	Sub
H Sub	415 P am, Sen Con	475 P Am, Sen Con
345 Stricken, Rule 1507	Sub	479 Died, Comm
346 P Am, Sen Con	416 Died, Comm	480 Died, Comm
348 Died, Comm	417 Died, Comm	482 Died, Comm
351 Died, Comm	419 Died, Comm	483 Died, Comm
Sub	420 Died, Comm	484 Died, Comm
353 CCR Adopted	421 Died, Comm	485 Stricken, Rule 1507
354 Died, Comm	423 Died, Comm	488 Died, Comm
357 Passed	424 Died, Comm	489 Passed
359 CCR Adopted	H Sub	490 Stricken, Rule 1507
360 Died, Comm	425 Stricken, Rule 1507	491 P Am, Sen Con
362 CCR Adopted	426 Died, Comm	494 Died, Comm
363 Died, Cal	H Sub	497 P Am, Sen Con
367 Died, Comm	427 Dead, Fin Act	500 P Am, Sen Con
368 CCR Adopted	429 Died, Comm	Sub
369 CCR Adopted	430 CCR Adopted	501 Died, Comm
370 Died, Comm	434 CCR Adopted	506 Died, Comm
371 Stricken, Rule 1507	435 P am, Mat Chgd,	508 Passed
372 Passed	Died, Sen Comm	512 Died, Comm
373 Passed	437 Passed	Sub
376 Passed	438 Passed	513 Passed
H Sub	439 P Am, Sen Con	H Sub for Sub
377 CCR Adopted	440 Passed	514 Died, Conf
380 Stricken, Rule 1507	441 Passed	518 Died, Cal
H Sub	446 Died, Cal	519 Passed
381 CCR Adopted	Sub	520 Died, Cal
382 P Am, Sen Con	447 Died, Comm	523 Died, Comm
385 Died, Comm	H Sub	531 P Am, Sen Con
386 P Am, Sen Con	449 CCR Adopted	532 Died, Comm
387 P Am, Sen Con	451 Passed	533 Passed
388 Died, Conf	452 CCR Adopted	537 CCR Adopted
389 P Am, Sen Con	453 Died, Comm	541 Passed
390 Died, Comm	454 Died, Comm	544 Passed
391 Died, Comm	455 Stricken, Rule 1507	559 Died, Comm
393 Passed	H Sub	H Sub
394 Passed	458 P am, Sen Con	561 Died, Cal
395 Stricken, Rule 1507	459 Died, Cal	566 Died, Comm
396 Passed	460 P Am, Sen Con	568 Died, Cal
398 Passed	461 P am, Sen Con	570 Died, Comm
406 Died, Comm	Sub	571 Died, Comm
408 Died, Comm	462 Stricken, Rule 1507	H Sub
409 Passed	463 Passed	572 P Am, Sen Con,
410 P am, Sen Con	464 Passed	Line Item Veto
TIOI am, Sen Con	TUT 1 4555U	Time Item veto

 574 Died, Comm
 579 Died, Comm
 581 Died, Cal

 575 Died, Comm
 580 Died, Comm
 586 Passed

#### NUMERICAL SCHEDULE OF SENATE CONCURRENT RESOLUTIONS CARRIED OVER FROM 2009 SESSION

1602 Died, Comm1616 Died, Comm1614 Died, Conf1617 Died, Cal1615 Adopted am, Sen1618 Died, Comm

Con

## NUMERICAL SCHEDULE OF SENATE CONCURRENT RESOLUTIONS 2010 SESSION

1620 Adopted 1625 Died, Cal 1632 Adopted

1622 Adopted 1630 Died, Comm 1623 Adopted 1631 Died, Comm

### **LEGEND**

Ag & Lg Trm Cr
Agri & Nat Res
Agriculture and Natural Resources

Agri & Nat Res Bdgt Agriculture and Natural Resources Budget

Approps Appropriations

Sen Ass & Tax Assessment and Taxation (Senate)

Comm & Lab

Commerce and Labor

Corr & Juv Jus Corrections and Juvenile Justice
Eco Devo Tour Economic Development and Tourism

Ed Budg Education Budget

Elect Elections

Engy & Util Energy and Utilities
Fed & St Aff Federal and State Affairs
Fin Inst Financial Institutions

Gen Gov Bdgt General Government Budget

Gov Eff & Fisc Ovst Government Efficiency and Fiscal Oversight

Hlth Hum Ser Health and Human Services

Higher Education

Insur Insurance Judic Judiciary

Local Government Local Government

Sen Pub Hlth Wel
Select Cmt KPERS
Soc Serv Bdgt
Select Committee on KPERS
Social Services Budget

Tax Taxation
Transp Transportation

Trans Pub Saf Bdgt Transportation and Public Safety Budget Vet, Mil & Hom Sec Veterans, Military and Homeland Security

Sen Ways Means Ways and Means (Senate)

Adptd Adopted
Cal Calendar
Comm Committee

Comm Rp Committee Report

Con Concur

Conf Comm Conference Committee
CCR Conference Committee Report

Eff Date Date specified in bill Fin Act Final Action

H House

Mat Chgd Ruled Materially Changed by originating chamber

P Am Passed as amended

Pub, date Published in Kansas Register, effective date

Sen Senate

St Bk Statute Book (July 1)

Strick Stricken

## SUMMARY OF ACTIONS ON HOUSE BILLS AND CONCURRENT RESOLUTIONS

House bills introduced in the 2010 session	. 344
House bills carried over from 2009 session.	319
House bills passed both houses and presented Governor	91
House bills signed by Governor	
House bills signed with line item vetoes	
House bills vetoed by Governor (S Sub 2115, S Sub for Sub 2538) 2	
House bills returned unsigned	
House bills killed in House	
House bills that died on House Calendar	
House bills that died in House committees	
House bills killed in Senate	
House bills that died on Senate Calendar	
House bills that died in Senate committees	
House bills that died in conference	
Subtotal	
Total	663
House concurrent resolutions introduced in 2010 session	14
House concurrent resolutions carried over from 2009 session	
House concurrent resolutions adopted by both houses 5	
House concurrent resolutions that died in committee	
House concurrent resolutions that died on calendar	
House concurrent resolutions killed in House	
House concurrent resolutions that died in Senate committees	
House concurrent resolutions that died on Senate Calendar 0	
House concurrent resolutions killed in Senate	
Subtotal	
Total	28
TT	40
House resolutions introduced in 2010 session.	49
House resolutions adopted	
House resolutions dying in committee	
House resolution dying on calendar	
House resolutions killed	
Subtotal	
Total	49

# MESSAGES FROM THE GOVERNOR, APPOINTMENTS, GUESTS, COMMUNICATIONS FROM STATE OFFICERS, IN THE 2010 HOUSE JOURNAL

#### APPOINTMENTS

Committee assignments, pp. 802-804.

Committee assignment changes, p. 815.

Committee assignment changes, p. 831.

Committee assignment changes, p. 1012.

Committee assignment changes, p. 1031.

Select Investigative Committee assignments, pp. 1117-1118.

Committee assignment changes, p. 1135.

Committee assignment changes, p. 1390.

#### SPECIAL REMARKS

Rep. Ballard on the occasion of Martin Luther King, Jr. Day, p. 813.

#### RULES

HR 6003, relating of committees of the House, amending rules 1101 and 1105, pp. 788-789.

#### SPECIAL GUESTS

Speaker O'Neal introduced Dr. Michael Munger, Overland Park, President of the Kansas Association of Family Physicians which sponsors the Doctor of the Day program, p. 791.

In recognition of **HR 6007**, Reps. Phelps and Johnson introduced the members of the pioneer class of the Kansas Academy of Mathematics and Science, p. 818.

In recognition of **HR 6006**, Reps. Bethell and Hawk introduced Coach Bill Snyder and Ella Todd, Executive Director of the Kansas Mentoring Program, p. 823.

In recognition of **HR 6008**, Reps. George and Henry introduced the following representatives from Benedictine College: Stephen Minnis, President; Fr. James Alkers, Prior; Dr. Kimberly Shankman, Dean of the College; Linda Henry, Vice President of Student Life; Joe Wurtz, Dean of Students; Courtney Marshall, Director of Alumni Relations; Keith Jaloma, Director of Individual Giving; and Bill Thornton, Secretary of Commerce, p. 833.

In recognition of **HR 6004**, Rep. Mah introduced Shawnee Heights math teacher, Bradley Nicks, a Milken Family Foundation National Educator, p. 873.

In recognition of **HR 6013**, Rep. S. Gatewood introduced Commodore Jackson J. Gumb, who received the Coast Guard Auxiliary Meritorious Service Medal, p. 888.

Reps. Ballard and Rhoades introduced Larry Isaak, who is president of the Midwestern Higher Education Compact, p. 908.

Rep. Furtado introduced League of Women Voters members, Ernestine Krehbiel, President of the League of Women Voters of Kansas and Janis McMillen, a member of the board of directors, pp. 949-950.

Rep. Craft introduced military representatives in recognition of Armed Forces Day, p. 973.

Rep. Fund introduced members of Phi Theta Kappa in recognition of Kansas Phi Theta Kappa All-State Academic Team Day, pp. 973-974.

Rep. Hineman introduced the doctor of the day, Dr. Libby Hinemen from Scott City, who is also his daughter-in-law, p. 1025

Rep. Merrick introduced Mr. Norris Pettis, Consul General of Canada, p. 1031.

In recognition of **HR 6020**, Rep. Bethell introduced the following social work students: Karen Cypressi, Lori L. Dennis, Jamie N. Fulls, Beau B. Hopkins, Brittany A. Kroeger, Felisa Loper-Guzman, Carmen Morales, Pilar Quinones, and Cynthia Riedel and professor Tim Davis, pp. 1034-1035.

In recognition of **HR 6022**, Rep. Hayzlett introduced MacKinzie Nix, who started the Heartland Heroes Hunt project. She was accompanied by her parents, Tim and Donna Telinde, and the Brian Beavers family, p. 1069.

In recognition of **HR 6023**, Rep. Hill was accompanied by representatives of businesses that were cited in the resolution, pp. 1069-1070.

Rep. Craft introduced Tyler Lisbon, a sophomore at Junction City High School, who will compete in the Boys & Girls Club Youth of the Year program in San Antonio, pp. 1076-1077.

Rep. S. Gatewood introduced his wife Terica and daughter Kennedy Paige, p. 1077.

Rep. Crum introduced Garrett Buthe, state Ambassador for the Muscular Dystrophy Association, pp. 1110-1111.

Rep. Hermanson introduced Larry Way, Brandon Knowles, Joel Foltz, Rich Hutfles, Rick Laurino, John Weber, Don Baxter and Daniel De Longe, volunteers with the Greater Wichita YMCA, p. 1111.

Rep. Burgess introduced the Seaman High School Baseball team and coaches, pp. 1150-1151.

Rep. Hineman introduced Mr. Sonny Weinhardt of Grinnell, retiring from a long career as an official with the Kansas State High School Athletics Association, p. 1151.

Rep. Bethell introduced Mrs. Bryce Miller and family, in recognition of **HCR 5034**, p. 1152.

Rep. Brunk introduced Tiffany Nickel, Ms Wheelchair Kansas 2010, in recognition of **HR 6027**, p. 1152.

In recognition of **HR 6029**, Reps. Hawk and Carlin introduced AQ Miller School of Journalism and Mass Communications at Kansas State University professors Gloria Freeland and Steven Smethers, pp. 1222-1224.

In recognition of HR 6026, Rep. Shultz introduced Kansas Insurance Commissioner Sandy Praeger, p. 1224.

In recognition of **HR 6031**, Reps. Shultz and Pauls introduced the Residential Construction Management Team from McPherson High School, p. 1224.

Reps. Mah, Worley and Meier introduced the following members of the Danny J. Petersen VVA Chapter 604: Ronald Zink, Roy Dunn, Kenny Bowen, Laro Hill, Verlin Jones, Herbert Kessler, Ralph Knehans, Donald Munn, Denise Myers, Ken Smith, Robert Romero, Blas Ortiz, Kinda Ortiz, Ronald Ruppert, Gilbert Ramirez, Bill Pleifer and Roger Beach, p. 1310.

Rep. Davis introduced his daughter Caroline Josephine Davis, p. 1311.

Reps. Furtado and Garcia introduced guests from Colombia, South America: Ximena Poveda Bernal, an economist for CEI Corporation, and Paulina Guerra Quetama, a system engineer at Mariana University in Narino, Colombia, p. 1380-1381.

Rep. Swanson introduced the members of the 2010 4A State Wrestling Championship team from Clay Center Community High School, p. 1391.

Rep. Mast introduced the 2010 2A State Champion Olpe High School Girls' Basketball team, p. 1391-1392.

Rep. Patton introduced Dana Noakes and family, recognizing her upon her retirement, pp. 1409-1410.

Reps. Otto and Feuerborn introduced Chase Brown of Richland who is the Kansas Regional Spelling Bee Champion, p. 1461.

In recognition of **HR 6045** recognizing "Agent Orange Recognition Month," Rep. Craft introduced Vietnam War veteran Bruce Jasinski, pp. 1462-1463.

In recognition of **HR 6046** honoring former Representative Al Lane, Rep. Bollier introduced his wife Peggy, p. 1463.

#### COMMUNICATIONS FROM STATE OFFICERS

Ron Thornburgh, Secretary of the State of Kansas, certification of Don Svaty, Ellsworth, Kansas, appointed by the Governor effective August 5, 2009, for the unexpired term of State Representative for the 108th Legislative District, to fill the vacancy created by the resignation of Joshua Svaty, p. 785.

Ron Thornburgh, Secretary of the State of Kansas, certification of Melany Barnes, Wichita, Kansas, appointed by the Governor effective October 14, 2009, for the unexpired term

of State Representative for the 95h Legislative District, to fill the vacancy created by the resignation of Tom Sawyer, p. 786.

Ron Thornburgh, Secretary of the State of Kansas, certification of Gene M. Suellentrop, Wichita, Kansas, appointed by the Governor effective December 14, 2009, for the unexpired term of State Representative for the 105th Legislative District, to fill the vacancy created by the resignation of Jason Watkins, p. 786.

Ron Thornburgh, Secretary of the State of Kansas, certification of Barbara Bollier, Mission Hills, Kansas, appointed by the Governor effective January 11, 2010, for the unexpired term of State Representative for the 25th Legislative District, to fill the vacancy created by the resignation of Terrie Huntington, p. 786.

#### Dear Mr. Speaker:

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

From Duncan Friend, Chairman, and Martha Gabehart, Vice-Chairman, Kansas Partnership for Accessible Technology, the 2008 Annual Report of the Kansas Partnership for Accessible Technology. It is also accessible at: http://da.ks.gov/kpat/.

From Bob Page, President and Chief Executive Officer, The University of Kansas Hospital, in accordance with KSA 76-3312(p), the 2009 Annual Report.

From Stephen R. Weatherford, President, Kansas Development Finance Authority, the 2009 Annual Report.

From Elizabeth B.A. Miller, Director of Investments, Kansas Pooled Money Investment Board, in accordance with KSA 75-4222(h), the 2009 Annual Report.

From Glenn Deck, Executive Director, Kansas Public Employees Retirement System, the Annual Report, accessible at http://www.kpers.org/annualreport2009.pdf.

From Steve Six, Attorney General, in accordance with KSA 50-628, the 2008 Annual Report of the Consumer Protection Division.

From Dennis McKinney, State Treasurer, the 2009 Annual Report for the Kansas State Treasurer's Office.

From Robert E. Blecha, Director, Kansas Bureau of Investigation, in accordance with KSA 60-4117, the status report of the KBI State Forfeiture Fund.

From Roderick L. Bremby, Secretary, Kansas Department of Health and Environment, in accordance with KSA 65-5001, the findings and recommendations on the Kansas Association of Addiction Counselor's application seeking credentialing of addiction counselors.

From Roger Werholtz, Secretary, Kansas Department of Corrections, in accordance with KSA 75-52,112, the Annual Report of the Kansas Community Corrections Statewide Risk Reduction Initiative.

From Steve Six, Attorney General, in accordance with KSA 75-7c16(b), the statistical report regarding concealed carry licenses issued, revoked, suspended and denied, p. 787.

From the Office of Governor Mark Parkinson:

Executive Directive No. 09-398, Authorizing Personnel Transactions.

Executive Directive No. 09-399, Authorizing a Fund Transfer.

Executive Directive No. 09-400, Authorizing Expenditure of Federal Funds and Authorizing Fund Transfers.

Executive Directive No. 10-401, Authorizing Expenditure of Federal Funds.

Executive Directive No. 10-402, Authorizing Expenditure of Federal Funds.

Executive Directive No. 10-403, Authorizing Expenditure of Federal Funds.

Executive Directive No. 10-404, Authorizing Expenditure of Federal Funds.

From J. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks, in accordance with K.S.A. 32-844 and 32-845, report regarding land acquisition and renewals, p. 787

From Thomas A. Day, Legislative Liaison, Kansas Corporation Commission, Conservation Division, Abandoned Oil & Gas Well/Remediation Site Status Reports, January 11, 2010, p. 787.

From Carl Dean Holmes, Chairperson, Kansas Electric Transmission Authority, 2009 Annual Report to the Governor and the Legislature, p. 800.

From Senator Thomas Owens, Chairperson, Report of the Kansas DUI Commission to the 2010 Kansas Legislature, p. 800.

From Professor Tom Stacy, Chairman, Kansas Criminal Code Recodification Commission, 2010 Final Report to the Kansas Legislature, p. 800.

From Major General Tod M. Bunting, The Adjutant General, Kansas National Guard, Annual Report 2009 of the Kansas Adjutant General's Department, p. 806.

From Kansas Prescription Drug Monitoring Program Advisory Committee, Legislative Report, January 2010, p. 806.

From Steve Six, Kansas Attorney General, in accordance with K.S.A. 75-723, Kansas Abuse, Neglect & Exploitation Unit, Annual Report, July 1, 2008 - June 30, 2009, p. 809.

From Steve Irsik, Chair, Kansas Water Authority, 2010 Annual Report to the Governor & Legislature, p. 809.

From the Kansas Advisory Council on Intergovernmental Relations, in accordance with K.S.A. 12-4002(b), Annual Report which can be found at http://www.ksrevenue.org/kacir.htm.

From Kansas State University, Research and Extension, An Informal Report to the Kansas Legislature, January 2010, p. 809.

From Kansas, Inc., Technology-Based Economic Development in Kansas: Issues, Opportunities, and Strategies, Research Report, October 2009, p. 812.

From the office of Governor Kathleen Sebelius:

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

Executive Order 08-07, concerning a drought warning or drought watch for certain counties

Executive Order 08-08, concerning the Office of Minority and Women Business Development.

Executive Order 08-09, concerning the continuance of the moratorium on employee bonuses for FY 2009.

Executive Order 08-10, concerning an approved mentoring program.

Executive Order 08-11, declaring a drought warning or watch for certain counties.

Executive Order 08-12, establishing the Kansas Partnership for Accessible Technology.

Executive Order 08-13, rescinding Executive Order 08-06 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"), p. 812.

From the office of Governor Mark Parkinson:

Executive Order 09-03, concerning 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 FY2010.

Executive Order 09-05, establishing Kansas Mentors.

Executive Order 09-06, incorporating by reference Executive Orders 98-5, 00-06, 02-05, 03-06, 05-01 and 06-02 and continue said Governor's Military Council through February 28, 2011, unless rescinded earlier or lengthened by executive order.

Executive Order 09-07, offer of reward.

Executive Order 09-08, concerning Leave Advancement policy.

Executive Order 09-09, concerning United Way of the Plains.

Executive Order 09-10, offer of reward, p. 812.

From Thomas E. Wright, Chairman, Kansas Corporation Commission, as directed by the 2008 Legislature in K.S.A. 66.1250-1254, annual report on broadband services, p. 815.

From Secretary of State Ron Thornburgh, oath of office for Rep. Melanie Meier, p. 816.

From the office of Governor Mark Parkinson, 2009 Annual Report of the Wireless Enhanced 911 Program, p. 818.

From Robert Sanders, Chairman, Kansas Parole Board, pursuant to K.S.A. 22-3710, Annual Report for FY 2009, p. 818.

From Kansas, Inc., County Economic Vitality and Distress, 2008 Report Update, August 2009, p. 818.

From Stan Ahlerich, President, Kansas, Inc., 2009 Annual Report, p. 818.

From Gary Alexander, Vice President of Academic Affairs, Kansas Board of Regents, pursuant to K.S.A. 76-717, annual report on the Implementation of Qualified Admissions, p. 818.

From Martin Kennedy, Acting Secretary, Kansas Department on Aging, Annual Report, SFY 2009 - July 1, 2008-June 30, 2009, p. 823.

From Terry L. Maple, Superintendent, Kansas Highway Patrol, pursuant to K.S.A. 60-4117, report regarding state forfeiture funds, p. 823.

From Kent E. Olson, Director, Division of Accounts and Reports, Department of Administration, the 56th Annual Financial Report of the State of Kansas for FY ended June 30, 2009. The report is available on a CD and also on line at <a href="http://da.ks.gov/ar/finrept">http://da.ks.gov/ar/finrept</a>, p. 828.

From Lucy Mills, Coordinator, Abuse, Neglect & Exploitation Unit, Office of the Attorney General, pursuant to K.S.A. 75-723, Annual Report to the Legislature, July 1, 2008 to June 30, 2009. Report can be accessed at http://www.ksag.org/files/ANE\_Annual\_Report\_1-8-10\_Final.pdf, p. 828.

From Mike Michael, Deputy Director, State Employee Health Plan, Kansas Health Policy Authority, in compliance with K.S.A. 75-6509, Kansas State Employees Health Care Commission 2009 Annual Report. The report is contained on a compact disc (cd), p. 833.

From Stephen R. Weatherford, President, Kansas Housing Resource Corporation, Financial Statements for the Years ended June 30, 2009 and 2008 and Independent Auditors' Report, p. 843.

From William R. Thornton, Acting Secretary of Commerce, in accordance with K.S.A. 12-17,169(c), annual report for projects funded with special obligation bonds, p. 851.

From Thomas E. Wright, Chairman, Kansas Corporation Commission, pursuant to K.S.A. 66-117b, Annual Report to the 2010 Kansas Legislature concerning changes in rates and schedules. The report can be viewed at http://kcc.ks.gov/10\_legis\_rpt.pdf and is also available on a compact disc, p. 856.

From Thomas E. Wright, Chairman, Kansas Corporation Commission, pursuant to K.S.A. 2008 Supp. 66-2005 as amended by SB 350 and HB 2637, Report on Price Deregulation, p. 856.

From Sandy Praeger, Commission of Insurance, pursuant to K.S.A. 44-566(a), 2009 Fiscal Year End Report of the Kansas Workers' Compensation Fund, p. 856.

From Joan Wagnon, Secretary of Revenue, pursuant to K.S.A. 79-32,261(f), Annual Report concerning Higher Education Deferred Maintenance Tax Credit, p. 881.

From the Kansas Guardianship Program, pursuant to K.S.A. 74-9601 et seq., as amended, 2009 Annual Report, July 1, 2008 - June 30, 2009, p. 886.

From Dr. Andrew Allison, Ph.D., Acting Executive Director, Kansas Health Policy Authority, as required by K.S.A. 75-7405, 2010 Annual Legislative Report. The report is also available online at <a href="http://www.khpa.ks.gov/news/publicatons.html">http://www.khpa.ks.gov/news/publicatons.html</a>, p. 910.

From Joan Wagnon, Secretary of Revenue, pursuant to K.S.A. 79-32,262(b)(3), Annual Report, Declared Disaster Capital Investment Tax Credit, p. 917.

From Kevin Carr, Interim President & CEO, Kansas Technology Enterprise Corporation (KTEC), pursuant to K.S.A. 74-8136(c), Annual Report for the Angel Tax Credit program, p. 931.

From Helen Pedigo, Executive Director, Kansas Sentencing Commission, pursuant to K.S.A. 74-9101, 2010 Report to the Legislature, p. 1019.

From Catherine Domsch, Chairman, Kansas Commission on Rural Policy, pursuant to K.S.A. 74-99e01, Annual Report to the Legislature, p. 1019.

From Howard Schwartz, Judicial Administrator, Supreme Court of Kansas, pursuant to K.S.A. 8-1008, 2009 Annual Report of the Statement of Alcohol Drug Safety Action Program, p. 1019.

From Robert E. Davis, Chief Justice, Kansas Supreme Court, pursuant to K.S.A. 20-320, Annual Report, State of the Judiciary, 2010, p. 1037.

From Kevin M. Carr, Interim CEO, KTEC (Kansas Technology Enterprise Corporation), 2009 Annual Report, p. 1092.

From Mark S. Beck, Director, Division of Property Valuation, Kansas Department of Revenue, pursuant to K.S.A. 79-1490, 2009 Preliminary Ratio Study, p. 1112.

From Kansas Foundation for Agriculture in the Classroom, 2009 Annual Report, p. 1189. From Steve Six, Attorney General, Crime Victims compensation Board's 2008 Annual Report, p. 1189.

From Roderick L. Bremby, Secretary, Kansas Department of Health and Environment, in accordance with the Kansas Health Occupations Credentialing Act (K.S.A. 65-5001 *et seq.*), recommendations to the Legislature on the American Massage Therapy Association of Kansas, p. 1383.

From Joan Wagnon, Secretary of Revenue, pursuant to K.S.A. 74-50,1189(c), Annual Report — Kansas Enterprise Zone Act, p. 1383.

From Carol G. Green, Secretary, Commission on Judicial Qualifications, Annual Report for Calendar Year 2009 is available online at http://www.kscourts.org/appellate-clerk/general/commission-on-judicial-qualifications/2009-Annual-Report.pdf or online at www.kscourts.org under "Commission on Judicial Qualifications," p. 1383.

From Roger Werholtz, Secretary, Department of Corrections, in accordance with K.S.A. 60-4117, State Forfeiture Fund for the period of December 1, 2008 through December 1, 2009, p. 1394.

From William V. Minner, Executive Director, Kansas Human Rights Commission, pursuant to K.S.A. 44-1004(13), Annual Report, Fiscal Year 2009, p. 1394.

From Jim Garner, Secretary, Kansas Department of Labor, Workers Compensation 35th Annual Statistical Report, 2009 Kansas Economic Report, 2010 Workplace Safety Annual Report; Unemployment Insurance Reference Guide, Kansas Department of Labor 2009 Annual Report, p. 1508.

From Jim Garner, Secretary, Kansas Department of Labor, 2009 Kansas Green Jobs Report.

#### MESSAGES FROM THE GOVERNOR

State of the State Address, Governor Mark Parkinson, pp. 792-796.

Pursuant to K.S.A. 22-3703, report of pardon granted for the preceding year to Samuel Jarvis Hunt, p. 830.

Executive Order No. 2010-01, concerning standards of care provided at Parsons State Hospital and Kansas Neurological Institute, p. 842-843.

Executive Order No. 2010-02, concerning establishing the Kansas Advisory Committee for the Blind and Visually Impaired, p. 843.

Executive Directive No. 10-405, concerning authorizing expenditure of federal funds, p. 950

Executive Directive No. 10-406, concerning authorizing expenditure of federal funds, pp. 1299-1300.

Executive Directive No. 10-407, authorizing personnel transactions, p. 1300.

Veto Message concerning S Sub for HB 2115, p. 1382.

Veto Message concerning S Sub for HB 2538, pp. 1382-1383.

Executive Order No. 2010-03, concerning offer of a reward, p. 1508.

Executive Directive No. 10-409, concerning authorizing expenditure of federal funds, p. 1840.

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H 2039	Identification of defendant by unique DNA pro-	H 2630	Requiring adjustments to property tax levies rel-		
	file sufficient for reasonable certainty re-		ative to revenues produced by property		
н эоло	quirement of warrant.  Giving the Kansas parole board the authority to	H 2647	taxes. Schools; authorizing a local activities budget.		
11 2040	defer certain subsequent parole hearings for	HCR 5027	Endorsing Taiwan's participation as an observer		
	up to 20 years.	11011 3027	in the ICAO and UNFCCC.		
H 2602	Rep. Ted Powers memorial exit.	HCR 5032	Constitutional amendment to preserve right to		
HCR 5032	Constitutional amendment to preserve right to		choose health care services and participate		
	choose health care services and participate		in health insurance plan.		
	in health insurance plan.	HR 6021	Honoring Representative Ruby Gilbert.		
HR 6021	Honoring Representative Ruby Gilbert.	HR 6036	Requiring the Attorney General of the State of		
HR 6044	A resolution honoring John F. Hayes.		Kansas to join or bring an action challenging		
HR 6046	Honoring former Representative Al Lane.		the constitutionality of the Federal health		
HR 6048	Honoring former Representative Isaac "Kelso"	IID 0044	care reform package.		
	Deer.	HR 6044 HR 6046	A resolution honoring John F. Hayes.		
Schwartz, Sh	noron	HR 6048	Honoring former Representative Al Lane. Honoring former Representative Isaac "Kelso"		
		11R 0040	Deer.		
H 2436	Michael Hugh Breeding memorial bridge.		2001.		
H 2602 H 2630	Rep. Ted Powers memorial exit. Requiring adjustments to property tax levies rel-	Slattery, Mil	ke		
П 2030	ative to revenues produced by property	H 2546	Insurance, reimbursement for certain services.		
	taxes.	H 2602	Rep. Ted Powers memorial exit.		
HR 6021	Honoring Representative Ruby Gilbert.	H 2648	Limitations expenditures by the legislature, cer-		
HR 6042	Congratulating and commending Hanover High		tain computer and information technology		
	School for winning back-to-back champi-		purchases and services, suspending per		
	onships in both football and basketball.		diem compensation increases for legislators.		
HR 6043	Congratulating Hanover High School basketball	HR 6021	Honoring Representative Ruby Gilbert.		
	coach Kim Lohse for winning the Coach of	HR 6044	A resolution honoring John F. Hayes.		
**** ***	the Year Award.	HR 6046	Honoring former Representative Al Lane.		
HR 6044	A resolution honoring John F. Hayes.	HR 6048	Honoring former Representative Isaac "Kelso"		
HR 6046	Honoring former Representative Al Lane.		Deer.		
HR 6048	Honoring former Representative Isaac "Kelso" Deer.	Sloan, Tom			
	Beel.				
Seiwert, Joe		H 2061	Board of professional educators.		
	n min :1:	H 2075	Providing insurance coverage for colorectal can-		
HCR 5032	Rep. Ted Powers memorial exit. Constitutional amendment to preserve right to	н ээлэ	cer screening. State long-term care ombudsman; expanding the		
HCR 5052	choose health care services and participate	11 2242	authority of the state long-term care om-		
	in health insurance plan.		budsman to advocate for otherwise qualified		
HR 6021	Honoring Representative Ruby Gilbert.		individuals not in long-term care facilities.		
HR 6036	Requiring the Attorney General of the State of	H 2602	Rep. Ted Powers memorial exit.		
	Kansas to join or bring an action challenging	HCR 5014	Expanded rail service; Kansas City to Fort		
	the constitutionality of the Federal health		Worth, Texas; congratulating Kansas De-		
	care reform package.		partment of Transportation and others; urg-		
HR 6044	A resolution honoring John F. Hayes.		ing action.		
HR 6046	Honoring former Representative Al Lane.	HR 6021	Honoring Representative Ruby Gilbert.		
HR 6048	Honoring former Representative Isaac "Kelso"	HR 6044	A resolution honoring John F. Hayes.		
	Deer.	HR 6046	Honoring former Representative Al Lane.		

### Sloan, Tom—Concluded

HR 6048 Honoring former Representative Isaac "Kelso" Deer.

### Spalding, Sheryl

H 2075 Providing insurance coverage for colorectal cancer screening. H 2245 Fair credit reporting act, credit freeze. H 2546 Insurance, reimbursement for certain services. H 2587 Schools; special education; state aid not to exceed 92% of actual amount of excess cost. H 2602 Rep. Ted Powers memorial exit. HR 6021 Honoring Representative Ruby Gilbert. HR 6044 A resolution honoring John F. Hayes. HR 6046 Honoring former Representative Al Lane. Honoring former Representative Isaac "Kelso" Deer.

### State Legislature, House Committees (Various)

### Aging and Long-term Care

H 2055 Health care for seniors fund; senior services fund; disposition of additional lottery proceeds.

H 2056 Health care for seniors fund; disposition of additional tobacco litigation settlement proceeds

H 2057 Enacting geriatric mental health act; establishing a geriatric mental health program.

H 2058 Health care for seniors fund; disposition of sales tax and compensating use tax proceeds.

HCR 5033 In memory of Bryce Miller; recommending that a future statewide mental health program be named the Bryce Miller Mental Health Program.

HCR 5034 In memory of Bryce Miller.

H Sub for S 43 Requiring safety training as a portion of social worker continuing education requirements.

### Agriculture and Natural Resources

H 2049 Hunter safety orientation programs in schools.
 H 2213 Loan agreements pursuant to the veterinary training program for rural Kansas.

H 2457 Exempting nonresidents under 16 from hunting license requirements.

H 2458 Requiring archery permit holders to take a doe before a buck.
 H 2459 Abolishing permit requirements and harvest lim-

its for prairie rattlesnakes.
H 2565 Conservation exception for nonuse of water

H 2565 Conservation exception for nonuse of water rights.

H 2566 Food and drug inspection duties under the de-

partment of agriculture.

H 2567 Notice requirements for termination of water

rights.

H 2606 Tuttle Creek Dam river pond area, entrance to remain open.

H 2639 Allowing mountain lions and wolves to be hunted

without a hunting license.

HCR 5004 Urging Congress to oppose federal legislation interfering with a state's ability to direct the transport or processing of horses.

HR 6018 Supporting antitrust enforcement on the meat industry.

H Sub for Sub S 214 Strip annexation prohibited.

### **State Legislature, House Committees**

### (Various)—Continued

H Sub for S 316 Nonuse of water as a conservation use.

H Sub for S 342 Smoking regulation.

### Appropriations

H 2022 Supplemental appropriations for FY 2009 for various state agencies.

Sub for H 2022 Omnibus appropriation act and omnibus reconciliation spending limit bill for the 2009 regular session.

H 2093 Supplemental appropriations for FY 2009, FY 2010 and FY 2011 for state agencies, reducing expenditure authorizations.

H 2094 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.

H 2095 School finance; capital outlay levy for utilities and insurance; no-fund warrants to pay teachers' salaries and benefits; cash-basis law, exemption; LOB authority.

H 2139 Disposition of district court fines, penalties and forfeitures; percentage credited to department of corrections alcohol and drug abuse treatment fund.

H 2140 Federal nontaxable distributions from KPERS retirement benefits to provide retired public safety officers a source to pay for health insurance premiums.

H 2177 State water plan fund fee increases.

H 2178 Abolishing Kansas turnpike authority, transferring to Kansas department of transportation.

H 2179 Low-income family postsecondary savings accounts incentive program.

H 2180 Alcoholic beverages; wine lockers in a drinking establishment; consumption of alcoholic beverages at public events under certain circumstances

 $\rm H~2210~$  Child in need of care; jurisdiction in CINC proceedings.

H 2211 Child in need of care; placement of child in custody.

H 2212 Vehicle registration, trailers.

H 2239 School districts; recording and reporting of receipts and expenditures; uniform chart of accounts.

H 2240 Amending the Kansas underground utility damage prevention act.

H 2272 Procedures for designation of an intensive groundwater use control area.

H 2277 Reinstating the prevailing wage on state construction projects.

H 2278 Workers compensation; bilateral scheduled injuries under permanent partial disability.

H 2279 Workers compensation; increase in benefits.

H 2280 School districts; capital improvement and capital outlay state aid, reduction of; school bonds, approval prior to issuance, when; transfers of money from capital outlay fund.

H 2294 Kansas minimum wage law; minimum wage increase.

H 2329 Health insurance; concerning claims for medical procedures and implants approved by the FDA.

H 2330 Classification of bed and breakfast homes as residential property for property tax purposes.

H 2340 Creating the prisoner review board within the department of corrections; transferring the powers and duties of the Kansas parole board to the prisoner review board.

### ${\bf State\ Legislature,\ House\ Committees} \\ ({\bf Various}) — Continued$

ai ious	Communa
H 2341	Requiring state agencies to use moneys appropriated for employees salaries on state em-
H 2342	ployee salaries. Establishing a special season for archery for tak- ing of deer within Shawnee Mission park.
H 2344	Insurance coverage for special dietary formulas.
H 2345	Life insurance, valuation of policies, reserves.
H 2347	Expiration of driver's licenses, spouse and chil-
H 2350	dren of military personnel.  Right of participation of persons licensed to practice medicine and surgery as providers in
TT 0071	health benefit programs.
H 2351	Abolishing the death penalty.
H 2355	Limitation on outstanding principal of state general fund bonded debt.
H 2356	Child care facilities; inspection.
H 2357	School districts; calculation of at-risk pupil en-
11 2001	rollment.
H 2360	State budget, estimates of state agencies, report of governor's budget recommendations, date submitted to legislature.
H 2361	Federal stimulus act, review and evaluation.
H 2362	Extending season to take deer, fees for certain licenses and permits issued by the secretary of wildlife and parks, feed the hungry fund.
H 2363	SRS prohibited from placing more than six sex- ually violent predators in any one county on transitional release or conditional release.
H 2364	Court procedure; time limitations for filing.
H 2370	Priority for payment of salaries and wages for state officers and employees payroll obliga- tions.
H 2371	Taxation of motor vehicles; relating to exemptions for certain disabled veterans.
H 2372	Construction contracts; professional services.
H 2376	Emergency management; immunity from liabil-
Н 2377	ity. Kansas pet animal act; transferring duties and
	powers.
H 2381 H 2383	Adjusting docket fees for FY 2009 and FY 2010. Transferring moneys from certain fee funds to the state general fund.
H 2384	State water plan fund.
H 2385	Commissioner of juvenile justice to convey certain land to the Kansas department of wild-life and parks.
H 2386	Department of health and environment; establishing certain funds.
H 2387	Emergency medical services board operating fund and fire service training program fund pay the 20% reimbursement to the state
H 2390	general fund for administrative costs.  Accident and health insurance, continuation of
H 2394	coverage.  Income tax credit for expenditures to make facilities accessible to individuals with a disabil-
	ity.
H 2396	Joint Committee on Information Technology, members, powers.
H 2397	Creating certain crimes against mass transit system employees.
H 2399	Appropriation for FY2009 for Kansas public employees retirement system.
H 2400 H 2401	KPERS, increasing employer contribution. Removing the cap on cumulative amounts paid to the bioscience development and invest-
	ment fund.

ment fund.

H 2403 Transparency and accountability in purchasing and state spending act.

### State Legislature, House Committees

	iture, House Committees
(Various)	—Continued
Sub for H 2403	Creating the council on efficient government,
H 2404	requirements concerning state contractors. Income taxation, deductions, determination of Kansas adjusted gross income and credits, decoupling legislation.
H 2405	Corporate income surtax rates and mineral severance tax to the oil and gas valuation depletion fund.
H 2406	Concerning sales taxation; goodwill industries.
H 2407	Taxation, rates and continuation of estate and franchise taxes, repeal of community serv- ices program income tax credit and time of payment and returns for mineral severance tax.
H 2416	Supplemental appropriations for FY 2010 for various state agencies.
H 2417	District judge positions converted to district mag- istrate judge positions if 20% or less of total district judge and district magistrate judge positions in judicial district are district mag- istrate judge positions.
H 2434	State parks; relating to naming thereof.
H 2441	Prohibiting texting while driving; penalties.
H 2442	Kansas streamlining government act.
H 2461	Department of social and rehabilitation services; service contracts for placement of children.
H 2493	Eliminating classifications of dams and water ob- structions.
H 2516	Amendments to the Kansas expanded lottery act.
Н 2544	State public trust, superfund sites, Cherokee county, member compensation for meeting attendance.
H 2559	School districts; expenditures over \$20,000.
H 2573	Sales tax exemption for purchases of contractors for the capitol restoration project.
H 2616	Professional regulated sports act; civil penalties, violations, fees and rules and regulations.
H 2645	Limiting eligibility of state employees to receive benefits and reimbursements for abortifa- cient procedures under a state health sav- ings account plan.
H 2646	Clothing requirements while hunting deer or elk.
H 2658	State fair board; purchase of workers compensation insurance authorized.
H 2659	Lodging establishments not required to be li- censed.
H 2666	Animal health department; fees.
H 2671	Fire marshal; office made division of insurance department; investigation of crimes.
H 2677 H 2678	School districts; child care facility fund.  Designating a part of U.S. highway 59 as the Vern
H 2679	Chesbro memorial highway.  Cemeteries; abandoned; sale by municipalities; conditions.
H 2680	Regulating traffic; impeding traffic.
H 2681	Establishing the passenger rail service program.
H 2683	Amending the definition of eligible employee and eliminating the requirement of full-time employment to qualify for small employer
TT 2000	health benefit plan coverage.
H 2690 H 2691	Bidding preference for in-state companies.  Biennial budgeting for Kansas home inspectors
H 2692	registration board.  Governmental ethics commission, fixing certain fees.

H 2693 Statehouse restoration capital improvement project, stopping work and expenditures, prohibiting expenditures of public moneys for visitors center.

G	ture, House Committees —Continued
H 2694	Permanent annual cost-of-living adj members of the retirement

H 2694	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, 2011.

H 2699 School districts; teachers; tenure.

H 2703 Increased maximum retirement benefit for KP&F members and increased employee contributions until the maximum retirement benefit is attained.

H 2704 School districts; consolidation; student eligibility for activities if school building closes; taxable tangible property, defined; medicaid replacement state aid.

H 2705 Appropriations for FY2011 and FY2012 for capital improvements for various state agencies.

H 2706 Appropriations for FY 2010 through FY 2015 for various state agencies.

H 2717 Prison-made goods act of Kansas; limitations on prices of such goods.

H 2718 School finance litigation; duties of the revisor of statutes. H 2719 School districts; expenditures under the average

per pupil; budget equity levy. School districts; enacting the education economic

recovery act (TEERA). H 2721 Workers compensation act; increasing the caps

on benefits. H 2722 Boards of barbering and cosmetology; consoli-

dation of certain administrative operations. H 2723 Health maintenance organizations, annual privilege fee, remove phase-in.

H 2724 Creating the department of banks and credit unions and abolishing the office of the state bank commissioner and the state department of credit unions.

H 2728 School districts; reorganization.

Concerning cities and counties; creating energy H 2729 management districts.

H 2732 Kansas sentencing commission; personnel and accounting services.

H 2737 Alcoholic beverages; licensure, municipal corporations; certain facilities.

H 2738 Secretary of wildlife and parks.

H 2739 School districts; mandatory local levy; state financial aid; BSAPP.

H 2742 School districts; LOB authority of districts with under the state-wide average per pupil expenditures.

H 2744 School sports brain injury prevention act.

H 2748 School districts; the expenditure of moneys in school district funds for general education purposes.

H 2750 State health care benefits program, subrogation, coordination of benefits.

H 2751 Enacting the Kansas public employees retirement system defined contribution act. HCR 5016 Urging Kansas school districts to use carefully the

federal stimulus funds received. HCR 5031 Expenditure of public moneys to finance litiga-

tion against the state. HR 6017 Obesity in the African American, Hispanic/La-

tino American and Native American com-

H Sub for S 22 Omnibus appropriation act and omnibus reconciliation spending limit bill for the 2009 regular session.

### State Legislature, House Committees

(Various)—Continued

H Sub for S 313 State and school bond obligations, state general fund bonded debt, school district capital improvement funds transfers.

H Sub for S 572 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.

#### Commerce and Labor

Title insurance, amending K.S.A. 40-2404. Employment security law, benefits; school bus H 2041

H 2141 drivers

H 2238 Amending the fairness in private construction contract act and the fairness in public construction contract act regarding retainage.

Sub for H 2238 Amending the fairness in private construction contract act and the fairness in public construction contract regarding retainage.

H 2301 Enacting the elevator safety act.

H 2515 Prohibition against a municipality requiring the installation of a multi-purpose sprinkler system in a residential structure.

H 2556 Restricting use of certain wireless communication devices while driving. Real estate salespersons and brokers, amend-

H 2560 ments related to technical changes and restricted and conditioned licenses.

H 2596 Secretary of health and environment; rules and regulations regarding remediation of leadbased paint.

H 2664 Income tax credit for certain taxpayer payments to the employment security fund.

H 2665 Establishes the individual unemployment insurance savings account program.

Sub for H 2669 Disabilities; Kansas employment first initiative act and Kansas employment first oversight committee.

Home inspectors, financial liability. Amending the fairness in private construction H Sub for S 324

H Sub for S 377 contract act and the fairness in public construction contract act concerning retainage.

H Sub for S 425 Employment security law; contribution rates option; no penalties or interest up to 90 days

### Corrections and Juvenile Justice

H 2100 Unlawful sexual relations includes clergy when victim is being counseled.

H 2208 Requiring social and rehabilitation services to furnish a copy of all child in need of care information to county or district attorney.

H 2234 Sexual abuse, sex offenses, intent.

H 2235 Fleeing or eluding a police officer; criminal threat; aggravated criminal threat; presentence investigation report; criminal history.

Sub for H 2340 Legislative review of parole board factors and rationale for granting or denying parole.

Sub for H 2413 Increasing traffic fines to fund increases in alcohol and drug therapy program for DUI offenders.

Sub for H 2430 Allowing the court to sentence a defendant with PTSD caused by action in a combat zone while in the United States armed forces to receive mental health treatment as part of the defendant's probationary sentence.

H 2440 Requiring the secretary of corrections to receive and give victim notification upon certain events while inmate is in the custody of the secretary of social and rehabilitation serv-

### State Legislature, House Committees (Various)—Continued

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- H 2451 Adding BZP to the list of schedule I drugs.
- H 2452 Amending the court guidelines for an indigent defendant's reimbursement for court services received.
- H 2453 Enhanced penalties for certain drug crimes on or within 1,000 feet of a child care facility.
- Sub for H 2453 Making the distribution of drugs and paraphernalia to or in the presence of a minor an enhanced severity level crime and replacing "child care facilities" with "presence of a minor."
  - H 2454 Office of vital statistics; fingerprinting and criminal history records check required for new employees; maternal and child health surveillance and monitoring.
  - H 2468 Requiring offenders guilty of attempt, conspiracy or solicitation to commit any crime requiring offender registration for life to register as an offender.
  - H 2469 Use of prior convictions in determining criminal history.
  - H 2489 Providing sentencing requirements and punishments for postrelease supervision violators.
  - H 2502 Child witness protection act.
  - H 2503 Authorizing and requiring the secretary of corrections to supervise parole offices and other release mechanisms and entities.
  - H 2504 Eliminating the addition of good time credits earned while in prison to postrelease supervision time calculations.
  - H 2505 Release procedures and discharge of paroled inmates.
  - H 2506 Requiring the parole board to weight the proportionality of a crime committed prior to July 1, 1993, to the sentence for the same crime under the new guidelines.
  - H 2507 Parole and postrelease conditions established by parole board.
  - H 2508 Shortening the length of deferral time for certain inmates' parole hearings to five years and requiring review of inmates on a 10 year deferral.
  - H 2509 Notice of release of sexually violent predators into work release program.
- Sub for H 2509 Providing the procedure by which the secretary of corrections refers a potential sexually violent predator to the multidisciplinary team for analysis and a determination of placement.
  - H 2517 Domestic violence offenses; special sentencing provision.
- Sub for H 2517 Domestic violence offenses; special sentencing
  - H 2534 Increasing criminal penalties for unlawful sexual
  - H 2581 Criminal procedure; correctional supervision fees; funding the use of a statewide, mandatory standardized risk assessment.
  - H 2582 Adding conspiracy and attempt to special sentencing requirement of presumptive imprisonment for second burglary offense.
  - H 2603 Requiring the courts to expunge criminal records of juveniles without petition.
  - H 2604 Allowing the court to sentence a defendant to serve time in a work release program.
  - H 2605 Clarifying the investigation fees for services rendered by the KBI and other regional forensic and scientific laboratories.

### State Legislature, House Committees

### (Various)—Continued

- H 2637 Requiring the court to charge a \$100 fee for collection of defendant's DNA information for storage in the KBI DNA database.
- H 2640 Kansas offender registration act; changing penalties for aiding a person required to register and failure to register by a person required to register.
- H 2641 Increasing penalties for unlawful sexual relations and requiring offender registration; increasing penalties when staff traffic in dangerous contraband in a correctional facility.
- H 2655 Authorizing community correctional services to allow inmates good time credit for misdemeanors and non-grid crimes.
- H 2661 Further amendments to the recodification of the criminal controlled substances provisions.
- H Sub for S 26 Increasing traffic fines to fund increases in alcohol and drug therapy program for DUI offenders.
- H Sub for S 345 Proportionality of sentencing; property and securities crimes.
- H Sub for S 458 Amending the penalties for violations of the Kansas uniform securities act.

### Economic Development and Tourism

- H 2120 Creating the Kansas tourism corporation.
- H 2443 Department of transportation, highway signs.
- H 2551 Granting authority to the department of commerce to recapture unissued recovery zone bonds.
- H 2553 Updating references to the standard industrial classification codes in the Kansas enterprise zone act.
- H 2554 Authorizing the issuance of bonds for certain economic development projects; pertaining to the Promoting Employment Across Kansas act.
- H 2623 Prohibiting covering license plate with clear or opaque material.

### Education

- H 2101 School districts; supplemental general state aid for certain districts.
- H 2103 School districts; low enrollment weighting; districts with less than 200 pupils.
- H 2104 Schools; low enrollment weighting, limitation relating to high and medium density at-risk pupil weightings.
- H 2105 Teacher and administrator contracts; notice of non-renewal.
- H 2153 Schools; national school psychologist certification incentive program.
- H 2183 School districts; capital improvement and capital outlay state aid.
- H 2184 Schools; Abstinence Plus (A+) Education Act.
- H 2199 Concerning school districts and students with dyslexia.
- H 2200 Schools; transportation weighting formula.
- H 2237 Schools; vocational education courses.
- H 2307 Schools; verification of income eligibility of atrisk pupils.
- H 2460 School districts; state-wide levy; LOB, state prescribed percentage.
- H 2477 School finance; 2010 commission.
- H 2495 Schools; statewide levy, exemption, procedure for the elimination of.
- H 2579 School districts; special capital outlay levy for insurance and utility services.

## State Legislature, House Committees (Various)—Continued

H 2580	Special education and related services; cata-	
	strophic state aid; extraordinary cost state aid.	

- H 2591 School districts; inclement weather days, districts not required to pay staff.
- H 2594 School districts; enrichment fund; tax levy.
- H 2595 School districts; transportation of students residing outside the district.
- H 2600 Schools; special education; maximum and minimum amounts of state aid paid as reimbursement to districts for teachers and pa-
- H 2601 Schools; high density at-risk pupil weighting; linear transition computation.

#### Elections

- H 2077 Elections; voters; photo identification required; free photo identification, certain persons.
- H 2215 Political subdivision lobbying; use of public funds prohibited.
- H 2216 State contracts; registration as lobbyist required. H 2654 Elections: Changing the date of April primary elections to August.

### Energy and Utilities

- H 2012 Establishing a deadline for the court of appeals to decide appeals from administrative orders of the state corporation commission.
- H 2013 Establishing renewable portfolio standards for public utilities.
- H 2015 Establishing energy efficiency standards for certain owned and leased property, equipment and vehicles.
- H 2016 Establishing limits for mercury, nitrogen oxide and sulfur dioxide from certain emissions
- H 2017 Establishing a deadline for decisions by the state corporation commission.
- H 2020 Establishing the renewable energy incentive program.
- H 2021 Listing factors to be weighed by the state corporation commission when granting a certificate of public convenience to an electric
- H 2024 Requiring the KCC to coordinate with the Southwest Power Pool to create a statewide balancing authority and statewide pricing zone.
- ancing authority and statewide pricing zone.

  H 2025 Creation of an independent electric transmission
  company in Kansas.
- H 2033 Requiring utilities to become members of the climate registry.
- H 2034 Requiring utilities to develop means of reducing greenhouse gas emissions.
- H 2035 Permitting members of large electric cooperatives to elect to be exempt from regulation by the KCC.
- H 2036 Granting the state corporation commission authority to convene stakeholders to study energy efficiency and storage issues.
- H 2037 Broadband deployment assistance program.
- H 2038 Establishing fossil-fuel electric generation standards and evaluating renewable, distributive generation and transmission technology.
- H 2043 Establishing the net metering and easy connection act for wind generation.
- H 2051 Establishing the net metering and easy connection act for solar generation.
- H 2064 Light pollution; night sky protection act.

### **State Legislature, House Committees**

### (Various)—Continued

- H 2115 Repealing K.S.A. 21-4211, criminal penalty for refusing access to a telephone line for emergency purposes.
- H 2116 Requiring the state corporation commission to annually update base load projections; also requiring utilities to establish energy efficiency and loan management programs.
- H 2117 Requiring utilities to develop retail tariffs for electricity generated from wind.
- H 2127 Establishing the renewable energy standards act and net metering and easy connection act, and establishing energy efficiency standards for state buildings.
- H 2182 Requiring the Kansas air quality act to be consistent and uniform with the federal clean air
- H 2196 Ending the property tax exemption for renewable energy resources and technologies with the 2009 taxable year.
- H 2224 Compressed air energy storage.
- H 2225 Granting certain utilities the option to purchase power from new pulverized coal electricity generating facilities.
- H 2251 Creating the energy technology research initiative.
- H 2271 Regulations for underground hydrocarbon storage wells.
- H 2282 Rural water district release of land procedures.
- H 2283 Release of rural water district lands; city annexation of rural water district territory; designation of intensive groundwater use control
- H 2284 Procedures for transfer of certain property of rural water districts.
- H 2318 Defining participating member of a rural water district, requirements on water districts.
- H 2419 Authorizing contracts between utilities and customers for the installation of renewable energy generation units and energy storage devices.
- H 2420 Permitting utilities to capitalize costs of energy efficiency programs.
- H 2421 Requiring Kansas engineering schools to evaluate renewable, distributive generation and transmission technologies upon request of certain entities.
- H 2422 Establishing the Kansas energy science authority. H 2423 Concerning emergency telephone service and
- the collection and distribution of fees.

  H 2624 Concerning construction of new school buildings.
- H 2625 Concerning energy conservation measures.
- H 2626 Concerning requirements for telecommunications and local exchange carriers. H 2662 Concerning the wind generation permit act.
- of energy management districts.

  HR 6005 Establishing targets for energy development,

Concerning cities and counties and the creation

consumption and costs.

H Sub for Emergency telephone service, fees, charges, colsub SB 48 lection and distribution.

### Federal and State Affairs

H 2663

- H 2062 Cereal malt beverages; alcohol content, regulation by ABC, retailers authorized to sell, taxation.
- H 2082 Musical performing groups; advertising; restrictions.

### **State Legislature, House Committees** (Various)—Continued

arious).	—Commuea
H 2148	State capitol; grounds; preservation committees.
H 2149	The Kansas immigration accountability act.
H 2186	Exceptions from amusement ride operation
	requirements for home-owned amusement
	rides.
H 2187	Kansas expanded lottery act; regarding racetrack
	gaming facility management and investment
	in lottery gaming facilities.
H 2264	Wrongful death actions; repealing caps on and
	after July 1, 2009.
H 2268	Prohibiting the sale of novelty cigarette lighters.
H 2281	Misclassification of employees.
H 2309	Requiring proof of legal access to property with
	application for water right.
H 2310	Long-term care partnership program; exchange
11 2010	of policies.
H 2312	Workers compensation; caps on benefits.
H 2313	Employment security law, time to respond to ex-
11 2010	
	aminer's notice of claim and to notices of
H 2322	appeal.  In a wrongful death action, person also means an
11 2022	unborn child.
H 2323	Adult care homes, home health agencies; em-
11 2020	ployees; criminal history information.
H 2332	Recodification of certain drug crimes; quantities
11 2002	
H 2333	of drugs; proportionality of sentencing.
11 2000	Creating the crime of use of a controlled sub-
H 2334	stance endangering a child.
П 2554	Consecutive sentencing for off-grid and on-grid convictions.
H 2335	
П 2555	Repealing the crime of domestic battery; battery
	includes domestic battery; domestic vio-
	lence designation on criminal offenses;
II 0007	pleas.
H 2367	Insurance coverage; autism.
H 2389	Vehicle title loans; regulations thereof.
H 2391	Personal and family protection act; charges.
H 2392	Prohibiting request for proposals from limiting
	location to a geographic area without eco-
** * ***	nomic justification.
H 2402	Fair pricing of crude oil act.
H 2444	Creating a division of the state fire marshall
	within the insurance department.
H 2445	Land uses adjacent to military installations.
H 2494	Children in need of care; removal of child from
	parent's custody.
H 2510	Temporary vehicle registration, use of permit.
H 2511	Children in need of care; reimbursement of costs
	of care for child in grandparent's custody.
H 2512	Children in need of care; court authority.
H 2513	Children in need of care; runaways.
H 2533	Kansas act against discrimination; disability
	amendments.
H 2537	Cereal malt beverages; alcohol content, regula-
	tion by ABC, retailers authorized to sell, tax-
	ation.
H 2633	Establishing the community defense act.
H 2634	Vehicle title loans; regulation thereof.
H 2635	Establishing a procedure for preparation and
	adoption of reapportionment plans.
H 2644	Employment security law; relating to contribu-

H 2649 Designating little bluestem (schizachyrium scoparium) as the state grass of Kansas.

H 2650 Designating part of U.S. 75 highway as the James

Lane Freedom Trail memorial highway.

H 2651 Lottery and parimutuel winnings; child support

tion rates, penalties and interest for calendar years 2010 and 2011.

### State Legislature, House Committees

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	Continued
v arious)	—Continued
H 2652	Kelsey Smith act; call location; amendments.
H 2653	Regulating traffic; United States postal service vehicles; right-of-way.
H 2657	Establishment of Kansas partnership for accessible technology.
H 2669	Disabilities; Kansas employment first initiative act.
H 2670	Electronic citations, complaints and notices to appear.
H 2672	Kansas taxpayer transparency act; amendments.
H 2673	Assessment of quality assurance fee on skilled nursing care facilities to improve the quality of care.
H 2674	Personal and family protection act; amendments.
H 2675	City annexation; fire district territory; double taxation; refund of taxes.
H 2676	Employment security law; contribution rates option; no penalties or interest up to 90 days late.
H 2684	Enacting the rural risk bank loan guarantee loan program.
H 2685	Personal and family protection act; amendments.
H 2688	Housing loan deposit program; eligibility of certain dwellings, outstanding loan amount limit.
H 2697	Alcoholic beverages; amendments to licensure of alcoholic liquor retailers.
H 2700	Requiring boards of education to educate stu- dents, teachers and parents about the dan- gers of "sexting" and other forms of elec- tronic communication.
H 2701	Municipalities; organized solid waste collection service act.
H 2702	Creating the juvenile offense of unlawful dissem- ination of a visual depiction of a minor and amending the crime of sexual exploitation of a child.
H 2710	Lottery; racing and gaming; bingo; divisions of Kansas lottery.
H 2711	Kansas act against discrimination; inclusion of sexual orientation and gender identity.
H 2712	Cemetery corporations, cemetery merchandise contracts, permanent maintenance fund.
H 2713	Cemetery corporations, enforcement by secretary of state.
H 2714	Restricting KDOT'S authority to appeal from awards under eminent domain procedure.
H 2726	Assessment of waiver provider fee on providers of certain home and community-based services.
H 2727	Driver's licenses and nondriver identification cards, protection of privacy rights.
H 2733	Campaign finance; electioneering communications.
H 2735	Alcoholic beverages; club and drinking establishment licensure; limousine service.
H 2741	Smoking regulation.
H 2749	Challenging the constitutionality of a legislative action or enactment by legislators.
HCR 5019	Constitutional amendment to prescribe revenue, expenditure and taxation limitations on state government.
HCR 5022	Concerning global climate change and cautioning against non-productive reactions to the effects of global warming.
HCR 5035	Urging Congress to adopt the Parental Rights

HCR 5035 Urging Congress to adopt the Parental Rights Amendment.

# State Legislature, House Committees

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Financ	cial Institutions
H 2114	Uniform commercial code, payment of year old check.
H 2473	Prohibiting sellers, lessors and credit card issuers from imposing a surcharge on credit and debit card transactions.
H 2608	Financial institutions, examinations and annual assessments.
H 2609	Banks and banking, general power, purchase life insurance.
Gover	nment Efficiency and Fiscal Oversight
H 2194	State use law; school districts; exception.
H 2195	State records; maintenance and certification of electronic records; electronic copies of court documents.
H 2219	Kansas performance measurement commission; extend sunset; other.
H 2222	State agencies; collections of fee, licenses, taxes, surcharges, discounts.
H 2249	Amendments to the Kansas whistleblower act.
Sub for H 2249	Kansas whistleblower act; employee suggestion program.
H 2273	State finance, zero-based budget process, state agency estimates, justification of programs and activities.
H 2316	State employees; requiring an equal furlough plan across state agencies; effect on em- ployee benefits.
H 2317	Requiring certain agencies and entities to report their budgets to the director of the budget.
H 2320	State finance, state budget stabilization reserve fund in state treasury.
Sub for H 2320	State finance, state budget stabilization reserve fund in state treasury, excluded from governor's budget report.
H 2540	Municipal bonds; investment of bond proceeds.
H 2572	Authorizing a feasibility study of consolidation opportunities for the information technology of the state.
H 2631	State-owned real estate; report from departments and agencies of the state to the legislature regarding the status of such real estate.
H Sub for S 213	Rules and regulations filing act.
H Sub for S 247	Children in need of care; grandparent costs; continuing education requirements for guardians ad litem, others.
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### Health and Human Services

Sub S 514

Social worker safety training.
Fees collected by state board of healing arts.
Duties of registered nurse anesthetists.
Health insurance, plans for small employers; caf-
eteria plans; high deductible plans.
Regulation of certain licensed registered child
care facilities.
Smoking regulation.
Family day care homes registration repealed.
Insurance, mental health parity.
Health care insurance and health reimbursement

H Sub for Establishing the community defense act; sexually

oriented businesses.

arrangements. H 2285 Mechanism for debts owed to hospitals and health care providers to become debts owed to KDHE and eligible for setoff.

State Legislature, House Committees			
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H 2286	Insurance; individual policies and the marketing thereof, closed block of business.		
H 2288	Enacting the Kansas health care price transparency act.		
H 2289	Insurance; mandate lite health benefit plans, specially designed policies.		
H 2290	Small employer health insurance plans.		
H 2447	Creating the licensure category of advance prac- tice registered nurse.		
H 2448	Pharmacists, administration of vaccine.		
H 2536	Duties of registered nurse anesthetists.		
H 2574	Consent to the administration of certain vaccines required.		
H 2575	Naturopathic doctors designated as licensed and authorized to prescribe testosterone.		
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H 2576	Registration of certain sellers of durable medical equipment.		
H 2577	Addictions counselor licensure act.		
H 2584	Optometrists dispensing medication and lenses.		
H 2588	Prepaid funeral plans; increase in amount of irrevocable funds.		
H 2589	Prepaid funeral arrangements; required disclo- sures.		
H 2590	Medical gas installers.		
H 2610	Medical marijuana act.		
H 2619	Registered nurse anesthetists duties.		
H 2636	Chronic obstructive pulmonary disease program.		
H 2642	Kansas nonsmoker protection act.		
H Sub for S 25	Social worker safety awareness training.		
H Sub for S 83	Naturopathic doctors licensure act.		
H Sub for S 262	Emergency medical services attendants scope of practice and titles.		
H Sub for S 449	Medical gas installers.		

### Higher Education

H 2106	Increasing earnings limitation for employment
	after retirement by a KPERS retirant with a
	KPERS participating employer.

H 2107	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.

H 2108 Income tax credit for qualified tuition and related

H 2298 Distance-learning educational credits for qualifications to take licensure examination by health care providers.

### Insurance

H 205	53 Repealing the Kansas insurance score act.
H 208	87 Kansas professional employer organization li
	censing act.
H 208	88 Insurance, reimbursement for certain services.
H 208	89 Life insurance, valuation of policies, reserves.
H 213	
	for medical services.
H 215	59 Insurance settlement payments, mortgage holde
	and mortgagor.
H 210	
	dual endorsement.

H 2274 Providing for individual health policy, excluding certain mandates. Sub for H 2345 Authorizing the insurance commissioner to adopt

rules and regulations to regulate the formation of insurance companies regulating payments from property insurers, and prohibiting deceptive acts in connection with consumer transactions.

State Legislature, House Committees
(Various)—Continued

State Legislature, House Committees			
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Sub for H 2390	Requiring insurance companies that use credit scoring to determine rates to allow for ex- ceptions for extraordinary life circumstances that cause adverse credit scoring.		
Sub for H 2400	KPERS, increasing employer contributions and lottery revenue for reduction of KPERS un- funded liability.		
H 2490	Allowing the insurance commissioner to adopt rules and regulations to enforce the regulation of life insurance companies, and restricting coverage for elective abortions under health insurance policies in the state.		
H 2491	Expanding the definition of creditable individual health insurance to include Title XXI of the Social Security Act.		
H 2492	Motor vehicle liability coverage, evidence of fi- nancial security.		
H 2500	Allowing a municipal pool to apply for a certifi- cate of authority with proof of reinsurance approved by the insurance commissioner.		
Н 2501	Allowing the insurance commissioner to grant a waiver to mortgage guaranty insurance com- panies exceeding the liability limit for up to two years.		

H 2563 Allowing an insurance consumer to request that an insurance company grant an exception from negative credit scoring because of extraordinary life circumstances

H 2564 Accident and health insurance, excluding coverage for certain abortions.

H 2592 Public health insurance marketplace; employer disclosures.

H Sub for S 126 Controlled insurance program act.

H Sub for S 174 Requiring carriers and insurers to offer HSAs and high-deductible plans, and providing for employer reimbursements for employee's individual plans.

H Sub for S 260 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.

### *Judiciary*

H 2109	Kansas uniform health care decisions act.
H 2112	Consumer protection; application of act; defini-
	tion of consumer; civil penalties; private

remedies.

H 2113 Assault and battery against court services officers.

H 2123 Court of appeals judges appointed, by governor, subject to senate confirmation; creating a court of appeals nominating commission to evaluate nominees and make recommendations to the governor.

H 2144 Establishing the community defense act.

H 2167 Landowners' bill of rights, utility company work on property.

H 2168 Criminal use of weapons; allowing firefighters to carry switch-blade knives while engaged in the duties of their employment.

H 2204 Affidavits and sworn testimony in support of probable cause for issuance of warrant are open court records following execution of a warrant or summons; certain exclusions.

H 2293 Miki Alert: Requiring law enforcement to request local media venues to broadcast information about registered offenders.

### State Legislature, House Committees

### (Various)—Continued

H 2303	Requiring notice of child in need of care pro-
	ceedings to be provided to grandparents,
	adult relatives and other potential guardians.
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H 2314 Enacting the protective parent reform act.

Restricting driving privileges for persons for refusal, failure or high BAC in test to driving with ignition interlock devices.

H 2455 Amendments to uniform principal and income act

H 2456 Probate; filing of affidavits regarding decedent's probate estate.

Concerning courts and the judicial branch sur-H 2476 charge fund.

H 2514 Capacity of settlor of revocable trusts.

H 2528 Amending the court procedure for the forfeiture of an appearance bond.

Sub for H 2528 Amending the court procedure for the forfeiture of an appearance bond.

H 2530 Rules and regulations filing act.

H 2531 Courts; for fiscal year 2011, docket fee percentage from judicial performance fund to go to judicial branch nonjudicial salary initiative fund.

H 2532 Concerning the use of restraints and seclusion on mentally ill persons, persons with alcohol or substance abuse and committed sexually violent predators.

H 2545 Increasing the amount of bond deposits to court clerks up to 10% of \$25,000.

H 2557 Removing references to the inheritance tax and limiting the applicability of its provisions.

H 2558 Adding charitable contribution solicitations by professional solicitors to the Kansas no-call

Requiring recording of durable power of attor-H 2568

H 2583 Open records; individual's consent for disclosure of cell phone number, email address.

Sub for H 2583 Open records; individual's email address, cell phone number and other contact information given to a public agency for receiving publications or notifications not to be disclosed.

> H 2611 Disabled hunters' helpers may be within one mile of hunter.

> H 2612 Concerning drivers' licenses, restrictions and judgments of restitution.

H 2613 Concerning joinder of persons.

H 2656 Amendments to the Kansas code of civil procedure

H 2667 Recodification of certain domestic relations matters

H 2668 Recodification of the criminal code.

HCR 5005 Governor appoints supreme court justices, senate confirms; nominating commission membership amended: commission evaluates nominees and makes recommendation.

HCR 5036 Proposition affirming the legislature's authority to limit recovery for noneconomic damages in personal injury claims.

H Sub for S 95 Restricting driving privileges for persons for refusal, failure or high BAC in test to driving with ignition interlock devices.

H Sub for S 234 Concerning civil procedure and garnishment. H Sub for S 269 Concerning compensation award under eminent domain procedure.

H Sub for S 305 Concerning the Kansas tort claims act and charitable health care providers.

State Legislature, House Committees		State Legislature, House Committees		
(Various)—Continued		(Various)—Continued		
H Sub for S 306	Personal and family protections act; amend-	H 2174	Exclusion of certain social security benefits from	
1 0	ments.		Kansas adjusted gross income for income tax	
	Concerning marriage license fees and poverty.  Criminal law; justified threat or use of force.		purposes for married couples filing a joint return or separate returns.	
11 300 101 3 301	Crimina law; Justinet threat of use of force.	H 2175	Repealing statute which provides penalty for mis- classification of employees.	
Local	Government	H 2176	Sales tax exemption for Stephanie Waterman	
H 2029	Annexation procedures; deannexation, board of		Tennis Foundation.	
	county commissioners duties, election required, when.	H 2189	Sales tax exemption for golden belt community concert association.	
Sub for H 2029	Annexation procedures; deannexation, board of	H 2190		
	county commissioners duties, election re-	H 2191	Income tax credit for certain services by volun- teer firefighters or volunteer EMS provid-	
H 2083	quired, when. Historical preservation; removal of environs re-		ers.	
	view.	H 2192	Sales tax exemptions for Kansas state firefighters	
H 2124	Subdivisions; blanket easements void; exceptions.	11.0040	association.	
H 2125	Requiring receipt for paid real estate tax before recording certain documents.	H 2246	Cities; neighborhood organizations; nuisance ac- tions for city code violations.	
H 2156	Legislature; prohibiting legislators from holding	H 2247	Cities; rehabilitation of abandoned houses; non- profit corporations.	
H 2253	other paid elected positions.  Enacting the homeowner's association act.	H 2266	Service members; relating to civil relief, enacting	
H 2470	Annexation procedures, deannexation; board of		the Kansas military service relief act.	
	county commissioners' duties, election re-	H 2269	Property tax exemption for certain housing for	
11.0451	quired, when.		the elderly, persons with disabilities or low income housing owned by certain organi-	
H 2471 H 2472	Cities; annexation; strip annexation restricted.  Kansas uniform common interest owners bill of		zations.	
11 2412	rights act.	H 2291	Enacting the health care price transparency act.	
H 2478	Cities; annexation; county approval of certain an-	H 2296	Imposition of conservation fee on certain de- partment of wildlife and parks licenses and	
H 2487	nexations.		permits and depositing proceeds in the state	
H 2488	Military reservations; land use procedures. State agencies and political subdivisions; facility		water plan fund.	
112100	conservation improvements.	H 2299 H 2300	Sales taxation; relating to exemptions.  Sales tax exemption for resource conservation	
H 2497	Permitting the secretary of revenue to disclose	11 2500	and development councils.	
	certain tax information to the state treasurer	H 2302	Property tax exemption for certain housing for	
	for the purpose of locating owners of un- claimed property.	TT 2004	elderly persons.	
H 2524	Certain townships; prohibit board members from	H 2304 H 2305	Providing for a share the road license plate.  Manufactured homes and mobile homes, treated	
11.0505	being employed by township.	11 2000	as real property, when.	
H 2525 H 2541	Open meetings; recording of executive sessions. Kansas illegal immigration relief act.	H 2306	Four-part payment of property taxes for persons	
H 2562	Legal notice publication requirements reduced.	H 2319	65 years of age or older.  Determination of fair market value of certain	
H Sub for S 75	Cemetery corporations; trust funds; secretary of	11 2010	rental property for property tax purposes.	
Helf 6110	state, attorney general enforcement powers.	H 2325	Clarification of county sales tax rate authority.	
H Sub for S 118	Cities; certain unilateral annexations; county commission approval.	H 2326	Landowner approval requirements related to	
H Sub for S 561	Cities; annexation amendments; unilateral annex-		creation of transportation development dis- trict.	
	ation, county commission approval; fire dis-	H 2327	Increasing the rate of taxation upon cigarettes	
	tricts.		and tobacco products and creating the Kan-	
Taxati	on.	H 2328	sas health reform fund.  Sales tax exemption for certain purchases of	
		11 2020	school supplies, computers and clothing and	
H 2019	Medicaid eligibility requirements; allow collat- eral assignment of life insurance proceeds.		exemption for Kansas wildscape foundation, inc.	
H 2028	Continuation of the franchise tax.	H 2336	Sales tax exemption for MidAmerica Minority	
H 2046	Time of payment and making a return pursuant to the Kansas mineral severance tax act.	11 2227	Business Development Council.	
H 2047	Continuation of Kansas estate tax act.	H 2337 H 2338	Sales tax exemption for Kansas legal services, inc. Schools; personal financial literacy.	
H 2048	Sales tax exemption for the All American Beef Battalion, Inc.	H 2346	Sales tax exemption for Kansas hunters feeding the hungry, inc.	
H 2070	Repeal of the income tax credit under the Kansas	H 2348	Imposition of sales tax on rendering or furnishing	
H 2071	community services program act.  Validation of election granting sales tax authority	H 2349	of services; rates.  Exclusion of certain social security benefits from	
H 2074	for Rawlins county.  Interest and penalties and redemption proce-		Kansas adjusted gross income for income tax purposes for married couples filing a joint	
11 2014	dures related to certain real property upon		return.	
	which real property taxes are delinquent.	H 2352	Sales taxation of certain dues and fees and	
H 2173	Income tax credit for certain adoption expenses.		charges by certain nonprofit organizations.	

State Legislature, House Committees (Various)—Continued		State Legislature, House Committees (Various)—Continued		
H 2353 H 2358	Adding disabled veterans as a class of claiments for purposes of the homestead property tax refund act. Creating the investment in Kansas employment	H 2593	Alcoholic liquor, cereal malt beverage and malt products gallonage tax rate increase to fund developmental disability supplemental pro- grams and community mental health centers	
Н 2368	act. Sales tax exemption for certain nonprofit organ-	H 2621	supplemental programs.  Prohibiting transferability of income tax credits	
H 2375 H 2378	izations.  School districts; capital improvements state aid.  Public utility defined for property tax purposes	H 2643	and repealing certain income tax credits.  Increasing the rate of tax on cigarettes and to- bacco products.	
Н 2379	related to natural gas inventories.  Valuation of land devoted to agricultural use un-	H 2682	Allowing employees to retain and receive contri- bution from employer on individual policies,	
H 2380	der Kansas estate tax act.  Taxation of motor vehicles; relating to exemptions for certain members of military service.		requiring employer to provide cafeteria plan, and requiring administering carriers to provide health savings accounts and high de- ductible health plans.	
H 2382 H 2388	Enacting 2010 transportation plan. Qualifying investments under the county busi-	H 2686	Income tax credit for certain expenses related to living donor organ donations.	
H 2393 H 2395	ness restoration assistance program.  Concerning expungement of civil court records.  Time requirements for making income tax re-	H 2687	Penalties and interest on overpayments of income taxes paid by taxpayers.	
H 2398	funds.  Income tax deduction for premium costs of cer-	H 2689 Sub for H 2689	Sales tax authority for Kingman county.  Sales tax authority for Pottawatomie and Kingman counties.	
H 2462 H 2463	tain life insurance policies.  Imposing tobacco products tax on moist snuff.  Establishing the simplified state tax structure	H 2695	Reduced period of redemption for certain vacant land bid off by county for both delinquent taxes and special assessments.	
H 2464	committee. Establishing service fee for taxpayer with delin-	H 2696	Failure to stop or report accidents, suspension of driving privileges.	
	quent taxes who enter into installment pay- ment plans with the Kansas department of revenue.	H 2698	Secretary of state; authorizing real property conveyance to the city of Ogden.	
H 2465 H 2466	Limitations on certain income tax credits. Imposing tobacco products tax on little cigars.	H 2707	Limiting political subdivision budget expendi- tures from revenues produced by property tax levies.	
H 2475 H 2496	Increase in rate of sales tax.  Elimination of cap in income tax credit for ex-	H 2708	Five-year average valuation for real property used for residential purposes.	
	penditures for restoration and preservation of certain historic structures for fiscal year 2011.	H 2709	Income tax deduction for certain excess employer social security taxes paid.	
H 2519	Amendments to sales tax law to provide conformity with streamlined sales and use tax agreement act.	Н 2715	Restricting health insurance companies from of- fering coverage for tobacco-related illnesses without the purchase of an additional rider to cover such illnesses.	
H 2520	Defining "willfully" for failure to collect taxes and other violations of Kansas tax law.	H 2725	Sales tax authority for Pottawatomie county.	
H 2521	Electronic filing of tax returns, reports and other documents.	H 2731	Concerning utilities; establishing a natural gas energy credits trading program.	
Sub for H 2521	Electronic filing of tax returns, reports and doc-	H 2734 H 2736	Prescribing a tax clearance program.  Providing for sale of tax receivables.	
H 2522	uments and intangibles tax filing procedure.  Certain cash rebates on sales or leases of new motor vehicles not subject to sales taxation.	H 2740	Amnesty from assessment or payment of penal- ties and interest with respect to certain	
H 2523	Prescribing penalties for violations of liquor en- forcement tax by licensees and person re-	H 2743	taxes.  Providing retention of Kansas payroll withholding taxes by qualified new companies.	
H 2538	quired to be licensed.  Amendments to the promoting employment across Kansas act.	H 2745	Imposing an excise tax on money transmitters and prescribing the tax rate, procedures and	
Sub for H 2538	Revision and expansion of promoting employment across Kansas act.	H 2746	distribution of revenue from such tax.  Repeal of particular sales tax exemptions; estab-	
H 2549	Imposition of sales tax on certain goods and serv- ices, elimination of certain sales tax exemp- tions and fund-raising sales; tax exemption in certain circumstances.	H 2747	lishing special sales tax revenue fund.  Amnesty from assessment or payment of penalties and interest with respect to certain taxes.	
H 2550	Prohibiting transferability of income tax credits and repealing certain income tax credits.	HCR 5011		
H 2569	Revision of the Kansas cigarette and tobacco products act.		utilities and subject them to property taxation.	
H 2570	Property tax exemption for certain newly con- structed buildings and structures on resi-	HCR 5017 HCR 5028	Right to bear arms; hunting. A concurrent resolution establishing a three-year	
H 2578	dential property.  Authorizing pooled money investment board to loan funds to county to refund taxes paid		moratorium on the granting of new tax ex- emptions, tax credits or economic develop- ment incentive programs involving em-	

ment incentive programs involving employer withholding taxes.

H 2578 Authorizing pooled money investment board to loan funds to county to refund taxes paid under protest of certain taxpayers.

### State Legislature, House Committees (Various)—Continued

H Sub for S 255 Sales tax authority for Kingman and Pottawatomie counties.

H 2129	Driver's licenses,	classes	thereof; farm	registered
	vehicles.			Ü

- H 2130 Regulating traffic; primary seat belt law, penalty.
- H 2132 Regulating traffic; prohibiting certain texting.
- H 2133 Right-of-way violations, increased penalties.
- H 2135 Regulating traffic, proceeding on red light.
- H 2145 Traffic regulation; failure to comply with traffic orders or directions.
- H 2151 Establishing a license plate production fee.
- H 2437 Kansas arts license plates, requiring certain fees.
- H 2438 Restricted drivers' licenses; approved course of driver training.
- H 2439 Prohibiting sending, reading or writing text messages.
- H 2481 Motor vehicles, personalized license plates.
- H 2482 Drivers' licenses and identification cards, regulation thereof.
- H 2483 Removing drivers training course requirement for restricted driver's license.
- H 2484 Commercial driver's licenses, prohibiting diversion agreements.
- H 2485 Increasing time period for audit of certain motor carriers.
- H 2486 Anatomical gift; first person donor registry.
- H 2498 Religious services or functions, restricted drivers' licenses.
- H 2499 Regulating traffic, distracted driving.
- H 2547 Vehicle dealers and manufacturers licensing act, franchise agreements.
- H 2561 Allowing transit buses to be operated on right shoulder of certain highways.
- H 2617 Transportation works for Kansas program, financing.
   H 2618 Transportation works for Kansas, financing, sales
- tax on motor-vehicle fuels.

  H 2660 Recreational off-highway vehicles, regulation
- H 2660 Recreational off-highway vehicles, regulation thereof.
- H Sub for S 293 Extending school bus exemption to 25 years.
- H Sub for S 300 License plates, Kansas arts license plate, fees.
- H Sub for S 302 Transportation works for Kansas, financing.
- H Sub for S 312 Authorizing pooled money investment board to loan funds to counties to refund certain taxes paid under protest or certain taxes subject to appeals.
- H Sub for S 427 Amnesty from assessment or payment of penalties and interest with respect to certain taxes.

### Veterans, Military, and Homeland Security

- H 2086 An act relating to composition of the veterans claims assistance advisory board.
- H 2138 Providing for the Kansas military family license plate.
- H 2169 Military installations, land use and zoning ordinances for buffer areas.
- H 2170 Combat veteran and legion of merit decals for license plates.
- H 2254 Wildlife and parks, relating to lifetime licenses. HCR 5006 State constitutional amendment; reapportion-
- ment; adjustments to population.

  HCR 5009 Concurrent resolution opposing relocation of
  Guantanamo Bay detainees to Kansas.

### **State Legislature, House Committees**

### (Various)—Concluded

HCR 5029 State constitutional amendment; reapportionment; adjustments to population.

### Vision 2020

- H 2424 Insurance; payment for telemedicine services.
- H 2425 Workers compensation; certain firefighters' health conditions presumed to occur on the
- H 2426 Creating the agricultural land conservation program.
- H 2427 Healthcare; relating to telemedicine and telehealth monitoring; providing for reimburse-
- H 2428 Creating the Kansas reservoir sustainability fund.
  Sub for H 2428 Act relating to water and a water data repository.
- H 2429 Allowing the supreme court to eliminate and reassign district magistrate judge and district judge positions based on caseloads.
  - H 2430 Concerning veterans and sentencing guidelines.
  - H 2431 Creating the land preservation partner program. H 2449 Eavesdropping; increase penalties; adding eaves
    - dropping to crimes required to register pursuant to the Kansas offender registration act.
  - HCR 5012 A review of the Pick-Sloan Act.
  - HCR 5013 Protection, preservation and extension of the productive lives of reservoirs in Kansas.
  - HCR 5026 Requesting the supreme court to conduct a survey and study of the Kansas court system; judicial study advisory committee.

### Education Budget

- H 2543 School districts; capital improvement and capital outlay state aid.
- Sub for H 2739 School districts; local foundation obligation; budget; local activities budget; BSAPP; weightings; transfers of moneys.
- H Sub for S 74 School districts; use of unencumbered funds.

### Social Services Budget

- H 2209 Limitations on fees charged to counties and the state.
- Sub for S 200 Health maintenance organizations, annual privilege fee, remove phase-in.

### State Legislature, House Committees (Select)

### Select Committee on KPERS

- Sub for H 2073 KPERS, employment after retirement restrictions and requirements apply to retirants employed by a third-party entity.
  - H 2716 Computation of KPERS benefits for certain state officers and employees placed on furlough.
  - H 2730 Retirement health care benefit payments for certain retirants.
  - H Sub S 146 KPERS computation of benefits when state officer or employee is placed on furlough or has reduction in compensation.

### State Legislature, Joint Committees

### Administrative Rules and Regulations

S 349 Birth centers

H 2042 Uniform electronic transactions act; failure to register unlawful.

### State Legislature, Joint Committees-

#### Continued

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 H Sub for S 345 by Committee on Corrections and Juvenile Justice — Proportionality of sentencing; property and securities crimes.

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

H 2413 Disposition of district court fines, penalties and forfeitures.

Sub for H 2413 Increasing traffic fines to fund increases in alcohol and drug therapy program for DUI offenders.

> 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 se-

### 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 Commitee

S 7 School finance; state aid; increases based on CPI-

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

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 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 retirants employed by a thirdparty entity.

S 564 KPERS, increased employee and employer contributions and benefit multiplier.

H 2073 Authorization for KPERS purchase of service

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, Special Committees (2008 Interim)

### 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.

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